

April 13, 2023

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT210002**
Proposed ordinance no.: **2023-0049**

MT. SI

Preliminary Plat Application

Location: 32433 SE Redmond Fall City Road, Fall City

Applicant: Mt. Si Investments LLC
represented by **Robert Fitzmaurice**
15 Lake Bellevue Drive South
Bellevue, WA 98005
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King County: Department of Local Services
represented by **Brian Lee**
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Approve subject to conditions
Department's Final Recommendation:	Approve subject to conditions
Examiner's Decision:	Approve subject to revised conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	3/29/2023
Hearing Closed:	3/29/2023
Hearing Record Closed:	4/3/2023

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS:

Preliminary Matters

1. The Examiner's review of a proposed preliminary plat generally begins with a review of the Department of Local Services, Permitting Division (Permitting or DLS) report to the Examiner (Staff Report) and the exhibits thereto. Unfortunately, the Staff Report and some of its exhibits again did not meet the Examiner's expectations. Shortcomings included the following:
 - A. The Staff Report incorrectly indicates in footnotes 3 and 4 that the Applicant could have proposed use of Residential Density Initiatives or Transfer of Development Rights despite the fact that twice in the past few months the Examiner has corrected this error. First, the Examiner's February 1, 2023, Revised Report and Decision on the Fall City II preliminary plat expressly found that these incentives are not available in the Rural Town of Fall City. Second, given that the Cedar 23 Staff Report continued to make this assertion, in the February 28, 2023, hearing for the Cedar 23 preliminary plat, the Examiner specifically asked staff whether he had read the Fall City II decision. He agreed that he had and that the footnotes were in error. Ex. D27, footnotes 3 and 4; February 1, 2023, Revised Report and Decision for Fall City II, DLS file number PLAT 200003, footnote 1; March 22, 2023, Report and Decision for Cedar 23, DLS file number PLAT 210005, Finding 1.E.
 - B. The Staff Report uses the incorrect acreage (5.74 rather than 4.03) to calculate the permitted number of dwelling units. It appears that this is a carryover from the Cedar 23 Staff Report. Mr. Lee corrected this error at the hearing. D27 – 008, D4 – 001; P27 – 014, testimony of Brian Lee.
 - C. The sizes of Lots 1 – 2 in the table in Section H .1 are inconsistent with the lot sizes shown on the preliminary plat plans. In response to inquiry from the Examiner, Mr. Lee corrected this error at the hearing. Exs. D27 – 008, D4 – 001; testimony of Brian Lee.

- D. Permitting did not provide the Cultural Resources Assessment or the Department of Archeological and Historic Preservation concurrence letter.¹
- E. Exhibit D25, Road Variance VARR21-0003, is incomplete. It should have included the Applicant's variance request.²

Except as noted above or as modified herein, the facts set forth in the Staff Report and the County testimony are found to be correct and are incorporated herein by reference. Ex. D27.

2. It is helpful to understand the difference between a preliminary plat such as the one before the Examiner and a final plat, as well as what takes place between preliminary and final plat approval. A preliminary plat is a neat and *approximate* drawing of a proposed subdivision showing the *general* layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of Chapter 58.17 RCW. It is the basis for the approval or disapproval of the *general* layout of a subdivision. A final plat is the final drawing of the subdivision and dedication prepared for recording with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and in local regulations adopted under Chapter 58.17 RCW. Detailed engineering and design takes place between the preliminary and final plat, often resulting in revisions to the preliminary plat. A final plat must contain a statement of approval from the county engineer as to the layout of streets, alleys and other rights-of-way, sewage and water systems, and other structures; RCW 58.17.020(4), (5) (emphasis added in *italics*), 58.17.160; KCC 19A.16.030.
3. In order to approve the proposed preliminary plat, the Examiner must make findings that appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. KCC 20.22.180.A; RCW 58.17.110(1).

Overview

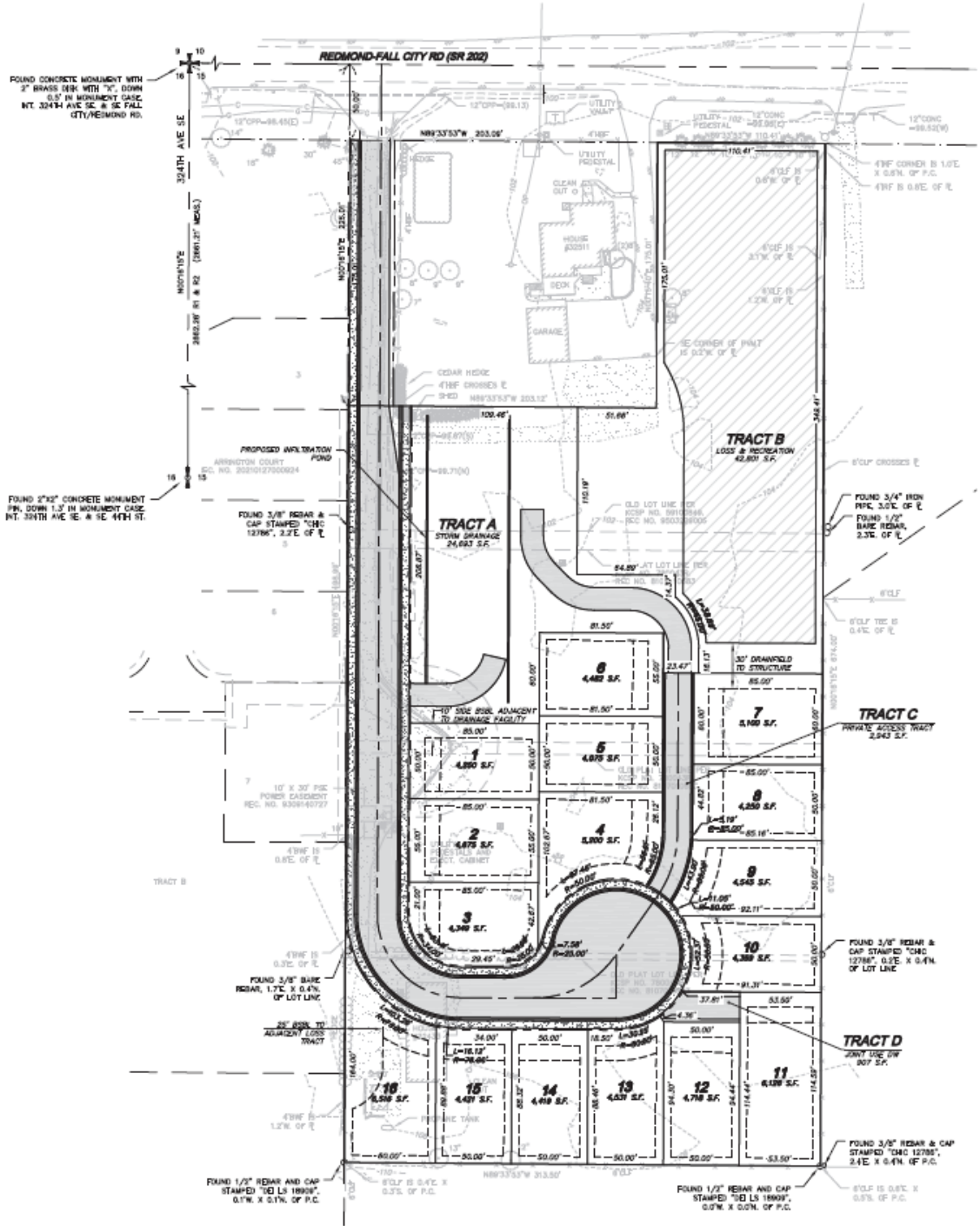
4. Mt. Si Investments, LLC (Applicant) proposes a subdivision of approximately 4.03 acres, zoned R – 4 (four units per acre, Rural Town) into 16 lots for the future development of three-bedroom single-family dwellings with associated roadways, utilities, stormwater facility, recreation space and Large On-Site Sewage Disposal System (LOSS) (Project, proposed preliminary plat, or Mt. Si). Mt. Si includes separate tracts for stormwater facility (Tract A), Large Onsite Septic System (LOSS) drainfield and recreation space (Tract B), private access (Tract C), and joint use driveway (Tract D). Access into the site

¹ The Applicant did. Exs. A3, A4.

² The Applicant provided the full document. Ex. A6.

from Redmond-Fall City Road (SR202) will be via a 30-foot-wide private access road (Road A) that includes a 5-foot sidewalk on one side then widens to a width of 42-feet with 5-foot sidewalks on both sides once past the existing single-family dwelling located at the entrance. Exs. D27 – 003, D4, D5 – 005.

- The basic layout (rotated 90 degrees clockwise for fit and maximum size) is essentially:



Public Comments/Concerns

6. During its review, Permitting received numerous comments from the community expressing concerns relating to pedestrian safety, impacts to area schools, applicability of the R – 4 zoning designation, allowed density, small lot sizes, inconsistency of new developments with the existing rural character of Fall City, drinking water safety, impacts to utilities, the proposed LOSS system, adequacy of parking, as well as concerns relating to increased vehicular traffic and the adequacy of the access to the Project from SR 202. Several commenters stated that the Applicant should contribute to the completion of the West Side Trail along SR 202. Representatives from the Snoqualmie Indian Tribe Department of Archaeology and Historic Preservation also recommended an archaeological review and requested the opportunity to be present during any ground disturbance at the site. Copies of the comment letters were shared with pertinent County staff and the Applicant and considered during Permitting’s review. The Applicant also provided a response to many of these concerns. Exs. D27 – 004, D7, D8.
7. Community members submitted additional comments and a video for the hearing in this matter as well as testimony expressing concerns about safe walking routes to the Elementary and Middle Schools, adequacy of access for emergency vehicles, safety of the proposed access onto SR 202, compatibility with the rural character of Fall City, impervious surfaces, the Transportation Impact Analysis, neighborhood connections, potential wetland areas, the suitability of the area for a LOSS, questions about the Pre-design Report for the LOSS provided to the Washington Department of Health (DOH), impact on the Water District’s well – head protection zones, cumulative impacts of the 6 – 7 subdivisions proposed by Taylor Development entities, and questioning the need for a variance for the access road across the adjacent parcel to the north (parcel 152407 – 9076).³ Exs. P1 – P6, P8, P12 – P25, P27 – P29; testimony of Megan Brocco, Collene Elliott, Carrie Lee Gagnon, Rachel Shepard, and Mike Suelzle.

Rural Character

8. The Project is located on the northwest corner of the R – 4 zone within the unincorporated Fall City Rural Town and abuts the Snoqualmie Valley Agricultural Production District to the north (across SR 202) and R – 4 zones to the east south and west. The Arrington Court plat abuts the Property to the west; Chief Kanim Middle School abuts the Property to the south and east. Ex. D27 – 007.
9. As many commenters point out, the Fall City Rural Town is not within King County’s Urban Growth Area (UGA). Its compatibility with the rural town character was a major focus of written comments received as well as testimony and presentations at the hearing. Exs. D27 – 007 – 008, P24, P25, P27, P28; testimony of Megan Brocco, Collene Elliott, Carrie Lee Gagnon, Rachel Shepard, and Mike Suelzle.

³ To address the cumulative effects concern, where relevant, the Examiner discusses some of those other subdivisions, including Arrington Court (built out and formerly known as Fall City), Cha, Cedar 23, Fall City II, and Stevens.

10. The regulations applying within the boundaries of the Fall City Rural Town are a mixture of rural standards, such as the rural road standards for roads outside the preliminary plat, and more urban standards such as the R – 4 zone and the hybrid road standards the Roads and Permitting Divisions applied to the internal preliminary plat road.⁴
11. The King County Council has provided one regulatory tool to address Fall City’s rural character.⁵ In response to a recommendation in the 1999 Fall City Plan that the King County Code be amended to eliminate the minimum density and maximum density requirements for R – 4 zoned properties in Fall City, the King County Council adopted KCC 21A.12.030.B.22 and B.23, which expressly limit the maximum density in the R – 4 zone in Fall City to four units per acre and eliminate the minimum density requirement. Elsewhere in the County, the R – 4 zone allows a maximum density of six to eight units per acre. KCC 21A.12.030.A; September 15, 2017, Report and Decision for the Fall City preliminary application, DLS file number PLAT 60004.
12. In her 2017 decision on the Fall City preliminary plat (now known as and referred to herein as Arrington Court), this Examiner concluded that the R – 4 zoning as conditioned by KCC 21A.12.030.B.22 and B.23 is consistent with the 1999 Fall City Plan and the King County Comprehensive Plan and protects rural character.

⁴ An October 8, 2021, email from Kim Claussen to Jim Chan explains:

Permitting has received multiple preliminary plat applications (vested) as well as pre-application meeting requests for future subdivisions located within the Fall City Rural Town. The residential area has a zoning of R – 4 (4du/ac), which is an urban zone, however the area is designated rural in the King County Comp Plan.... Currently in process and/or proposed there are approx. 104 single family lots, 4000 – 7000 sq. ft. (west of downtown/commercial area). The future lots are proposed to be served by large on – site septic systems (LOSS)/community drainfield, not individual septic systems, therefore lot sizes have been reduced to accommodate.

...One of the topics review is struggling with [is] the road improvements and requirements. Historically, rural road improvements were applied to proposals in this vicinity to maintain the rural character as noted and emphasized in the Fall City Community Plan (1999) as well as rural related policies in the King County Comp Plan. However, given the increase in the LOSS use... and resulting reduction in lot size, the feasibility and applicability of the rural road standards raise questions (i.e. feasibility of design with driveways in close proximity; adequacy of school walkways (i.e. limited shoulders and deep ditch, etc.), which would have typically been resolved with urban improvements (curb gutter sidewalk) in an urban area (Comp Plan). There are potential contradiction [sic] between rural character and safe walkways....

Permitting and Roads have met to discuss the type(s) of improvements which should be required and the possibility of hybrid improvements (mix of rural and urban i.e. separated walkways, no ditches, rolled curbs on internal roads, etc.). The preference is to have a consistent approach which provides cohesive road and walkway (systems).... It should also be noted, there are road variance requests associated with the majority of the plat applications to modify internal standards to a limited degree.

Ms. Claussen attached a map of five of the Taylor Development plats (Arrington Court, Mt. Si, Cha, Cedar 23, and Fall City II). Ex. P 30, October 8, 2021, email from Kim Claussen to Jim Chan and others.

⁵ As Ms. Brocco points out, KCC 21A.18.020 allows the director *upon request from the proponent* of any use located in a rural town to modify parking and circulation standards to for several purposes, including protection or enhancement of the historic character of the area and reduction of the need for pavement or other impervious surfaces. (Emphasis added in *italics*). The Applicant has not requested a modification of the standards in chapter 21A.18 KCC. Ex. P24 – 028.

13. The record developed in this matter does not allow the Examiner to reach the same conclusion as a matter of law.
- A. There is no minimum lot size R – 4 zone, although no construction is permitted on a lot that contains an area of less than 2500 square feet. KCC 21A.12.030.A, 21A.12.100.A.
 - B. The use of residential LOSS systems as opposed to individual on-site septic systems (OSS) allows an applicant to increase significantly the number of lots that can be created and to reduce significantly the lot sizes. In Cedar 23, 18 lots could be developed using OSS (assuming a 4 – bedroom home on each lot) as compared to the 23 that can be developed using LOSS (assuming a 3 – bedroom home on each lot). Ex. A9 – 006 through – 007; testimony of David Jensen.
 - C. The reduced lots sizes permitted with a LOSS can result in significantly higher impervious surface percentages on each individual lot. Individual lots in R – 4 zone which are less than 9,600 square feet may be developed with as much as 70% impervious surfaces whereas those larger than 9,600 square feet are subject to a 55% maximum. KCC 21A.12.030.5.c; testimony of Brian Lee and Maher Joudi.
 - D. As found in in the Examiner’s Cedar 23 Decision:

In the intervening years, the Arrington Court plat has been built out using a LOSS system. The homes are large. While they are likely no larger than some of the homes recently constructed in subdivisions members of the community characterized as “traditional R – 4 subdivisions” using OSS, the relatively small size of the lots and the proximity of the homes to 324th Ave. SE increases the appearance of their size.

March 22, 2023, Report and Decision for Cedar 23, DLS file number PLAT 210005, Finding 14.C.
 - E. The Arrington Court recreation space is located in the LOSS tract. The LOSS cannot be graded to make its surface flat, reducing its utility as a recreation area, although active and reserve drainfields generally can be used for grassy play areas and have footpaths laid over top the ground or with very shallow foundations.⁶ Ex. A14 – 001.
 - F. Arrington Court, Fall City II and Cedar 23, all proposed by Taylor Development entities, do or will provide adequate parking for their residents, but little to no

⁶ KCC 21 A.14.180 requires that residential subdivisions developed at a density of eight units or less per acre provide 390 square feet of on – site recreation area per unit. The recreation area is intended to provide recreation space for leisure, play, and sport activities. Arrington Court had proposed a volleyball court on the LOSS, which the Department of Health apparently did not permit. Testimony of Maher Joudi.

room for guests and boats, trailers, RVs and other recreational vehicles typical in rural areas.

- G. Following the development of Arrington Court, the County signed 324th Ave. SE “No Parking”; however, cars and service vehicles continue to park along the road on a weekly or even daily basis. When contacted, the Sheriff’s office has responded that it does not have the resources to enforce no parking signs. It is not realistic to expect the King County Sheriff routinely to enforce the parking restriction. Exs. P23 – 003, P24 – 032, P25 – 029, P27 – 008, P28 – 060; testimony of Rachel Shepard and Mike Suelzle.
- H. As described in footnote 4, as a result of the smaller lots that can be accomplished using a LOSS system, the County has permitted hybrid, more urban road standards within plats employing a LOSS system rather than rural road standards it had formerly applied.
14. For these reasons, the Examiner is not persuaded that Mt. Si is consistent with rural character. Exhibit P25 and testimony from numerous witnesses offered tools that would increase its compatibility, such as somewhat larger lots, somewhat smaller homes, variety in the design of homes, no clustering of lots, and varying setbacks. However, the King County Council has not given Permitting or the Examiner tools other than the maximum density to address compatibility with rural character. Ex. P25; testimony of Rachel Shepard.
15. As concluded below, the Project is consistent with the maximum density of four dwelling unit/acre for the Rural Town of Fall City.

State Environmental Policy Act (SEPA)

16. Pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, the responsible official issued a threshold Determination of Non-Significance (DNS) for the proposed preliminary plat on September 22, 2022. Exs. D27 – 005, D6.
17. The 24 – day comment period closed on October 17, 2022. No appeal was filed. Ex. D27 – 005.

Cultural Resources

18. In 2021, the Applicant commissioned a Cultural Resources Assessment by Cultural Resources Consultants, LLC. After conducting background research and field investigation, Cultural Resource Consultants identified no archaeological sites at the Property. Ex. A3.
19. It recommended that, if project activities result in the discovery of archaeological materials or human remains, Project staff should halt work in the immediate area and contact the technical staff at the Department of Archaeology and Historic Preservation (DAHP) and representatives of identified area Tribes. Work should be stopped until

further investigation and appropriate consultation have concluded. In the event that human remains are inadvertently revealed, Project staff should immediately stop work, cover, and secure the remains against further disturbance, and contact law enforcement personnel, consistent with the provisions set forth in RCW 27.44.055 and RCW 68.60.055. The detailed protocol may be found in Attachment B to the Assessment. Ex. A3 – 036.

20. DAHP concurred with the result and recommendations made in the Assessment and asked that an Inadvertent Discovery Plan be created and kept on site during construction. Ex. A4.
21. The Applicant has been working directly with the Snoqualmie Tribe to allow access to the Property during excavation. The Applicant submitted correspondence regarding a similar request for the Fall City II preliminary plat, indicating at the hearing in this matter that this is representative of the discussions for Mt. Si. In Fall City II, the Applicant indicated that it is willing to work with the Snoqualmie Indian Tribe to reach an agreement providing an opportunity for the Tribe to be present during any ground disturbing activities and that the agreement would need to address safety, indemnification, insurance, site access, and specific activities the Tribe intends to undertake. The Tribe indicated its understanding and acceptance of these needs. Ex. A8; February 1, 2023, Revised Report and Decision for Fall City II, DLS File PLAT200003, Finding 21; testimony of Maher Joudi and Robert Fitzmaurice.
22. On March 20, 2023, the Applicant sent the Tribe a draft Access and Indemnity Agreement that would serve as a template for each of its proposed developments in Fall City. Ex. A8 – 005 through – 009.
23. Condition 18 establishes and inadvertent discovery protocol.

Critical Areas

24. CARA: The Critical Areas Folio identifies a Category I Critical Aquifer Recharge Area (CARA) on the southeast corner of the parcel and a Category II CARA on the majority of the parcel. The Snoqualmie River is located approximately 0.15 miles northeast of the site. The Raging River is located approximately 0.8 miles southeast of the site. Exs. D27 – 006, P28 – 108.
25. To protect the CARA, the Applicant must provide appropriate measures to protect groundwater according to the 2016 King County Surface Water Design Manual (2016 KCSWDM). Condition 9.G.
26. Wetland/Streams: The Applicant commissioned Altmann Oliver Associates (Altmann) to perform a Wetland & Stream Reconnaissance of the Property. After conducting field investigation on January 21, 2021, Altmann identified no wetlands or streams on or immediately adjacent to the Property. Exs. D27 – 006, D13.

27. Seismic hazards: The Property is within the southern limit of an area mapped as a potential seismic hazard. However, the dense gravels encountered in subsurface explorations on the site and the relatively deep groundwater table do not meet the definition of a seismic hazard area. Ex. D 27 – 006.
28. Wildlife: The Applicant commissioned Altmann to perform a Wildlife Habitat Assessment. In January 2023 Altmann reviewed the site to identify any Wildlife Habitat Conservation Areas regulated under KCC 21A.24.382.B through .K and any active breeding sites of any federally or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance not listed in KCC 21A.24.382.B through .K. It found none of the regulated Habitat Conservation Areas or active breeding sites on or adjacent to the Property. Exs. D27 – 006, D21.
29. The Washington Department of Fish and Wildlife (WDFW) PHS database indicates a Township wide potential for the gray wolf in the vicinity of the site. However, the site does not provide habitat for the gray wolf and this database does not indicate the presence of any data points for any individual WDFW priority species, nor did Altmann identify any during its field investigation. Exs. D27 – 006, D21.
30. Prior to any clearing or grading activities during the breeding season Condition 16 requires:

A wildlife survey will be conducted 2 to 3 weeks prior to clearing and grading to identify any nests or habitat of species listed in KCC 21A.24.382 and of any active breeding site of any federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not in listed in subsections KCC 21A.24.382.B. through .J.

Ex. D27 – 006; Condition 16.

Stormwater/Drainage

31. The Property is in the Patterson Creek Drainage Basin in the Snoqualmie River Watershed in the Snohomish WRIA. The site is subject to Conservation Flow Control and Basic Water Quality requirements pursuant to the 2016 KCSWDM Application Maps. Ex. D27 – 016; Condition 9.
32. D. R. Strong Consulting Engineers, Inc. performed a Level 1 downstream analysis for the proposed preliminary plat pursuant to KCSWDM Core Requirement #2. It found no downstream nuisances such as erosion, sedimentation, under capacity, and flooding. The Project is not anticipated to create new downstream problems. The analysis can be found in the preliminary Technical Information Report (TIR). Exs. D27 – 009, D15.
33. The Applicant proposes a wet pond for Water Quality Treatment followed by an infiltration facility for Flow Control. The two facilities combined will meet Conservation

Flow Control and Basic Water Quality requirements in accordance with the KCSWDM. The analysis along with modeling is included in the TIR. Exs. D27 – 009, D15.

34. As the Property is larger than 1 acre and the Applicant is proposing full infiltration, a mounding analysis for the infiltration facility will be required during engineering. As part of the infiltration facility design, the Applicant will be required to monitor groundwater in the area of the stormwater facility over the wet season. Testimony of Maher Joudi.

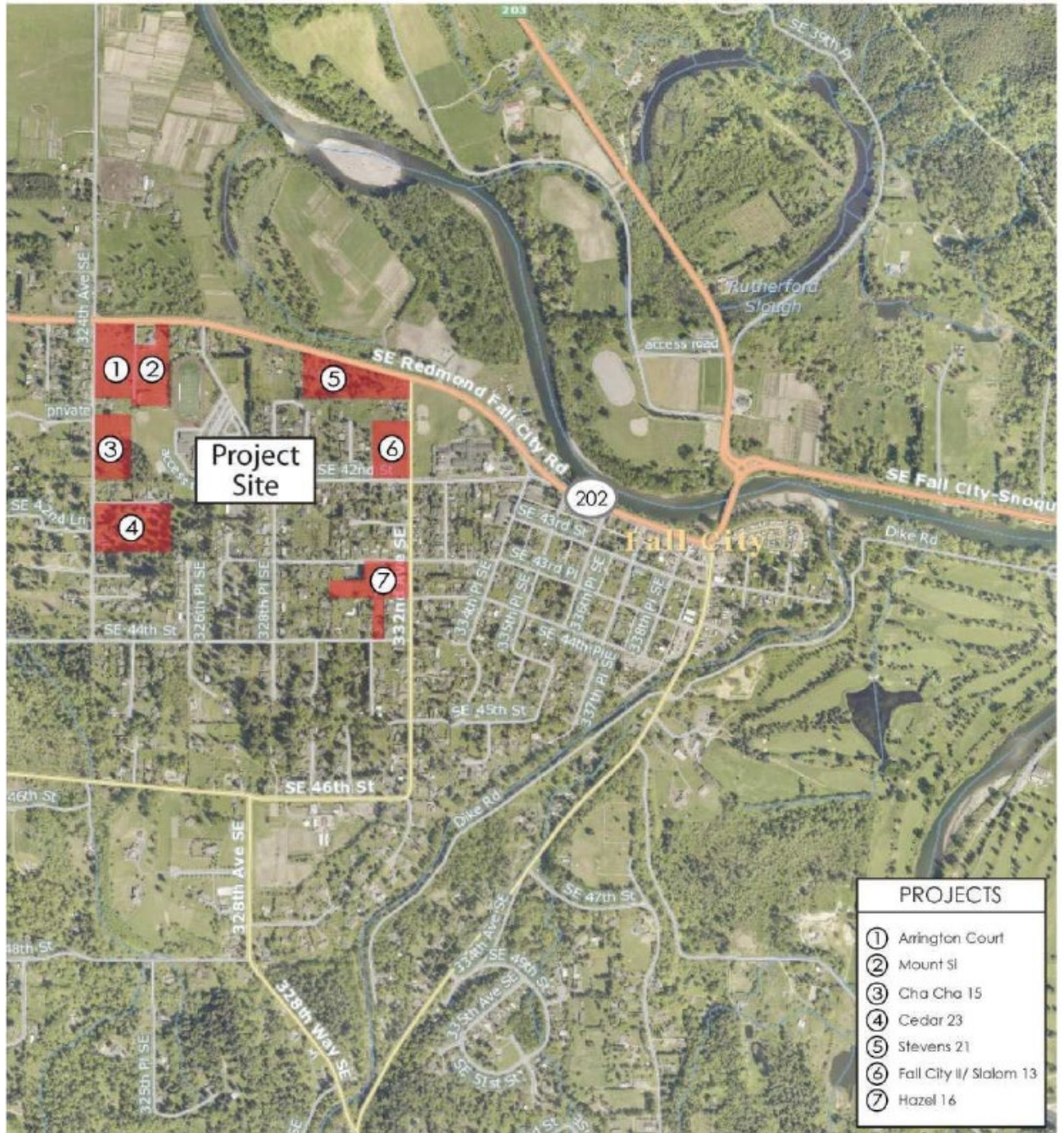
Transportation

35. State Route (SR) 202 is a State Highway under the jurisdiction of the Washington State Department of Transportation (WSDOT). The King County Transportation Plan classifies it as a rural principal arterial. Any type of work proposed within the SR 202 right-of-way would require a WSDOT Developer Agreement to allow the developer's contractor to construct improvements within the WSDOT right-of-way. Ex. D27 – 009.
36. The Applicant must submit a copy of a signed WSDOT Access Connection Permit for the proposed intersection of SR 202 and Road A prior to approval of the final engineering plans. Exs. D27 – 009, D12, A10 – 001; Condition 10.G.
37. The new private urban minor access road, labeled “Road A” in the plans, is a combination of a reduced street section and a full width section. The reduced street section extends from Redmond-Fall City Road (State Route 202) to the northeastern corner of the property through an access easement. The reduced street section is within an existing 30 – foot easement. The road then transitions to a 42-foot right-of-way that includes a 28-foot paved roadway, curb, and gutter, and 5-foot sidewalks along both sides that will provide access to all lots in this subdivision. The new road will connect to SR 202 via one should access point. Access from the south and east is blocked by Chief Kanim Middle School and a small undeveloped parcel. Unfortunately, access cannot be gained from the west, as the adjacent Arrington Court subdivision (developed by a Taylor Development entity) was not designed to provide access, necessitating the two road variances discussed below. It appears that access from the west would have been possible had the Arrington Court developer simply extended the private road which runs east from 324th Ave. SE to its eastern border between Arrington Court Lots 6 and 7. Exs. D27 – 008, D26 – 003, A6 – 003.
38. On December 9, 2021, the County Road Engineer approved road variance VARR21 – 0003, allowing the length of cul-de-sac to be increased from the standard maximum of 600 feet to 760 feet. Exs. D27 – 008, A6.
39. On March 10, 2023, the County Road Engineer approved road variance VARR23 – 0006, approving a reduced section across the adjacent parcel to the north (parcel 152407 – 9076) with the condition that the road width be 20 feet with sidewalk along one side. Exs. D27 – 008, D26.

40. There is adequate entering sight distance from Road A onto SR 202. For a 55-mph zone, 600 feet is required; 1,000 feet is available to the east and 1,300 feet to the west. Testimony of Maher Joudi.
41. Transportation Engineering NorthWest performed a level one traffic impact analysis (TIA) to evaluate the cumulative impacts of the seven residential plats within what it refers to as the Fall City Assemblage.⁷ All seven of the developments are located south of SR 202 between 324th Ave. SE and 332nd Ave. SE. All Traffic Data conducted traffic counts from 7-9 AM and 4-6 PM in November 2021 when the schools were in session. The TIA used a 2% forecasted growth in the vicinity to the year 2025. The Mt. Si development is anticipated to generate approximately 187 new average daily trips with approximately 14 new AM peak-hour trips and approximately 18 new PM peak-hour trips. This calculation includes service vehicles (e.g., mail delivery, garbage pick-up, school bus trips) which may serve this proposed preliminary plat as well as work trips, shopping trips, etc. Exs. D27 – 009 – 010, D16.

⁷ Arlington Court (17 single-family houses); Mount Si (16 single-family houses); Cha Cha 15 (15 single-family houses); Cedar 23 (23 single-family houses); Stevens 21(21 single-family houses); Fall City II (13 single-family houses); Hazel 16 (16 single-family houses).

42. These 7 residential plats are shown on Figure 1 of Ex. D16, copied below:



43. The TIA evaluated Level of Service (LOS) for the AM and PM peak hours, for existing, future without the seven developments, and future with the seven developments, for two off-site intersections (SR 202/324th Ave. SE and SR 202/332th Ave. SE). The study concludes that the intersections will operate at level-of-service C or better with minimal queuing with the build-out of the seven developments (including the Mt. Si subdivision). LOS C is an acceptable LOS. Exs. D27 – 007, – 010, D16.

44. The proposed preliminary plat is located within the Snoqualmie Valley travel shed that currently passes the King County concurrency standard, indicating that transportation improvements or strategies will be in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years, as required by RCW 36.70A.070(6). Ex. D27 – 010.

Parking

45. Each home will have a minimum two-car garage and a 20-foot-deep driveway. Ex. D8 – 004.
46. The reduced roadway section through the adjacent parcel to the north will be signed “No Parking” on both sides of the street. Once past the adjacent parcel, the road widens to a curb to curb with 28 feet, which allows for parking on one side of the street. Ex. A10 – 003.
47. The cul-de-sac and private access tracts for Lots 4 – 9 also will be signed in “No Parking.” Thus, in theory, no on – street parking will be available adjacent to Lots 4 – 13. Ex. A10 – 003; testimony of Maher Joudi.
48. Providing no parking in front of ten of the proposed sixteen lots (62.5% of the lots) will only exacerbate the parking problems observed at Arrington Court. For this reason, as well as the reasonably foreseeable difficulty in enforcing the “No Parking” signage and its consequent impact on emergency vehicle access, the Examiner concludes that, as currently designed, Mt Si does not make appropriate provisions for safety and general welfare and streets or roads, and is requiring that the internal circulation be revised.

Fire Protection and Water Supply

49. The record contains persuasive testimony and documentation that it would be wise for the Fall City Water District to update its Comprehensive Water System and Wellhead Protection Plans, and perhaps even refrain from issuing water availability certificates until it has done so. However, the Certificate of Water Availability from the Fall City Water District indicates that it will be able to provide water service to the Property pending construction of improvements (distribution system) and subject to a Developer Extension Agreement. Exs. D27 – 011, D18, P6, P24.
50. Prior to final recording of the plat, the water service facilities must be reviewed and approved pursuant to King County Fire Flow Standards. Ex. D27 – 011; Condition 7.
51. Fire District 27 has provided a Fire District Receipt, demonstrating this proposal will be served by the Fire Protection District. Exs. D27 – 011, D19.
52. The Fire District expressed concerns with access to Lots 4 – 9 and recommends that no vehicles be parked on the roadway in these areas in order to allow access for fire department operations if an emergency were to occur. While the Applicant proposes to sign Lots 4 – 9 “No Parking,” given the history with Arrington Court, the Examiner has

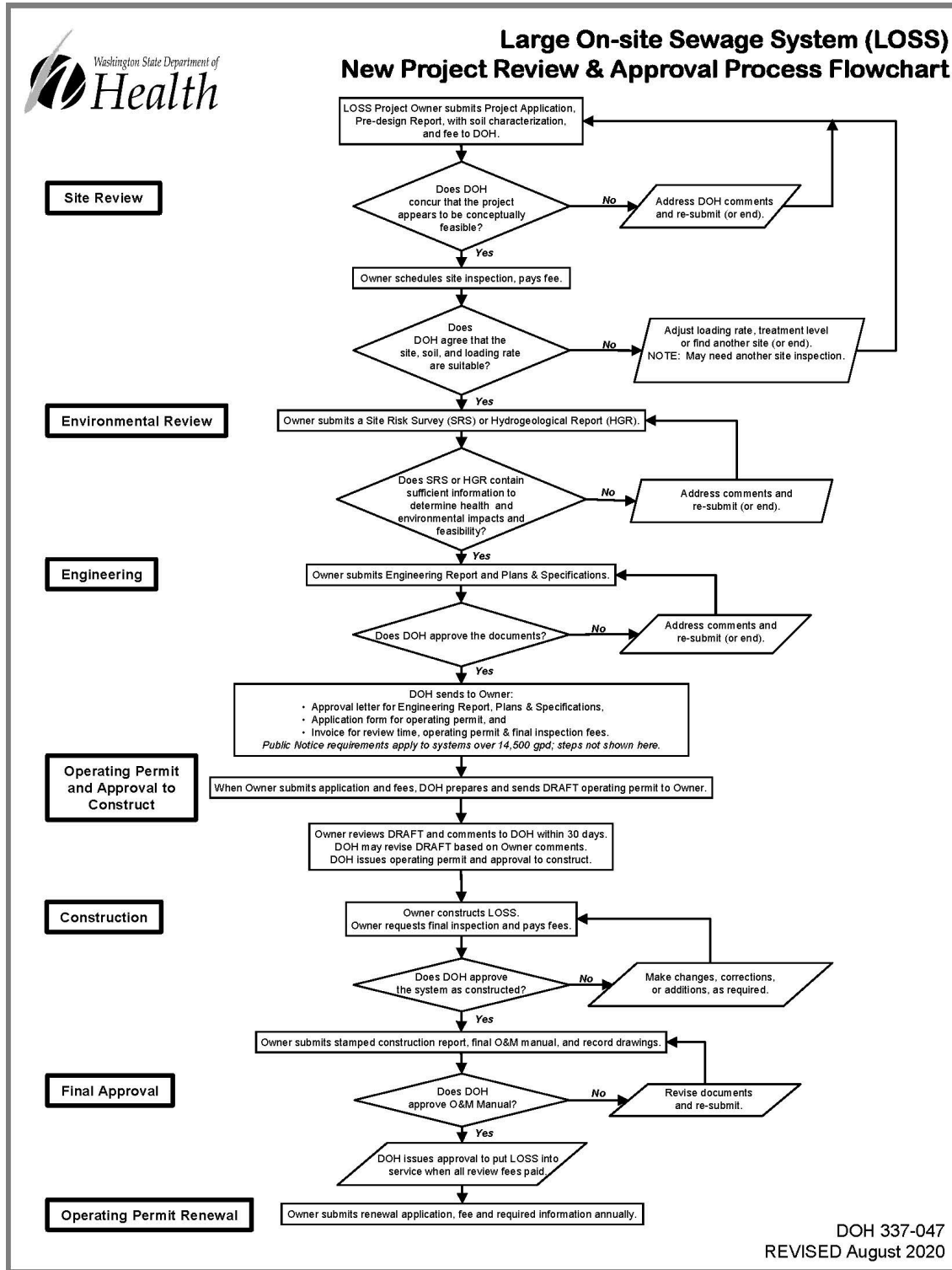
significant concerns about the effectiveness of this measure. Fall City Sustainable Growth (Sustainable Growth) asks that the layout be revised so that all homes can receive emergency vehicles. Exs. D19, P25 – 026 through – 029, P27 – 018.

53. Given the reasonably foreseeable difficulty in enforcing the “No Parking” signage and its consequent impact on emergency vehicle access, the Examiner concludes that, as currently designed, Mt Si does not make appropriate provisions for safety and general welfare and streets or roads, and is requiring that the internal circulation be revised.
54. Future residences must be sprinklered unless otherwise approved by the King County Fire Marshal or designee. Condition 7.

Sewage Disposal

55. The Applicant proposes to serve the Project with a LOSS. Exs. D27 – 011, A9; testimony of David Baumgarten, David Jensen, Maher Joudi, Brian Lee, and Robert Fitzmaurice.
56. The legislature adopted Chapter 70A.115 RCW to establish in a single state agency, DOH, the comprehensive regulation of the design, operation, and maintenance of LOSSs and their operators. To accomplish these purposes, Chapter 70A.115 RCW provides for the permitting and continuing oversight of LOSSs as well as the establishment of standards and rules for siting, design, construction, installation, operation, maintenance, and repair of LOSSs. DOH’s LOSS rules are in Chapter 246 – 272B WAC and are intended to achieve sustainable long term sewage management. RCW 70A.115.005, 70A.115.020; WAC 246 – 272B – 01000.
57. Consistent with Chapter 70A.115 RCW, Permitting defers to DOH for review of LOSS systems.

58. The chart below and following Findings summarize the key steps in DOH’s review of a proposed LOSS:



A. The owner submits a Predesign Report prepared, stamped, signed, and dated by a design engineer. If the conceptual treatment design appears to be viable, DOH

issues a notice to proceed to site inspection. The Predesign Report for the Bhend 15 – lot mobile home park (discussed below) satisfied this step for Mt. Si. Ex. A15, WAC 246 – 272B – 02000; testimony of David Jensen.

- B. After receiving the notice to proceed, the owner may proceed with the site inspection by scheduling the site inspection with DOH, the design engineer, and the person who prepared the soil logs if different than the design engineer. WAC 246 – 272B – 02000.
- C. If DOH determines that the soil information is consistent with the conceptual treatment design, it issues a notice of determination that includes the maximum loading rate and instructions to proceed to environmental review. DOH issued this notice for Mt. Si on March 9, 2023. The notice indicates:

[DOH] completed a site visit on October 20, 2020, to verify the soil type in the area of the proposed drainfield that was not previously verified. The soils observed during the site visit were found to be predominately Type 4 soil. I concur with the recommended soil is Type 4 soils [sic].

The soils verification for this LOSS is complete. The hydraulic loading rate for the LOSS drainfield will be based on Type 4 soils. **This correspondence is your notification of approval to proceed with the environmental review.** (Bold in original).

WAC 246 – 272B – 02000; Ex. D20.

- D. If DOH issues a notice to proceed, the owner may proceed with the environmental review, submitting a site risk survey (SRS) and, if required, a hydrogeology report (HGR). Included in the extensive list of information required, the SRS must identify critical areas designated by a local, state, or federal agency if the primary or reserve drainfield is located within a critical aquifer recharge area or designated wellhead protection area, WAC 246 – 272B – 02050, 246 – 272B – 03200.
- E. If DOH determines that the SRS contains sufficient information to determine the public health and environmental impacts of the LOSS and the LOSS is feasible, it issues a notice of determination including instructions to proceed to engineering. WAC 246 – 272B – 02050.
- F. If at any of these steps DOH is not able to instruct the owner to proceed to the next step, it discontinues review and treats any future LOSS proposal as a new project.
- G. The engineering report must include a draft operations & maintenance (O&M) manual prepared by the design engineer and meeting the requirements of WAC 246 – 272B – 04000.

- H. If DOH approves the engineering report and the draft O&M manual, the owner may proceed to plans and specifications. If DOH approves the plans, the owner may submit an operating permit application. WAC 246 – 272B – 02100.
 - I. Following issuance of the operating permit, which must be renewed annually, the owner may not begin construction until receiving DOH is written approval to construct. WAC 246 – 272B – 02400.
 - J. DOH must conduct a final inspection. WAC 246 – 272B – 05300.
 - K. The design engineer must prepare a LOSS construction completion report which must include record drawings and a description of any changes from the approved plans and specifications, the final management plan and the final O&M manual. WAC 246 – 272B – 05400.
 - L. For development including individually owned lots, such as the Taylor Development entities’ proposals, the LOSS must be managed by either a public entity or wastewater company regulated by the Washington Utilities and Transportation Commission (WUTC) or by a private management entity with a public entity or wastewater company regulated by the WUTC contracted as a third-party guarantor. The management plan must include a contingency plan to operate, maintain, and manage the LOSS so that public health and the environment are protected during a transition from one management entity to another WAC 246 – 272B – 04100.
59. To understand some of the concerns raised about DOH’s review of the Mt. Si LOSS, one must understand a bit of the history regarding a proposal by Mr. Bhend, a prior owner of the Property, to develop a 15 – lot mobile home park. Mr. Jensen designed a LOSS for the mobile home project. The active and reserve drainfield areas were located in the Northeast portion of the Property, separated by an existing barn. Mr. Jensen took soil logs in the proposed active and reserve drainfield areas parcel. DOH reviewed them, concluding that the soils were on the border between Type 4 and Type 5. The proposed drainfield area was large enough to use Type 5 soils in its design; therefore, to be conservative Mr. Jensen used Type 5 soils. The owner then sold the Property for residential development, resulting in the current proposal for a 16 – lot residential subdivision. Testimony of David Jensen.
60. At some point, the barn was demolished and Mr. Jensen took soil logs in the area beneath the former barn, determining that they are adequate for sewage disposal. As the soils in these logs were also on the border between Type 4 and Type 5 soils, he submitted them to a certified state laboratory, which determined that they are Type 4 soils. Testimony of David Jensen.
61. Mr. Jensen corresponded with DOH asking, “How far back [he needed] to go on the process for DOH review.” DOH confirmed that, if the updated design uses the same drainfield area and is roughly the same size, an updated site survey engineering report and plans would suffice, although DOH may request additional information before

- approval. In other words, it could use the Predesign Report and previous soil logs. Ex. A15 – 002.
62. As found above, DOH issued a Notice to Proceed to Environmental Review for the Mt. Si LOSS on March 9, 2023. Exs. D27 – 011, D20, A9.
63. David Jensen is the design engineer for the Arrington Court, Cha, Fall City II, Cedar 23, and Mt. Si LOSS systems. Testimony of David Jensen.
64. In response to information provided by community members to DOH, DOH is requiring a Hydrogeological Report (HGR) for Cedar 23 to determine the aquifer types and extent for the Fall City area. It will help DOH determine if the groundwater found in Cedar 23 is part of a Group A well. DOH is also requiring an HGR for the Cha and Stevens LOSS systems. Mr. Jensen expects that it will require one for the Mt. Si LOSS. Ex. A12 – 002; testimony of David Jensen.
65. The Applicant has agreed to share the scope of the HGR with the Fall City Water District, Rachel Shepard for the Fall City Community Association, and Mike Suelzle for Fall City Sustainable Growth. Testimony of Robert Fitzmaurice.
66. While he has not fleshed out the scope of the HGR, the applicant’s hydrogeologist expects that it will review the regional hydrogeology of Fall City and site-specific aquifer parameters under the drainfield for each of the proposed plat plats. It will use a DOH Nitrate Balance model to determine if the proposed LOSS will meet the required nitrate level at the point of compliance (typically the property line). Input parameters include variables regarding the LOSS (volume, nitrogen concentration, and effluent) and the hydrogeology of the receiving aquifer (aquifer thickness, aquifer hydraulic conductivity, aquifer width, aquifer gradient). As part of this analysis, the Applicant has or will install monitoring wells on each project to determine the seasonal high water levels and develop an understanding of the aquifer properties. Ex. A11 – 002; testimony of David Baumgarten.
67. Ms. Brocco has expressed concerns about LOSS contributing to the rise of arsenic. DOH responded:
- Arsenic is not typically a concern for domestic strength waste. LOSS’s are not expected to be a contributor to arsenic since we have no sources of arsenic entering the waste stream outside of the source water.... Arsenic is typically controlled on the drinking water side of things, and we will coordinate with the DOH Office of Drinking Water (ODW) to lead those efforts. We might require monitoring of arsenic if this if it helps monitor and control the contaminant levels.
- Exs. A12 – 002, P28 – 040 through – 044.

68. Many comments expressed concern about problems encountered with the Arrington Court LOSS and that the other LOSSs proposed by the Taylor Development entities could run into the same difficulties. *See, e.g.*, Exs. P12, P32, P45.
69. During the hearing for Cedar 23, Mr. Jensen reviewed in some detail the challenges encountered at the Arrington Court subdivision. He summarized them at the Mt. Si hearing. The following findings are taken from the Examiner's March 22, 2023, Report and Decision for Cedar 23:
 - A. The issues derive from the components on the individual lots, not the actual LOSS system where the effluent goes into the ground. A few of the residents disposed of waste products not suitable for septic systems; a few sent excessive amounts of water to the system. Testimony of David Jensen.
 - B. The main issue has been treatment of nitrogen and nitrates. Each home stubs out into a single – compartment 900 – gallon tank which settles out products that are biodegradable. The tank has an outlet to a proprietary secondary waste treatment system using activated sludge and a biomembrane. Bacterial colonies grow within this system and break down the waste strengths. The effluent then goes to a pump chamber which pumps the effluent off the lot into a common collection pipe to a large pump chamber in the LOSS. The pump chamber doses the LOSS 24 times/day. Testimony of David Jensen.
 - C. The membranes on each lot have been removed, cleaned, reinstalled, and the systems re-seeded (two had to be re-seeded again). Colonies are establishing themselves, but have not yet reached the necessary level to achieve the targeted waste strength. Nitrates are intended to be no more than 10 mg/L before being discharged into the drainfield; they are currently 30 mg/L, down from 50 mg/L. By comparison, the nitrate standard for a lot less than one acre in size on OSS is 30 mg/L. Testimony of David Jensen.
70. There are two theories about how to best instill a sense of responsibility for a successfully operating LOSS system. One is that placing individual treatment systems on each lot will accomplish greater responsibility by individual lot owners; the other is that it is easier and more effective to manage one treatment system rather than multiple individual ones. Testimony of David Jensen.
71. The Applicant has indicated that it will advocate with DOH for a community denitrification system rather than treatment systems on each lot. Testimony of Robert Fitzmaurice.
72. In addition, as discussed under Recreation, the Mt. Si recreation area will not be located over the LOSS, although it is in the same tract, Tract B. Ex. D24.
73. For the Cedar 23 hearing, Mr. Jensen calculated mass loading in pounds per day for three scenarios: the Cedar 23 LOSS (Scenario 1) and two scenarios using OSS on Cedar 23. Mr. Jensen analyzed the applicable waste strength requirements for nitrates (N),

biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and gas (O&G). Scenario 1 assumes a three – bedroom home generating 360 gallons per day of effluent; Scenarios 2 and 3 assume a four– bedroom home generating 570 gallons per day of effluent. The Applicant submitted these calculations as Exhibit A9 in this matter. Ex. A9.

74. Scenario 2 is not particularly relevant, as it assumes five lots each of which is larger than 1 acre. Ex. A9.

75. Scenario 3 examines the maximum number of lots which could be created on the Cedar 23 property using OSS. Based on the site soils and Cedar 23’s location in a Category I CARA, a maximum of 13 lots could be developed on OSS. Ex. A9; testimony of David Jensen.

76. The following table compares the total mass loading from the LOSS (Scenario 1) with 13 individual OSS (Scenario 3):

Mass Loading	Scenario 1 23 homes using LOSS	Scenario 3 13 homes using OSS (cumulative)
N	0.69 pounds per day	1.23 pounds per day
BOD	0.69 pounds per day	7.72 pounds per day
TSS	0.69 pounds per day	4.94 pounds per day
O&G	0.0 pounds per day	1.23 pounds per day

Ex. A9.

77. This mass loading from the LOSS would occur in the drainfield area and dissipate as it mixes with groundwater. DOH typically allows for an increase in groundwater nitrate at the point the compliance (as noted above, typically the property line) of no more than 2 mg/L. More mixing occurs as the effluent moves downgradient in the aquifer, further reducing waste strength. Ex. A11 – 002; testimony of David Jensen and Dave Baumgarten.

78. Dave Baumgarten, the Applicant’s hydrogeologist, addressed the cumulative effects of multiple LOSS systems. He reviewed the Water District’s Comprehensive Plan and Wellhead Protection Plan and a letter from the Water District’s hydrogeologist, Robinson Nobel. The Mt. Si LOSS, as well as the other LOSS systems being proposed by Taylor Development entities, will discharge into the upper sand and gravel aquifer, which is separated from the aquifer from which the Water District draws its water by a confining layer occurring at about 85 feet below grade. Ex. A11 – 001.

79. In response to concerns expressed by community members that the LOSS singly or cumulatively may change the direction of groundwater flow, Mr. Baumgarten opined that:

Because the DOH dictates compliance with nitrate levels at the point of compliance (property line) for any LOSS, there would not be cumulative effects from multiple LOSS systems. Each LOSS system must meet groundwater nitrate concentration at the point of compliance for the specific property.

Ex. A11 – 002.

80. The Project is located within the six-month travel zone for Fall City Water District wells 1, 2, and 5. Exs. A12 – 002⁸; testimony of Megan Brocco.
81. Sustainable Growth asked that the LOSS be subject to the High Quality Effluent (HQE) standard. DOH has indicated that it will require treatment level HQE for any LOSS within a 6-month travel time of a Group A well. The Applicant has agreed to this parameter. Exs. P6 – 064, P28 – 059; A12 – 002; testimony of David Jensen.
82. The Applicant must obtain final DOH approval before recording the final plat. KCC 19A.16.030.F; Condition 17.
83. The size of a residential LOSS is based on soil types, number of homes served, and the number of bedrooms within each home. In Washington, the residential flow rates are based on 120 gallons per bedroom per day with a minimum design flow of 240 gallons per day. The Mt. Si LOSS will be designed for three-bedroom homes. Thus, if the homes were actually developed with more than 3 bedrooms, the effluent discharged to the LOSS system could easily exceed the design volume. To address this possibility, the Applicant offered to place a deed restriction on each lot and a note on the face of the final plat limiting each home constructed within Mt. S. to 3 bedrooms. Exs. P26– 002, P28, A18; testimony of Megan Brocco, Robert Fitzmaurice, and David Jensen; New Condition 23.
84. Given the considerable concern about the individual LOSS system as well as the potential cumulative impacts of multiple LOSS systems, the Examiner will retain jurisdiction in the event DOH denies LOSS design. New Condition 24.

Recreation

85. The nearest public park is Quigley Park, located .7 miles east, and provides river access, picnic benches, and play areas. To access it, residents would have to cross SR 202. Fall City Park, which is located approximately 1.1 travel miles from the proposed preliminary

⁸ Ex. A12 – 002 is correspondence from DOH confirming that the Cedar 23 loss is within a 6 – month travel time of a Group A well. As Mount Site is immediately adjacent to Chief Kanim Middle School, the location of the Water District's well number 5, it is reasonable to conclude it is also within a 6 – month travel time.

- plat, includes amenities such as baseball diamond, oval track, picnic tables, restroom facilities, and a walking path to and along Snoqualmie River. The Staff Report indicates that Chief Kanim Middle School, located adjacent to this proposed subdivision, provides additional recreational opportunities. However, the field is fully fenced with a gate requiring key card access. D27 – 011, P17; testimony of Carrie Lee Gagnon and Collene Elliott, and Mike Suelzle.
86. In addition, all residential subdivisions of more than four units in the R – 4 zone at a density of eight units or less per acre must provide recreation space for leisure, play and sport activities at a rate of 390 SF per unit. Ex. D27 – 011; KCC 21A.14.180.A.
 87. KCC 21A.14.185 allows for fees in lieu of on-site recreation space, at the County’s discretion, if “recreation space provided within a county park in the vicinity will be of greater benefit to the prospective residents of the development.” Phases 1 and 2 of the West Side Trail (WST) would provide a 12-foot, shared-use trail suitable for use by pedestrians, bicyclists, and equestrians along the south side of SR 202 from milepost 21.37 to milepost 20.57 or from its intersection with 334th Pl. SE to 324th Ave. These two phases would provide non-motorized access to the Fall City Library, Fall City downtown, Fall City Elementary School, and Chief Kanim Middle School. Phase 1 is fully funded, with construction plan to take place in 2024. The King County Parks and Open Space program provided a \$500,000 grant for Phase 1 equating to 42.37% of the total cost. The Fall City Metropolitan Park District (FCMPD) has applied for a grant for Phase 2 from the same program. If the grant is awarded, construction is planned to occur in 2025. March 31, 2023, letter from FCMPD to Rachel Shepard, link provided in Ex. P31.
 88. The WST will be immediately adjacent to the Mt. Si, Arrington Court, and Stevens plats and easily accessible by the Cha, Cedar 23, and Fall City II plats. In the foreseeable future, a contribution to the West Side Trail would arguably provide a greater benefit to the prospective residents of Mt. Si than a small on site recreation space, particularly if other proposed plats in Fall City similarly contribute. While the West Side Trail is not literally a county park, Phase 1 was significantly funded by the County. Phase 2 may be as well. Given the discretionary nature of KCC 21A.14.185, the Examiner urges the Department to consider in-lieu fees for the WST.
 89. The proposed preliminary plat density is 3.97 units per acre and is required to provide at least 6,240 SF of on-site recreation space *outside of the LOSS*. The Applicant’s proposal includes a single on-site recreation space of 7,128 SF within Tract B, which will include 1,050 SF of play area with a separate tot-lot and swing set, or similar equipment. Exs. D24 – 002 D27 – 011; Condition 14.
 90. A detailed improvement plan for the recreation tract with equipment landscaping, surfacing, etc. is required for submittal, review, and approval by Permitting prior to engineering plan approval. Ex. D27 – 011; KCC 21A.14.180.A; Condition 14.A.

91. The Examiner has added conditions requiring that, prior to recording of the final plat, the recreation facilities be constructed and Permitting confirm that that required recreation area is provided and usable for its intended purposes. Revised/New Conditions 14.D and 14.E.
92. If it is determined during DOH and/or engineering plan review that additional area is required for the LOSS, the recreation space and improvements may have to be relocated. This may result in the reconfiguration and/or loss of lots. Condition 14.C.

Correction of Findings re Fall City II Recreation Space

93. In rendering her report and decision on the Cedar 23 preliminary plat, the Examiner made two Findings on the recreation space in the Fall City II preliminary plat: Findings 69 and 94. At that time, the Examiner understood, and the record did not clearly indicate otherwise, that the Fall City II recreation space would be located overtop of the LOSS (*see* Finding 69) and, on that basis, found that, had she understood that fact at the time of her decision, she would not have approved the Fall City II proposed preliminary plat as currently designed (*see* Finding 94).
94. In this matter, the Examiner learned that the Fall City II recreation space is *not* located overtop the LOSS. Fall City II Tract B contains 28,558 square feet, 23,400 square feet for the LOSS, 5,070 square feet for the required recreation area, and 88 square feet surplus. Thus, the portion of Cedar 23 Finding 69 states that the recreation area for the Fall City II preliminary plat currently is proposed over the LOSS is incorrect. The statement in Finding 94 that the Examiner would not have found that the Fall City II proposed preliminary plat made appropriate provisions for parks and recreation is based on a misconception and is no longer accurate. Ex. A17; March 22, 2023, Report and Decision on Cedar 23 Preliminary Plat Application, DLS file number PLAT 210005; testimony of Maher Joudi.

Schools and Safe Walking Routes

95. Students residing within the Project will be served by Fall City Elementary, Chief Kanim Middle, and Mount Si High Schools, all within Snoqualmie Valley #410 School District. Exs. D27 – 010, D17 – 001.
96. The Applicant has provided a School Walkway Analysis (Walkway Analysis) that identifies the expected travel routes to area schools or bus stops. Staff has reviewed the analysis and determined that the analysis and photographs adequately support a safe school walk route from the Proposal. As explained below, the Examiner does not agree. Exs. D27 – 010, D17.
97. Bus service is available to all three schools. Currently, the bus stops for all three schools are located along 324th Ave. SE to the west of the Property. The Walkway Analysis indicates that students attending Fall City Elementary School will walk along the south side of SR 202, cross 324th Ave. SE and walk south to catch the 37-a.m. school bus at 4013 324th Ave. SE. The 37-p.m. reverses the route to drop the students off after school.

Middle School students choosing to take the bus and students attending Mount Si High School will walk along the south side of SR 202, cross 324th Ave. SE and walk south to catch the 35-a.m. school bus across the street at 4209 324th Ave. SE. The 35-p.m. will reverse the route to drop students off after school. Exs. D27 – 011, D17, P8.

98. Staff and the Applicant opine that although bus service is provided, students attending Chief Kanim Middle School are expected to walk due to proximity. The Walkway Analysis indicates that students who walk to the Middle School will start their walk path within the subdivision, utilizing the proposed sidewalk to approach SR 202. Students will walk out of the subdivision and turn right, heading east on SR 202 where they will use a large grass shoulder and then the bike path on SR 202 to reach the entrance of the school. Exs. D27 – 011, D17.
99. Sustainable Growth, Rachel Shepard, and others argue that there is no safe walking route along SR 202 to Chief Kanim Middle School. Sustainable Growth advises that the School District discourages pedestrian and cyclist access to Chief Kanim Middle School due to the fact that SR 202 is a State Highway with limited pedestrian protections. Ms. Shepard asserts that the School District does not allow pedestrians and bicyclists access to the Middle School. Ms. Kluver states that there is no walkway into the school from SR 202. Ms. Elliott describes the existing condition of the grass shoulder as containing a grass drainage ditch with uneven ground, and he observes that it is not continuous along the walkway to the School entrance. Her observations are confirmed by the photographs contained in Exhibit A10 – 009 through – 011 and P24 – 111 through – 113. She also points out that during much of the school year, students would be walking to school in the dark and that the area commonly experiences dense fog early in the morning, making pedestrian visibility low. The School District confirmed an email correspondence with the Applicant that, while that SR 202 is the most direct, current route available for students to use to walk to school, it does not have any walkway improvements. Exs. P4 – 003, P8, P12 – 002, P16 – P17, P19, A10 – 009 through – 011.
100. In an undated comment letter, the School District advised:

While there is a large grass shoulder leading towards Chief Kanim Middle School along some of the proposed pathway, the absence of that pathway at 32605 Redmond – Fall City Rd. SE is concerning. This section coincides with where car traffic prepares to turn into the school driveway. The potential addition of pedestrian traffic at this intersection, without walkway improvements, presents potential risks to pedestrians walking on the shoulder. The District requests that the developer provide curbed sidewalk access to establish this pathway to accommodate safe walking conditions for the expected increase in pedestrian traffic.

Our largest concern is the lack of an established walking pathway at the entrance to the school. The sidewalks currently serving the school do not begin until after entering the parking lot. As a result, the distance pedestrians walk on the current roadway is not insignificant. Vehicle traffic at school start

and end times it is quite heavy. We have concerns about adding students from the project to this already challenging walking area and sharing a roadway with vehicular traffic. The developer should address this concern as part of the project conditions.

Ms. Shepard testified that the letter is dated March 23, 2022. Exs. A10 – 006, P21 – 001; testimony of Rachel Shepard.

101. As noted above, in order to approve the proposed Mt. Si preliminary plat, the Examiner must find that the Applicant has made appropriate provisions for “sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.” This Examiner has always interpreted this requirement to apply to students who walk to bus stops. The Examiner is not persuaded that current state of the proposed walking route along SR 202 provides a safe walking route, particularly for the elementary – and middle school – aged children.
102. The School District and the Applicant are exploring numerous options including potential access from Lot 11, the corner of Lot 16, or tract D. Each of these would create another important point of entry to School property that would need to be secured during school hours by school staff. In addition, each would have a connection from that access point to Road A. Ex. A10 – 006; testimony of Maher Joudi.
103. In addition, the Applicant has obtained a pedestrian easement through the Arrington Court development adjacent to the west. It provides a 5-foot-wide walkway through the north and east portions of Arrington Court Tract D to the private road within Arrington Court Tract C to provide pedestrian access to the bus stops on 324th Ave. SE. It connects to Mt. Si at approximately proposed Lot 2. The Applicant proposes that the surface through Tract D be a soft surface, which would require a variance from Section 3.09 of the Road Standards. (Section 3.09 requires that the surface be asphalt, concrete sidewalk, or full width delineated shoulder unless another alternative is available and approved by the County Road Engineer through a variance). The Examiner notes that this easement would not have been necessary if the Arrington Court subdivision been designed to provide access to the east. Exs. A10 – 002, A16, D29 – 002; testimony of Robert Fitzmaurice, Maher Joudi, and Huey-yi Sung.
104. The Staff Report explains that Condition 10 (now numbered Condition 11) reflects the fact that the location of bus stops are somewhat fluid and that further analysis of school walkway needs and any required improvements may be required during detailed site engineering review. As described below, the Examiner is not willing to defer the determination of safe walking routes to detailed site engineering review and has revised Condition 11 accordingly. Ex. D27 – 011; Revised Condition 11.

105. Chapter 27.44 KCC requires that an impact fee per lot be imposed to fund school system improvements to serve new development within this district. Payment of this fee in a manner consistent with KCC 27.44.010 is a condition of subdivision approval. The current fee is \$16,203 per single-family dwelling unit. Ex. D27 – 010; Condition 13.
106. Any Finding of Fact which should more properly be considered a Conclusion of Law is hereby adopted as a Conclusion of Law.

CONCLUSIONS:

1. Any Conclusion of Law which should more properly be considered a Finding of Fact is hereby adopted as a Finding of Fact.
2. The proposed cul-de-sac and private access tract (Tract C) do not make appropriate provisions for safety and general welfare and streets or roads. To allow passage of by an emergency vehicle and parking on one side of the street, the road serving Lots 4 through 13 must have a width from a curb to curb of 28 feet.
3. The proposed “safe” walking route along SR 202 does not assure safe walking conditions for students who walk to and from school or school bus stops. The Arrington Court development to the west does.
4. The Examiner has no authority over the design of a LOSS. Through Chapter 70A.115 RCW the legislature established this authority in the Department of Health. Based on DOH’s Notice to Proceed to Environmental Review, Exhibit D20, Condition 17 which requires final DOH approval of the LOSS prior to recording of the final plat, and the Examiner’s retention of jurisdiction in the event DOH denies the LOSS design, the Examiner concludes that appropriate provision has been made for sanitary wastes.
5. The purpose of Chapter 365-196 WAC is to provide criteria to assist counties and cities in adopting comprehensive plans that satisfy the Growth Management Act (GMA) requirements and development regulations that implement those plans. WAC 365-196-020, 365-196-030(4). Development regulations do not include decisions on project permit applications such the proposed Mt. Si preliminary plat. WAC 365-196-200(8), RCW 36.70B.020(4). WAC 365-196-425 in particular guides the development of the rural element of a comprehensive plan. Again, it does not apply directly to individual projects such as the subject preliminary plat.
6. Similarly, counties and cities are to include best available science in developing policies and development regulations to protect the functions and values of critical areas, including a critical aquifer recharge areas. Best available science does not apply directly to individual projects review. RCW 36.70A.172.
7. Further, during Project review, applicable development regulations are determinative of the type of land use permitted at the site. RCW 36.70B.030(2)(a). It is true that, in the absence of applicable development regulations, the local government may consider

appropriate elements of the comprehensive plan adopted under the GMA to determine the type of land use, level of development and characteristics of the development, among other things. RCW 36.70B.030(1), 36.70B.040(1). However, that is not the case here. The King County Council has designated the Property (as well as the other Taylor Development entities' plats) R – 4. The Examiner has no authority to change the zoning designation. The King County Council has adopted specific density requirements for the Fall City Rural Town and has chosen not to adopt other regulations many of those submitting written or oral comments would prefer. Finally, even assuming there were an inconsistency between the zoning and the King County Comprehensive Plan, a specific zoning ordinance prevails over an inconsistent comprehensive plan. *Citizens for Mount Vernon V. City of Mount Vernon*, 133 Wn. 2d 861, 873, 947 2nd 1208 (1997).

8. The Examiner has no authority to require the Applicant to contribute to the west side trail.
9. The Examiner has no authority to require the Fall City Water District to update its Comprehensive Plan or Wellhead Protection Plan or to place the Mt. Si preliminary plat on hold until it does so.
10. The proposed preliminary plat, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R – 4 zoning regulations for the Rural Town of Fall City.
11. If approved subject to the conditions below, the proposed preliminary plat will make appropriate provisions for the topical items enumerated within RCW 58.17.110, and will serve the public health, safety and welfare, and the public use and interest.
12. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.
13. The proposed subdivision, as conditioned below, would conform to applicable land use controls. In particular, the proposed type of development and overall density are specifically permitted under the R – 4 zone.

DECISION:

1. The preliminary plat Mt. Si is approved subject to the following conditions of approval.
2. The plat configuration shall be developed in substantial conformance with the preliminary drawings dated February 5, 2021 (Exhibit D4).
3. Compliance with all platting provisions of Title 19A of the King County Code (KCC).
4. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.

5. The plat shall comply with the density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of DLS – Permitting in accordance with KCC 19A.12.030.

Any/all plat boundary discrepancies shall be resolved to the satisfaction of DLS-Permitting prior to the submittal of the engineering plans. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary, or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title. Note this may result in the reconfiguration and/or loss of lot(s).

6. All construction and upgrading of public and private roads shall be done in accordance with the 2016 King County Road Design and Construction Standards (KCRDCS) established and adopted by Ordinance 18420, as amended.
7. The applicant must obtain the approval of the King County Deputy Fire Marshal for the adequacy of the fire hydrant, water main, and fire flow standards of KCC Chapter 17.08. Any future residences are required to be sprinklered unless otherwise approved by the King County Fire Marshal or designee.
8. Compliance with the requirements of approval from the King County Fire Marshal may require wider roadway sections than are called for in the KCRDCS.
9. Final plat approval shall require full compliance with the drainage provisions set forth in KCC Chapter 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC Chapter 9.04 and the 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
 - A. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by DLS- Permitting approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DLS - Permitting Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # (DLS – Permitting-issued plan record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. This

plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.

- D. The site is within the mapped Conservation Flow Control and Basic Water Quality Areas. A full drainage review is required demonstrating compliance with all nine (9) core requirements and all five (5) special requirements of the KCSWDM. Level 2 Flow Control is required for the on-site basin.
 - E. The Flow Control and Water Quality Facilities shall meet the design requirements of the KCSWDM. The Facilities shall be shown on the final engineering plans and documented in the Technical Information Report (TIR) to demonstrate compliance with the KCSWDM.
 - F. To implement the required Best Management Practices (BMPs), the final engineering plans and TIR shall clearly demonstrate compliance with all applicable design standards. The requirements for BMPs are outlined in the KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.

The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.
 - G. The project is located within a Critical Aquifer Recharge Area and must provide the appropriate measures to protect groundwater as per KCSWDM. These measures may include lining Water Quality and Flow Control Facilities as specified in KCSWDM.
 - H. Retaining walls that are over 4 feet in height measured from the bottom of the footing to the top of the wall shall be designed by a licensed structural engineer.
10. The proposed subdivision shall comply with the KCRDCS, including the following requirements:
- A. The new interior road and the proposed private access tract (Tract C) shall be constructed at a minimum to the urban minor access standard per KCRDCS Section 2.03.
 - B. Joint use driveway tracts (JUD), if any, shall be improved to the JUD standard pursuant to Section 3.01 of the KCRDCS.

- C. Comply with road variance VARR21-0003 and VARR23-0006.
 - D. School access and walkway shall meet the minimum width and surfacing requirements per KCRDCS Sections 3.08 and 3.09.
 - E. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.13 of the 2016 KCRDCS.
 - F. Any work proposed within the SR 202 right-of-way shall require a WSDOT Developer Agreement to allow the developer's contractor to construct improvements within the WSDOT right-of-way. Contact Peter Alm, WSDOT Northwest Region Development Review Engineer at 206-440-4711 for details.
 - G. King County will need a copy of the signed WSDOT Access Connection Permit for the proposed intersection of SR 202 and Road A, prior to approval of the final engineering plans.
11. Given the considerable concern about safe walking routes, the Examiner will retain jurisdiction in the event that, prior to recording of the final plat, the expected routes to schools and/or bus stops are altered from the easement through Arrington Court and the bus stops identified in the original School Walkway Analysis (Exhibits A16 and D17, respectively).
12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. Lots within this subdivision are subject to KCC Chapter 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. If Permitting does not accept a fee in lieu of on-site recreation space, suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
- A. A detailed recreation space plan (i.e., area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS – Permitting concurrent with the submittal of the engineering plans.
 - B. Recreation Tract(s) shall be fenced where adjacent to right-of-way and/or private roadway(s) to alleviate potential conflicts between users of recreation tract and vehicles. Fencing shall be a minimum split rail with landscaping and/or vinyl chain link and shown on the detailed recreation plan.

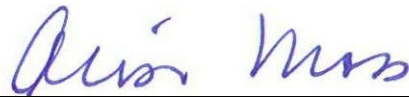
- C. The Applicant shall obtain comments and/or approval(s) of the improvements (i.e., play equipment, benches, landscaping, etc.) proposed within Tract B prior to engineering plan approval. If any recreation improvements pose a conflict with the drainfield area, the recreation space and improvements shall be relocated. This may result in the reconfiguration and/or loss of lots.
 - D. Except as provided in KCC 19A.08.160.B, the recreation space improvements shall be constructed prior to final plat recording.
 - E. Prior to recording of the final plat, the DLS – Permitting shall confirm that that required recreation area will be usable for its intended purposes.
15. A homeowners' association or other workable organization satisfactory to DLS, shall be established and shall provide for the ownership and continued maintenance of the community drainfield, recreation facilities, and private road(s).
 16. Prior to starting any clearing and grading activity, a wildlife survey shall be conducted 2 to 3 weeks prior in order to identify any nests or habitat of species listed in KCC 21A.24.382 and of any active breeding site of any federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not in listed in subsections KCC 21A.24.382 B. through J.
 17. Final Health approval shall be obtained from the Washington State Department of Health for the community drainage field prior to final recording.
 18. If any employee, contractor, subcontractor, etc. believes a cultural resource and/or human remains have been uncovered at any point in the construction of the project, all work in the area must stop and the location be secured (see Chapter 27.44 RCW). The appropriate Tribes, agencies, and authorities (e.g., Snoqualmie Indian Tribe, archaeological consultant, Washington State Department of Archaeology and Historic Preservation, King County Historic Preservation, King County Medical Examiner, King County Sheriff) must be consulted. Work may not resume until all agencies involved have reviewed, made final determinations, and approved resumption of work.
 19. The preliminary plat approval will be valid for 60 months from the date of approval. Pursuant to KCC 19A.12.020, if the associated final plat is not recorded within the time limit provided, preliminary plat approval shall become void.
 20. The subdivision shall conform to KCC Chapter 16.82 relating to grading on private property.
 21. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
 22. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- A. Forest Practice Permit from the Washington State Department of Natural Resources.
 - B. National Pollutant Discharge Elimination System Permit from the Washington State Department of Ecology.
 - C. Water Quality Modification Permit from the Washington State Department of Ecology.
 - D. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.
23. The following note shall be shown on the final recorded plat:

Homes in this Subdivision are served by a Large Onsite Sewage System (LOSS). Washington Department of Health (WDOH) regulations limit the amount of effluent that each home can discharge to the LOSS. TO COMPLY WITH THESE REGULATIONS AND THE SUBDIVISION'S LOSS DESIGN, HOMES WITHIN THIS SUBDIVISION ARE LIMITED TO A MAXIMUM OF THREE (3) BEDROOMS. This restriction runs with the land and may be enforced by the Homeowners' Association, WDOH, or any other agency with jurisdiction. This restriction shall remain in effect until the home is connected to a municipal sewer system or approval is granted in writing by WDOH.

24. Given the considerable concern about the individual LOSS system as well as the potential cumulative impacts of multiple LOS. S systems, the Examiner will retain jurisdiction in the event DOH denies LOSS design.

DATED April 13, 2023.



Alison Moss
King County Hearing Examiner *pro tem*

NOTICE OF RIGHT TO APPEAL

A person appeals this Examiner decision by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's decision.

Prior to the close of business (4:30 p.m.) on *May 8, 2023*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *May 8, 2023*, the Examiner's decision becomes final. If both a timely and sufficient appeal statement and filing fee are filed by *May 8, 2023*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE MARCH 29, 2023, HEARING ON PRELIMINARY PLAT
APPLICATION MT. SI, DEPARTMENT OF LOCAL SERVICES FILE NO.
PLAT210002, PROPOSED ORDINANCE NO. 2023-0049**

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were David Baumgarten, Megan Brocco, Collene Elliott, Robert Fitzmaurice, Carrie Lee Gagnon, Spencer Haynie, David Jensen, Maher Joudi, Brian Lee, Rachel Shepard, Mike Suelzle, and Huey-yi Sung.

The following exhibits were offered and entered into the hearing record by the Department:

Exhibit no. D1	Department of Local Services Staff Report, submitted March 15, 2023
Exhibit no. D2	Land Use Application, received February 23, 2021
Exhibit no. D3	Notice of Application, dated April 15, 2021
Exhibit no. D4	Preliminary Plans, dated February 5, 2021
Exhibit no. D5	SEPA Checklist, dated March 14, 2022
Exhibit no. D6	SEPA Threshold Determination of Non-significance, issued September 22, 2022
Exhibit no. D7	Public Comments
Exhibit no. D8	Applicant's Response to Comments, dated March 18, 2022
Exhibit no. D9	Geotechnical Report, dated February 5, 2021
Exhibit no. D10	Supporting Geotechnical Memo, dated March 1, 2022
Exhibit no. D11	Boundary and Topographic Survey Map, dated February 5, 2021
Exhibit no. D12	Washington Department of Transportation (WSDOT) Comments
Exhibit no. D13	Critical Areas Report, dated January 27, 2021
Exhibit no. D14	Density Calculation Worksheet, received February 23, 2021
Exhibit no. D15	Technical Information Report, dated March 14, 2022
Exhibit no. D16	Traffic Impact Analysis for Fall City Residential Assemblage, dated August 2, 2022
Exhibit no. D17	School Walkway Analysis, dated February 5, 2021
Exhibit no. D18	Certificate of Water Availability, dated March 8, 2023

Exhibit no. D19	Fire District Receipt, dated March 6, 2023
Exhibit no. D20	Septic System Notice to Proceed, dated March 9, 2023
Exhibit no. D21	Wildlife Habitat Assessment, dated January 17, 2023
Exhibit no. D22	Notice of Public Hearing, dated February 24, 2023
Exhibit no. D23	Assessor's Map
Exhibit no. D24	Preliminary Landscape Plans, dated February 5, 2021
Exhibit no. D25	Road Variance VARR21-0003
Exhibit no. D26	Road Variance VARR23-0006
Exhibit no. D27	Revised Department of Local Services Staff Report (exhibit D1), submitted March 16, 2023
Exhibit no. D28	Presentation, submitted March 29, 2023
Exhibit no. D29	Codes Chapter 3, submitted March 29, 2023

The following exhibits were offered and entered into the hearing record by the Applicant:

Exhibit no. A1.	Certificate and Transfer Application Status, from David Bhend, dated August 13, 2023
Exhibit no. A2.	Response to Snoqualmie Indian Tribe, sent January 18, 2023
Exhibit no. A3.	Cultural Resources Assessment, dated September 30, 2021
Exhibit no. A4.	Letter from DAHP, Response_No Effect, dated February 25, 2022
Exhibit no. A5.	Expert Witness List and Qualifications
Exhibit no. A6.	Road Variance Decision VARR21-0003, approved December 9, 2023
Exhibit no. A7.	Revised expert witness list and qualifications
Exhibit no. A8.	Snoqualmie Tribe correspondence, dated March 20, 2023
Exhibit no. A9.	Response to exhibit P6, dated March 22, 2023
Exhibit no. A10.	Response to exhibit P12, dated March 22, 2023
Exhibit no. A11.	Riley Group Hydrogeology letter, dated March 22, 2023
Exhibit no. A12.	Email between Department of Health and Megan Brocco (full email from exhibit P24, page 34), submitted March 29, 2023
Exhibit no. A13.	Email between Department of Health and Megan Brocco (full email from exhibit P24, page 46), submitted March 29, 2023
Exhibit no. A14.	Email, recreation areas, submitted March 29, 2023
Exhibit no. A15.	Email, engineering report, submitted March 29, 2023
Exhibit no. A16.	Email, school easement, submitted March 29, 2023
Exhibit no. A17.	the right number Letter, clarification on conditions in Cedar 23, submitted March 23, 2023
Exhibit no. A18.	Deed restrictions, submitted April 3, 2023
Exhibit no. A19.	Response to exhibit P28, submitted April 3, 2023

The following exhibits were offered and entered into the hearing record by the public:

Exhibit no. P1.	Email, from Diana MacDonald, submitted March 11, 2023
Exhibit no. P2.	Email, from Christina Lathrop, submitted March 9, 2023
Exhibit no. P3.	Video, from Mike Suelzle, submitted March 15, 2023
Exhibit no. P4.	Presentation, from Mike Suelzle, submitted March 15, 2023
Exhibit no. P5.	Presentation, from Rachel Shepard, submitted March 15, 2023

- Exhibit no. P6. Presentation, from Megan Brocco, submitted March 15, 2023
- Exhibit no. P7. Documents, Critical Aquifer Recharge Areas, Wellhead Protection Program, 2016 Fall City Water System Plan, Septic System Impacts on Groundwater Quality, and Wellhead Protection Program Guidance, from Lacey Linney, submitted March 16, 2023
- Exhibit no. P8. Email, from Teresa Kluver, submitted March 16, 2023
- Exhibit no. P9. Documents, Easements, from Megan Brocco, submitted March 16, 2023
- Exhibit no. P10. Documents, LOSS OSS, from Megan Brocco, submitted March 16, 2023
- Exhibit no. P11. Documents, from Megan Brocco, submitted March 16, 2023
- Exhibit no. P12. Email, from Rachel Shepard, submitted March 20, 2023
- Exhibit no. P13. Email, from Carol Killingsworth, submitted March 24, 2023
- Exhibit no. P14. Email, from Suzanne Vieira, submitted March 24, 2023
- Exhibit no. P15. Email, from Rick Stamm, submitted March 24, 2023
- Exhibit no. P16. Email, from Desiree Hart, submitted March 24, 2023
- Exhibit no. P17. Email, from Collene Elliott, submitted March 24, 2023
- Exhibit no. P18. Email, from Doug and Yvonne Vogt, submitted March 24, 2023
- Exhibit no. P19. Email, from Rebecca Miller, submitted March 24, 2023
- Exhibit no. P20. Email and document, from Cindy Parks, submitted March 24, 2023
- Exhibit no. P21. Email, from Ryan Stokes, submitted March 24, 2023
- Exhibit no. P22. Email and document, from Mike Suelzle, submitted March 24, 2023
- Exhibit no. P23. Email, from Kelly Young, submitted March 24, 2023
- Exhibit no. P24. Email and document, from Megan Brocco, submitted March 24, 2023
- Exhibit no. P25. Documents, from Rachel Shepard, submitted March 24, 2023
- Exhibit no. P26. Email, Residential Flow Rates, from Megan Brocco, submitted March 29, 2023
- Exhibit no. P27. Revised presentation (P5), from Rachel Shepard, submitted March 29, 2023
- Exhibit no. P28. Revised presentation (P6), from Megan Brocco, submitted March 29, 2023
- Exhibit no. P29. Email, LOSS between WA Health Department, from Megan Brocco, submitted April 3, 2023
- Exhibit no. P30. Emails (multiple), supporting public testimony, from Megan Brocco, submitted April 3, 2023
- Exhibit no. P31. Email and attachments, supporting public testimony, from Rachel Shepard, submitted April 3, 2023
- Exhibit no. P32. Email, from Jade Rex, submitted March 24 at 6:51 p.m., not entered into the record.*

April 13, 2023

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT210002**
Proposed ordinance no.: **2023-0049**

MT. SI

Preliminary Plat Application

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 13, 2023.



Jessica Oscoy
Office Manager

Anderson, Kris

Baumgarten, David

The Riley Group Inc
Hardcopy

Brocco, Megan

Donaldson, Angela/Jeff

Hardcopy

Elliott, Collene

Escobar, Lisa

Fairchild, Mary

Fitzmaurice, Robert

Taylor Development
Hardcopy

Gagnon, Carrie Lee

Gariepy, Daniel

Department of Local Services

Gordon, Glen/Rebecca

Hardcopy

Hart, Desiree

Haynie, Spencer

Transportation Engineering NorthWest
Hardcopy

Huskinson, Lena/Cory

Jensen, David

Jensen Engineering Inc
Hardcopy

Jones, April

Taylor Development

Joudi, Maher

DR Strong Consulting Engineers Inc
Hardcopy

Killingsworth, Carol

Kliver, Teresa

Hardcopy

Lathrop, Christina

Lee, Brian

Department of Local Services

Linney, Lacy

MacDonald, Diana

Hardcopy

McCarthy, Glenn

Hardcopy

Miller, Rebecca/Dwight

Hardcopy

Morgan, Kassandra

Mt. Si Investments LLC

Nakamura, Corbin

Newton, William

Hardcopy

Noel, Charlotte

Hardcopy

Osbekoff, Adam

Snoqualmie Tribe Enviro and Natural Resources Dept
Hardcopy

Parks, Cindy

Hardcopy

Patterson, Glen

Pedroza, Melani

Metropolitan King County Council

Pursley, Joseph

Department of Local Services

Rex, Jade

Rose, Patricia

Scheffler, Ryan

Department of Local Services

Shepard, Rachel

Stamm, Rick

Hardcopy

Stokes, Ryan

Suelzle, Mike

Hardcopy

Sung, Huey-yi

Department of Local Services

Treisman, Janna/Zack

Hardcopy

Vance, Cory

Vieira, Suzanne

Vogt, Doug/Ivonne

Weber, Joe

Wherlock, Karen
Hardcopy

White, T

Young, Kelly