

July 13, 2022

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

King County Courthouse
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Seattle, Washington 98104
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REPORT AND DECISION ON REMAND

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

CARNOUSTIE COURT
Preliminary Plat Application

Location: [REDACTED] Renton

Applicant: Carnoustie, LLC
represented by **Nancy Rogers**
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**
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 subject to conditions

EXAMINER PROCEEDINGS:

Hearing on Remand Opened: 7/7/2022
Hearing on Remand Closed: 7/7/2022

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:

Background

1. The Applicant, 2002-WLD Carnoustie, LLC, proposes a 25-lot preliminary subdivision on 2 parcels totaling 4.13 acres in the urban area (Proposal). The Proposal is known as the Carnoustie Plat. The Applicant seeks to exceed the base density of 17 dwelling units by utilizing 4 rural Transfer of Development Rights (TDRs) from a forested site to create the 8 additional lots. *Exhs. D1 and D30-005.*
2. The Proposal is a formal subdivision. For the site to be a TDR receiving site, KCC 21A.37.030.C.2 requires that it be "authorized in a subarea study that includes a comprehensive analysis of the impacts of receiving development rights." In her May 17, 2022, Report and Decision (Decision) the Examiner found and concluded that the Applicant's initial subarea study, Exh. D19, did not satisfy KCC 21A.37.030.C.2. The Examiner gave the Applicant the option of: (a) proceeding with a 17-lot plat, i.e., without the application of TDRs; or (b) requesting a remand to prepare a subarea plan meeting the requirements of KCC 21A.37.030.C.2. *Decision, Finding 25 and page 7.*
3. By email dated May 19, 2022, the Applicant requested a remand, which the Examiner granted in her May 24 Order on Remand. Consequently, as explained in the June 9, Notice of Reopened Remote Hearing (Notice of Reopened Hearing), the reopened hearing was limited to the topic of:

Whether the subarea study required by KCC 21A.37.030.C.2 to use TDRs on the proposed preliminary plat has been prepared.

Notice of Reopened Hearing.

4. On June 15, 2022, the Department of Local Services (DLS) transmitted the Applicant's Maplewood Heights Subarea Study to the Examiner's office, stating that "DLS has reviewed and determined that the new study has fulfilled the subarea study requirement and is sufficient to justify additional 8 units for the project plat" as well as the subarea study itself. *Exh. D30.*

Regulations governing TDR subarea studies

5. KCC 21A.37.010 sets forth the purpose of the TDR program:

- A. The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process that permanently preserves urban, rural and resource lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, **especially inside cities**, where it can best be accommodated with the least impacts on the natural environment and public services by:
- i. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in KCC 21A.37.020; and
 - ii. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site. (Emphasis added).

6. 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).

DLS and the Department of Natural Resources & Parks (DNRP) have interpreted the term "authorized" to mean a subarea study prepared by an applicant and reviewed and approved by DLS in consultation with DNR. *Testimony of Michael Murphy and Tracy Cui.*

7. KCC 20.08.175 defines subarea study as:

"Subarea study" means 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, but do not look at the larger range of issues that a subarea plan would include. "Subarea studies" are separate from area zoning and land use studies defined in KCC 20.08.037. **The Comprehensive Plan policies and accompanying text shall guide the scope and content of the subarea study.** (Emphasis added).

Maplewood Heights Subarea Study

8. As explained in the Decision, the main thrust of the Examiner's inquiry regarding the Applicant's original Subarea Study, Exh. D19, was what "specific area of the county" and which characteristics of that area had been analyzed. *Decision, Finding 20.*
9. The Applicant's subarea study prepared in response to the Order on Remand identifies the boundaries of what it refers to as the Maplewood Heights subarea and explains why the boundaries were chosen. It also provides data on zoning throughout the subarea, both within the City of Renton and unincorporated King County. It reviews the typical lot size of a sample of plats approved prior to the adoption of the Growth Management Act (GMA), the average lot size of 7 plats approved after the adoption of the GMA which are similar in nature to the Proposal, and the percentage of lots created through use of TDRs in those plats which took advantage of TDRs. *Exh. D30-005 through -007, -009, and -013, Tables 2 and 6; testimony of David Toyer.*
10. The Maplewood Heights subarea is within the urban growth area but is currently characterized by relatively low-density residential development with a median lot size of 10,902 square feet west of 156th Ave. SE and a median lot size of 15,235 square feet east of 156th Ave. SE. As envisioned by the GMA, it is gradually transforming from a rural/suburban character to a more urban character with sanitary sewer slowly being extended as new development proceeds. *Exh. D30-008 and -011, Table 3.*
11. The City of Renton will provide sanitary sewer to the Proposal. *Exh. D22.*
12. The Proposal is located within the R-4 zone and is surrounded by R-4 zoning. Approximately 74% of the area contained within the subarea boundary is zoned R-4. *Exh. D30-007 through -008.*
13. The Proposal is within Renton's Potential Annexation Area (PAA). According to King County's Urban Growth Capacity Report, the PAA has the capacity to accommodate 2,645 housing units of which 1,680 are expected to be developed by 2044. *Exh. D30-012.*
14. Six of the 7 the urban subdivisions examined in Subarea Study Table 2 were TDR receiving sites. These six subdivisions were annexed to the City of Renton as part of the Liberty annexation. The average lot size within these subdivisions ranged from 4,681 to 5,829 square feet. While the Carnoustie preliminary plat is within this range, it is both at the lower end of the range of lot sizes at 4,729 square feet and the higher end of the percentage of lots created through the use of TDR at 32%. *Exh. D30-009 and -013, Tables 2 and 6.*
15. The Examiner notes that, although the Subarea Study states that the Proposal will have a density consistent with urban subdivisions constructed and recorded post-GMA implementation, it does not provide the density of these plats. *Exh. D30-12; testimony of*

David Toyer.

16. VISION 2050 designates the City of Renton and its PAA as a High Capacity Transit community (HCT). VISION 2050 calls for the 34 HCT communities in the region to accommodate 24% of the region's total population growth and 13% of its employment growth by the year 2050. *Exh. D30-012 and -015.*
17. The Subarea Study has provided a fairly comprehensive analysis of the current characteristics of the Maplewood Heights study area, its slow transformation from rural/suburban development to the urban development envisioned by the GMA, and the policies and designations supporting greater density within the subarea.
18. DNR has prepared draft guidance for the preparation of a subarea study required by KCC 21A.37.030.C.2. 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.

Exh. D29.

19. As the Subarea Study observes, the impacts of additional units on the proposed subdivision site are largely addressed and mitigated by existing regulations, including stormwater, the requirement to provide certificates of water and sewer availability, new energy codes, King County Road design and construction standards, etc. *Exh. D30-020 through -023.*
20. 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. The Study Area examines these attributes. *Decision, Findings 21-22; Exh. D30.*
21. KCC 21A.37.010 emphasizes that the TDR provisions are intended to encourage increased residential development in urban areas, especially inside cities, as these are the areas where it can best be accommodated with the least impacts on the natural environment and public services. While this could be interpreted simply as a statement that the transfer of development rights from rural and resource lands to urban areas by definition will have lesser impacts on the natural environment and public services than development of rural and resource lands, the Applicant's expert has taken the cautious approach that a subarea study should compare (a) the impacts of additional development within the chosen subarea with (b) the impacts of developing within the area from which the development rights are proposed to be transferred, in this case forested parcels within the rural area. It then compares such things as vehicle miles traveled, impacts of

typical land clearing practices in the urban and rural areas, ability to support transit, typical use septic versus sanitary sewer systems, and wells versus public water systems. *D30- 014 through – 027.*

22. Of particular note is the fact that the addition of 8 units through use of TDRs will not increase the amount of land cleared and the attendant impacts of clearing on the natural environment. *Exbs. D19-003 and D30-004.*
23. There are a number of assertions in the Subarea Study for which no evidence is supplied. For example, on page D30–020 under “Water” it states:

Developments within an urban water district are more likely to receive and be responsive to education and outreach regarding water conservation.

Similarly, on D30–026, under “Public Health” the first bullet states that:

Additional density in the subarea **will** help public health outcomes by encouraging more people to access and use nearby trails, parks and other active recreational opportunities. (Emphasis Added)

The Examiner has not accepted assertions unsupported by evidence or references as fact.

24. The Examiner received one written comment from the public. Tom Carpenter asked that the County not permit development density greater than that which the City of Renton would approve and that it calculate density in the same manner as the City of Renton. *Exb. P1.*
25. King County has not entered into an interlocal agreement with the City of Renton which would allow or require it to apply Renton’s development standards to the Proposal.
26. Findings of Fact 1-19 and 26-28 from the Decision are incorporated by reference herein.
27. 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. The Maplewood Heights Subarea study and the use of TDRs on the Carnoustie Court receiving site are consistent with the King County Comprehensive Plan (KCCP) Policies U–128, R–312, R–313, R–315, R–319, R–319a, and R–322.

3. The following policies, cited in the Maplewood Heights Subarea Study are not KCCP Policies which guide the preparation of this particular subarea study: KCCP Policies U-183, U-184, R-642, E-475, E-476; the Countywide Planning Policies both pre-2022 and the most current; the Multicounty Planning Policies; and the King County Strategic Climate Action Plan. Therefore, the Examiner did not consider them.
4. The Maplewood Heights Subarea study satisfies the requirements of KCC 21A.37.030.C.2 and intent that the TDR provisions are intended to encourage increased residential development in urban areas, especially inside cities as expressed in KCC 21A.37.010.
5. Absent an interlocal agreement, the Examiner has no authority to impose Renton's development standards.
6. Exceeding the base density of 17 dwelling units by utilizing 4 rural TDRs from a forested site to create 8 additional lots for the Carnoustie Plat is warranted.
7. As conditioned below, a Proposal 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.
8. If approved subject to the conditions below, the Proposal 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.
9. The conditions for final plat approval 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:

The Carnoustie Court preliminary subdivision is **approved** subject to the following conditions:

1. The plat configuration shall be developed in substantial conformance with the development plan set received on January 10, 2022. (Exh. D2).
2. Compliance with all platting provisions of KCC Title 19A.
3. 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.
4. 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.

5. 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.
6. 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.
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. 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.
9. 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.
10. All utilities within proposed rights-of-way must be included within a franchise approved

by the King County Council prior to final plat recording.

11. 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.
12. 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.
13. 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).
14. 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.
15. 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.
 16. 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.
 17. 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.

18. 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.
19. 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 July 13, 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 *August 8, 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 *August 8, 2022*, the Examiner's decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *August 8, 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. D1	Preliminary department report, transmitted to the Examiner on February 22, 2022
Exhibit no. D2	Preliminary Plan set received on January 10, 2022
Exhibit no. D3	Land use permit application, received January 11, 2021
Exhibit no. D4	Letter of complete application, dated February 22, 2021
Exhibit no. D5	Notice of Application, dated March 15, 2021
Exhibit no. D6	State Environmental Policy Act (SEPA) checklist, dated January 11, 2021
Exhibit no. D7	SEPA determination of non-significance, dated February 3, 2022

Exhibit no. D8	Public Comments
Exhibit no. D9	Responses to Public Comments, received on August 2, 2021
Exhibit no. D10	Topographic Survey Plan, received on January 11, 2021
Exhibit no. D11	Geotechnical Report, received on August 2, 2021
Exhibit no. D12	Critical Areas Determination Report, received on January 11, 2021
Exhibit no. D13	Arborist Report, received on August 2, 2021
Exhibit no. D14	Density Calculation Worksheet, received on January 7, 2022
Exhibit no. D15	VARR20-0011 Approval, dated May 18, 2021
Exhibit no. D16	Preliminary Technical Information Report, received on January 6, 2022
Exhibit no. D17	Traffic Impact Analysis, received on January 11, 2021
Exhibit no. D18	TDR Purchase Agreement, received on August 2, 2021
Exhibit no. D19	Subarea Study received on December 3, 2021
Exhibit no. D20	Safe Walk Route Plan, received on January 11, 2021
Exhibit no. D21	Fire District Receipt, received on January 11, 2021
Exhibit no. D22	Certificate of Sewer Availability, received on August 2, 2021
Exhibit no. D23	Certificate of Water Availability, received on January 11, 2021
Exhibit no. D24	Notice of SEPA Threshold Determination and Public Hearing, dated February 3, 2022
Exhibit no. D25	Assessors Map
Exhibit no. D26	Response to SEPA appeal, received April 25, 2022
Exhibit no. D27	Appeal Statement, received February 17, 2022
Exhibit no. D28	Appellant Notice of Voluntary Dismissal, received May 6, 2022
Exhibit no. D29	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

**MINUTES OF THE JULY 7, 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 Tracy Cui, Michael Murphy, Nancy Rogers, and David Toyer.

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

Exhibit no. D30 Maplewood Heights Transfer of Development Rights

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

Exhibit no. P1 Comments from Tom Carpenter, submitted July 7, 2022

July 13, 2022, 2022

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

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

CARNOUSTIE COURT
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 ON REMAND** 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 July 13, 2022.

Allen, Mark

Andrews, Dave

CPH Consultants
Hardcopy

Brainard, Scott

Wetland Resources, Inc.
Hardcopy

Brooks, William

Hardcopy

Burke, Maxwell

Cairncross & Hempelmann
Hardcopy

Carnoustie, LLC

Carpenter, Tom

Cui, Tracy

Department of Local Services

Davies, Melanie

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