

Description	<p>Minutes for W-21-007 TreePAC Environmental Impact Review Townhouse Reforms Legislation Monday, February 28, 2022</p> <p>Time: 9:00 a.m. Examiner: Susan Drummond Assistant: Angela Oberhansly</p> <p>Party Representatives:</p> <p>Kevin Orme, Legal Representative for Appellant</p> <p>David Moehring, Legal Representative for Appellant</p> <p>Daniel Mitchell, Legal Representative for Department, OPCD</p> <p>Witnesses:</p> <p>Brennan Staley, OPCD</p> <p>Geoff Wentlandt, OPCD</p> <p>Nicolas Welch, OPCD</p> <p>Jennifer Pettyjohn, OPCD</p> <p>Megan Neuman, SDCI</p>
Date	<div> <div>2/28/2022</div> <div>Location</div> <div>LargeHearingRoom</div> </div>

Time	Speaker	Note
9:00:37 AM		Hearing Examiner opens hearing, asks parties for introduction and opening statements
9:01:04 AM		Kevin Orme is present for the Appellant
9:01:51 AM		Daniel Mitchell is present as Legal Counsel for the Dept
9:02:30 AM		Hearing Examiner reviews with parties the order of witnesses
9:02:57 AM		Mitchell responds. City Dept. Witnesses will begin
9:03:55 AM		David Moehring is also present for the Department
9:06:46 AM		The Appellant objects to Dept. Exhibits 19 and 20
9:06:56 AM		Department's Exhibits 1-18 are admitted to the record,
9:08:25 AM		Dept. waives opening statement
9:09:00 AM		Examiner addresses scheduled breaks
9:09:12 AM		Mitchell makes known timing constraints for witness statements
9:11:01 AM		Orme responds
9:12:36 AM		Orme provides an opening statement for the Appellant
9:23:15 AM		Orme concludes
9:23:26 AM		Mitchell calls first witness Bree
9:23:38 AM		Brennan Staley is sworn in as a witness
9:24:04 AM		Mitchell begins cross examination of Staley
9:30:17 AM		Mitchell cross exam. Staley regarding Hearing Exhibit 15
9:30:43 AM		Staley responds
9:30:51 AM		Mitchel cross exam Staley regarding Hearing Exhibit 16
9:31:05 AM		Staley responds
9:32:33 AM		Mitchell shares Hearing Exhibit 1 for witness view
9:33:23 AM		Mitchell cross exam. Staley re HExhibit 1
9:33:45 AM		Staley responds
9:37:11 AM		Mitchell shares Hearing Exhibit 17, cross exam Staley re. contents
9:37:46 AM		Staley responds
9:44:20 AM		Mitchell cross exam. Staley re row housing and town houses w/ respect to density limits
9:45:24 AM		Mitchell shares Hearing Exhibit 1, cross exam. Staley re contents
9:51:26 AM		Mitchell cross exam. Staley re H Exhibit 2
9:58:53 AM		Staley speaks to parking requirements code ammendments
10:00:06 AM		Mitchell cross exam. Staley regarding environmental impacts
10:02:25 AM		Staley responds

10:03:05 AM		Mitchell cross exam. Staley re. Urban Forestry Team involvement
10:04:11 AM		Staley testifies to GIS data
10:04:51 AM		Mitchell cross exam Staley re Hearing Exhibit 6
10:05:19 AM		Staley responds, testifying to methodology used for GIS
10:15:54 AM		Staley testifies to SDCI coordination
10:16:55 AM		Staley testifies to review of permit data
10:19:24 AM		Mitchell cross exam re Exhibit 1
10:21:00 AM		Staley responds
10:21:30 AM		Mitchell share Exhibit 7, cross exam. Staley of contents
10:22:00 AM		Staley responds
10:24:40 AM		Mitchel cross exam. Staley re Exhibits 8 & 9
10:26:10 AM		Moehring objects to Dept. Exhibit 8 being different to what was served
10:29:01 AM		Examiner confirms Department Exhibit 8 is the same exhibit Examiner and parties have
10:29:46 AM		Mitchell continues cross exam. of Staley
10:31:00 AM		Staley testifies to Exhibit 9
10:32:09 AM		Staley testifies to Exhibit 7
10:33:12 AM		Examiner breaks hearing until 10:48
10:48:33 AM		Mitchell continues cross exam Staley re Exhibit 3
10:48:58 AM		Staley responds
10:52:04 AM		Staley testifies to DNS consideration
11:05:29 AM		Mitchell cross exam. environmental regulations considered
11:06:50 AM		Mitchell cross exam. re Dept. Exhibits 19 & 20
11:07:16 AM		Moehring objects to admission of Dept. Exhibits 19 & 20
11:08:01 AM		Mitchell responds
11:08:45 AM		Moehring asks a rephrasing of question
11:09:49 AM		Examiner responds
11:10:51 AM		Mitchell responds
11:11:26 AM		Examiner responds, Dept. Exhibits 19 & 20 will not be admitted to the record
11:12:20 AM		Mitchell continues cross exam. of Staley re. Exhibit 3
11:12:31 AM		Moehring objects to Mitchell's question of witness
11:12:47 AM		Examiner sustains objection
11:17:28 AM		Mitchell cross exam. Staley re Director's Rule of Blue Herring
11:18:45 AM		Staley testifies to shoreline use
11:24:52 AM		Staley testifies to affects on transportation, utilities
11:27:16 AM		Mitchell cross examines of Staley re Exhibit 18
11:27:33 AM		Staley responds
11:28:13 AM		Staley testifies to the public engagement process
11:31:09 AM		Mitchell cross exam Staley re Exhibits 5 & 14
11:31:24 AM		Staley responds

11:33:17 AM	Mitchell concludes cross exam. of Staley
11:34:13 AM	Moehring begins cross exam. of Staley re Exhibit 17
11:35:20 AM	Staley responds
11:36:05 AM	Moehring cross exam. Staley re publishing of Exhibit 17 to legislative changes
11:37:22 AM	Staley responds
11:38:01 AM	Moehring cross exam. mandatory housing affordability changes
11:38:22 AM	Staley responds
11:43:10 AM	Staley testifies to differences between townhouses and rowhouses
11:46:02 AM	Mitchell objects to question of intent
11:46:19 AM	Examiner requests Moehring to clarify question
11:46:24 AM	Moehring rephrases question
11:47:38 AM	Moehring cross exam.
11:48:14 AM	Mitchell objects to legal conclusion
11:48:28 AM	Moehring cross exam. Staley re SMC
11:48:54 AM	Staley responds
11:58:48 AM	Moehring cross examines Staley regarding Exhibit 7
11:59:38 AM	Staley responds
12:02:01 PM	Mitchell objects to scope of question
12:02:15 PM	Moehring rephrases question
12:03:07 PM	Moehring cross exam. Staley re Appell. Exhibit 20
12:07:14 PM	Moehring cross exam. Staley re Exhibit 1
12:09:38 PM	Mitchell objects to scope and asks Moehring to specify
12:10:14 PM	Staley responds
12:13:24 PM	Examiner interjects regarding break schedule
12:13:45 PM	Moehring cross exam. Staley re Exhibit 1 pg. 2
12:22:46 PM	Moehring concludes cross examination
12:23:10 PM	Moehring motions to admit Appell Exhibit 20 to record
12:23:26 PM	Appellant Exhibit 20 is admitted as Hearing Exhibit 19
12:23:51 PM	Examiner breaks hearing for lunch to return at 1:23 pm
1:23:30 PM	Examiner opens hearing after break
1:24:37 PM	Appellant submitted exhibits will be considered admitted at this time. Objections to the admittance of an Appellant Exhibit will still be allowed for consideration at the time the exhibit is addressed in the hearing.
1:26:21 PM	Moehring continues cross examination of Exhibit 3
1:28:08 PM	Staley responds
1:47:13 PM	Moehring cross exam. Staley re Exhibit 1
1:56:02 PM	Staley testifies to canopy cover stats, pg. 7 Exhibit 1
2:08:54 PM	Moehring cross examination Staley re Appellant Exhibit 49
2:16:58 PM	Moehring concludes cross examination of Staley

2:17:11 PM		Mitchell cross examination Staley re environmental checklist
2:19:10 PM		Staley responds and concludes testimony
2:20:00 PM		Geoff Wentland is sworn in as witness
2:20:14 PM		Mitchell begins cross examination of Wentland
2:21:50 PM		Wentland provides and confirms employment and education credentials in testimony
2:23:39 PM		Wentland testifies to Exhibit 4, SEPA Threshold Determination
2:34:02 PM		Wentland testifies to environmental checklist, DNS, and Staley's remarks of these items in his testimony
2:36:37 PM		Mitchell concludes cross examination of Wentland
2:36:48 PM		Moehring begins cross examination of Wentland
2:39:20 PM		Moehring cross examination Appellant Exhibit 2
2:40:43 PM		Mitchell objects to the relevance of Appellant Exhibit 2
2:41:30 PM		Moehring responds
2:42:21 PM		Examiner overrules objection
2:53:52 PM		Moehring requests earlier formats of DNS
2:54:32 PM		Examiner responds Moehring may communicate with Mitchell for the requested format
2:55:32 PM		Wentland testifies to lot area, green area, and surface area impacts
3:02:12 PM		Wentland testifies to alignment in procedures to Code and terms used in DNS
3:04:46 PM		Moehring presents Appellant Exhibit 16 to Wentland
3:05:29 PM		Wentland responds
3:09:21 PM		Mitchell objects to relevancy of questions
3:10:13 PM		Examiner sustains objection
3:10:22 PM		Moehring continues cross examination of Wentland re DNS
3:13:30 PM		Moehring concludes cross examination
3:13:42 PM		Mitchell cross examines Wentland
3:14:25 PM		Wentland responds.
3:16:13 PM		Wentland concludes testimony
3:16:26 PM		Examiner breaks hearing until 3:31
3:31:12 PM		Examiner opens hearing
3:31:33 PM		Nicolas Welch is sworn in
3:31:53 PM		Welch begins testimony, confirming employment credentials, education, and townhouse reform contribution to analysis
3:33:40 PM		Welch testifies to GIS past experience and definition
3:35:48 PM		Mitchell shares Exhibit 6 and cross examines Welch
3:36:27 PM		Welch testifies to methodology of GIS Analysis, Exhibit 6
3:44:00 PM		Mitchell concludes cross examination of Welsch
3:44:12 PM		Moehring begins cross examination of Welch
3:44:45 PM		Welch testifies to scope of work with Staley

3:48:00 PM	Welch testifies to objective of GIS
3:50:01 PM	Welch testifies to sources of data extraction for GIS
3:57:39 PM	Moehring cross examines Welch re SDCI GIS Map, pg. 23 of filed Appeal
3:58:32 PM	Welch responds
4:03:37 PM	Mitchell objects to relevancy
4:03:57 PM	Examiner sustains objection
4:04:00 PM	Moehring rephrases question
4:05:00 PM	Welch responds
4:08:07 PM	Mitchell objects to relevancy
4:08:24 PM	Examiner sustains objection
4:08:37 PM	Moehring rephrases question
4:09:06 PM	Welch responds
4:09:14 PM	Moehring presents Appellant Exhibit 63
4:11:11 PM	Welch responds
4:11:17 PM	Moehring presents Appellant Exhibit 64
4:12:09 PM	Welch responds
4:12:15 PM	Moehring presents Appellant Exhibit 54
4:13:01 PM	Welch responds
4:14:33 PM	Welch reads exerpt from Appellant Exhibit 54
4:17:55 PM	Welch testifies to email communication
4:19:30 PM	Mitchell objects to relevancy
4:20:08 PM	Examiner overrules objection
4:20:28 PM	Moehring continues cross examination of Welch
4:20:59 PM	Mitchell objects to relevancy and scope
4:22:20 PM	Examiner sustains objection
4:22:29 PM	Moehring rephrases question
4:23:20 PM	Moehring concludes cross examination
4:23:41 PM	Jennifer Pettyjohn is sworn in
4:24:01 PM	Mitchell begins cross examination of Pettyjohn
4:24:20 PM	Pettyjohn responds
4:26:42 PM	Pettyjohn concludes
4:28:17 PM	Megan Neuman is called as witness
4:28:27 PM	Neuman is sworn in
4:28:52 PM	Mitchell begins cross examination of Neuman
4:30:04 PM	Neuman responds
4:44:06 PM	Mitchell concludes cross examination of Neuman
4:44:26 PM	Moehring begins cross examination of Neuman
4:45:54 PM	Neuman reads email presented earlier containing her response to Staley
4:48:02 PM	Mitchell objects to accuracy of question
4:48:33 PM	Moehring restates question
4:48:51 PM	Neuman responds
4:53:15 PM	Moehring cross examines Neuman regarding Exhibit 7

4:54:13 PM		Hearing Examiner notes approaching close, Neuman testimony will conclude tomorrow
4:55:57 PM		Moehring states relevance of testimony asked of witness, Faith Ramos
4:57:06 PM		Mitchell objects to requirement of Ramos
4:57:32 PM		Examiner overrules objection
4:59:15 PM		Examiner concludes hearing