

March 10, 2023

**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. **PLAT210003**
Proposed ordinance no.: **2022-0442**

SHEPARD

Preliminary Plat Application

Location: 18204 136th Avenue SE, Renton

Applicant: Harbour Homes
represented by **Jordan Todhunter and Jamie Waltier**
Harbour Homes

[REDACTED]
Bothell, WA 98011

Telephone: [REDACTED]

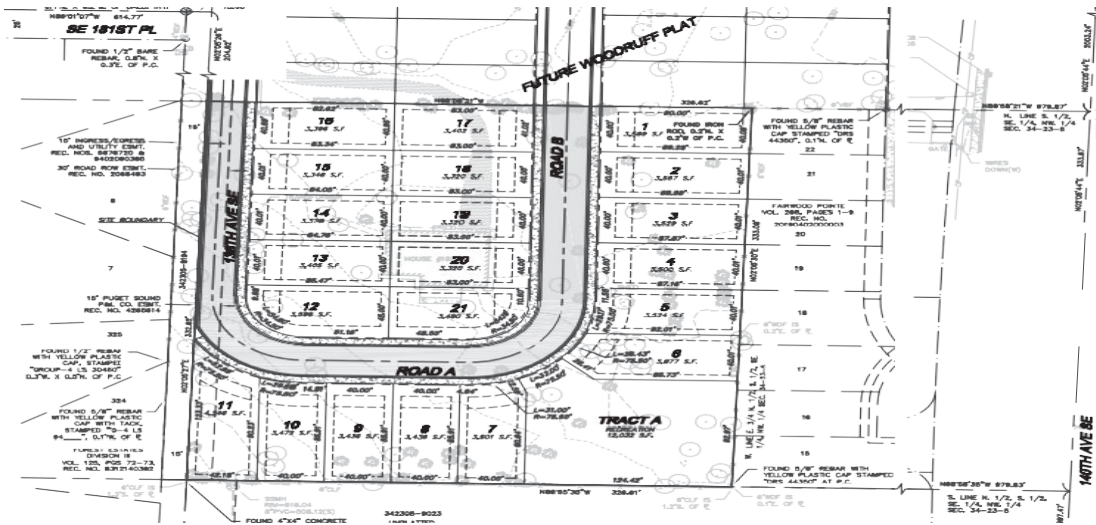
Email: [REDACTED]

King County: Department of Local Services
represented by **Chad Tibbits**
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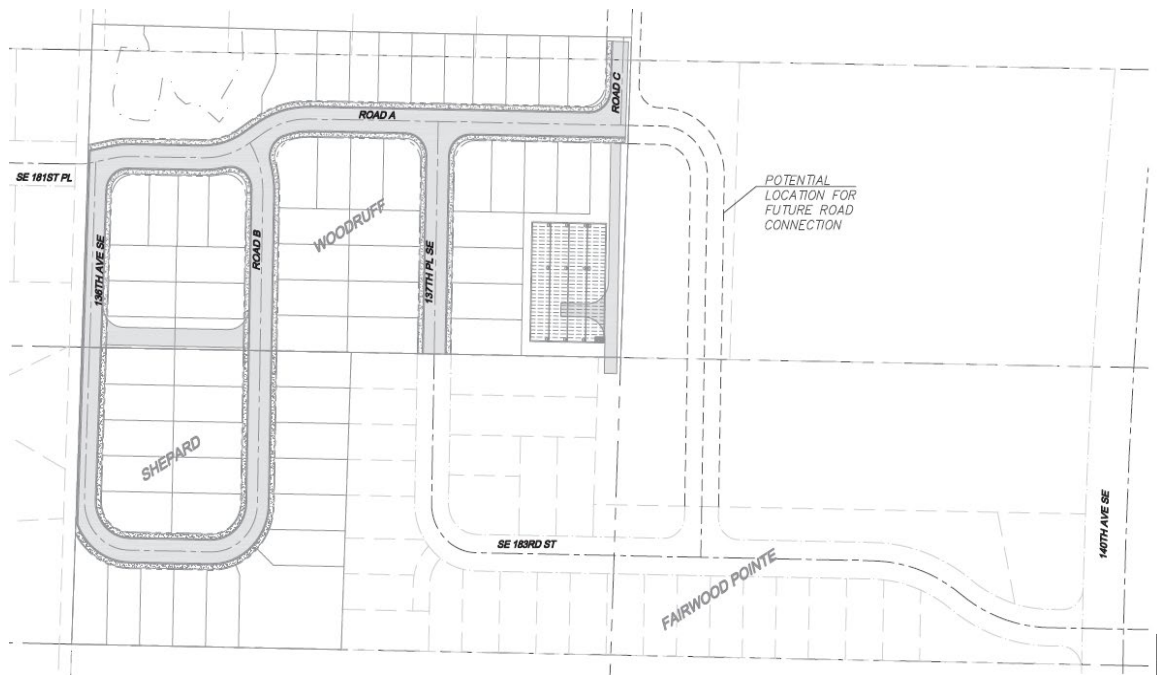
FINDINGS AND CONCLUSIONS:

1. **Overview.** The Shepard preliminary plat contemplates subdividing an approximately 2.5-acre area in unincorporated King County, near Renton, into 21 homesites. The Department of Local Services (Local Services) reviewed the application and recommends approval, subject to conditions. We conducted a Zoom public hearing with a call-in option on January 25, 2023, and held the record open until February 24 for post-hearing submittals. We now approve the application, subject to additional conditions.

2. **Basic Setup.** Harbour Homes proposes, along with the 21 homesites, 40 homesites, along with a recreation tract in the southeast (“Tract A”).



Shepard is not a “stand-alone” project. Harbour Homes also designed the built-out Fairwood Pointe plat and the Woodruff preliminary plat that we approved last year and is now in the engineering stage. Taken together, they fit together like so:



At the Woodruff hearing, we probed extensively into density, wetlands/buffers, traffic, roads (including a variance), drainage (especially a drainage adjustment), school walkways, tree retention, and landscaping. While some testimony and exhibits were different this round, many were the same. We tackle several topics, before closing with the two that sparked significant public input—water availability and traffic.

3. **State Environmental Policy Act (SEPA)**. Harbour Homes prepared an environmental checklist in February 2021. Ex. D4. After reviewing that and a variety of later studies and other materials, Local Services issued a determination of nonsignificance in June 2022. Ex. D5. That determination was not appealed.
4. **Density**. The property is zone R-6 (six units/acre), meaning the 2.5-acre site could normally accommodate 15 homes. However, the county’s transferrable development rights (TDR) program permanently protects rural, resource, and urban separator lands that provide a public benefit. The program achieves these benefits by essentially allowing the sale of residential density from more rural “sending” sites to eligible receiving sites (typically to a subdivision in a more urban area looking to add homesites). KCC 21A.37.010.¹ Here, Harbour Homes seeks approval for an additional six lots via purchasing six TDR credits.
5. Before any such additional lots may be approved for use, a “subarea study” must comprehensively analyze the additional impact adding those additional development rights on the area receiving them. KCC 21A.37.030.C.2. Harbour Homes commissioned a joint subarea study covering both the Woodruff and Shepard plats. Ex. D10. We described it in our Woodruff decision as “thorough and convincing” (especially compared to another study commissioned by a different developer we found sorely lacking). The Woodruff/Shepard subarea study starts by explaining the TDR program and what a subarea study is meant to accomplish. It drills down into how the authors established the boundaries of the subarea, then details residential development patterns. It places the current proposal in the context of other local TDR locations, explains the protective benefits to the natural environment from the transfer, and analyzes public services and public benefits.²
6. Local Services analyzed the current proposal in light of that study and concluded that the proposed TDRs are appropriate here. Ex. D2 at ¶ H.1. We agree.
7. **Roads**. Vehicles will reach Shepard by turning off 140th Ave. SE (a principal arterial) onto SE 183 St., before that road bends north to become 137th Pl. SE, comes up from Woodruff’s southern border, turns left on a road to be constructed in the Woodruff plat, and reaches an access loop servicing Shepard.
8. Along Shepard’s western border is a 15-foot strip owned by residents of the next subdivision over. This limits east-west road connection and the width of the right-of-way. Harbour Homes requested a variance to build 136th Ave. SE with the normal 22-foot urban minor access road width required for a plat of this scope but then *not* to construct the otherwise-required sidewalk on the west (strip) side of the road. The

¹ A neighbor asked about the “public benefit” of allowing density here. Ex. D22 at 001. The TDR’s programs public benefit explicitly come from limiting development on *sending* sites, by permanently preserving “urban, rural and resource lands that provide a public benefit.” KCC 21A.37.010.

² In anything, the argument could be made that there was no need to look south beyond SE 196th, but the authors studied all the way down to SE 208th St. Ex. D10 at 006.

- County Road Engineer approved this via a variance. Ex. D15. Shepard will not touch the 15-foot strip.
9. We return to traffic below, but the roads themselves meet the applicable standards.
 10. **Drainage**. The majority of the undeveloped site currently drains southwest. On the eastern side of the property, some drainage flows northeast, with some southeast; however, because the two easterly flows reconnect within a quarter-mile, they are considered the same threshold discharge area. Ex. D17 at 013.
 11. As part of the Woodruff application, Harbour Homes requested changing the natural discharge from the southwest corner of Woodruff, as well as taking in discharge from the Shepard plat, and tightlining it all to a large catch basin at the southeast corner of Woodruff. The trade-off for that accommodation was that while Harbour Homes would normally need to construct Level 2 flow-control facilities, Harbour Homes will instead construct more protective Level 3 flow-control facilities.
 12. The neighbors asked good questions about drainage, flows, and requirements, which Harbour Homes and Local Services answered sufficiently.
 13. Today is a preliminary plat approval, using the same drainage plan we approved in Woodruff. Before either plat can be finalized, significantly more engineering and analysis are necessary to show that Woodruff and Shepard are fully compliant with the 1115-page surface water design manual. But for preliminary plat purposes, we conclude that Shepard has made appropriate provisions for drainage.
 14. **Critical Areas**. In Woodruff, critical areas were a significant issue; the northern edge of that plat had a depression wetland subject to potentially increased flooding from development. However, the northern edge of Woodruff is the part furthest away from Shepard. There are no critical areas on the Shepard site, nor is Shepard in the buffer of any off-site critical areas. Exs. D12, D2 at F.3.
 15. **School Walkway**. One of our points of emphasis is always safe walking conditions for students to and from school (and to and from the school bus stop). The route Harbour Homes proposes seems safe—it goes along the to-be-constructed plat sidewalks, along the SE 183rd St. sidewalk, and then down the sidewalk on the near side of 140th Ave. SE to the elementary school entrance. The elementary school entrance is also the currently-slated site for middle and high school bus pickups, though the school district may add a stop. Ex. D16.
 16. In Woodruff, we pressed Harbour Homes about a more direct “backdoor” walkway to the school, one that would allow plat residents to 137th Pl. SE to directly access the school, instead of having to walk several blocks east, then south next to a high-speed arterial, then back west from the entrance to the actual school buildings. In addition to forcing kids along a busy, principal arterial with lots of emissions (albeit with code-compliant sidewalks), the increased distance also makes it more likely that parents will drive their kids, increasing traffic and safety concerns.

17. In one recent, unrelated plat hearing, that applicant was reticent to expend extra funds to create a direct school-to-plat walkway, relying instead on a longer public sidewalk system that also had kids walking along a busy arterial. However, when we pushed Harbour Homes at the Woodruff hearing on this topic, we were pleased to learn that Harbour Homes *had* been prodding the school district to allow a direct walking route to the back corner of the school property. At the time, the district had rebuffed those entreaties, with the school focused on the safety advantages (and reduced risks) associated with a single site access.
18. We noted in Woodruff that a shorter, direct route avoiding a major arterial would be superior on several levels. We added a condition to Woodruff to leave that as an option, should the district come around, but found the currently-proposed school walkway route is adequate, if sub-optimal.
19. At the Shepard hearing, Harbour Homes confirmed that they had tried again to push the school district on the topic, but the district rejected the proposal. We have no control over the district. We will repeat the same condition from Woodruff, allowing Harbour Homes flexibility, should the district reverse its policy. But we find the currently-proposed school walkway route adequate.
20. **Water availability.** A critical issue in Woodruff, and again in Shepard, was water availability. The Soos Creek Water and Sewer District has provided, in addition to a sewer availability certificate, a water availability certificate. Exs. D19 & D20. As discussed in Woodruff, Soos Creek’s certificate for the Fairwood Pointe subdivision did not prove sufficient, requiring some home purchasers to pursue Harbour Homes for a solution. Harbour Homes provided water pumps to bring the water pressure up to 29 psi. After keeping the record open in Woodruff, and then entertaining two motions for reconsideration on the topic, we wrote in a requirement that Harbour Homes be ready to install booster pumps in any of their three subdivisions.
21. In the Shepard hearing, Harbour Homes discussed their “constant” communications with the water district since Woodruff, trying to accomplish a water main extension and changing the intake source to an upgradient spot (along SE 180th St.). If accomplished, this would mean water would flow *down* to all three plats. Harbour Homes will continue working on it. But there is currently no development extension agreement, and no guarantee it will come to fruition.
22. Water is ultimately supplied by water districts, districts beyond the County’s or developer’s control. WAC 246-290-420(2) requires public water system providers to supply “water pressure at the consumer’s service meter, or property line if a meter is not used... maintained at the approved design pressure, but in no case be less than 20 psi (140 kPa).” There was testimony that 29 psi was a requirement from the plumbing code. No one cited to any applicable regulations setting a floor higher than 29 psi.
23. We agree that 29 psi is suboptimal. And running pumps adds to each homeowner’s burden, perhaps exacerbated by additional homes drinking from the same straw. But our

role on a preliminary plat application review—as opposed to later reviews before a final plat is approved and recorded, or to reviews that occur during the building permit approval process—is to determine whether “appropriate provisions” have been made for items such as “potable water supplies.” RCW 58.17.110; KCC 20.22.180. We find that, with a similar condition as we added in Woodruff, Harbour Homes has met its burden.

24. **Traffic.** Additional, plat-generated traffic is always a topic we focus on and existing neighbors typically express concern over. The threshold inquiry (in determining access and whether an applicant must make offsite road improvements, such as lane-widening or traffic light installation) is whether the additional traffic generated by a plat will create 30 site-generated, “peak hour” trips. KCC 14.80.030.A.1. By using standard methodology for expected average trips per day (from homeowners, deliveries, visitors, etc., Shepard anticipated it would add an expected 198 new trips at the 140th Ave. SE/SE 183 St. intersection, with 16 of them during the a.m. peak hour and 21 during the p.m. peak hour. Ex. D14 at 003. Thus, Shepard is below the threshold.
25. To its credit, Harbor Homes nonetheless performed a traffic study calculating the impact of those Shepard-added trips on that intersection and determining whether the plat would deteriorate, below a critical threshold, the level of service. That required looking at the “with development” and “without development” conditions.
26. However, measuring this is a challenging, given continuing, pandemic-driven traffic reductions. Measuring traffic at 140th Ave. SE and SE 183 St. today, when traffic has not returned to pre-pandemic levels, would provide a snapshot *understating* what one predicts will eventually be normal-world traffic conditions. Here, the work-around required using actual pre-Covid travel counts at the nearby 140th Ave. SE/SE 181st St. intersection, and then adding in Fairwood Pointe traffic and applying a 2%-per-year growth rate for seven years, to perform the analysis for 140th Ave. SE/SE 183rd St. Ex. D14 at 004.
27. The results showed that the level of service (which measures things like interruptions, delay time, comfort, convenience, and safety) would remain at level “C,” with the project adding an estimated 0.8-second delay for peak hour traffic at that intersection (a 24.5-second wait without development, versus a 25.3-second wait with it). Ex. D14 at 005. That is well within the pertinent traffic standards requirements. And the 140th Ave. SE/SE 183 St. intersection meets the required entering and stopping sight distances.
28. Neighbors raised three points related to traffic that will be exacerbated by adding a third subdivision using SE 183 St.
29. First, they requested that Shepard be required to create a secondary access road. Road Standard § 2.19 restricts a residential street from serving more than 100 lots or dwelling units unless the street is connected to a second access point (although there can be exceptions even in 100+ lot situations). Secondary access could come into play for *future* development using SE 183rd St. that pushed the dwelling unit total over 100. However, Fairwood Point, Woodruff, and Shepard’s combined dwelling unit total will not reach 100. As seen in the above map, Woodruff is being constructed to accommodate future

access roads to the north and west, if those areas are eventually developed or redeveloped, but for now there is no secondary access requirement.

30. Second, neighbors pointed to the grade on SE 183rd St., which under icy conditions can create a “recipe” for pileups, with the least one documented rear-ender in the snow. Not surprisingly (given SE 183rd St.’s non-arterial nature), it is a lower priority for County snow response. Yet because it is a public road the neighbors are not even allowed to hire their own plow. That is an unfortunate combination, but SE 183 St. satisfies the horizontal/vertical/drainage road standards. And the intersection with 140th Ave. SE meets the entering sight distance and stopping sight distances as well. There is no extra requirement Local Services, nor an examiner, can place on Harbor Homes here.
31. The third neighbor comment was a little different. While TraffEx’s initial traffic study measured the customary afternoon rush hour conditions, neighbors testified that the morning student drop-off at the adjacent elementary school—which coincides with the morning rush hour—was actually the far greater concern than afternoon rush hour (which would be well after school dismissal). Neighbors reported that between everyone slowing for the flashing 20 mph school lights and backups for school buses and drivers attempting to drop off their kids, it makes it very difficult for plat residents to turn especially left and North onto 140th Ave. SE.
32. We were concerned that there may be special circumstances here such that a.m. rush hour, not p.m., was the true “peak hour” that needed to be studied. We kept the record open for an amended, a.m. peak hour traffic study and for public comment. TraffEx performed a school day, 7:00-9:00 a.m. count, finding 1843 vehicles/hour driving 140th Ave. SE. This was *less* than the 2289 vehicles-per hour in the for the p.m. peak from the original study, with a 14.4-second average delay, once Woodruff and Shephard are figured in. Ex. A1 at page 3. That means the a.m. peak hour intersection delay is shorter than the p.m. peak hour traffic, and that the intersection operates in the morning at level-of-service B, one level *better* than the level-of-service C experienced in the evening rush hour.
33. TraffEx reported that once the school beacons (and 20 mile-per-hour the limit) were activated, there was a resulting slowdown, making it harder for plat traffic to exit. However, their video showed no vehicles blocking the intersection between 7:00 and 9:00 a.m. Ex. A1 at page 4. That does not mean that the intersection-clogging backups the neighbors reported do not sometimes occur, nor to discount the frustration for any plat residents trying to get out if they must leave during school drop off times. But the controlling road standards peg the intersection wait times to peak hour, not one particularly thorny stretch at the height of school-drop-off times.
34. After circulating the revised traffic study, we received no additional comment. We in no way minimize the disruption additional development always brings, but Harbour Homes has shown, for purposes of preliminary plat approval, that it meets the applicable road and traffic-related standards currently in place.

35. **Miscellaneous.** Except as modified herein, the facts set forth in the Local Services' reports and testimony to the Examiner are found to be correct and are incorporated herein by reference.

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-6 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:

We approve the Shepard preliminary plat, subject to the following conditions of approval. The bulk come (with only minor word-smithing) from exhibit D2 at ¶¶ O and P, while the final two are examiner-added.

1. Compliance with all platting provisions of Title 19A of the King County Code.
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-6 zone classification. All lots shall be the larger of the minimum dimensional requirements of the R-6 zone classification or those shown on the face of the approved preliminary plat, except those 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 discrepancy 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 indicating an encroachment, lines of possession, or a conflict of title.
 - C. The applicant shall provide TDR certificates with the submittal of the engineering plans and the final plat. If TDRs 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.

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), and VARR21-0001.
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 ch. 17.08. 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 ch. 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 ch. 9.04 and the 2016 King County Surface Water Design Manual (2016 KCSWDM) must also be satisfied during engineering and final review.
 - A. Drainage plans and analysis shall comply with the 2016 KCSWDM and applicable updates adopted by King County. 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, 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 # *_ Permitting Division issued plan record number to be inserted in space provided* 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. For those lots that area designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file.
 - D. The drainage facilities shall meet the 2016 KCSWDM's requirements. The site is subject to the Conservation Flow Control and Basic Water Quality Requirements of the 2016 KCSWDM.
 - E. The project shall comply with the conditions of the drainage adjustment VARD21-0015.

- 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 best management practices are outlined in the 2016 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.
 - G. 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. The new interior roads shall be constructed at a minimum to the urban subaccess standard.
 - B. Comply with road variance VARR21-0001.
 - C. Modifications to the above road conditions may be considered according to the variance provisions of the 2016 KCRDCS § 1.13.
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 ch. 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 to the dwelling units in the plat and shall be collected prior to building permit issuance.
10. A homeowners' association or other workable organization shall be established to the satisfaction of the Permitting Division which provides for the ownership and continued maintenance of the recreation tract. An easement shall be provided to King County over the recreation tract for access and maintenance of the storm water facilities and/or as needed by the 2016 KCSWDM.

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 (Planning/Zoning) and King County Parks prior to or concurrent with the submittal of engineering plans. With the development of the final detailed plan. The plans must include additional recreation facilities per KCC 21A.14.180.E, fencing and landscaping along the road perimeter (R/W), if any, 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 the King County Road Service 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 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 per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond and held for one year. 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.
14. 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.)
15. The subdivision shall conform to KCC ch. 16.82 relating to grading on private property.
16. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
17. 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 (NPDES) Permit from WSDOE.
 - C. Water Quality Modification Permit from WSDOE.
 - D. Water Quality Certification (§ 401) Permit from U.S. Army Corps of Engineers
18. The current school walkway plan—using the public sidewalk to be constructed through the Shepard and Woodruff plats, then along 137th Pl. SE, SE 183rd St., and beside SE 140th Ave.—is sufficient, if suboptimal. If the school district authorized a more direct

walking route that avoids SE 140th Ave., Harbor Homes may adjust its plans accordingly.

19. Harbour Homes will install booster pumps for those homes in the Fairwood Pointe, Woodruff, and Shepard subdivisions experiencing water pressure less than 29 psi and who notify Harbour Homes within thirty (30) days of the last certificate of occupancy issued for a home in the Shepard community.

DATED March 10, 2023.



David Spohr
Hearing Examiner

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 *April 3, 2023*, 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 *April 3, 2023*, the Examiner’s decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *April 3, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE JANUARY 25, 2023, HEARING ON PRELIMINARY PLAT APPLICATION SHEPARD, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT210003, PROPOSED ORDINANCE NO. 2022-0442

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Daniel Gariepy, Vince Geglia, Maher Joudi, Pasha Klein, Thomas McCullough and Lyhnn Robillard, Rachit Mehrotra, Lisa Metz, Andrea Narino and Andrev Yurchik, Yoshio Piediscalzi, Huey-yi Sung, Chad Tibbits, and Jordan Todhunter.

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

<i>Exhibit no. D1</i>	<i>Department of Local Services file no. PLAT210003, not entered into the record</i>
Exhibit no. D2	Preliminary department report, transmitted on January 11, 2023
Exhibit no. D3	Application, dated February 23, 2021
Exhibit no. D4	Environmental Checklist, dated February 3, 2021
Exhibit no. D5	SEPA Determination of Non-significance, dated June 23, 2022, and SEPA Notice of Decision, dated June 23, 2022
Exhibit no. D6	Notice of Application, dated April 15, 2022
Exhibit no. D7	Notice of Public Hearing, dated December 23, 2022
Exhibit no. D8	Revised Preliminary Plat Plan Set, dated September 27, 2021
Exhibit no. D9	KCDNRP Transfer Development Rights (TDR) availability letter, dated May 26, 2022
Exhibit no. D10	TDR Study by Toyer Strategic Advisors, dated August 2021
Exhibit no. D11	Woodruff/Shepard Overall Site Map, dated February 8, 2021
Exhibit no. D12	Critical Areas Study, prepared by Soundview Associates, dated January 2021
Exhibit no. D13	Critical Areas Study (Geotechnical) prepared by Earth Solutions, LLC, dated December 2020
Exhibit no. D14	Traffic Impact Analysis prepared by Northwest Traffic Experts, dated November 10, 2020, revised on September 13, 2021
Exhibit no. D15	Road Variance File No. VARR21-0001
Exhibit no. D16	School Walkway Analysis, prepared by D.R. Strong Consulting Engineers, dated September 9, 2021
Exhibit no. D17	Technical Information Report (TIR), prepared by D.R. Strong Consulting Engineers, dated September 26, 2022
Exhibit no. D18	Drainage Adjustment File No. VARD21-0015 application letter and signed approval letter
Exhibit no. D19	Soos Creek Water Availability Certificate, dated August 10, 2022
Exhibit no. D20	Soos Creek Sewer Availability Certificate, dated August 10, 2022
Exhibit no. D21	King County Fire District No. 40, Receipt, dated January 31, 2021
Exhibit no. D22	Public Comments
Exhibit no. A1	Technical Memorandum from TraffEx, Inc, submitted January 30, 2023

March 10, 2023

**OFFICE OF THE HEARING EXAMINER
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hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT210003**
Proposed ordinance no.: **2022-0442**

SHEPARD

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 March 10, 2023.



Jessica Oscoy
Office Manager

Campbell, Kyle

Earth Solutions NW
Hardcopy

DR Strong Consulting Engineers Inc

Eichelsdoerfer, Robert

Department of Local Services

Gariepy, Daniel

Department of Local Services

Geglia, Vince

TraffEx
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Harbour Homes

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Holzwarth, Jason

Huling, Don

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Joudi, Maher

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Klein, Pasha

Department of Local Services

McCullough/Robillard, Thomas/Lynn

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Mehrotra, Rachit

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Metz, Lisa

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Minasyan, Vahe

Murphy, Michael

Department of Natural Resources and Parks

Narino/Yurchik, Andrea/Andrey

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Snoqualmie Tribe Enviro and Natural Resources Dept

Pedroza, Melani

Metropolitan King County Council

Piediscalzi, Yoshio

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Department of Local Services

Soundview Consultants

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Harbour Homes

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Waltier, Jamie

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