

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

King County Courthouse
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Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT210001**
Proposed ordinance no.: **2022-0033**

CARNOUSTIE COURT

Preliminary Plat Application and SEPA appeal

Location: [REDACTED] Renton

Applicant: Carnoustie, LLC
represented by **Nancy Rogers**
Cairncross & Hempelmann
524 Second Avenue Suite 500
Seattle, WA 98104
Telephone: (206) 587-0700
Email: nrogers@cairncross.com

King County: Department of Local Services
represented by **Tracy Cui**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 263-8720
Email: Tracy.Cui@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 17-lot plat subject to conditions or Remand for preparation of TDR Subarea Study

EXAMINER PROCEEDINGS:

Hearing Opened: 5/9/2022
Hearing Closed: 5/9/2022

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 OF FACT:**Overview**

1. The proposal, known as Carnoustie Court preliminary subdivision, is a 25-lot plat on 2 parcels totaling 4.13 acres in the R-4 zone in the urban area (Proposal). The Applicant seeks to exceed the base density of 17 dwelling units by utilizing 4 rural Transfer of Development Rights (TDRs). The Department of Local Services (DLS) recommends approval, with conditions including conditions offered by the Applicant to protect an active hairy woodpecker breeding nest. The nest was first discovered by William Brooks and confirmed by Raedeke Associates, the Applicant's wildlife biologist. *Exhs. D-1, A-11 and A-12; testimony of William Brooks and Tracy Cui.*
2. The responsible official issued a threshold Determination of Non-Significance (DNS) on February 3, 2022. Tyler McAllister timely filed an appeal of the DNS. The Examiner consolidated the hearing on the preliminary subdivision with the hearing on the SEPA appeal as required by KCC 20.44.120.B. Mr. McAllister voluntarily dismissed his appeal prior to the noticed combined remote hearing. Exh. D-28. Therefore, the May 9, 2022 hearing was for the proposed preliminary plat only. *March 8, 2022 Prehearing Order and Notice of Remote Hearing; Exhs. D-1, D-7, D-27 and D-28.*
3. Several neighbors and William Brooks submitted comment letters and/or participated actively at the May 9, 2022, hearing, asking for clarification on how 25 lots could be achieved and offering perspectives on density, wildlife displacement, tree preservation, the potential for landslides and erosion, noise, health risks, and impact on quality of life. 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 remands the preliminary plat application to DLS for preparation of the subarea study required by KCC 21A.37.030.C.2 and King County Comprehensive Plan (updated July 4, 2020) (KCCP) Policy R-319a. Alternatively, the Applicant may forego the use of TDRs and proceed with a 17-lot subdivision. *Exh. D-8; testimony of Mark Allen, Marian D., Tyler McAllister, Kevin Takisaki, William Brooks, Michael Murphy, and Matt Hough.*

4. Except as modified herein, facts set forth in DLS' Report to the Examiner, Exh. D-2, and the testimony offered by DLS and the Department of Natural Resources & Parks are found to be correct and are incorporated herein by reference.

Wildlife

5. No Federally or State threatened, endangered or candidate species or protected wildlife habitat is documented on the site or mapped by the County GIS system or the Washington Department of Fish and Wildlife Priority Habitat and Species website. *Exhs. D-1-004, D-26-002, and A-11-002, -008, -009.*
6. William Brooks, Evolutionary Biologist and avid birdwatcher, discovered an active breeding nest of the hairy woodpecker in a Douglas Fir on the western side of the proposed plat. Policy E-435.e of the King County Comprehensive Plan (updated July 4, 2020) (KCCP) designates the hairy woodpecker as a Species of Local Importance. KCC 21A.24.382.K provides that DLS must require protection of an active breeding site of any King County species of local importance not listed in KCC 21A.24.382.A-J. Hairy woodpeckers are not listed in in KCC 21A.24.382.A-J.
7. In response to this finding, DLS originally recommended that the plat be conditioned to require a complete wildlife study as part of the final engineering review process. Prior to the hearing, the Applicant conducted a wildlife study, confirming the presence of the active hairy woodpecker nest and recommending several mitigation measures. The Applicant subsequently offered 3 additional plat conditions which would supersede the earlier recommendations by DLS and the Applicant. *Exhs. D-26, A-11-005, and A-12; testimony of William Brooks.*
8. DLS reviewed the Applicant's wildlife study, as well as its additional proposed plat conditions, and concurred that the wildlife study satisfied the intent of its earlier recommendation and that the 3 additional plat conditions should substitute for the earlier DLS and Applicant recommendations. In addition, Mr. Brooks testified that the Applicant's additional recommended conditions are a good approach to protecting the hairy woodpecker. *Exhs. A-11, and A-12; testimony of Tracy Cui, Joseph Pursley, and William Brooks.*
9. Hairy woodpeckers typically excavate new nest cavities each year, making it unlikely that they would reuse a nest cavity for future nesting. *Ex. A-11-005.*
10. As is true of most urban development, the elimination of native vegetation cover and replacement with impervious surfaces and landscape areas would displace animals inhabiting the project site. Displaced animals may move to suitable habitats in the vicinity of the site, but are likely to face competition from other wildlife currently occupying those habitats and at least some may not survive. *Exh. A-11-008.*

11. Although the site is a well-developed native forest, this relatively small parcel is surrounded on almost all sides by suburban development and is not considered significant habitat area in that context. Further, there are many acres of forested habitat in the vicinity, much of which is protected as County Parks or as critical areas and their buffers. *Exh. A-11-009, -020, -021; D-26-002.*
12. It is also worth noting that habitat on the rural TDR sending sites will be protected if the TDR transaction is consummated.

Trees

13. The Applicant prepares an arborist report. *Exh. D-13.*
14. To ensure compliance with KCC 16.82.156, Condition 15 below requires the Applicant to submit a detailed significant tree retention plan with the final engineering plans. Staff will conduct a detailed review of the accuracy of the Applicant’s arborist report and the tree retention plan as part of the final engineering review. *Exhs. D-13 and D-26-004.*

Density/TDR Subarea Study

15. Several individuals questioned how 25 lots could be achieved. Matt Hough, the Applicant’s civil engineer, walked through the density calculations contained in Exh. D-14, explaining that portions of a unit greater than 0.5 are rounded up to achieve a base density of 17 units. The additional 8 units would come from the purchase of 4 rural TDRs. *Exh. D-1, D-14 and D-18; testimony of Matt Hough.*

16. The Proposal is a formal subdivision.

17. KCCP Policy R-319a provides:

“Use of Transferrable Development Rights in formal subdivisions shall be allowed only through a subarea study.” (Emphasis added).

Implementing this policy, KCC 21A.37.030.C.2 provides:

“For formal subdivisions [an unincorporated King County receiving site may accept development rights from one or more sending sites] only as authorized in a subarea study that includes a comprehensive analysis of the impacts of receiving development rights.” (Emphasis added).

18. KCC 20.08.175 defines “subarea study” in pertinent part as:

“[A] study that is required by a policy in the Comprehensive Plan to evaluate a proposed land use change, such as the establishment of new community business centers, adjusting

Rural Town boundaries or assessing the feasibility of zoning reclassifications in urban unincorporated areas. "Subarea studies" are focused on specific areas of the county... (Emphasis added).

19. In response to inquiry from the Examiner, Michael Murphy, TDR Program and in Lieu Fee Mitigation Manager, Department of Natural Resources & Parks, testified that the definition of subarea study would logically require definition of the “specific area of the county” being analyzed. *Testimony of Michael Murphy*.

20. The DLS report states that it constitutes the required subarea study for the use of TDRs and that the TDR subarea study prepared by the Applicant provides the required comprehensive analysis of the impacts of receiving development rights. The main thrust of the Examiner’s inquiry was what “specific area of the county” and which characteristics of that area had been analyzed. *Exhs. D-1 and D-19*.

21. The subarea study is based on the most recent draft guidance developed by the Department of Natural Resources & Parks. *Exh. D-29; testimony of Matt Hough*.

22. The stated purpose of the draft guidance is:

“To document the relative difference in impacts from the development of a ‘before TDR units’ development scenario to a ‘with TDR units’ development scenario.”

The draft guidance goes on to explain that the analysis should include, at a minimum, an assessment of changes within the following categories: natural environment; neighborhood characteristics; subdivision design features; transportation; public services; utilities; comprehensive and community plans. While the subarea study purports to address each of these topics, it does so in a cursory manner. In particular, it refers to “the surrounding neighborhood” without any definition of the neighborhood boundaries, why those boundaries were chosen and the characteristics analyzed. *Exhs. D-19 and D-29*.

23. Section IV of the draft guidance directs one preparing a subarea study to:

“Describe and include map (applicant should provide analysis to support the geographic boundaries setting in accordance with KCC 20.08.175).” (Emphasis added).

24. Matt Hough, the author of the subarea study, clarified that he had analyzed entire area shown on Figure 1 to the subarea study. Figure 1 includes properties within the City of Renton as well as unincorporated King County. The lot sizes shown on Figure 1 came from King County GIS. Mr. Hough examined lot sizes and consistency with surrounding single-family development, but did not explain how he evaluated consistency. *Exh. D19-011; testimony of Matt Hough*.

25. The Examiner finds that the subarea study, even as supplemented by Mr. Hough's testimony, does not fulfill the requirement for a subarea study. Should the Applicant elect to pursue the TDR option, the Lake Youngs Way TDR Subarea Study provides an example of a well-prepared subarea study. It is available at:
<https://www.dropbox.com/s/wibcot6vqyjx9o/Woodruff%20PLAT200004%20Exhibit%20D10%20-%20Subarea%20Study.pdf?dl=0>.

Safe Walking Conditions

26. 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. The 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.
27. Students residing within the Proposal will attend Maplewood Heights Elementary School, McKnight Middle School, and Hazen High School. Students will be bused to each of the schools. Currently, the nearest bus stop for each school is located at the 156th Ave. SE/SE 144th St. intersection. Safe walking conditions for the students will exist between the project site and the bus stop by provision of new concrete sidewalks constructed within the plat and along the west side of 156th Ave. SE. *Exhs. D2-008 and D-20*.
28. Any Finding of Fact which is more appropriately considered a Conclusion of Law is hereby adopted as a Conclusion of Law.

CONCLUSIONS OF LAW:

1. Any Conclusion of Law which is more appropriately considered a Finding of Fact is hereby adopted as a Finding of Fact.
2. Other than the use of TDRs in a formal subdivision and the discovery of the active hairy woodpecker nest, the proposed subdivision is relatively small and straightforward. As conditioned below, a 17-lot plat will conform to applicable land use requirements. In particular, the proposed type of development and overall density are specifically permitted under the R-4 zone.
3. If approved subject to the conditions below, a 17-lot subdivision will make appropriate provisions for the topical items enumerated in RCW 58.17.110 and KCC 20.22.180 and will serve the public health, safety and welfare, and the public use and interest.
4. The conditions for final plat approval of a 17-lot plat set forth below are reasonable requirements and in the public interest. The Examiner has wordsmithed a few of the conditions carried over from the DLS report. She has made no substantive revisions or additions.

DECISION:

1. Mr. McAllister having voluntarily withdrawn his SEPA appeal; the Examiner formally dismisses it here.
2. The Applicant may elect to either move forward with the preliminary plat of Carnoustie Court limited to 17 lots or ask the Examiner to remand the matter to DLS for the preparation of the subarea study required for use of TDRs in a formal subdivision. In either scenario, the preliminary plat is subject to the following conditions:
3. If the applicant elects to further pursue TDRs, the plat configuration shall be developed in substantial conformance with the development plan set received on January 10, 2022. (Exh. D-2). If it elects to proceed with a 17-lot subdivision, it will need to reconfigure the plat.
4. Compliance with all platting provisions of KCC Title 19A.
5. 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.
6. The plat shall comply with the density requirements of the R-4 zone classification. All lots be the larger of the minimum dimensional requirements of the R-4 zone classification or as 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 DLS – Permitting in accordance with KCC 19A.12.030.
7. 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.
8. 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.
9. 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.
10. 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 erosion and sediment control (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 for 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 permit applications. The individual

building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

- G. 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.
11. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
- A. 156th Avenue SE shall be constructed at a minimum to the urban collector arterial standard, half-street standards.
 - B. The new urban subaccess road (Road A) shall be constructed at a minimum to the urban subaccess standard.
 - C. Private access tracts (PAT) and joint use driveway tracts (JUD), if any, shall be improved to the PAT and/or JUD standard pursuant to sections 2.09 and 3.01 of the 2016 KCRDCS.
 - D. Comply with road variance VARR20-0011.
 - E. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.13 of the 2016 KCRDCS.
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 fees shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
14. 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 plan.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.

15. A homeowners' association or other workable organization satisfactory to DLS – Permitting shall be established and shall provide for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).
16. Street trees shall be provided as follows pursuant to 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 Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the DLS - Roads 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 homeowners' association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - E. The species of trees shall be approved by DLS - Permitting if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
 - F. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS - Permitting prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting.
 - G. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed in accordance with the approved plan, a maintenance bond must be submitted and held for one year. After one year, the maintenance bond may be released after DLS - Permitting has completed a second inspection and determined that the trees have been kept healthy and thriving.

- H. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
17. 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 DLS - Permitting. 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.
 18. If the applicant elects a remand to DLS in order to further pursue TDRs, the applicant shall provide the TDR certificate with the submittal of the engineering plans and the final plat. If the TDR certificate cannot be obtained, the applicant shall redesign the number of lots based upon the allowable density. This will result in the reconfiguration and loss of lots.
 19. If constructed in 2022, construction timing and locations will be implemented in such a way to avoid impacts to the active hairy woodpecker nest identified in the May 2, 2022 Technical Memorandum prepared by Raedeke (“Raedeke Report”), Exh. A-11. A 150-foot buffer will be enacted around the active nesting snags to ensure these areas are not disturbed during the nesting process while the birds are active at the nest site and vicinity (approximately 6 weeks or so). The nest will be monitored throughout the nesting season, and construction in these areas will not occur until the young birds have fledged and the nest is confirmed inactive by a qualified individual.
 20. If constructed in a later year, the applicant shall arrange for a field visit and memorandum from a qualified biologist so as to provide the County Ecologist with a current year update to the Raedeke Report. Any wildlife discovered that is protected under KCC 21A.24.382 B through J and K will need to be protected during construction in accordance with the findings of that memorandum.
 21. Construction limits, including staging areas must be clearly marked in the field prior to beginning construction activities to protect areas of native tree retention, as shown on County-approved Tree Retention Plan.

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. 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.

DATED May 17, 2022.



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 *June 10, 2022*, 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 *June 10, 2022*, the Examiner’s decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *June 10, 2022*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MAY 9, 2022, HEARING ON PRELIMINARY PLAT APPLICATION CARNOUSTIE COURT, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT210001, PROPOSED ORDINANCE NO. 2022-0033

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were Mark Allen, William Brooks, Tracy Cui, Robert Eichelsdoerfer, Daniel Gariepy, Matt Hough, Tyler McAllister and Marian D, Michael Murphy, Joseph Pursley, Nancy Rogers, Ryan Scheffler, Alex Sidles, and Kevin Takisaki.

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

- | | |
|---------------|---|
| Exhibit no. 1 | Preliminary department report, transmitted to the Examiner on February 22, 2022 |
| Exhibit no. 2 | Preliminary Plan set received on January 10, 2022 |
| Exhibit no. 3 | Land use permit application, received January 11, 2021 |
| Exhibit no. 4 | Letter of complete application, dated February 22, 2021 |
| Exhibit no. 5 | Notice of Application, dated March 15, 2021 |

Exhibit no. 6	State Environmental Policy Act (SEPA) checklist, dated January 11, 2021
Exhibit no. 7	SEPA determination of non-significance, dated February 3, 2022
Exhibit no. 8	Public Comments
Exhibit no. 9	Responses to Public Comments, received on August 2, 2021
Exhibit no. 10	Topographic Survey Plan, received on January 11, 2021
Exhibit no. 11	Geotechnical Report, received on August 2, 2021
Exhibit no. 12	Critical Areas Determination Report, received on January 11, 2021
Exhibit no. 13	Arborist Report, received on August 2, 2021
Exhibit no. 14	Density Calculation Worksheet, received on January 7, 2022
Exhibit no. 15	VARR20-0011 Approval, dated May 18, 2021
Exhibit no. 16	Preliminary Technical Information Report, received on January 6, 2022
Exhibit no. 17	Traffic Impact Analysis, received on January 11, 2021
Exhibit no. 18	TDR Purchase Agreement, received on August 2, 2021
Exhibit no. 19	Subarea Study received on December 3, 2021
Exhibit no. 20	Safe Walk Route Plan, received on January 11, 2021
Exhibit no. 21	Fire District Receipt, received on January 11, 2021
Exhibit no. 22	Certificate of Sewer Availability, received on August 2, 2021
Exhibit no. 23	Certificate of Water Availability, received on January 11, 2021
Exhibit no. 24	Notice of SEPA Threshold Determination and Public Hearing, dated February 3, 2022
Exhibit no. 25	Assessors Map
Exhibit no. 26	Response to SEPA appeal, received April 25, 2022
Exhibit no. 27	Appeal Statement, received February 17, 2022
Exhibit no. 28	Appellant Notice of Voluntary Dismissal, received May 6, 2022
Exhibit no. 29	TRD Subarea Study Guidance, submitted May 9, 2022

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

Exhibit no. A1.	Curriculum Vitae for Scott Brainard
Exhibit no. A2.	Curriculum Vitae for Carolyn Decker
Exhibit no. A3.	Curriculum Vitae for Favero Greenforest
Exhibit no. A4.	Curriculum Vitae for Brad Lincoln
Exhibit no. A5.	Curriculum Vitae for Matt Hough
Exhibit no. A6.	Curriculum Vitae for Dave Andrews
Exhibit no. A7.	Curriculum Vitae for Richard W. Lundquist
Exhibit no. A8.	Curriculum Vitae for Andrew Rossi
Exhibit no. A9.	Letter from KC confirming Ecological Critical Areas Review, dated May 25, 2021
Exhibit no. A10.	KC Certificate of Water Availability, dated February 28, 2022
Exhibit no. A11.	Wildlife Investigation, by Raedeke Associates, Inc., dated May 2, 2022
Exhibit no. A12.	Proposed additional plat conditions, submitted May 6, 2022

May 17, 2022

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

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT210001**
Proposed ordinance no.: **2022-0033**

CARNOUSTIE COURT

Preliminary Plat Application and SEPA 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 May 17, 2022.



Jessica Oscoy
Office Manager

Allen, Mark

Andrews, Dave

CPH Consultants
Hardcopy

Brainard, Scott

Wetland Resources, Inc.
Hardcopy

Brooks, William

Hardcopy

Burke, Maxwell

Cairncross & Hempelmann
Hardcopy

Carnoustie, LLC

Cui, Tracy

Department of Local Services

Davies, Melanie

Carnoustie, LLC
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Decker, Carolyn

Terra Associates
Hardcopy

Desouza, Marian

Dobkins, Doug

Department of Local Services

Eberle, Peter

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Eichelsdoerfer, Robert

Department of Local Services

Ellis, Susan

Gao, Clara

Department of Local Services

Gariepy, Daniel

Department of Local Services

Greenforest, Favero

Greenforest, Inc.
Hardcopy

Hough, Matt

CPH Consultants
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Klein, Pasha

Department of Local Services

Lincoln, Brad

Gibson Traffic Consultants, Inc.
Hardcopy

Lundquist, Richard

Raedeke Associates, Inc.
Hardcopy

McAllister, Tyler/Marian

Hardcopy

Murphy, Michael

Department of Natural Resources and Parks

Pedroza, Melani

Metropolitan King County Council

Prellwitz, Doug

Hardcopy

Pursley, Joseph

Rogers, Nancy

Cairncross & Hempelmann
Hardcopy

Rossi, Andrew

Raedeke Associates, Inc.
Hardcopy

Scheffler, Ryan

Department of Local Services

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