December 23, 2024

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REVISED[1] REPORT AND DECISION ON SEPA APPEAL

SUBJECT: Department of Local Services file no. **PLAT220004**

STEVENS 24

Location: 32911 and 32919 Redmond Fall City Rd SE, Fall City

Applicant: FC202 Investments, LLC
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King County: Department of Local Services
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[1] This Decision has been revised to reflect the Examiner's Decision on Motions for Reconsideration and Clarification. Other than scrivener's edits, new language is underlined, while stricken language is in ~~strikethrough.~~

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Grant appeal in part; deny in part

EXAMINER PROCEEDINGS:

Hearing Opened:	September 18, 2024
Hearing Closed:	September 18, 2024
Hearing Record Closed:	September 25, 2024

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:

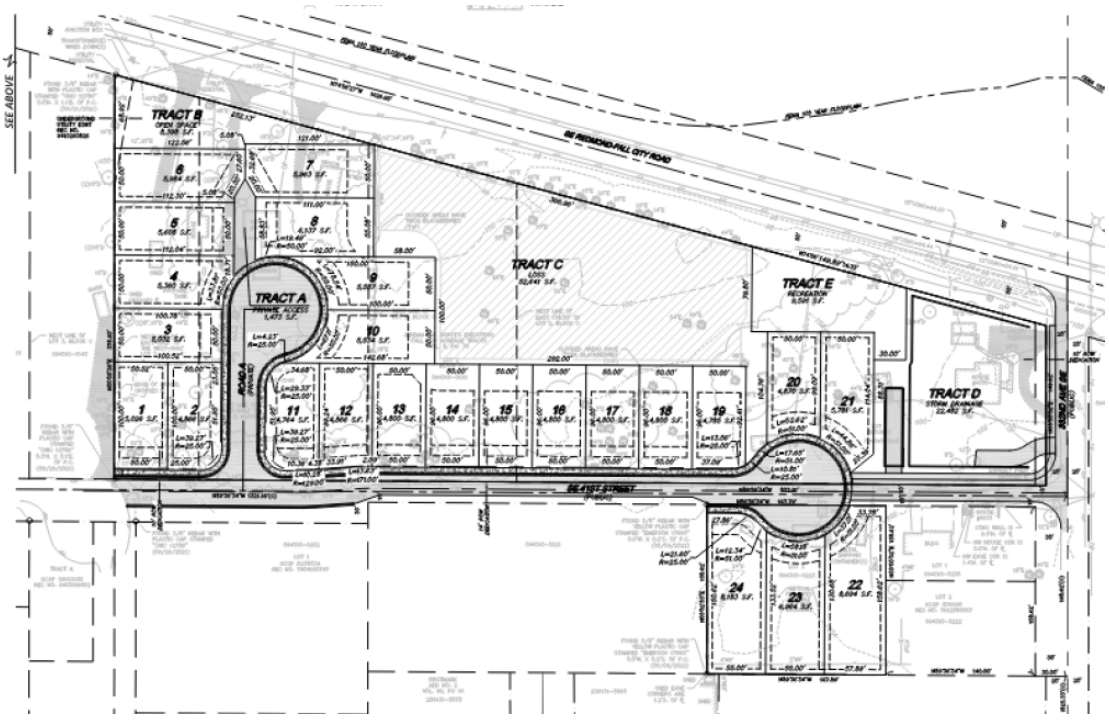
Overview

1. Taylor Development (through separate limited liability companies (LLCs)) has built one, and is permitting six additional, subdivisions in the Fall City Rural Town. Each employs, or proposes to employ, a large on-site sewage system (LOSS). Taylor Development, its consultants, and the Department of Local Services – Permitting Division (Permitting or Permitting Division) refer to these seven subdivisions as the Fall City Assemblage. Ex. D14 at 026.

2. Based on several years of experience with Arrington Court, the one constructed and occupied Fall City Assemblage subdivision, the community has grave—and well-founded—concerns about any one residential LOSS system, let alone the combined impacts of seven LOSSs. Their concerns are not mere community displeasure. Analyzing the combined impacts of these systems is no different than the way most jurisdictions evaluate transportation impacts. The transportation impact analysis typically includes not only the proposed project, but also any known pipeline projects as well a forecast growth until the horizon year (year of expected occupancy).

3. Here, FC 202 Investments, LCC (Applicant) proposes a subdivision of 5 parcels totaling 5.915 acres (Site) into 24 lots for single-family detached dwellings and tracts for a LOSS, drainage, recreation area and private access/roads (Project or Stevens 24). The lots will be served from SE 41st Street with two cul-de-sacs. The only vehicular access to/from 332nd Avenue SE will be for emergency vehicles; a bollard will prevent general vehicular access. The proposed lot sizes range from 4,764 square feet to 8,694 square feet with an average density of approximately 4 units/acre. Exs. D2 at 001–02, D7; testimony of Chad Tibbits and Maher Joudi.

4. The basic layout is essentially:



5. The Fall City Rural Town is not within the Urban Growth Area (UGA), although it does have urban zoning designations, including R-4, and typically requires urban road standards road standards. Ex. D2 at 007–08.

6. The boundaries of Fall City Subarea Plan (Subarea Plan) reflect the community's strong commitment to rural character and the elimination of all potential high density residential and commercial zoning that was contingent on the availability of sanitary sewers. Subarea Plan Policies RT-1 and L-1; King County Comprehensive Plan Policy CP-535.

Public Comments/Concerns

7. During its review, Permitting received numerous comments from the community expressing concerns related to pedestrian safety, impact to area schools, allowed density, lot sizes, inconsistency of the new development with the existing rural character of Fall City, adequacy of parking, loss of vegetation including large trees and wildlife habitat, water safety, impacts to utilities, the proposed LOSS system, the safety of walking routes to Chief Kanim Middle School and Fall City Elementary School, and increased vehicular traffic on 332nd Avenue SE and SE 43rd Street. Several comments stated that the Applicant should contribute to the completion of the West Side Trail along SR 202 and requested a connection through Tract B to connect SE 43rd and 44th Streets.

8. Representatives from the Snoqualmie Indian Tribe Department of Archaeology and Historic Preservation also recommended an archaeological review and requested the opportunity to be present during any ground disturbance at the site.

9. The Applicant provided brief responses to many of these comments. Ex. D10.

SEPA Appeal

10. The Responsible Official of the Permitting Division issued a threshold Determination of Non-significance (DNS) on March 1, 2024. Ex. D5 at 001–03.

11. Fall City Sustainable Growth (FCSG) timely appealed the DNS raising the following issues:

    A. Impacts to groundwater, drinking water, and public health.

    B. Failure to identify cultural and archaeological sensitivity of the Site to local Tribes. FCSG withdrew this issue at the hearing, complementing the Applicant on the thoroughness of its analysis.

    C. Cumulative environmental impacts of the seven proposed or completed subdivisions included in the Fall City Assemblage.

    D. Application omissions (presence of wildlife, proximity to critical areas, and exceedances of impervious surface limits). Exs. D2 at 002, D5 at 012–29.

12. The Examiner consolidated the SEPA appeal hearing with the hearing on the preliminary plat but is unable to render a decision on the preliminary plat until the limited scope environmental impact statement (EIS) required by this decision is complete.

13. Except as modified herein, the facts set forth in the Permitting Division report to the Examiner and testimony are found to be correct and are incorporated herein by reference.

LOSS

14. The Applicant proposes to serve the Project with a LOSS subject to the High Quality Effluent (HQE) standard. Exs. D17, A5; testimony of David Jensen.

15. The legislature adopted Chapter 70A.115 RCW in 2007 to establish in a single state agency, the Department of Health (DOH), the comprehensive regulation of the design, operation, and maintenance of LOSSs and their operators. To accomplish these purposes, Chapter 70A.115 RCW provides for LOSS permitting and continuing oversight, as well as for establishing standards and rules for LOSS siting, design, construction, installation, operation, maintenance, and repair. DOH's LOSS rules are contained in Chapter 246-272B WAC and are intended to achieve sustainable long term sewage management. RCW 70A.115.005, 70A.115.020; WAC 246-272B-01000.

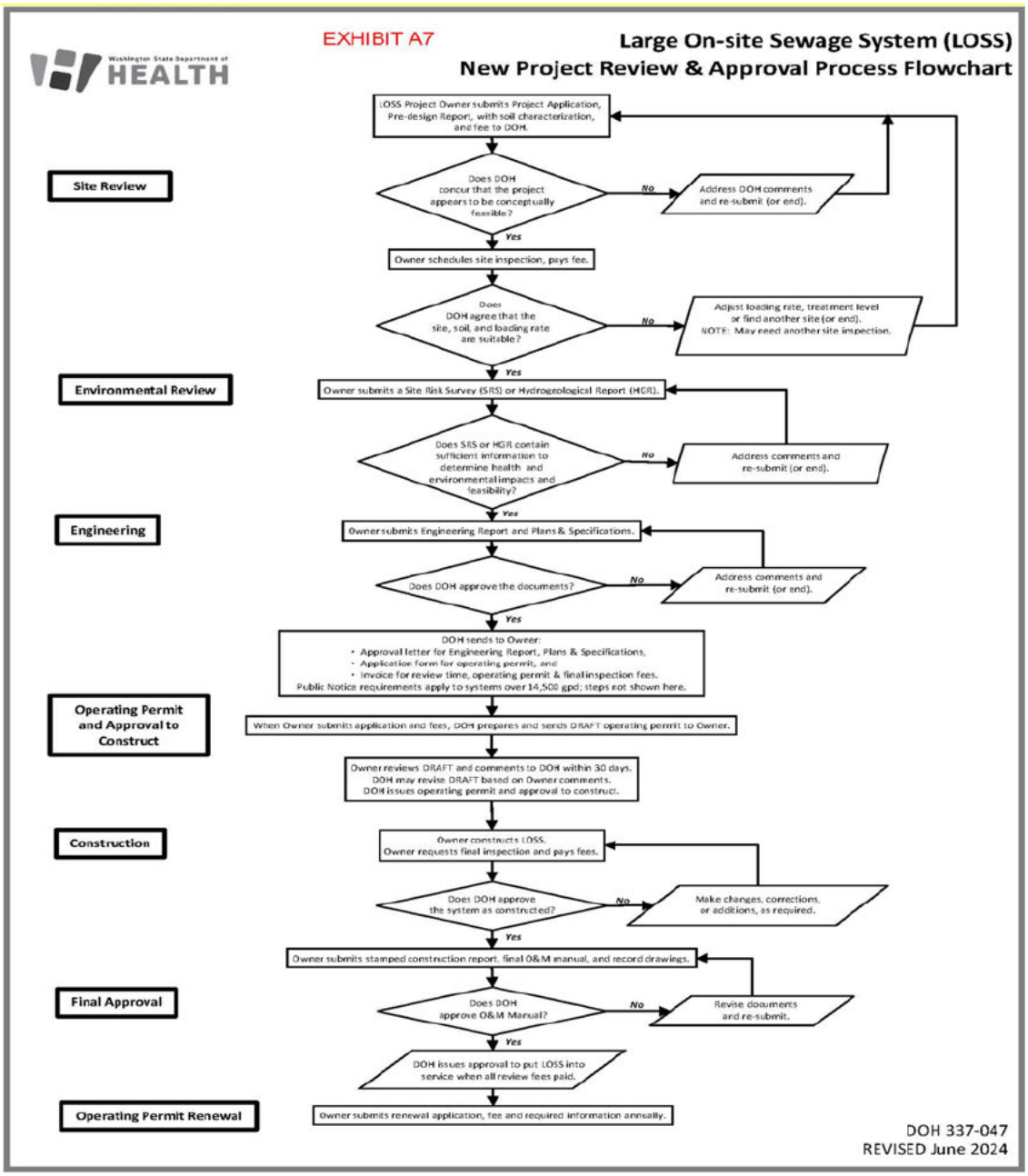
16. The DOH website explains:

> LOSS offer *an alternative to centralized municipal sewage treatment plants* and can serve from 10 to about 370 individual residences, or equivalent flows from schools and churches, campgrounds and recreation vehicle parks, resorts or state park sites, or smaller cities or towns.

https://doh.wa.gov/community-and-environment/wastewater-management/loss-program (emphasis added).

17. Permitting defers entirely to DOH for review of LOSS systems. Ex. D2 at 005; testimony of Chad Tibbits.

18. The chart below summarizes the key steps in DOH's review of a proposed LOSS:



19. Responding to considerable community concern, DOH required that the Taylor Development entities prepare a ~~Site Risk Survey (SRS) and~~ Hydrogeology Report (HGR) for the Mt Si, Cedar 23, Fall City II, Cha Cha and Stevens 24 LOSSs. Exs. FC7 at 005, FC8 at 005, FC9 at 005, FC10 at 005, D17 at 004–70.

Experience with Arrington Court LOSS

20. The first, and to-date only, LOSS installed in the Fall City Assemblage (and the only residential LOSS in Fall City) is the Arrington Court LOSS. It has experienced continuing problems. As the Examiner's May 2023 Report and Decision on the Cha Cha plat (Cha Cha Decision) explains:

> 62. During the hearing for Cedar 23, Mr. Jensen reviewed in some detail the challenges encountered at the Arrington Court subdivision. The following findings are taken from the Examiner's Cedar 23 Decision, with additional information from the record in this matter as noted:
>
> A. The issues derive from the components on the individual lots, not the actual LOSS system where the effluent goes into the ground. A few of the residents disposed of waste products not suitable for septic systems; a few sent excessive amounts of water to the system. Testimony of David Jensen.
> B. The main issue has been treatment of nitrogen and nitrates. Each home stubs out into a single-compartment 900-gallon tank which settles out products that are biodegradable. The tank has an outlet to a proprietary secondary waste treatment system using activated sludge and a biomembrane. Bacterial colonies grow within this system and break down the waste strengths. These colonies take time to establish themselves and are slower to do so during cold periods of the year. The effluent then goes to a pump chamber which pumps the effluent off the lot into a common collection pipe to a large pump chamber in the LOSS. The pump chamber doses the LOSS 24 times/day. Testimony of David Jensen. See also Cha Ex. A15 at 008.
> C. The membranes on each lot have been removed, cleaned, reinstalled, and the systems re-seeded (two had to be re-seeded again). Colonies are establishing themselves, but have not yet reached the necessary level to achieve the targeted waste strength. Nitrates are intended to be no more than 10 mg/L before being discharged into the drainfield. By comparison, the nitrate standard for a lot less than one acre in size on OSS is 30 mg/L. Testimony of David Jensen. See also Cha Ex. A15 at 008.
> D. Taylor Development and RM Homes (the builder of the Arrington Court homes) are working closely with DOH to resolve the nitrate issue. Options include installing a community denitrification system rather than treatment systems on each lot. Testimony of David Jensen at Cha hearing.

21. It is reasonable to conclude that the corrective steps reviewed in the May 2023, Cha Cha hearing were not sufficient, as more than fourteen months after that hearing, in July 2024, DOH approved a modification of the Arrington Court LOSS to permit a community denitrification system in the treatment unit. Ex. A5.

22. The intent of the originally installed Arrington Court LOSS design was that nitrate levels would increase by no more than 2 mg/L at the point of compliance (the property line directly downstream from the subsurface flow) (POC). Cha Cha Decision, Finding 70.

23. Mr. Jensen testified that, as, no monitoring well has been installed at the Arrington Court POC, he does not know if this level is being exceeded, but that he believes it likely that it continues to be exceeded (and will continue to be exceeded until the community denitrification system is functioning). Testimony of David Jensen.

24. In general, DOH considers a "moderate impact" to an unconfined or semi-confined surface aquifer as an increase greater than 2 mg/L above background. In other words, the Arrington Court LOSS likely has been creating more than moderate impacts throughout its operation. Ex. D17 at 002.

25. The community denitrification system is currently being installed. The intent is that the community denitrification system will reduce the nitrate level to 10 mg/L prior to discharge to the drainfield and that, at the POC, nitrate levels would increase by no more than 2 mg/L over the background level. However, as no monitoring well has been installed, we cannot know if this goal is achieved. Ex. A5; testimony of David Jensen.

26. Taylor Development intends to install a community denitrification system in its other plats and expects similar results. Testimony of David Jensen.

<u>LOSS Allows Greater Density and Impervious Surfaces than OSS</u>

27. The R-4 zoning allows a maximum density of 4 dwelling units/acre in the Fall City Rural Town, but it does not establish a minimum lot size. KCC 21A.12.030.B.22.

28. As the Examiner's Finding 15 in the Cha Cha Decision stated:

> B. The use of residential LOSS systems as opposed to individual on-site systems (OSS) allows an applicant to increase significantly the number of lots that can be created and to reduce significantly the lot sizes. For example, in Cedar 23, 18 lots could be developed using OSS (assuming a 4-bedroom home on each lot) as compared to the 23 that can be

developed using LOSS (assuming a 3-bedroom home on each lot). Ex. A4 at 001–002, P10J; testimony of David Jensen.

C. The reduced lots sizes permitted with a LOSS can result in significantly higher impervious surface percentages on each individual lot. Individual lots in R-4 zone that are less than 9,600 square feet may be developed with as much as 70% impervious surfaces, whereas those larger than 9,600 square feet are subject to a 55% maximum. KCC 21A.12.030.5.c; testimony of Maher Joudi.

Fall City Aquifers

29. The Fall City Rural Town is underlain by two aquifers: an unconfined shallow aquifer which does not supply drinking water and a deeper aquifer which supplies drinking water to all Fall City. Fall City Water District Wells 1, 2, and 5 draw from the deeper aquifer. The Fall City Assemblage LOSSs discharge into the shallow aquifer.

Critical Aquifer Recharge Area (CARA) and Sole Source Aquifer

30. The LOSSs will all be located within a mapped Category II CARA, which is defined in relevant part as recharge areas that have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area. KCC 21A.21.313.B.

31. Although the Environmental Protection Agency (EPA) has apparently not mapped the deeper aquifer from which Fall City's drinking water system is drawn as a sole source aquifer, the deeper aquifer does fall within EPA's definition of a sole source aquifer: an aquifer that supplies "at least 50% of the drinking water consumed in the area overlying the aquifer and for which there are no reasonably available alternatives sources should the aquifer become contaminated." Both FCSG and the Applicant's hydrogeologist characterize the deeper aquifer as a sole source aquifer. Exs. D5 at 015, D17 at 017.

Proximity to Snoqualmie River, Wetland A/C, and Barfuse Salmon Recovery System.

32. The Stevens 24 LOSS drainfield is approximately 1,000 feet from the banks of the Snoqualmie River and 470 feet from permanent side channels. Ex. FC4 at 005.[2]

[2] The Applicant filed a Motion in Limine to exclude portions of Exhibit FC1 (FCSG's brief), FC2, FC4, and FC5, arguing that they were outside of the scope of the appeal. FCSG and Permitting objected that the motion was not timely as they believed it constituted a dispositive motion. It is not a dispositive motion.
The Examiner denied the Motion as to FC1; the FC2 discussion of impacts to the Snoqualmie River, proximity to the floodplain restoration project and aquatic habitat, and potential risk to the Snoqualmie River from LOSS effluent; FC4; and FC5. FCSG adequately raised these issues in its appeal statement. For example, on page D5-013, on the allegation of Applicant omissions, it contends:

> The applicant made omissions in their application that require further review and investigation. This appeal addresses those issues, including the presence of wildlife, proximity to critical areas, and exceeded levels of impervious surfaces.

33. The Barfuse salmon recovery system is part of the $19,000,000 Fall City Floodplain Restoration Project which will reconnect 145 acres of historic Snoqualmie River floodplain and benefit several fish species, including Chinook salmon, designated as endangered under the Endangered Species Act. The goals of the Barfuse salmon recovery system are to restore access to high-quality salmon habitat and increase the quantity and diversity of off-channel habitat for Snoqualmie River salmon. FC4 at 002 & fn. 2, 003 & 006.

34. Wetland A/C is an 18-acre Category I riverine/depressional wetland immediately to the north of the proposed subdivision (across SR 202). FC4 at 008–09.

On page D5 at 014, on the issue of adverse environmental impact on groundwater, safe drinking water and public health, it argues:

> The rural community of Fall City is situated directly inside of two rivers that meet along the North and East sides of town, and a series of wetlands and floodplains bordering the West and South edges of town—creating a unique hydrological "island" of sorts. Underneath town there are two aquifers which are situated in highly permeable, primarily gravel soils, that are designated by the County as the highest level of vulnerability to contamination.

D5 at 017 asserts:

> It is clear that Fall City is both vulnerable to groundwater contamination and that the risk of a contamination event threatens the drinking water and public health of the community….
>
> At the time of the appeal, Arrington Court LOSS is malfunctioning that [sic] is actively leaching Nitrogen into Fall City soils …

D5 at 018 continues:

> 5000+ residents obtain their drinking water directly from a series of shared wells that sit within two aquifers that are highly active (meaning that water moves quickly underneath the town), connected and extremely vulnerable to contamination from septic systems and stormwater runoff and meets [sic] the highest level of vulnerability to contamination as determined by King County, GMA, and EPA….

FCSG also specifically cited the answer to the SEPA checklist questions B.3.a.1) and 2) regarding surface water and B.5.b regarding threatened and endangered species in its Appeal Statement. Ex. D5 at 027–28.

The Examiner limited the discussion of floodplain impacts to Issue 1 in the appeal (groundwater impacts) and of Snoqualmie River TMDL to effluent impacts. She granted the motion as to discussion in FC2 of NPDES requirements and FC 11 and 12. NPDES requirements are a topic which is not only outside of the scope of the appeal but outside of the Examiner's jurisdiction.

35. Wetland A/C is mapped on King County iMap.

36. The Applicant's expert, John Altmann of Altmann Oliver Associates, LLC (Altmann), testified that, in his professional opinion, the proposal would not cause a significant adverse impact to wetlands. However, his examination was on surface of the land. He did not examine water quality/hydrology for potential impacts to either Wetland A/C or the Barfuse salmon recovery system. Testimony of John Altmann.

37. Although Mr. Jensen initially indicated that the Stevens 24 SRS reviewed potential impacts to Wetland A/C and the Barfuse salmon recovery system, he subsequently corrected his testimony. As discussed below, *neither* the SRS *nor* the HGR reviewed impacts to these resources. Exs. A19, D17 at 017; testimony of David Jensen.

Site Risk Survey (SRS) Requirements

38. WAC 246-272B-03200 requires that the SRS identify any CARAs, sole source aquifers and

> (4)… sensitive lands or resources within one half mile of the primary or reserve drainfield perimeter including, *but not limited to*: (a) Fish hatcheries; (b) Shellfish growing areas; and (c) Water recreation areas

(emphasis added).

39. Mr. Jensen completed the Stevens 24 SRS. He testified that he limited his responses to WAC 246-272B-03200 to information displayed in iMap. Testimony of David Jensen.

40. The Stevens 24 SRS did not:

A. Identify Wetland A/C or the Barfuse salmon recovery system, although Wetland A/C is plainly depicted on King County iMap. Ex. A19.

B. Does not identify Wetland A/C as a surface water within 1000 feet of the drainfield. The SRS defines surface water to include wetlands. Ex. A19-006.

C. Indicate that the site is over a sole source aquifer although the HGR states that it is. Exs. D17 at 017, A19 at 002.

Hyrdogeology Reports and Testimony

41. A key question is whether the deeper aquifer is fully confined by an aquitard or whether the aquitard is not continuous, creating the opportunity for nitrates discharged from the LOSSs into the shallow aquifer to contaminate the deeper aquifer.

Golder (1998)

42. Matt MacDonald summarized the Golder report as follows:

> The 1998 Fall City Water District (FCWD) wellhead protection plan prepared by Golder suggests groundwater in the shallow alluvial water bearing materials *is hydraulically connected* with the source aquifer for the Fall City Water District Wells 1, 2, and 5. However, the water well reports for Wells 1 and 2, the regional unit descriptions from Turney (1995), and conceptual models prepared by the DNR (Dragovich and others, 2007) suggest *there may be some level of separation between the shallow and deeper water-bearing zones.* (The separation of two water bearing units is less clear in the water well report for District well 5.) FC2 at 251 (emphasis added).

Mott MacDonald (January & June 2024)

43. FCWD is spending a significant portion of its savings on recalculations of its well head protection zones and an update of it comprehensive plan, due to the uncertainty regarding the cumulative impacts of the Taylor Development projects on Fall City drinking water. Testimony of FCWD Commissioner Watts.

44. With the benefit of a 2023 DOH grant, the FCWD engaged Mott MacDonald to characterize the groundwater resources in Fall City and update the District's Wellhead Protection Plan (WHPP) to integrate risks to groundwater quality. The FCWD engaged Mott MacDonald to get new information and not simply a recitation of the previous information it had received. Exs. D5-030-042, FC2-247; Watts testimony.

A. In a January 2024 presentation to the FCWD (Mott MacDonald Phase I), under "Hydrologic Setting – aquifers" Mott MacDonald advised that the aquifers are *not* completely separated from one another. The readily available information *does not capture the level of connection or separation.* Under "Data gaps-Aquitard," it stated: "We are uncertain [sic] the continuity of the aquitard and *it is important to define groundwater flow in the vicinity of the District wells*." "Next Steps" include creating a series of cross sections to visualize the valley hydrology assessing the water

quality risk to the aquifer and District sources from the LOSSs. Ex. D5 at 034, 040 (emphasis added); Watts testimony.

45. The June 2024 Technical Memorandum provides greater detail on Mott MacDonald's Phase I analysis. Ex. FC2 at 244–256.

A. Mott MacDonald is conducting an on-going desktop analysis of available well logs and reports using readily available data to research the subsurface conditions surrounding the District's eight production wells. Ex. FC2 at 248.

B. Mott MacDonald downloaded available water well reports from the Department of Ecology (Ecology) well log database over a search area bound to the east by Snoqualmie Falls, to the south and southwest from the Lake Alice trail to near the crest of Mitchell Ridge, to the North by the Tokul Plateau, and to the northwest by Patterson Creek. This search area encompasses the extent of the existing FCWD wellhead delineations. Ex. FC2 at 248.

C. Mott MacDonald extracted soils descriptions and geologic intervals from the 52 selected wells to compare to the regional geologic descriptions in the USGS report, Geohydrology and GroundWater Quality of East King County, Washington (Turney and others, 1995) and those presented in the Department of Natural Resources (DNR) Geologic Map of Fall City 7.5-minute Quadrangle (Dragovich and others, 2007). It used the USGS nomenclature for its study. Ex. FC2-248.

46. Phase II, if approved, would be self-funded by the FCWD, given the urgency of the concerns, and more definitively determine the extent of a connection between the upper and lower aquifers. The FCWD Commissioners were set to vote on the Phase II funding the evening of the Stevens 24 SEPA hearing. Watts Testimony.

David Baumgarten/The Riley Group (RGI) (July 2024)

47. In the HGR Scoping Documents for the Mt Si (July 2023), Cedar 23 (July 2023), Fall City II (August 2023) and Cha Cha (August 2023) LOSSs, David Baumgarten, the Applicant's hydrogeology expert, assumed that a continuous aquitard separates the unconfined upper aquifer from the lower aquifer. Exs. FC7-005, FC8-005, FC9-005, FC10-005.

48. Stevens 24 HGR (July 2024).

A. Based on the SRS, DOH required an HGR. Ex. A11 at 002.

B. RGI evaluated groundwater flow direction in the shallow unconfined aquifer using a network of six monitoring wells completed in the shallow aquifer. The wells included the monitoring well at the Stevens 24 site and the other Taylor plats (other than Arrington Court). The wells are depicted on Exhibit A11 at 010. Ex. D17 at 018; Baumgarten testimony.

C. With data from these wells, Mr. Baumgarten determined that the groundwater flow in the upper aquifer at the time the information was collected (September 2023) was to the northwest. In response to questions from the County's geologist, Brad Pittsenbarger, he testified that it may be more north-northwest throughout the year. Ex. D17 at 008, -012, -025; Baumgarten testimony.

D. The groundwater flowing northwest from the site would likely enter the groundwater in the Snoqualmie River Alluvium and flow to the north. Ex. D17-018.

E. The Stevens 24 POC is shown on Ex. D17-008.

F. Groundwater flow from the lower aquifer is unknown. Ex. D17-012; Baumgarten testimony.

G. Based on the DOH guidance on how to determine the presence of an aquitard contained in Exhibit A11 at 012, Mr. Baumgarten determined that an aquitard separates the unconfined aquifer from FCWD Wells 1, 2 and 5 at the location of their installation. Ex. A11 at 012–13; Baumgarten testimony.

H. Mr. Baumgarten was unable to testify whether the aquitard is continuous throughout the upper and lower aquifers. Baumgarten testimony.

I. To further evaluate a potential hydraulic connection between the aquifers, RGI installed a datalogger/pressure transducer unit in the well in the upper aquifer at the Hazel preliminary plat proposal (not yet before the Hearing Examiner). Hazel is the proposal closest to FCWD Wells 1 and 2. If there is a hydraulic connection, RGI would expect to see a draw down in the Hazel well when Wells 1 and 2 come on and off. It did not see that. Ex. D17 at 009; Baumgarten testimony.

J. Exhibit A11, RGI's Hydrogeologic Presentation to the Examiner, cites three prior hydrogeologic studies which state that the lower aquifer is confined. (R.W. Beck (1998), HWA Geosciences (2001) and Robinson and Noble (2002)). It does not mention the Golder or Mott MacDonald analyses. Ex A11 at 014.

K. Throughout its existence, FCWD has not detected nitrates in its wells. Baumgarten testimony.

L. Mr. Baumgarten testified that there would be no significant adverse impacts to groundwater based on compliance with DOH guidance. Baumgarten testimony.

M. From geologist Pittsenbarger's questions of Mr. Baumgarten, it appears that Mr. Baumgarten had not reviewed the HGR prior to the hearing.

Jonathan Turk Aspect (August 2024)

49. FCSG engaged Jonathan Turk of Aspect Consulting to analyze two issues: the risk to Snoqualmie River and other sensitive resources from LOSS effluent in the shallow aquifer and the potential hydraulic connection between the aquifers. Mr. Turk conducted a desktop review over several months. Ex. FC2; Turk testimony.

50. Background data indicates that shallow groundwater at the Site is hydraulically connected to the Snoqualmie River. The Applicant did not contest this conclusion, but argued that, based on its site specific data, the travel time from the drainfield to the Snoqualmie River will be considerably longer than Mr. Turk calculated. FC2 at 002; Baumgarten testimony.

51. The Snoqualmie River is federally listed as an impaired water body. The conditions that resulted in the listing are temperature, fecal coliform, dissolved oxygen, and nitrate. FC2-003; Turk testimony.

52. Mr. Turk assumed that groundwater flow is to the north. FC2 at 003.

53. Mr. Turk reviewed RGI's HGR scoping documents for Cedar 23, Cha Cha and Fall City II LOSSs and the Stevens 24 HGR. As noted in Finding 41, the scoping documents assume the aquifers are separated by an aquitard. He reviewed the Stevens 24 HGR after he prepared his report. He did not include the specific data from the HGR in his report but testified that the information is consistent. Turk testimony.

54. Aspect made extrapolations based on available information to quantify risk. Based on extrapolations on depth to groundwater, distance to the Snoqualmie River, hydraulic loading rates to the proposed drainfield, and the hydraulic gradient from the shallow aquifer to the Snoqualmie River, Aspect estimated that the travel time to the River of a conservative particle in effluent is on the order of weeks to months. In contrast, based on flow to the northwest, which results in a greater distance from the drainfield to the Snoqualmie River, and data on gradient, Mr. Baumgarten estimated that the travel time might approach years. Ex. FC2 at 001–10; Turk and Baumgarten testimonies.

55. Once it is in the water table, nitrate does not degrade; it travels with the groundwater. Protection of groundwater and aquatic resources requires the assumption that mixing and dilution within the groundwater system occurs before pollutants reach sensitive receptors. FC2 at 006; testimony of Jonathan Turk.

56. The Stevens 24 drainfield is 15,000 square feet. The loading to the drainfield is roughly 6,000 gallons per day. This would amount to roughly 6 acre-feet per year. Stacked over the drainfield, that volume would be 20 feet tall. In Mr. Turk's professional opinion, the soil would lose its assimilative capacity over time. The length of time would depend on the system design and performance. Turk testimony.

57. Even assuming all seven LOSSs function as intended and assuming mixing and dilution, the increase of nitrate over background levels from the seven LOSSs is additive. We do not know the cumulative effect. Turk testimony.

58. Mr. Turk reached the same conclusion as Mott MacDonald—that the aquifers are *not* completely separated from one another—based on his review of the Mott MacDonald Technical Memorandum. His conclusion is derived from the first three geologic units from Turney 1995. On cross examination, he pointed to Mott MacDonald's statement that:

> Quarternary Vashon Till (Qvt) underlies the Qvr [Quaternary Recessional Outwash]. The Vashon till, Qvt, is broadly distributed throughout the

> region, but is thin or absent in areas where thick deposits of Qvr are present. This implies that the till was probably eroded within the fluvial environment during the deposition of the Qvr.

Ex. FC2 at 249. He explained that the till had eroded on the Valley floor in some areas. The areas in which till is absent are not extensive *but likely limited to areas in close proximity to the River*. He also pointed out Mott MacDonald's concern that the separation of the two water-bearing units is less clear for FCWD Well 5. Ex. FC2 at 251; Turk testimony (emphasis added).

59. On cross examination, Mr. Turk testified that appropriate study would tell us:

A. Mixing and dilution of nitrate in the unsaturated zone in the aquifer; and
B. How much nitrate would reach Snoqualmie River from the Stevens 24 LOSS and other Taylor Development LOSSs and its effect on the River water quality.

Overview of Most Pertinent SEPA Rules

New information on more than moderate impacts:

60. WAC 97-11-340(3)(a)(ii) provides that, "The lead agency shall withdraw a DNS if: … There is significant new information indicating, or on, a proposal's significant adverse environmental impacts…" As used in the SEPA rules, a "significant" impact is "a reasonable likelihood of *more than a moderate adverse impact* on environmental quality." WAC 197-11-794 (emphasis added).

61. To reiterate, in general DOH considers a moderate impact to an unconfined or semi-confined surface aquifer as an increase greater than 2 mg/L above background. Thus, even if each of the LOSS systems functions as intended, each LOSS will create an increase of at least 2 mg/L above background and their increases will be, to a currently unknown extent, additive, making it likely that the total impact from the seven LOSS system would be more than moderate. Ex. D17 at 002; Turk testimony.

62. In the months since Permitting issued its DNS, it has been provided considerable new information indicating the combined impact of the LOSSs may well be more than moderate: the Aspect and Mott MacDonald Technical Memoranda; the testimony of Jonathan Turk and FCWD Commissioner Wells; and Mr. Jensen's testimony that it is probable that the Arrington Court LOSS exceeds 2 mg/L at the point of compliance. Exs. FC2, FC3; Turk , Wells, and Jensen testimonies.

63. Permitting contends that "it has not been made aware of evidence of a significant adverse environmental impact from the proposed LOSS. The DOH approval process is designed to prevent such impacts." Mr. Tibbits, who was present throughout the hearing, repeated this assertion at the hearing. This stance is simply disingenuous.

Permitting must be open to the possibility of receiving new information indicating more than moderate impacts. Ex. D2-005; Tibbits testimony.

Incomplete or unavailable information:

64. WAC 197-11-080 provides in pertinent part (emphasis added):

> (1) If information on significant adverse impacts *essential to a reasoned choice among alternatives* is not known, and the costs of obtaining it are not exorbitant, agencies *shall* obtain and include the information in their environmental documents.
> (2) When there are *gaps in relevant information or scientific uncertainty* concerning significant impacts, agencies *shall* make clear that such information is lacking or that substantial uncertainty exists.
> (3) Agencies may proceed in the absence of vital information as follows:
> (a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but is not known, and the costs of obtaining it are exorbitant; or
> (b) If information relevant to adverse impacts is important to the decision and *the means to obtain it are speculative or not known*; Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its *worst-case analysis and the likelihood of occurrence*, to the extent this information can reasonably be developed.

65. Both the extent of an aquitard hydraulically separating the upper and lower aquifers—along with the connection of the upper aquifer to the Snoqualmie River, Wetland A/C, and the Barfuse salmon recovery site—are essential to a reasoned decision on the acceptable environmental impacts of the proposed Stevens 24 preliminary plat.

66. The expert testimony of Mr. Turk and Mr. Baumgarten make clear that the means of obtaining this information is not speculative.

67. There is no evidence or argument that the costs of obtaining this information is exorbitant.

68. There is considerable scientific uncertainty about the extent of an aquitard hydraulically separating the upper and lower aquifers. Permitting was aware of this uncertainty at the time it published it Staff Report on the SEPA appeal, as evidenced by the fact that it included the January 2024 Mott MacDonald presentation to the FCWD summary in its exhibits. D5 at 030–39.

69. Permitting should have been even more aware of this uncertainty after listening to the testimony of Jonathan Turk and FCWD Commissioner Watts. Yet it doubled down on

its assertion that it has not been made aware of evidence of a significant adverse environmental impact from the proposed LOSS. Tibbits testimony. That is simply not credible.

Factors to consider in evaluating significance:

70. WAC 197-11-330(3) provides in pertinent part:

> In determining an impact's significance (WAC 197-11-794), the responsible official *shall* take into account the following, that:
> (a) *The same proposal may have a significant adverse impact in one location but not in another location*; …
> (c) *Several marginal impacts when considered together may result in a significant adverse impact*; …
> (e) *A proposal may to a significant degree:*
> *(i) Adversely affect environmentally sensitive or special areas*, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;
> (ii) Adversely affect endangered or threatened species or their habitat; …
> and
> (iv) Establish a precedent for future actions with significant effects, involves [sic] unique and unknown risks to the environment, or may affect public health or safety.

71. As found above, all seven Fall City Assemblage LOSSs, including Stevens 24, are proposed to be located, or in the case of Arrington Court are currently located, in a Category II CARA and over a de facto sole source aquifer.

72. Effluent from Stevens 24, Fall City II and Hazel may flow to the Barfuse Recovery site and Wetland A/C, assuming a north-northwest or northwest flow in the shallow aquifer.

73. All these factors indicate that even a properly-installed and functioning LOSS may have an adverse impact in a CARA or over a de facto sole source aquifer while not in other locations. ~~Indeed, several jurisdictions have chosen to prohibit LOSSs in CARAs, including Kitsap and Thurston counties and the City of Redmond. Turk testimony; RMC 21.64.050.C.~~

Reliance on County's existing plans, laws, and regulations:

74. WAC 197-11-158 SEPA/GMA project review—Reliance on existing plans, laws, and regulations.

> (1) In reviewing the environmental impacts of a project and making a threshold determination, a GMA county/ city *may*, at its option, determine that the requirements for environmental analysis, protection, and mitigation measures in the GMA county/city's development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, provide adequate analysis of and mitigation for some or all of the specific adverse environmental impacts of the project.
> (2) In making the determination under subsection (1) of this section, the GMA county/city *shall*: … (b) Identify the specific probable adverse environmental impacts of the project and determine whether the impacts have been: *(i) Identified in the comprehensive plan, subarea plan, or applicable development regulations through the planning and environmental review process under chapter 36.70A RCW or this chapter, or in other local, state, or federal rules or laws*; and (ii) *Adequately* addressed in *the* comprehensive plan, *subarea plan*, applicable development regulations, or other local, state, or federal rules or laws by: (A) Avoiding or otherwise mitigating the impacts; or (B) The legislative body of the GMA county/city designating as acceptable the impacts associated with certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW;…
> (3) Project specific impacts that have *not* been adequately addressed as described in subsection (2) of this section might be probable significant adverse environmental impacts requiring additional environmental review. Examples of project specific impacts that may not have been adequately addressed include, but are not limited to, impacts resulting from changed conditions, impacts indicated by *new information*, *impacts not reasonably foreseeable in the GMA planning process*…. (emphasis added).

75. In response to an Examiner question, Mr. Jensen testified that, when the Fall City Subarea Plan was adopted in 1998,[3] there may have been one LOSS system for the Junior High School. In subsequent testimony he stated that, to his knowledge, while there may have been some community drainfields, there were no LOSSs in the 1999-2000 period. Testimony of David Jensen.

76. The impact of LOSSs on water quality both within the unconfined and deeper aquifers, as well as sensitive receptors discussed at length above, and in the "LOSS allows greater density and impervious surfaces than OSS" section of this decision, were not identified in the 1999 Subarea Plan. As explained in the previous Finding, at most one LOSS

[3] The Subarea Plan was actually adopted in 1999. Ex. A12 at 008.

existed at the time and none were employed for a residential project until sometime after the Examiner approved the Arrington Court preliminary plat in January 2023 (Report) and February 2023 (Revised Report~~). Indeed, the legislature did not adopt Chapter 70A.115 RCW (the LOSS chapter) until 2007.~~

77. Further, the 2012 amendments to the Subarea Plan favor on-site septic systems, and "alternative wastewater disposal systems *approved by the Seattle-King County Health Department* (such as a community drainfield)." DOH, and not the Seattle-King County Health Department, approve LOSSs. Policy S-1, Ex. A12-002.

78. Permitting and the Applicant contend that RCW 43.21C.240 entitled Permitting to rely on existing plans, laws, and regulations in meeting SEPA requirements. They overlook WAC 197-11-158(2) and the fact that, in implementing RCW 43.21C.240 and WAC 197-11-158, the King County Council chose to distinguish between proposals within the UGA and those outside of it, making such reliance discretionary outside of the UGA. Exs. D2-004, A17-006; KCC 20.44.080.D.

Reliance on DOH review of LOSS with no assessment of LOSS impacts:

79. Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact. WAC 197-11-660(1)(e) adopted by KCC 20.44.080.

80. WAC 197-11-060(4)(b) provides:

> In assessing the significance of an impact, *a lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction*, including local or state boundaries (see WAC **197-11-330**(3) also).

81. Permitting observes that the LOSS design and operation are regulated by DOH. While that may correct, as concluded below it does not absolve Permitting from analyzing whether DOH approval will adequately mitigate LOSS impacts in a Category II CARA and over a de facto sole source aquifer. Ex. D2-003; WAC 197-11-060(4)(b).

Appeal Issue 1: Groundwater Impacts

82. As concluded below, impacts to the unconfined aquifer are not hypothetical or remote. A better understanding of those impacts will allow us to evaluate impacts to other sensitive receptors such as the Snoqualmie River nitrate TMDL, Wetland A/C and the Barfuse salmon recovery system.

83. There is scientific uncertainty concerning the hydraulic connection between the confined aquifer and the deeper aquifer. Permitting did not make clear that such substantial

uncertainty exists, as required by WAC 197-11-080. Indeed, it did not even acknowledge the uncertainty.

84. The means of obtaining this information about the hydraulic connection is not speculative nor is there any evidence that the costs of obtaining this information is exorbitant, particularly given the fact the areas in which aquitard/till is absent are not extensive *but likely limited to areas in close proximity to the River*. Turk testimony.

Appeal Issue 3: Cumulative Impacts of the Fall City Assemblage[4]

85. SEPA classifies impacts as direct, indirect, and cumulative, but does not define the term "cumulative."

86. Permitting did request that the Applicant review impacts to one element of the environment – transportation – for the Full City Assemblage as a whole. Permitting offered no explanation for not requiring a similar cumulative impacts analysis on other elements of the environment. Ex. D2-004; testimony of Spenser Haynie.

87. Cumulative impacts of the LOSSs on groundwater and sensitive receptors is discussed above.

88. The LOSSs will have cumulative impacts on rural character in terms of the number of lots that can be created, lot sizes, and impervious surfaces. WAC 197-11-440(2)(b)(1) (relationship to land use plans and estimated population are an element of the built environment); WAC 197-11-960.B(8)(l) (environmental checklist question asking about proposed measures to ensure the proposal is compatible with existing and projected land uses and plans).

Appeal Issue 4: Inaccuracies in Environmental Checklist

89. Impervious surface limit. There is no inaccuracy. As explained in Finding 13.C of the Examiner's April 2023 Mt Si Decision and reiterated in Finding 15.C of her May 2023 Cha Decision, in the R-4 zone individual lots that are less than 9,600 square feet may be developed with as much is 70% impervious surfaces, whereas those larger than 9600 square feet are subject to a 55% maximum. This is one of the outcomes that may be achieved through using a LOSS and most likely was not analyzed in the context of the Fall City Rural Town when the code was adopted. KCC 21A.12.030.5.c.

90. Proximity to critical area is addressed as part of Groundwater.

[4] As noted above, Appellant withdrew Appeal Issue 2.

91. Bald eagle habitat. There is no habitat protected by the King County Code on the Site. Testimony of John Altmann.

92. Any Finding of Fact which is more properly considered a Conclusion of Law is hereby adopted as a Conclusion of Law.

CONCLUSIONS:

1. Any Conclusion of Law which is more properly considered a Finding of Fact is hereby adopted as a Finding of Fact

2. Appellant bears the burden of proving that the DNS is "clearly erroneous" based on the record as a whole. *Moss v. Bellingham,* 109 Wn. App. 6, 13, 31 P. 3d 703 (2001)(citations omitted); Rule XV.E.1 the Hearing Examiner's Rules of Procedure and Mediation. (Examiner's Rules).

3. A decision is clearly erroneous if, although there is evidence in the record to support it, the Hearing Examiner is "left with a definite and firm conviction that a mistake has been committed." *Moss*, 109 Wn. App. at 6.

4. The standard of proof is a preponderance of the evidence. Examiner's Rule XV.F.2.

5. The Hearing Examiner must accord the decision of the responsible official substantial weight. KCC 20.44.120.A.3, citing RCW 43.21C.075(3)(d).

6. Taylor Development and the Applicant are to be commended for the strides they have taken to achieve compliance at Arrington Court and to understand the flow of the shallow aquifer and its hydraulic connection if any to the deeper aquifer. However, a limited-scope EIS is warranted based on:

   A. The new information of more than moderate impacts of the seven proposed or existing LOSSs to the unconfined aquifer, and their potential impact to the Snoqualmie River nitrate TMDL, Wetland A/C and the Barfuse salmon recovery site. WAC 197-11-340(3)(a), WAC 197-11-794.
   B. The *scientific uncertainty* concerning the hydraulic connection between the unconfined aquifer and the deeper, de facto sole source aquifer. WAC 197-11-080.
   C. The location of all the LOSSs in a Category II CARA and over a de facto sole source aquifer. WAC 197-11-330(3).

7. The Snoqualmie Subarea Plan does not provide a safe harbor. It favors community "alternative wastewater disposal systems *approved by the Seattle-King County Health Department* (such as a community drainfield)" not LOSSs approved by DOH Policy S-1, Ex. A12-002.

8. The preponderance of the evidence is that the LOSSs will collectively generate more than moderate adverse impacts to rural character in the form of more and smaller lots and greater impervious surfaces.

DECISION:

The Appeal is **GRANTED** in part and **DENIED** in part. The Stevens 24 preliminary plat is remanded to Permitting for ~~the preparation of a limited scope environmental impact statement analyzing~~ analysis of the following topics:

A. Cumulative impacts of the seven proposed or existing LOSSs (Arrington Court, Mt. Si, Cha Cha, Cedar 23. Stevens 24, Fall City II, and Hazel) to the unconfined aquifer, and their potential impact to the Snoqualmie River nitrate TMDL, Wetland A/C and the Barfuse salmon recovery site.
B. The hydraulic connection between the unconfined aquifer and the deeper, de facto sole source aquifer.
C. The cumulative impacts of the seven proposed LOSSs on the Fall City Rural Town rural character.

Based on the results of that analysis and consultation with DOH, the Permitting Division shall issue a new threshold determination.

DATED December 23, 2024.

Alison Moss, King County Hearing Examiner *pro tem*

MINUTES OF THE SEPTEMBER 19, 2024, HEARING ON PRELIMINARY PLAT APPLICATION AND SEPA APPEAL STEVENS 24, DEPARTMENT OF LOCAL SERVICES FILE NO. PLAT220004

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were John Altmann, David Baumgarten, Margaret Berger, Angela Donaldson, Robert Fitzmaurice, Carrie Lee Gagnon, Spenser Haynie, David Jensen, Maher Joudi, Teresa Kluver, Patrick Mullaney, Cindy Parks, Brayden Pittsenbarger, Rachel Shepard, Mike Suelzle, Huey-Yi Sung, Chad Tibbits, Jonathan Turk, and Lyn Watts.

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

Exhibit no. D1 King County Assessor's Map, dated 10.25.2022
Exhibit no. D2 Preliminary department report, transmitted to the Examiner on 8.21.2024
Exhibit no. D3
- A. Application, dated October 2022
- B. Certification & Transfer of Applicant Status 10.25.2022

Exhibit no. D4 SEPA Environmental Checklist, dated March 3, 2022
Exhibit no. D5
- A. SEPA Determination of Non-significance (DNS), issued 3.1.2024
- B. SEPA Notice of Decision, dated 3.1.2024 (Mailed 2.27.2024)
- C. Appeal, from Kyle Haffner, dated March 15, 2024
- D. Request for Dismissal of Appeal With Prejudice, from Kyle Haffner, dated 6.14.2024
- E. Hearing Examiner Order of Partial Dismissal 7.2.2024
- F. Appeal, from Fall City, received March 25, 2024
- G. Appeal attachment, from Fall City, Fall City Water District Report, dated January 30, 2024
- H. Appeal attachment, from Fall City, Fall City Residential Analysis, dated August 21, 2023

Exhibit no. D6
- A. Notice of Application, mailed 12.9.2022
- B. Notice of Public Hearing, mailed 8.16.2024

Exhibit no. D7 Revised Preliminary Subdivision, dated 7.30.2024
Exhibit no. D8 Revised Residential Density Worksheet
Exhibit no. D9 Cultural Resources Report, dated 8.30.2022
Exhibit no. D10
- A. Public Comments, from Fall City Community Association, 1.13.2023
- B. Public Comments, from Teresa Kluver, 1.3.2023
- C. Public Comments, from Rebecca and Dwight Miller, 1.4.2023
- D. Public Comments, from Charlotte Noel, 1.13.2023
- E. Applicant responses to public comments, 8.25.2023
- F. Correspondence with Snoqualmie Tribe 6.14.2024

Exhibit no. D11

A. Wetland & Stream Reconnaissance, dated June 8, 2022
B. Wildlife Habitat Assessment, dated January 17, 2023

Exhibit no. D12 Revised Geotechnical Engineering Report 8.25.2023
Exhibit no. D13 Groundwater Monitoring Report, dated May 25, 2022
Exhibit no. D14

A. KC Districts and Development Conditions
B. Revised School Walkway Analysis, dated 12.18.2023
C. Revised Level One Traffic Impact Analysis, dated 8.2.2022

Exhibit no. D15 Technical Information Report, report issue date 8.8.2023
Exhibit no. D16 Water Availability Certificate, dated June 14, 2024
Exhibit no. D17

A. Proceed to Environmental Review for New LOSS, dated July 7, 2022
B. Proceed to Environmental Review for New LOSS, dated August 6, 2024, and Hydrogeology Report, dated July 3, 2024

Exhibit no. D18 Fire District No. 27 Receipt, dated 7.29.2024
Exhibit no. D19 Tree Retention and Recreation Plan, dated January 2023
Exhibit no. D20 King County Cultural Resources Inadvertent Discovery Plan August 2023
Exhibit no. D21 Title Report, printed 8.7.2024
Exhibit no. D22 King County Ordinance Signature Report 19672, signed 10.5.2023

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

Exhibit no. A1. Expert Witness List & Qualifications, 8-21-24
Exhibit no. A2. Wetland-Stream Reconnaissance, dated August 12, 2024
Exhibit no. A3. Wildlife Habitat Assessment, dated August 12, 2024
Exhibit no. A4. Cultural Resource Summary, 8-14-24
Exhibit no. A5. Approval to Construct; LOSS Treatment, 7-22-24
Exhibit no. A6. Nitrate Test Results (All Wells), 2022-2024
Exhibit no. A7. LOSS New Project & Approval Flowchart, 6-2024
Exhibit no. A8. Cedar 23 Proceed to Engineering for New LOSS, 5-13-24
Exhibit no. A9. Cha Proceed to Engineering for New LOSS, 7-7-22
Exhibit no. A10. Mt. Si. Proceed to Engineering for New LOSS, 7-2-24
Exhibit no. A11. Hydrogeologic Presentation, Riley Group, 8-20-24
Exhibit no. A12. KC Comp Plan & Subarea Plan

a. Amendments to Fall City Subarea Plan, September 2012
b. Excerpted KC Comp Plan Policies (46318448.1)
c. KC Fall City Subarea Plan_Final with Maps, 1999
d. KC Ordinance 13875, dated June 15, 2000
e. KC Ordinance 13881 FC zoning, dated June 27, 2000

Exhibit no. A13. Rebuttal, Landscape Plan Set, updated June 2024
Exhibit no. A14. Rebuttal, Residential Density Worksheet, dated July 30, 2024
Exhibit no. A15. Rebuttal, Response to Public Comments, dated July 30, 2024
Exhibit no. A16. Rebuttal, Cultural Resource Consultants Technical Memo (original 21 lots), dated November 24, 2021
Exhibit no. A17. Brief, SEPA, submitted September 18, 2024
Exhibit no. A18. Brief, application, submitted September 18, 2024

Exhibit on. A19. LOSS Site Risk Survey, dated September 30, 2022, submitted September 19, 2024

The following exhibits were offered by the appellant (Fall City) and entered into the record *(some exhibits are noted as limited):*

Exhibit no. FC1. Opening Brief *(Applicant's objection denied)*
Exhibit no. FC2. Letter of Support: Source Water Protection and LOSS System Review, from Aspect A Geosyntec Company, dated August 21, 2024 *(Applicant's objection granted in part)*
Exhibit no. FC3. Technician Memorandum, Water District, from Mott MacDonald, June 2024
Exhibit no. FC4. Fall City Critical Areas Summary *(Applicant's objection granted in part)*
Exhibit no. FC5. Applicant Errors in Environmental Checklist
Exhibit no. FC6. US Geological Survey: Geohydrology and Groundwater Quality of East King County
Exhibit no. FC7. Mt. Si Hydrogeology Report Scoping Document, from Riley Group, dated July 7, 2023
Exhibit no. FC8. Cedar 23 Hydrogeology Report Scoping Document, from Riley Group, dated July 27, 2023
Exhibit no. FC9. Fall City II Hydrogeology Report Scoping Document, from Riley Group, dated August 1, 2023
Exhibit no. FC10. Cha Hydrogeology Report Scoping Document, from Riley Group August 1, 2023
Exhibit no. FC11. Maui Draft Guidance (Applicant's objection granted, excluded from record)
Exhibit no. FC12. Maui Case 18-260 (Applicant's objection granted, excluded from record)
Exhibit no. FC13. Aspect Service Sheets and Overview
Exhibit no. FC14. Resume, Jonathan Turk
Exhibit no. FC15. Critical Areas Ordinance User's Manual
Exhibit no. FC16. Fall City Drinking Water and LOSS
Exhibit no. FC17. WA Department of Ecology: Implementation Guidance for the Groundwater Quality Standards, revised October 2005
Exhibit no. FC18. Septic System Impacts on Groundwater Quality, by William Robertson
Exhibit no. FC19. Fall City District Comprehensive Water Plan 2016
Exhibit no. FC20. WA State Department of Ecology: Critical Aquifer Recharge Areas Guidance, revised March 2021
Exhibit no. FC21. Rebuttal to applicant's exhibits, from Rachel Shepherd (on behalf of Michael Suelzle, submitted August 28, 2024
Exhibit no. FC22. Brief, submitted September 18, 2024
Exhibit no. FC23. Brief, submitted September 26, 2024

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

Exhibit no. P1. Comment, from Terri Divers, submitted August 8, 2024
Exhibit no. P2. Comment, from Terri Divers, submitted September 2, 2024
Exhibit no. P3. Comment, from Lori Tompkins, submitted September 2, 2024

Exhibit no. P4.	Comment, from Joellen Monson, submitted September 2, 2024
Exhibit no. P5.	Comment, from Jeanine Pruitt, submitted September 2, 2024
Exhibit no. P6.	Comment, from Brad Szlezak, submitted September 2, 2024
Exhibit no. P7.	Comment, from Lance Weatherbee, submitted September 2, 2024
Exhibit no. P8.	Comment, from Dwight and Rebecca Miller, submitted September 3, 2024
Exhibit no. P9.	Comment, from James Osgood, submitted September 3, 2024
Exhibit no. P10.	Comment, from Cindy Parks, submitted September 3, 2024
Exhibit no. P11.	Comment, from Mary and Mel Butler, submitted September 4, 2024
Exhibit no. P12.	Comment, from Teresa Kluver, submitted September 4, 2024
Exhibit no. P13.	Comment, from Chris Arnold, submitted September 4, 2024
Exhibit no. P14.	Comment, from Rachel Shepard, submitted September 4, 2024
Exhibit no. P15.	Email, School Plan, from Rachel Shepard, submitted September 19, 2024

December 23, 2024

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT220004**

STEVENS 24

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REVISED REPORT AND DECISION ON SEPA APPEAL** 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, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 23, 2024.

Jessica Oscoy
Office Manager

Altmann, John
Altmann Oliver Associates
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Arnold, Chris
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Baerwalde, Matthew
Snoqualmie Tribe Enviro and Natural Resources Dept
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The Riley Group Inc
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Berger, Margaret
Cultural Resource Consultants, LLC
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Brown, Todd

Butler, Mary/Mel
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Claussen, Kimberly
Department of Natural Resources and Parks

Cui, Tracy
Department of Local Services

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Schwabe, Williamson & Wyatt
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Divers, Terri
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Donaldson, Angela/Jeff

Eichelsdoerfer, Robert
Department of Local Services

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Fall City Water District No. 411
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FC202 Investments, LLC

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Taylor Development
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Gagnon, Carrie Lee

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Haffner, Kyle
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Hartman, Jay
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Miller, Rebecca/Dwight
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Monson, Joellen

Mullaney, Patrick
Schwabe, Williamson & Wyatt
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Noel, Charlotte
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Nold-Glaser, Claire

Osgood, James
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Tompkins, Lori

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Watts, Lyn

Weatherbee, Lance

Young, Kelly