August 26, 2022

**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

**REPORT AND DECISION**

SUBJECT: Department of Local Services file no. **TEMP190013**

**BILL MOFFET AND CLAYTON AND CHEYENNE LITTLEJOHN**
Conditional Use Permit Appeal

Location: [redacted] Lake Tapps

Appellants: Bill Moffet and Clayton and Cheyenne Littlejohn
*represented by* **Mary Joy Dingler**
Johns Monroe Mitsunaga Kolousková, PLLC
11201 SE 8th Street Suite 120
Bellevue, WA 98004
Telephone: (425) 467-9970
Email: dingler@jmmklaw.com

King County: Department of Local Services
*represented by* **Jina Kim**
Prosecuting Attorney's Office
King County Courthouse
516 Third Avenue Room W400
Seattle, WA 98104
Telephone: (206) 477-1120
Email: jina.kim@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Clayton and Cheyenne Littlejohn, and their consultant Bill Moffet (Littlejohn) appeal certain permit conditions the Department of Local Services (Local Services) placed on

their temporary use permit (TUP). After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we partly grant and partly deny their appeal.

## Background

2. On March 3, 2022, Local Services granted Littlejohn's TUP to use the property for events, subject to conditions and restrictions. Ex. D1. On March 23, Littlejohn appealed, taking exception with several of these conditions and restrictions.

3. We held a prehearing conference on May 5. In our subsequent hearing notice, among other items we set the exhibit and witness deadlines and framed the appeal issues as whether Local Services erred in:

- limiting events to 52 per year;
- limiting events to once per week;
- requiring setup and cleanup to occur within the 9 a.m. to 10 p.m. allowed hours of operation;
- requiring monthly website calendar updates;
- excluding the gazebo from events without first obtaining a building permit;
- requiring a permit for the axe-throwing area and associated cover.

4. And we specifically addressed neighbor comments, writing that:

> In its TUP, Local Services mentioned receiving neighbor comments during its review process. Local Services should include these as an exhibit. We note, however, that statements offered out-of-court are typically viewed as "hearsay." We typically admit such comments into our record, but they are usually not accorded the same weight as testimony given at a hearing, under oath, and subject to cross-examination.
>
> And unlike certain types of hearings, such as subdivision applications, where there is a public comment period during each hearing, in an appeal like today's the testimony is limited to those witnesses each party (here, Local Services and the Appellant) calls, and exhibits are limited to those each party submit. So, if anyone from the public wishes to testify or add documents relevant to the appeal issues listed directly below, they should coordinate either with Local Services (if generally opposed to one or more of the Appellant's appeal issues) or with the Appellant (if generally supporting one or more of the Appellant's appeal issues) well before the [exhibit and witness] deadline, so the parties can decide what exhibits to submit and who to list as witnesses….

5. Although Local Services listed seven neighbors presumably opposed to Littlejohn's appeal, the only neighbor who appeared at our hearing and offered actual testimony was supportive (discussed below).

6. After reviewing Littlejohn's prehearing materials, Local Services requested a remand so that it could reconsider its decision in light of that new information. While a remand is the avenue we typically choose when the issue requires additional technical studies (like drainage review or conducting a subarea study before adding housing density), these issues seemed less technical and something to tackle within the hearing process.

7. At the hearing, Local Services agreed the axe-throwing area/shelter was not an issue (guests were always excluded from it anyway), and after the appeal Littlejohn agreed to pursue a permit for the gazebo and remove that issue from the appeal. We thus do not further discuss the gazebo or axe-throwing area.

8. We weave the Littlejohn post-hearing submittal and Local Services response into the below analysis. Exs. A21 & D17.

## Decision Criteria

9. Per KCC 21A.44.020, A temporary use permit shall be granted by the county, only if the applicant demonstrates that:

   A. The proposed temporary use will not be materially detrimental to the public welfare;

   B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;

   C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;

   D. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and

   E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

10. The examiner does not grant substantial weight or otherwise accord deference to agency determinations. HER XV.F.3. For those matters or issues raised in an appeal statement, the applicant/appellant bears the burden of proof, by a preponderance of the evidence. KCC 20.22.080.G; HER XV.E.2 & F.1.

## Analysis

*"Event"*

11. Littlejohn correctly notes that the code does not define "events," and cites a case where our Court found a KCC provision unconstitutionally vague for not defining a term. An

examiner is explicitly prohibited from considering claims based on the constitutionality of a County regulation, but Littlejohn has raised this issue for purposes of exhaustion of administrative remedies. HER III.A. And of course, as explained in paragraph 27, for discretionary approvals like temporary use permits, conditional use permits, or variances there is always, by design, more flexibility and fewer bright lines than in other areas of land use. Some level of ambiguity is essentially baked into the system, in the same way that one would be hard-pressed to complain in a tort suit that they could not understand the "reasonable person standard."

12. The County should codify a definition of "events" or, more accurately, put more meat on the bones of what "events" mean in the context of a temporary use permit. (One could imagine very different meanings of "events" outside the TUP context, so a one-size fits all definition of "event" seems ill-suited.) But the working definition the County's Ty Peterson explained—if a fee is charged or the gathering is focused on non-residents, it is an "event"—meshes with what a TUP is attempting to allow and, more importantly, avoid (material detrimental, incompatibility with uses in the immediate vicinity in terms of noise and hours of operation, parking and traffic impacts).

13. Most of those discussed at hearing were clear-cut "events"—weddings, the date night out with dinner and music, corporate events, etc. However, one issue stood out. During the summer Littlejohn host a midweek gathering primarily for neighbors, on which an outside food truck comes and sometime a yoga instructor leads a class. Ex. D15 at 002-03.

14. Mr. Peterson noted that food trucks were "closer to the line," given their lack of treatment in the land use code. He explained that Local Services had not yet worked out how to consistently treat food trucks. He described one example where a neighbor allowed a food truck to park once a week on his property (as opposed to along the roadside), and that seemed a "good solution."

15. Neighbor Sally Burhans testified that she had attended Wednesday food truck nights. She did not always purchase food, but she always appreciated the conversation. She described food truck nights as a "social" for the neighborhood, along with some other folks who might happen to be there. She characterized food truck Wednesdays as a great way to meet new neighbors, build community, and not to have to cook that night. Gathering size was dependent on the weather (heat and rain), but could be as low as 10 or as high as 40. She characterized her neighbors as being anxious (in a positive way) to get food truck nights re-started in the summer.

16. Cheyenne Littlejohn testified that they do not receive any compensation from the food truck (aside from maybe some free French fries) or yoga instructor, and she thought the yoga instructor did not charge (certainly the Littlejohns did not receive anything for the yoga). Wednesdays are aimed at the local community. They sometimes may have up to 60 people on Wednesdays, but some of those simply grab food and go. They agreed they might get some business benefit, if someone saw the venue and thought of it the next time they needed to schedule an event, but Wednesdays are a lot of work for them (set up, breakdown, dog poop cleanup) for which they do not get paid. The main thrust is

community-building and creating goodwill for the neighbors, so neighbors will not get mad at them for their events.

17. The neighbor comments related specifically to Wednesday night gatherings noted that it was a great thing for the community to gather, enjoy each other and gave them a chance to reconnect after difficult [Covid] year, while another praised the food trucks, another noted how many times they had come out partake of the food trucks, another praised the weekly food truck "service." Ex. A9 at 003, 007, 013.

18. It really comes down to perspective.

- One way of looking at it is the food truck is yet another event the neighbors have to bear. It might provide a public benefit, but if, for example, Littlejohn volunteered to host a Seattle Cancer Care Alliance event, free of charge, they would be racking up tons of karma points, but that would still be primarily non-neighbors coming into the neighborhood, with all the attendant burdens on nearby residents.

- The other way of looking at it is somewhat of a makeup. Littlejohn taketh from the neighbors by hosting gatherings geared to people primarily from outside the neighborhood driving into the neighborhood and adding traffic and noise, but then giveth back by hosting, gratis, a neighborhood social for neighbors to gather, meet and converse, and build community.

19. Based on our current record, the more persuasive way to look at it is that the Wednesday socials provide a net benefit to the neighbors, and slightly *lessen* the cumulative impact of Littlejohn hosting events geared to non-neighbors. That does not mean that Local Services could not revisit the issue, and indeed might have to revisit the issue if the rules related to food trucks change. But at this point, those gatherings do not qualify as "events."

20. In their post-hearing brief, Littlejohn asked Local Services about a recent request from Snoqualmie's community center director to hold periodic indoor breakfasts for local officials from North Bend and Snoqualmie to discuss homeless shelter progress. Local Services elected not to respond in its reply. While we do not doubt that such breakfasts would pose a great benefit to the larger community, and while Littlejohn's offer to host those gatherings free of charge is commendable, unlike the Wednesday evening neighborhood socials, those breakfasts would not be gatherings targeted to those in the immediate vicinity but rather predominantly non-neighbors coming into the neighborhood for the occurrence. We address the timing issue below, but those would count as "events."

*Number of Events Per Year and Per Week/Month*

21. By definition a temporary use is not an allowed use. *See* KCC 21A.08.020.B (uses not denoted in the zoning tables are "not allowed in that district, except for certain temporary uses"). And allowing a use which does not conform to the zoning code is "by definition, inimical to the public interest." *Cf. Erickson & Assocs., Inc. v. McLerran*, 123

Wn.2d 864, 873, 872 P.2d 1090 (1994). The entire point of a TUP review is to look at uses *not* otherwise permitted in that zone and determine whether that use "can be made compatible for a period of up to sixty days a year." KCC 21A.32.110.A; KCC 21A.44.020.E. Thus, we do not start from where Littlejohn's argument started—that Local Services needs to justify why it restricted the number or frequency of events—but from Littlejohn needing to show how anything beyond two events per year will not be materially detrimental to the public welfare and will be compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation and safely handling traffic.[1]

22. Mr. Peterson noted that once-per-week was a fairly standard limitation, and gives predictability. He expressed concerns that the Littlejohn-requested five events per week for summer would overwhelm the rural area, especially since summer is the time most neighbors are outside enjoying their own properties. Local Services' Sherri Sabour thought once a week was a sufficient disturbance for the neighbors to experience. But both Ms. Peterson and Ms. Sabour emphasized that the once-per-week was based on Littlejohn not providing an actual schedule for them to review.

23. Cheyenne Littlejohn noted that they have hosted events ranging from 20 up to 200 people. They typically put a 150-person maximum on weddings. They do not allow outdoor amplified music. They monitor the noise with meters.

24. Ms. Littlejohn explained that their website lists a personal phone number for complaints, but the feedback they have gotten has been positive. They had only had to respond to one complaint. That complaint came from Mr. Burhans, who testified that one time she heard something that bothered her. She called Ms. Littlejohn, who explained that, yes, they were hosting an event. Ms. Littlejohn promptly asked the client to turn down the sound, which ended that episode. She appreciated that the Littlejohns were always open to receiving feedback. See also Ex. A10 at 004.

25. Turning to the written record, one comment praised the Littlejohns for keeping the neighbors informed and listening for what the neighbors had to say, while another appreciated the communication, and another appreciated being asked for feedback and input along the way. Ex. A9 at 009 & 011; Ex. D4 at 012. Such out-of-court statements are hearsay, but there is no contrary statements (hearsay or otherwise) to refute this; none of the written neighbor comments (aside from Ms. Burhans) mentioned contacting Littlejohn and expressing any complaints (let alone not having those concerns promptly addressed).

26. As to neighbor comments more globally, our record contains the following. In 2020, we see negative comments from Yolton and from Thomas, as opposed to positive comments from two sets of Andersons, Sletten, and Clotherty/Schwend. In 2021, we see negative comments again from Yolton and Thomas, along with Ciapala/Thompson and Ross, as opposed to positive comments again from both sets of Andersons and Cloherty, but this time adding Durham, Harrison, Pegg, Holyoak, Lobet, Zaloumis, Bybee,

---

[1] KCC 21A.32.110.B exempts two days of otherwise disallowed use from TUP requirements.

Cloherty, Work, Realph, Glore, Akers, and Charbonneau. Our record for 2022 contains only positive comments, and these from one Anderson, along with Delgman, Westerlund, Burhans, and Hanson. Those are all hearsay, and there was no opportunity for us to probe or explore any of the positive or negative comments, but we note that the positive commenters on average appear to be, if anything, *closer* to the site then the negative comments, and thus more in the immediate vicinity. Ex. A20.

27. Unlike many areas zoning law, where something is either allowed or it is not, for discretionary approvals like variances, conditional use permits, and temporary use permits there is flexibility and some level of subjectivity baked into the system. *See* KCC 21A.44.020 (whether temporary use "materially detrimental," "compatible" with the immediate vicinity, and "safe"); KCC 21A.44.030.D (whether variance would be "materially detrimental to the public welfare or is not unduly injurious"); KCC 21A.44.040 (whether conditional use is "compatible with [neighboring] character and appearance," "discourages" other uses, and creates conflicts or hazards). So there is no magic formula that Local Services, or we on review, can point to.

28. Sixty is the maximum number of days *any* events can occur on any property, and weddings are not at the less impactful end of the spectrum. And Littlejohn hosts a lot of weddings. Ex. A21 at 003-006. Littlejohn does not come close to meet its burden of showing that Local Services' limitation to 52 events per year—87% of the maximum—was erroneous.

29. The five events per week Littlejohn originally proposed was patently unreasonable, especially since this would allow the venue to cram all 60 events into the three predictably good months of whether (July-September), the precise time when neighbors are most likely to be outside and thus will most likely be affected by the noise. Their posthearing proposal of three per week or 12 per month is closer to the mark, but it makes no allowance between weekdays or weekends between weddings ending at 10 p.m. and something like a midweek memorial service ending at 7 p.m.

30. We can safely take judicial notice that a wedding is far more likely to have music and revelers (not all of them completely sober) than something like the homeless shelter task force breakfasts discussed above. And events Friday evening, Saturday, and Sunday are the times neighbors would most likely be hosting events themselves, and thus most likely to feel impacts from Littlejohn. Looking at the calendar, for the majority of July-September, neighbors are subjected to two weddings per weekend –meaning, for purposes of this discussion, Friday evening, Saturday, and Sunday– each with a stated end time of 10 p.m. Ex. A21 at 003-05.

31. So our concern is not so much with three events per week but with the number of times per month neighbors must face the one-two punch of multiple events on a given weekend. Littlejohn need not cancel any events they can show were booked prior to today, but moving forward we limit events to three per week, with every other weekend having no more than one weekend event. That is obviously a non-negligible impact on Littlejohn, but looking at their July-October calendar for this year, we count 30 weekend events, 25 of which would be just fine, while providing some predictability to neighbors.

*Event Duration*

32. In our noise cases, we have drawn a stark distinction between nighttime and daytime noise. The County noise code, KCC chapter 12.86, makes numerous daytime v. nighttime distinctions.[2] That the timing of a noise matters significantly is not controversial, nor new. For example, in one pre-Civil War noise case, the court stated that, "The peace of Sunday may be disturbed by acts which, on other days, cannot be complained of." *Commonwealth v. Jendell*, 2 Grant 506, 509 (Pa. 1859). Replace "Sunday" with "midnight" and replace "on other days" with "at noon," and that proposition remains true 163 years later. One's right to make nighttime noise "must be limited by the right of the neighbors in the area to be free of disturbing noises during normal sleeping hours." *Altman v. Ryan*, 435 Pa. 401, 407, 257 A.2d 583, 605 (1969). This day/night distinction is especially true when it comes to how long (duration-wise) noise must occur to create a problem. At night, whether a noise lasts six seconds or sixty seconds or six minutes or sixty minutes is somewhat irrelevant; if the noise wakes someone up from sleep, even quickly suppressing the noise after each episode is like locking the barn door after the horse is gone—the damage is already done.

33. What the noise code really provides us is a clear, objective line for how late or early is too late or too early, or what "normal sleeping hours" are. Instead of wildly swinging the hours according to the calendar—we take judicial notice that in Seattle the sun sets by 4:20 p.m. around the winter solstice and rises by 5:10 a.m. around the summer solstice—the noise code essentially defines for King County residents what qualifies as "nighttime" noise: after 10 p.m. any day, and then before 7 a.m. on weekdays and before 9 a.m. on weekends.

34. Thus, we went into the hearing thinking that Local Services' restriction was eminently reasonable, and in fact absolutely necessary. As we framed the issue in our mind, setup would involve caterers and bands coming to the site and hauling in and setting up equipment prior to 9 a.m., and then breaking them down and then driving off after 10 p.m., with all that clatter—and especially, the warning noise a truck in reverse makes—being emitted during nighttime hours. And as Mr. Peterson noted taking down a venue after 10 p.m. can be very disturbing to the neighborhood.

35. But that is not what the record shows. Ms. Littlejohn stated that the pre-9 a.m. set up involved brides and bridesmaids coming into start preparing. While the weddings are often outside, they bring chairs back inside for the reception, so not a lot is going outside later in the evening. Caterers bring their own stuff on site, but once dinner is done they leave, typically by 8 p.m. or so. All the music comes inside and all the tables are inside prior to 10 p.m. Cleanup typically involves 5 to 10 people from the wedding party who stay behind, sometimes assisted by the Littlejohns. They break down (indoors) tables and

---

[2] KCC chapter 12.86 lists numerous sounds exempt from noise code limitations between 7:00 a.m. (9:00 a.m. on weekends) and 10:00 p.m. KCC 12.86.510. "The hour of the day at which the sound occurs may be a factor in determining reasonableness." KCC 12.86.410.A. Although decibels are not determinative, from 10 p.m. and 7:00 a.m. (9:00 a.m. on weekends) the maximum permissible sound levels are reduced by ten decibels. KCC 12.86.120.A. Ten decibels may not seem like much; however, reducing the decibel level by 10 dBs halves the perceived loudness. http://www.siue.edu/~gengel/ece476WebStuff/SPL.pdf.

chairs and put them back on the carts. The only neighbor comment related to before/afterhours noise was that setup/cleanup had not caused any noise or inconvenience. Ex. A10 at 003.

36. We agree with Local Services that 10 p.m. should typically, perhaps almost always, be a hard deadline for anything event-related. But here the only evidence in our record about set up/takedown involves a handful of people doing some things indoors. There is not, as we had assumed, outdoor takedown occurring on, or commercial vehicles leaving, the property after 10 p.m. Absent more information, that seems materially different from the noise and bustle generated by the event itself or by moving things around outside, and it does not seem materially detrimental or incompatible with neighbors quiet enjoyment of nighttime hours. Ms. Sabour noted that they had received complaints about events, but none detailed hours of operation or mentioned set up/takedown. Given the facts in our record, this seems one scenario where the normal presumption is not applicable. Local Services is free to revisit that topic, like other topics, if future experience shows that setup/take down is having a major impact.

37. And that brings us back to the 7 a.m. to 9 a.m. weekday homeless shelter discussion breakfasts discussed above. Littlejohn is correct that a 7 a.m. week*day* start would be allowed under the noise code yet prohibited by the TUP. The noise code unambiguously sets 7 a.m. as the weekday threshold, yet the TUP takes the 9 a.m. start time the noise code reserves for weekends and applies it to all seven days of the week. In its reply brief, Local Services did not respond to Littlejohn's request. The TUP itself noted that, "To reduce the noise impact, maintain compatibility in a rural area, and to be consistent with the King County Noise Code hours of events will be limited from 9 a.m. – 10 p.m." Ex. D1 at 007, D.3. Unless we are missing something (and Local Services may clarify), given the County-wide expectation the noise code sets for what counts as quiet hours, we are not clear why Local Services applied the 9 a.m. weekend restriction to weekdays. While such weekday breakfasts qualify as "events," as noted above, we do not see why there should be a bar to such 7 a.m. weekday breakfasts.

*Monthly Calendar*

38. Littlejohn asserted that they should not have to post an online calendar and forward a link to Local Services monthly. This was always the weakest portion of Littlejohn's appeal. As Mr. Peterson noted, neighbors should be able to see what is happening and when, so the neighbors can adjust their schedules. That makes complete sense. If neighbors want to host friends for back deck dinners, it will reduce conflicts if they can figure out which evenings are likely to have music and noise. It also makes sense from a regulatory perspective; if Local Services gets a complaint, Local Services should be able to quickly verify if there was something scheduled or not. And compared to all the more onerous ongoing requirements, like traffic control or noise metering, a few minutes updating and posting a calendar seems relatively innocuous. One neighbor specifically requested being informed of what events are being planned. Ex. D9 at 001.

39. Littlejohn—or any other applicant—should err on the side of over-including items on the calendar. So, for example, as discussed above, we do not find that (at this point) the

neighborly summer food truck Wednesdays qualify as an "event." Yet adding this to the calendar both allows neighbors to plan according and allows Local Services to more efficiently resolve future disputes.

DECISION:

1. We partially grant and partially deny the appeal.

2. Events are limited to 52 per year.

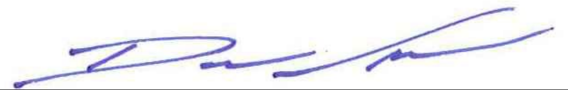
3. Events are limited to three per week, with every other weekend having no more than one event Friday evening through Sunday.

4. Absent further information, the type of setup/cleanup described above may occur one hour before or one hour after the event start time.

5. Absent further information, Littlejohn may host weekday events covering the 7 a.m. to 9 a.m. timeframe.

6. Littlejohn must update their website calendar with all scheduled events for each month, including type, size, time, and date, and forward this link to Local Services before the first of each month preceding events. Although, food truck Wednesdays currently do not qualify as events, these should be listed on the calendar.

ORDERED August 26, 2022.



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.

**MINUTES OF THE JUNE 28, 2022, HEARING IN THE APPEAL OF BILL MOFFET AND CLAYTON AND CHEYENNE LITTLEJOHN, DEPARTMENT OF LOCAL SERVICES FILE NO. TEMP190013**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Sally Burhans, Mary Dingler, Jina Kim, Cheyenne and Clayton Littlejohn, Bill Moffett, Ty Peterson, Chris Ricketts, and Sherie Sabour. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

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

| | |
|---|---|
| Exhibit no. D1 | Temporary Use Permit (TUP) Report and Decision, dated March 3, 2022 |
| Exhibit no. D2 | Notice and statement of appeal, received March 24, 2022 |
| Exhibit no. D3 | Notice of Application and site plan, mailed on December 9, 2019 |
| Exhibit no. D4 | Public comments, received during first comment period |
| Exhibit no. D5 | Site Plan submitted with the building file No. DWEL18-0132 |
| Exhibit no. D6 | Email from Stacy Graves to Littlejohn regarding revisions to building permit, dated September 11, 2019 |
| Exhibit no. D7 | Littlejohn Response to request for additional information, dated September 13, 2021 |
| Exhibit no. D8 | Revised notice of application and site plan, mailed on October 5, 2021 |
| Exhibit no. D9 | Public comments, received during second comment period |
| Exhibit no. D10 | KCDLS Road and Traffic review comments |
| Exhibit no. D11 | Level one Traffic Impact Analysis, received September 15, 2021 |
| Exhibit no. D12 | Comment from King Conservation District (KCD) regarding Farm Plan |
| Exhibit no. D13 | Littlejohn 2018 KCD Farm Conservation Plan |
| Exhibit no. D14 | Email from Bill Moffet to Sherie Sabour, received February 3, 2022 |
| Exhibit no. D15 | Examples of events promoted on the North Fork Farm Events website at https://northforkfarmevents.com/ |
| Exhibit no. D16 | Response to Appellants' Prehearing Brief, submitted June 21, 2022 |
| Exhibit no. D17 | Response to Appellants' calendar of events, submitted August 12, 2022 |

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

| | |
|---|---|
| Exhibit no. A1. | Zoning Maps and Farm Conservation Plan |
| Exhibit no. A2. | Approval and Site Plans DWEL18-0132 |
| Exhibit no. A3. | Site Plan and File History RESS19-008 |
| Exhibit no. A4. | Email Correspondence with County |
| Exhibit no. A5. | Occupancy Inspection, dated October 28, 2019 |
| Exhibit no. A6. | File History TEMP19-0013 |
| Exhibit no. A7. | Letter from Sherie Sabour, dated January 17, 2020 |
| Exhibit no. A8. | Revised Site Plan RESS19-0008 |
| Exhibit no. A9. | 2021 Neighborhood Support Letters |
| Exhibit no. A10. | 2022 Appeal Neighborhood Support Letters |

Exhibit no. A11. Notice of Code Violation, dated June 10, 2021
Exhibit no. A12. Approved Revised Site Plans RESS19-0008
Exhibit no. A13. Littlejohn TUP Narrative and Worksheet
Exhibit no. A14. Approval of TUP with Conditions, dated March 3, 2022
Exhibit no. A15. Photograph of Gazebo
Exhibit no. A16. Photograph of Axe-Throwing Area and Portable Roof
Exhibit no. A17a Appellants' Prehearing Brief, submitted June 14, 2022
Exhibit no. A17. Map of Appellant property to Rockwood Farms
Exhibit no. A18. Rockwood Farms Website Excerpts
Exhibit no. A19. Rockwood Farm Articles
Exhibit no. A20. Map of neighborhood and comments
Exhibit no. A21. Calendar of Events, submitted July 26, 2022

August 26, 2022

**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. **TEMP190013**

**BILL MOFFET AND CLAYTON AND CHEYENNE LITTLEJOHN**
Conditional Use Permit Appeal

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 August 26, 2022.

Jessica Oscoy
Office Manager

**Anderson, Ed/Kristine**

**Anderson, Ingrid/Eric**

**Burhans, Sally**
Hardcopy

**Carnell, Darren**
Prosecuting Attorney's Office

**Ciapala, Elizabeth**

**Cloherty, Steven**

**Dingler, Mary Joy**
Johns Monroe Mitsunaga Kolousková, PLLC
Hardcopy

**Eichelsdoerfer, Robert**
Department of Local Services

**Kim, Jina**
Prosecuting Attorney's Office

**Kolousková, Duana**
Johns Monroe Mitsunaga Kolousková, PLLC
Hardcopy

**Littlejohn, ClaytonCheyenne**
Hardcopy

**Lu, Rudy**

**Mirro, Jason**

**Moffet, Bill**
Hardcopy

**Moran, Linda**

**Peterson, Ty**
Department of Local Services

**Ricketts, Chris**
Department of Local Services

**Ross, Ben/Chris**

**Sabour, Sherie**
Department of Local Services

**Schneider, Lynn**
Public Health-Environmental Health

**Sletten, Bryan**

**Thomas, Nancy/Howard**

**Yolton, James**