

December 6, 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

ORDER OF DISMISSAL

SUBJECT: Department of Local Services file no. **CAEX220003**

S 360TH ST AT MILITARY RD S ROUNDABOUT-T&M TRUST
Alteration Exception

Location:

[REDACTED]
Auburn

Appellant:

T&M Trust LLC
represented by **Mark Lamb**
Carney Badley Spellman, P.S.
701 5th Avenue Ste 3600
Seattle, WA 98104
Telephone: (206) 622-8020
Email: mlamb@carneylaw.com

Appellants:

Song and Meesun Cho
[REDACTED]
Federal Way, WA 98003
Telephone: [REDACTED]
Email: [REDACTED]

King County: Department of Local Services
represented by **Stacey Graves**
Department of Local Services
919 SW Grady Way Suite 300
Renton, WA 98057
Telephone: (206) 477-0324
Email: Stacy.graves@kingcounty.gov

In our November 20 notice, we wrote:

On October 5, we issued a notice for a November 17 conference. The notice stated that Local Services would send the Chos and Mr. Lamb a link to the permit files by October 6, a deadline Local Services apparently complied with. We also set November 3 for a deadline for T&M or the Chos to file an amended or updated appeal statement. We were not necessarily expecting an amendment from the Chos, because their initial appeal statement was detailed.

In contrast, T&M's initial appeal statement was that it was waiting on records, and wished to file an amended appeal statement after reviewing those records (i.e., those Local Services ultimately sent on October 6). However, T&M did not file an amendment, either by the November 3 deadline or anytime thereafter. Nor did it notify anyone of the delay and ask to push back the conference until everyone could review its amended appeal statement. Thus, November 17 was essentially not a good use of everyone's time, as there were no T&M appeal issues for anyone to discuss.

We will give T&M one more chance to submit an amended appeal statement, this time by **December 1, 2023**. Email that to hearingexaminer@kingcounty.gov and to the parties listed above. If we do not receive anything by the deadline, we will dismiss T&M's appeal. Mr. Cho is welcome to file an amended appeal statement.

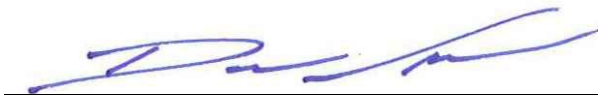
On November 30, we explained that we were pushing back our conference date by closing, in no uncertain terms, with:

As stated in our November 20 notice, the deadline for T&M to submit an amended appeal statement is December 1. We are not changing that deadline.

T&M did not file an amended appeal on December 1 (Friday). Nor did they belatedly file one on Monday or Tuesday or thus far on Wednesday.

We thus **DISMISS** T&M's appeal. We will proceed with the Cho appeal.

DATED December 6, 2023.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

December 6, 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. **CAEX220003**

S 360TH ST AT MILITARY RD S ROUNDABOUT-T&M TRUST

Alteration Exception

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** 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, through Quadiant-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 6, 2023.



Lauren Olson
Legislative Secretary

Cho, Song/Meesun

Hardcopy

Cui, Tracy

Department of Local Services

Graves, Stacey

Department of Local Services

Lamb, Mark

Carney Badley Spellman, P.S.

Hardcopy

Locsin, Ramon

Department of Local Services

Merrell, Katie

Department of Local Services

Peterson, Ty

Department of Local Services

Pursley, Joseph

Department of Local Services

T&M Trust LLC

Hardcopy