

## **Attachment C**

### **Pre-Hearing Conference Protocol**

**Bremer Family Winery Appeal  
Post-Hearing Conference Agenda  
January 27<sup>th</sup> at 10:30 a.m.  
County Counsel's Conference Room**

I. Introductions (*Chair Dillon*)

**CONFERENCE ATTENDEES:** Chair Dillon, David Gilbreth and Laura Anderson

II. Purpose of Pre-hearing Conference (*Chair Dillon*)

III. Housekeeping Items (*Chair Dillon*)

- A. Appeal hearing date is March 17, 2020 at 9:30 a.m. **HEARING TO BE OPENED AND CONTINUED ON 2/4**
- B. Monies owed to COB and deadline for payment (if any). **APPELLANT OWES \$1200.83**
- C. Transcripts are available and have been posted on County PBES website.
- D. Any other items for pre-hearing conference agenda.

IV. Conduct of Appeal Hearing (*Laura*)

- A. Scope of the record – Transcripts of hearings; staff reports; all materials and correspondence provided to Planning Commission, etc.
- B. Scope of the appeal is limited to grounds identified in the appeal documents. The appeal hearing is based on a review of the documentary record unless appellant or the applicant asserts, and the Chair finds, “good cause” exists\* for: (1) the record to be augmented with new evidence on existing issues and/or; (2) the matter to be heard de novo (e.g., an entirely fresh hearing).

\*Each request must identify the specific facts and rationale (e.g., a substantial reason) to support the required “good cause” finding for: (1) the record to be augmented with new evidence on existing issues and/or; (2) the matter to be heard de novo (e.g., an entirely fresh hearing). The Chair shall evaluate whether good cause exists.

- C. February 7, 2020 - deadline for submittal of “good cause” basis if appellant or applicant desire to augment the record and/or request de novo review. The Chair’s decision as to whether “good cause” exists will be announced in writing by February 21, 2020. The Chair’s decision may be overruled by a majority of the Board upon request by appellant or applicant on the day of the appeal hearing.

- D. February 25, 2020 - deadline for applicant and appellant to submit written request to overrule the Chair's "good cause" determination.
- E. February 28, 2020 – deadline for appellant and applicant to submit witness lists and order of go of each witness to County.
- F. February 25, 2020 - deadline for submittal of any additional written information by either appellant or applicant. Appellant's additional information must relate to information identified in the grounds of appeal and cannot raise new issues, new evidence or new grounds of appeal. Any additional information submitted by appellant shall not exceed 5 pages and shall not exceed 10 pages by applicant. The page limits include any exhibits or attachments.
- G. March 6, 2020 - appeal packet and staff report released to parties and posted on County's website.
- H. March 13, 2020 - deadline for submittal of any PowerPoint presentations to be delivered via a stick, thumb drive or drop box to the clerk of board. PowerPoint presentations will not be accepted after the deadline.
- I. March 13, 2020 @ noon – deadline for submittal of updated witness list if there is a last minute change in the order of go, the witness identified or time previously estimated for a particular witness.

\*\*All deadlines are by 5:00 p.m., County's close-of-business.

V. Overview of Appeal Hearing (*Laura*)

- A. Chair introduces item.
- B. If requested, appellant or applicant may request that the Chair's prior decision on "good cause" be overruled by a majority of the Board.
- C. Chair opens public hearing; staff report/presentation.
- D. Appellant's presentation.
- E. Testimony from the public (e.g., neighbors, community activists).
- F. Testimony from applicant.
- G. Final rebuttal from appellant. No rebuttal from applicant.
- H. Chair closes public hearing, Board deliberates and takes a tentative action on the appeal and refers the matter to County Counsel for preparation of findings.
- I. Findings to Board for adoption tentatively scheduled for May 5, 2020 @ 9:25 am.

VI. Identification of witnesses, subject matter of expected testimony and length of time (*Chair Dillon*)

- A. All witnesses must be identified on the witness list along with a general description of the subject matter of their testimony and length of time submitted by February 28, 2020.
- B. Unidentified witnesses' testimony shall be limited to three minutes.
- C. Time limits for appellant's presentation, applicant's presentation and rebuttal by appellant. Maximum of 45 minutes for appellant's presentation including rebuttal and a maximum of 45 minutes for applicant. No rebuttal by applicant.

## VII. Questions

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