

April 9, 2021

**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. **PLAT190003**
Proposed ordinance no.: **2021-0076**

LEARY FLOYD ASSEMBLAGE

Preliminary Plat Application

Location:

[REDACTED] Sammamish

Applicant:

Toll Brothers, Inc
represented by Jay Derr
Van Ness Feldman
1191 Second Avenue Suite 1800
Seattle, WA 98101
Telephone: (206) 623-9372
Email: jpd@vnf.com

Appellants:

Shishir Abhyanker and Shipra Kulkarni
[REDACTED]
Sammamish, WA 98074
Email: [REDACTED]

Appellant:

Abinash Das
[REDACTED]
Sammamish, WA 98074
Email: [REDACTED]

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

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 conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	3/26/2021
Hearing Closed:	3/26/2021

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.

1. Except as modified herein, the facts set forth in the Department of Local Services, Permitting Division (Permitting Division) report to the Examiner (Ex. D1) and testimony of Permitting Division staff are found to be correct and are incorporated herein by reference.

FINDINGS OF FACT:

Overview

2. The proposal is a 17-lot plat (Project) on three parcels totaling 4.87 acres (after completion of a boundary line adjustment (BLA)) in the R-4 zone (Property). The Property is located in the Swan Ridge Potential Annexation Area for the City of Sammamish. Testimony of Jeff Peterson. The area was formerly rural, but is in the process being developed and built out to its intended and planned density. The Permitting Division recommends approval, with conditions.
3. Two adjacent neighbors, Abinash Das and Shishir Abhyanker, actively participated at the March 26, 2021 hearing and provided informed perspectives on a wide variety of topics including density, neighborhood character, aesthetics and privacy; critical areas and wildlife usage of the Property; drainage and flooding; and concerns about impacts related to the proposed access tract/joint use driveway serving Lots 16 and 17. The Examiner addresses many of these topics in her companion decision denying their appeals of the

threshold Determination of Non-Significance (Decision Denying SEPA appeal). The DNS and appeals are found in Exs. D4 and D20, respectively.

4. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the arguments and the relevant law, the Examiner approves the preliminary plat.
5. As required by KCC 20.44.120.B, the Examiner consolidated the SEPA appeal with the public hearing on the preliminary plat. A Revised Pre-Hearing Order and Notice of Consolidated Video/Telephonic Hearings (Pre-Hearing Order) was sent to parties and interested persons on March 2, 2021. The consolidated hearings were conducted via ZOOM and telephone on March 26, 2021. The Examiner included in the records for both the SEPA appeal and the preliminary plat all of the testimony offered and exhibits entered at the consolidated hearing.

Density/Neighborhood Character

6. The area immediately east, north, and south of the Project is zoned R-4 and developed with single family residences. Ex. D1-003-004.
7. The proposed plat includes 17 lots. The average lot size is 3,675 square feet and the density 3.49 dwelling units/acre. Ex. T8-002. The lot sizes and density are consistent with the King County Code (KCC or Code) and neighborhood character. KCC 21A.12.080.A; Exs. D1-004, D16; testimony of Kim Claussen and Jeff Peterson. *See also* the Examiner's Decision Denying SEPA appeal.

Safe Walking Conditions

8. To approve a preliminary plat, the Examiner must find that appropriate provisions are made for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. RCW 58.17.110; KCC 20.22.180.A. This Examiner has consistently found that this requirement applies not only to students who walk the entire route to school, but also those who walk to school bus stops.
9. The Lake Washington School District has indicated that students from the Project will have access to bus service to Rachel Carson Elementary, Engelwood Middle, and Lake Washington High Schools. An existing bus stop is currently located at 244th Ave. NE/NE 18th St. Ex. D1-007. The School District evaluates bus stops annually as student transportation needs change. Testimony of Jeff Peterson.
10. The Applicant has also analyzed walking routes to the elementary and middle schools and the current bus stop. The walking routes are shown on Ex. D9-002 and depicted in Ex. D9-099-116. The distance to the elementary school is less than 1 mile; with the provision of the pedestrian trail from Tract B to Tract D, the distance to the middle school is likely less than 1 mile. Ex. T10-001; testimony of Jeff Peterson. The Examiner

finds that provisions have been made for planning features that assure safe walking conditions for students who may walk to and from school.

Downstream Flooding

11. Neighbors Das and Abhyanker expressed concerns regarding flooding downstream from the Allen Lake Outlet Channel in the vicinity of NE 8th. They cite a passage from a 2017 Technical Memorandum from the WLR Division that states, “runoff from development is still greater than forested conditions, thus are contributing more flow than if the drainage area to Allen Lake was fully forested.” Testimony of Shishir Abhyanker; Exs. A2.3, A4-003. That Technical Memorandum goes on to state “[t]his is not surprising given the fact that most of the development was approved under older runoff control standards that are not as effective as modern standards.”
12. The Project is not comparable to the older developments referenced in the Technical Memorandum. As found in the Decision Denying SEPA appeal, it will use the most stringent standard in the Surface Water Design Manual (SWDM). All Lots are modeled as if they are fully forested in their existing conditions, which, of course, they are not. Ex. T8- 014; testimony of Ed McCarthy. In addition, Lots 16 and 17 will achieve full dispersion, which is equivalent to the lots remaining in a fully forested state. With the proposed Project’s on-site flow control mitigation, peak flow rates from the developed site will actually be reduced compared to both actual existing and fully forested conditions. Ex. D12-001; testimony of Maher Joudi and Ed McCarthy.
13. In addition, over the past 5 to 7 years, King County has been implementing measures to increase hydraulic capacity and reduce flooding in the upper reach of the Allen Lake Outlet Channel. Ex. D13-003; testimony of Ed McCarthy.

Wildlife

14. Neighbors Das and Abhyanker and others commented in writing as well as testimony that many species have been observed in the area, including hawks, bear, cougar, deer, bobcat, pileated woodpeckers, raccoons, and coyotes. Exs. D17-002; A2.4; testimony of Abinash Das.
15. Raedeke Associates, Inc. visited the site more than 15 times over the period 2018–2020, with each site visit lasting 4 to 8 hours and some occurring in the early morning hours specifically to observe pileated woodpeckers. Personnel observed some woodpecker forage; however, most species observed or for which signs were observed are transient. The buffer averaging plan and trees to be planted between Lots 16 and 17 and Wetland C will improve habitat. Ex. D10C; testimony of Kolton Koters.

CONCLUSIONS:

1. 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.
2. If approved subject to the conditions below, the proposed subdivision 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.
3. The conditions for final plat approval set forth below are reasonable requirements and in the public interest.

DECISION:

The preliminary plat Leary Floyd Assemblage is **approved** subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code (KCC).
2. 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.
 - A. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall be the larger of the minimum dimensional requirements of the R-4 zone classification or those shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Permitting Division.
 - B. Any/all plat boundary discrepancies shall be resolved to the satisfaction of the Permitting Division prior to the submittal of the final plat documents. As used in this condition, “discrepancy” is a boundary hiatus, an overlapping boundary, or a physical appurtenance that indicates an encroachment, lines of possession, or a conflict of title.
 - C. A boundary line adjustment shall be submitted for review and approval by the Permitting Division prior to engineering plan approval. The boundary line adjustment shall be recorded prior to final plat submittal.
3. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Design and Construction Standards established and adopted by Ordinance No. 18420, as amended (2016 KCRDCS).

4. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of KCC Chapter 17.08.
 - A. Any future residences are required to be sprinklered unless otherwise approved by the King County Fire Marshal or designee

5. 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 that represent portions of the drainage requirements. All other applicable requirements in KCC Chapter 9.04 and the 2016 King County Surface Water Design Manual (2016 SWDM) must also be satisfied during engineering and final review.
 - A. Drainage plans and analysis shall comply with the 2016 SWDM for full drainage review and applicable updates adopted by King County. A Level 3 Downstream Drainage Analysis and Floodplain study shall be included in the TIR. Permitting Division approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by Permitting Division 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 # _____ on file with the Permitting Division and/or the 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.”
 - D. The drainage facilities shall meet the requirements of the 2016 SWDM. The site is subject to the Conservation Flow Control and Basic Water Quality Requirements of the 2016 SWDM.
 - E. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and TIR shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Section 1.2.9 of the 2016 SWDM. 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.

6. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
 - A. Frontage: NE 18th Street shall be improved at a minimum to the urban sub-collector street standard, per Chapter 2 of the 2016 KCRDCS, including adequate right-of-way dedication for the improvements.
 - B. Internal road, Road A, shall be improved at a minimum to the urban minor access street standard per Chapter 2 of the 2016 KCRDCS.
 - C. Private Access Tracts (PAT) and Joint Use Driveway (JUD) tracts, if any, shall be improved to the PAT and/or JUD standard per Sections 2.09 and 3.01 of the 2016 KCRDCS and 2016 SWDM. Notes regarding ownership and maintenance of the private access tracts and/or joint use driveways shall be shown on the final plat.
 - D. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.13 of the 2016 KCRDCS.
7. Compliance with the requirements of approval from the King County Fire Marshal may require wider roadway sections than are called for in the 2016 KCRDCS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
9. 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 among the dwelling units in the plat and shall be collected prior to building permit issuance.
10. A homeowners' association (HOA) or other workable organization satisfactory to the Permitting Division shall be established and shall provide for the ownership and continued maintenance of the recreation tract(s). An easement shall be provided to King County over the recreation tract for access and maintenance of the storm water facilities or as needed by the 2016 SWDM.

11. 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., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by the Permitting Division and King County Parks prior to or concurrent with the submittal of engineering plans. The plans must include additional recreation facilities per KCC 21A.14.180.E, fencing, and landscaping along the road perimeter to alleviate potential conflicts between users of recreation tract and vehicles.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. Street trees shall be provided as follows (per 2016 KCRDCS 5.03 and KCC 21A.16.050):
 - A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009-5-013 of the 2016 KCRDCS, unless King County Road Services Division determines that trees should not be located in the street right-of-way.
 - C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowner's association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the engineering plans and final recorded plat.
 - E. The species of trees shall be approved by the Permitting Division if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by the Permitting Division prior to engineering plan approval.
 - G. The street trees must be installed and inspected, or a performance bond posted, prior to recording the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. After one year,

the maintenance bond may be released after Permitting Division has completed a second inspection and determined that the trees have been kept healthy and thriving.

13. To implement KCC 16.82.156, which applies to the site, a detailed significant tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 16.82.156. No clearing of the subject property is permitted until the final tree retention plan is approved by the Permitting Division. Flagging and temporary fencing of trees to be retained shall be provided. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots and HOA. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

14. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC Chapter 21A.24 shall also be addressed by the applicant:
 - A. Wetlands and aquatic areas on site shall be protected from future clearing, grading, and construction with adjacent upland buffers. The buffer for Wetland B is 75 feet wide, for Wetland C the buffer is 125 feet wide. Allen Lake outlet channel/type F aquatic area shall be protected with a 165-foot buffer.
 - B. Buffer averaging is allowed to reduce these buffers where necessary for stormwater facilities and to provide equivalent area of buffer on site. The currently proposed buffer averaging plan reduces the buffer by 8,016 square feet and increases it elsewhere on 8,341 square feet. This buffer averaging plan increases the total forested area within the buffer and provides greater habitat function. Areas of buffer enhancement and conifer enhancement are proposed. *See also* Condition 17.
 - C. The project may propose a connecting soft-surface narrow pedestrian trail between the southerly two lots and the northern lots, at the western edge of the critical areas tract. Additional buffer enhancement is required for the pedestrian trail.
 - D. The mitigation concept in the Raedeke Associates report has been reviewed and approved by the Permitting Division. A final mitigation plan will be required for review and approval concurrent with engineering plan review. A mitigation financial guarantee will be required prior to approval of the engineering plans.

- E. Critical area tract(s) shall be used to delineate and protect critical areas and buffers in development proposals for subdivisions and shall be recorded on all documents of title of record for all affected lots.
- F. A 15-foot building set back line (BSBL) shall be established from the edge of buffer and/or the critical area tract(s) and shown on all affected lots.
- G. Prior to commencing construction activities on the site, the applicant shall temporarily mark critical area tract(s) in a highly visible manner, and these areas must remain so marked until all development proposal activities in the vicinity of the critical areas are completed.
- H. Prior to final approval of construction activities on the site, the boundary between the critical area tract(s) and adjacent land shall be identified using permanent signs. Sign specifications shall be shown on the final engineering plans and shall be installed every 100 feet or as deemed appropriate by Permitting Division critical area staff at the time of engineering plan review.
- I. During engineering review, the plan set shall be routed to Permitting Division Critical Areas staff to determine if the above conditions have been met.
- J. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR CRITICAL AREA TRACTS AND
CRITICAL AREAS AND BUFFERS**

Dedication of a critical area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Permitting Division or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

15. The organization required by Condition 10 shall provide for the ownership and continued maintenance of the critical area tract(s). Notes shall be shown on the engineering plans and final plat.
16. Inadvertent Discovery Plan: If any employee, contractor, subcontractor, etc. believes cultural resource and/or human remains have been uncovered at any point in the project, all work in the area must stop and location secured (refer to RCW 27.44). The appropriate agencies and authorities (i.e. archaeological consultant, Washington State Dept. of Archeology 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 determination(s), and approval to resume work has been granted.
17. A pedestrian trail is proposed across the wetland buffer connecting the southern and northern lots on this development. A pedestrian trail can be allowed within the buffer of a critical area subject to criteria in KCC 21A.24.045.D.47. The trail width shall be no more than three feet wide. The surface shall be of pervious material such as hog fuel, arborist chips, or similar. The trail alignment shall be located as far from the wetlands as feasible while avoiding impacts to significant trees. The square footage of the trail shall not be counted as additional buffer in the final buffer averaging plan. The trail will be shown on the final engineering plans and final buffer averaging plans.

OTHER CONSIDERATIONS:

1. The subdivision shall conform to KCC Chapter 16.82 relating to grading on private property.
2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.

3. 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. These 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 (NPDES) Permit from Washington State Department of Ecology (WSDOE).
 - C. Water Quality Modification Permit from WSDOE.
 - D. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

DATED April 9, 2021.



Alison Moss
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 3, 2021*, 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 3, 2021*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *May 3, 2021*, the Examiner will notify all parties and interested persons and provide information about "next steps."

**MINUTES OF THE MARCH 26, 2021, HEARING ON PRELIMINARY PLAT
APPLICATION LEARY FLOYD ASSEMBLAGE AND SEPA APPEAL,
DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT190003,
PROPOSED ORDINANCE NO. 2021-0076**

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were Shishir Abhyanker, Laura Casey, Kimberly Claussen, Abinash Das, Jay Derr, Maher Joudi, Kolten Kusters, Edward McCarthy, Jeff Peterson, and Jeff Schramm.

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

- | | |
|----------------|---|
| Exhibit no. 1 | Preliminary department report, dated March 26, 2021 |
| Exhibit no. 2 | Land use permit application, received October 31, 2019 |
| Exhibit no. 3 | State Environmental Policy Act (SEPA) checklist, received October 31, 2019 |
| Exhibit no. 4 | SEPA determination of non-significance, dated January 12, 2021 |
| Exhibit no. 5 | <ul style="list-style-type: none"> A. Affidavit of posting notice of plat application, posted on December 31, 2019 B. SEPA threshold determination, posted on December 22, 2020 C. Notice of recommendation and hearing, posted on February 26, 2021 |
| Exhibit no. 6 | Revised preliminary plat map, dated July 24, 2020 |
| Exhibit no. 7 | Assessors maps – NW 26-25-06 |
| Exhibit no. 8 | Revised preliminary TIR, by DR Strong, dated July 24, 2020 |
| Exhibit no. 9 | Traffic impact analysis (TIA) including school walkway and appendix D, by TENW, dated September 19, 2019 |
| Exhibit no. 10 | <ul style="list-style-type: none"> A. Raedeke Assoc., wetland delineation, dated April 18, 2019 B. Raedeke Assoc., Technical Memo (buffer averaging), dated October 21, 2019 C. Raedeke Assoc., response memo (buffer and wildlife), dated June 30, 2020 D. Raedeke Assoc., Technical Memo, dated July 22, 2020 |
| Exhibit no. 11 | Geotechnical Report by Associated Earth Sciences, dated June 25, 2019 |
| Exhibit no. 12 | McCarthy Technical Memo (downstream flood), dated June 15, 2020 |
| Exhibit no. 13 | McCarthy Level 3 Downstream Analysis, dated July 22, 2020 |
| Exhibit no. 14 | Critical Areas Designation CADS19-0039, dated April 25, 2019 |
| Exhibit no. 15 | KC GIS zoning map (vicinity) |
| Exhibit no. 16 | Residential Density Worksheet, received October 31, 2019 |
| Exhibit no. 17 | Public Comments <ul style="list-style-type: none"> A. Husting B. Debusk C. Martin |

- Exhibit no. 18 Certificate of water availability, by Samm. Plateau Water & Sewer, dated September 10, 2019
- Exhibit no. 19 Fire district receipt, dated September 17, 2019
- Exhibit no. 20 SEPA Appeals, received February 4, 2021
- A. Abinash Das
- B. Shishir Abhyanker and Shipra Kulkarni
- Exhibit no. 21 Witness list, dated March 12, 2021
- Exhibit no. 22 Email with corrections from Kimberly Claussen, submitted March 26, 2021

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

- Exhibit no. T1. Applicant Toll Bros., Inc.'s prehearing statement
- Exhibit no. T2. Jeffrey C. Peterson resume
- Exhibit no. T3. Maher A. Joudi P.E. resume
- Exhibit no. T4. Jeff Schramm resume
- Exhibit no. T5. Kurt D. Merriman, P.E. resume
- Exhibit no. T6. Kolten Kosters, M.S. PWS statement of qualifications
- Exhibit no. T7. Edward J. McCarthy resume
- Exhibit no. T8. Toll Presentation (Plat presentation slides)
- Exhibit no. T9. Appellant Plot Plans (plot plans showing location of appellants homes and our setbacks)
- Exhibit no. T10. Floyd Leary Trail (shows trail layout mentioned in hearing examiners report. Replaces C3)
- Exhibit no. T11. GIS photo (2019 GIS photo showing site and surrounding features)
- Exhibit no. T12. Google Earth lots 16-17 (shows post-construction condition of appellants lots)
- Exhibit no. T13. Grading and Setbacks Sketchup 16-17 (Sketchup 3-d look at future conditions and setbacks)
- Exhibit no. T14. Updated Mitigation Plan (response to tribe comment in SEPA)
- Exhibit no. T15. Photographs
- A. Feb 2020 18th Culvert
- B. Feb 2020 East Property Line
- C. Looking NE toward lot 17
- D. Looking NW from lot 17 SW corner
- E. Looking West from lot 17 SW corner
- F. Looking West on 18th
- Exhibit no. T16. Preliminary Plat Approved Set from January 28, 2015, submitted March 26, 2021

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

Exhibit no. A1	Email and photographs by Abinash Das, sent March 8, 2021
Exhibit no. A2.1	Districts and Development Conditions for 3 parcels
Exhibit no. A2.2	Allen Lake outlet stream recon, dated December 2012
Exhibit no. A2.3	Allen Lake Tech Memo
Exhibit no. A2.4	Husting comments – Environment
Exhibit no. A2.5	Husting comments - Density
Exhibit no. A2.6	Husting comments – Traffic
Exhibit no. A2.7	Photographs of proposed property line
Exhibit no. A3	Rebuttal letter, emailed March 19, 2021
Exhibit no. A4	Environment, wetland, and flooding
Exhibit no. A5	Aesthetic privacy and safety
Exhibit no. A6	CADS affidavit
Exhibit no. A7	Allen Lake channel flooding, drainage, and corrosion complaints
Exhibit no. A8	Map of flooding and drainage complaints

AM/jo

April 9, 2021

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

King County Courthouse
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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT190003**
Proposed ordinance no.: **2021-0076**

LEARY FLOYD ASSEMBLAGE
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 9, 2021.



Jessica Oscoy
Office Manager

Abhyanker/Kulkarni, Shishir/Shipra
Hardcopy

Casey, Laura
Department of Local Services

Claussen, Kimberly
Department of Local Services

Das, Abinash
Hardcopy

DeBusk, GERALYN & JOHN
Hardcopy

Derr, Jay
Van Ness Feldman
Hardcopy

Eichelsdoerfer, Robert
Department of Local Services

Floyd, Hank and Tami
Hardcopy

Howard, Hal & Donna
Hardcopy

Husting, Jennifer/Pat
Hardcopy

Joudi, Maher
DR Strong Consulting Engineers Inc
Hardcopy

Kosters, Kolten

Martin, Scott & Barbara
Hardcopy

McCarthy, Edward

Meins, Mike
Department of Local Services

Middleton, Zak/Kimberley
Hardcopy

Pedroza, Melani
Metropolitan King County Council

Peterson, Jeff
Toll Brothers, Inc
Hardcopy

Schramm, Jeff
Transportation Engineering NorthWest

Smith, Scott-DLSP
Department of Local Services

Stillwell, Jacob

Tiedeman, Talra
Hardcopy

Tiedeman, Wade/Anke
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