

June 25, 2019

**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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CLARIFICATION OF RECOMMENDATION AND DECISIONS**

SUBJECT: Department of Local Services file nos. **PLAT17-0004, LUT4170001, SHOR170008**  
Proposed ordinance nos.: **2019-0129, 2019-0130**

**RESERVE AT COVINGTON CREEK**

Preliminary Plat Application  
Rezone Application  
Shoreline Substantial Development Permit

Location: 219th Avenue SE and SE 296th Place, Black Diamond and Covington

Applicant: Cal Atlantic/Lennar NW  
*represented by* **Brian Nguyen**  
33455 6th Avenue South  
Federal Way, WA 98003  
Telephone: (253) 590-2217  
Email: [brian.nguyen@lennar.com](mailto:brian.nguyen@lennar.com)

King County: Department of Local Services  
*represented by* **Kimberly Claussen**  
35030 SE Douglas Street Suite 210  
Snoqualmie, WA 98065  
Telephone: (206) 477-0329  
Email: [kimberly.claussen@kingcounty.gov](mailto:kimberly.claussen@kingcounty.gov)

King County Department of Local Services, Permitting Division, requested clarification of the Recommendation and Decisions. The request is granted.

On the shoreline permit appeals question, that is correct, the Shoreline Substantial Development Permit is appealable to the Washington State Shorelines Hearings Board, rather than the King County Council. The correct appeal language is:

**Shoreline Substantial Development Permit**

This decision may be appealed to the State Shorelines Hearings Board. Requests for review are governed by RCW 90.58.180 and Chapter 461-08 WAC. More detailed information on appeal procedures may be obtained from the Shorelines Hearings Board at (360) 664-9160 or at <http://www.cho.wa.gov/>.

The statement on page 6(d) ("[h]aving an ILA is not a prerequisite for coordination or imposing mitigation, although the mitigation may be more limited in its absence"), does not suggest that mitigation can be imposed if legal requirements are not met, including in situations where an interlocal agreement is necessary.

DATED June 25, 2019.



Susan Drummond  
Hearing Examiner pro tem

SD/vsm

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**CERTIFICATE OF SERVICE**

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I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **CLARIFICATION OF RECOMMENDATION AND DECISIONS** 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 June 25, 2019.



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Jessica Oscoy  
Legislative Secretary

**Barghausen, Thomas**

Barghausen Consulting Engineers  
Hardcopy

**Boettcher, Seth**

City of Black Diamond  
Hardcopy

**Bottheim, Steve**

Department of Local Services

**Buxton, Robin**

Hardcopy

**Carlson, Joanne**

Department of Local Services

**Casey, Laura**

Department of Local Services

**Claussen, Kimberly**

Department of Local Services

**Croppi, Rena**

Hardcopy

**Eichelsdoerfer, Robert**

Department of Local Services

**Goll, Shirley**

Department of Local Services

**Huey, Michael**

CalAtlantic Homes  
Hardcopy

**Hughes, Ben**

Department of Local Services

**Jones, Kevin**

Transpo Group  
Hardcopy

**Morris, Michelle**

**Mountain View Fire District**

Hardcopy

**Murphy, Michael**

Department of Natural Resources and Parks

**Newman, George**

Barghausen Consulting Engineers

**Nguyen, Brian**

CalAtlantic/Lennar NW  
Hardcopy

**Pedroza, Melani**

Metropolitan King County Council

**Roberge, Steve**

Department of Local Services

**Schermetzler, Tim**

Chmelik Sitkin & Davis PS  
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**Simmons, Pat**

Department of Local Services

**Sitkin, Jon**

Chmelik Sitkin & Davis PS  
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**Smith, Greg**

Mountain View Fire District

**Sullivan, Ruth**

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**Talich, Carla**

BHC Consultants  
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**Taylor, Joni**

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**Thomas, Kevin**

Oakpointe Land Covington LLC  
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**Walter, Karen**

Muckleshoot Indian Tribe Fisheries Division  
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**Webb, Megan**

Department of Natural Resources and Parks