

Appeal of SEPA Determination of Non-significance (Type 3) for

Plat22-0004 – Stevens24

located at 32911 and 32919 Redmond Fall City Rd SE

Fall City, WA 98024

SEPA Threshold Determination issued by

King County Department of Local Services, Permitting Division

919 SW Grady Way, Suite 300

Renton, WA 98057

Permitting coordinator Chad Tibbets

Appealed by

Fall City Sustainable Growth, 501(c)3

Represented by Mike Suelzle

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Plat Applicant

FC 202 Investments, LLC

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Filed on the 25th of March, 2024
with the King County Hearing Examiner
including \$250 filing fee

Attached Exhibits:

Copy of original decision

Fall City Water District Report

King County Fall City Rural Town Study

Introduction

This is an appeal of the SEPA threshold Determination of Non-significance (DNS) issued by King County Department of Local Services Permitting Division for the proposed Stevens 24 subdivision on March 1st, 2024.

Fall City Sustainable Growth (FCSG) is a non-profit representing the interests of Fall City residents, property owners and community members who will be directly impacted by the significant and probable environmental impacts of the proposed plat.

This appeal requests that the DNS for Stevens24 be withdrawn, a threshold DS stated, and an environmental impact statement (EIS) for the project be required.

In addition, so that the County satisfies the legal requirements for protecting critical areas and assessing cumulative environmental impacts, this appeal calls for the County to broaden the scope of an EIS to include all 9 developments proposed by the sole applicant inside the rural town boundary (collectively referred to as the "Fall City Assemblage" by the applicant). To adequately assess and mitigate risks, it is recommended that King County partner with the agencies who do have jurisdiction and expertise in assessing groundwater, drinking water safety and public health, specifically the Washington State Department of Health and/or Department of Ecology.

Errors in the determination of non-significance

The Stevens24 subdivision, along with the 7 directly adjacent and concurrent projects totaling approximately 143 homes in a ½ mile area, are unique and unprecedented in their adverse environmental impacts. The county erred in issuing a DNS, and a DS and accompanying EIS should be prepared.

Preparing an EIS is required when there are *probable, significant, and adverse environmental impacts* of a project. This appeal satisfies each of those criteria. This appeal also supplies the County with essential environmental information omitted in the SEPA applications.

Basis for the appeal

Section 1: Groundwater impacts

The environmental impacts of the project on groundwater resources has not been

assessed with the best available science and there are probable, significant adverse outcomes to groundwater, drinking water and public health.

Section 2: Cultural and archeological sensitivity of the site

The sensitivity of the site was omitted in the application and the documented significance of the area to local tribes was not declared.

Section 3. Cumulative environmental impacts of the Fall City Assemblage

Stevens24 is 1 of 7 subdivisions under active permitting as individual projects, but for environmental impacts, they should be reviewed as a whole to assess and address cumulative impacts. The SEPA legal framework anticipates and addresses this scenario directly and has clear guidance for lead agencies.

Section 4. Application omissions

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

Section 1: Adverse environmental impacts on groundwater, safe drinking water and public health.

Fall City's unique geohydrological environment

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 flood plains 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.

The large majority of lots in Fall City, and all of the plats being permitted, are within Critical Aquifer Recharge areas and wellhead protection areas (fig 1). Available hydrogeological studies are limited and utilize outdated modeling techniques, but indicate that the water tables, soil diversity, and geohydrology in the areas around the plats and wellheads are complex.

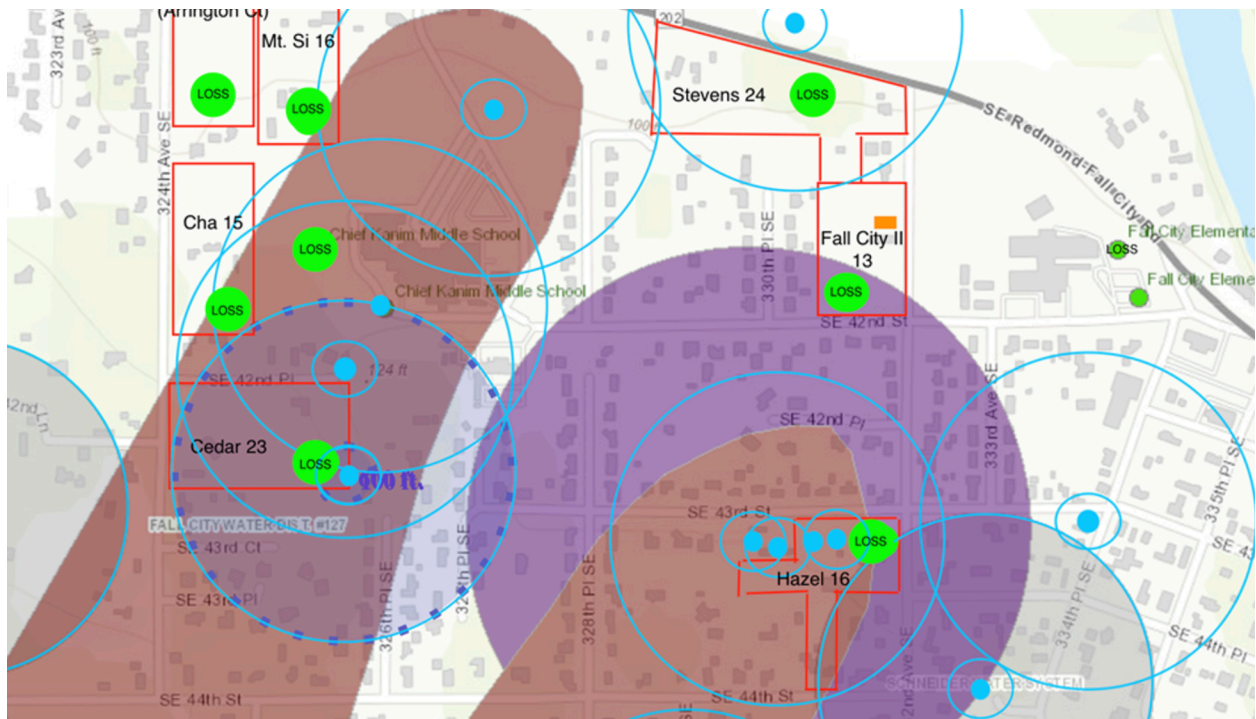


Figure 1 Blue circles indicate community and private wellheads that draw from the shared aquifers. Blue radiating circles show wellhead setbacks. Purple and Brown zones are highly conductive zones where rapid transfer of contaminants can move underground. The green LOSS circles are the proposed locations for Plat LOSS. With only 6

functional homeowner managed LOSS in all of King County, this clustering of LOSS within type 1 and 2 CARAs is at best a pilot program, at worst an unstudied and unknown risk to groundwater safety. Of note is that these delineation zones are based on the Fall City Water District's outdated wellhead protection plan and requires immediate updating using modern modeling and simulation techniques. Recent analysis underway indicates that the zones are overly conservative and do not incorporate current levels of septic density and pressure.

Sole source aquifer & wellhead status

Fall City's drinking water system qualifies as a "sole source aquifer" which the Environmental Protection Agency (EPA) defines as 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 alternative sources should the aquifer become contaminated."

100% of Fall City's drinking water is provided by the aquifers and residents have no alternate sources of safe drinking water. This designation is granted under Section 1424(e) of the Safe Drinking Water Act (SDWA). While these subdivisions are private projects, any federal projects within Fall City would require EPA review for potential contamination risks to the water supply.

Most importantly, Fall City's drinking water is obtained from a series of wells that draw from the aquifers and supply nominally treated water managed by a small, marginally funded water department. The wellhead protection plan in Fall City has been reviewed by State DOH experts and has been recommended for immediate and expert updating to incorporate modern modeling techniques and current threats to groundwater sources. For example, it is known that at least one well is not lined and no wells have alarms for a Nitrogen related event.

Wastewater treatment in Fall City today

Because of Fall City's remote location and unique geographical context, sewer will never be available to residents. All residential homes in Fall City utilize individual onsite septic systems (OSS) and because of the permeable soils and CARA status, thus require large lot sizes and generous drain fields. Public health requirements for OSS have limited growth in Fall City to around 1% per year on average. Being a slow growing and remote community, residents have no urban services like public transportation or wastewater treatment.

Because County OSS requirements for large drain fields and subsequent lot sizes, Stevens²⁴ and the other proposed plat(s) utilize Large Onsite Septic System (LOSS) for

wastewater management. Each development would build a new LOSS for every plat. The system would be managed by the homeowners and a newly formed HOA would be legally responsible for the system, with some professional support for taking the required measurements of wastewater treatment levels.

These systems collect effluent from homes into a single community shared tank, then treats the effluent to a predetermined standard for wastewater, then uses a series of drip irrigation lines to pump the wastewater back into the soils and groundwater. Because of the complexity of their management and engineering, LOSS are permitted by the Washington State Department of Health and not King County.¹

The majority of LOSS in Washington are created for large facilities like schools, malls, and sometimes for housing developments of 10-100 homes that are unable to utilize a sewer connection. In nearly all of these cases the systems are managed by commercial operators as they require professional, precise, and ongoing monitoring and maintenance schedules that are exponentially more complex than managing a regular OSS. Under professional oversight LOSS are safe (barring equipment or drain field failures). However, at this time, residential or homeowner management of LOSS is controversial and under growing scrutiny within the wastewater management industry. Fall City has already experienced this first hand at Arrington Court, the applicants first development built in 2021.

The primary concern in the case of homeowner managed LOSS is that practically all new homeowners are unexperienced with these systems. At Arrington Court homeowners have had many hurdles to overcome to safely managing their own wastewater: they can overload the system by throwing a birthday party, they could put common household materials (like cooking oil or bleach) into the drain that subsequently destroys septic colonies, they could forgo the intensive and expensive maintenance programs required for operational safety and state required compliance, they may not have a functional backup generator in the event of a power outage and septic waste could overflow the tanks, or they could even abandon the system with home ownership changes or dissolution of an HOA. These are not hypotheticals – they are real life examples and documented daily challenges faced by homeowners trying to use these systems. Unlike a professionally managed LOSS, homeowner managed LOSS is not predictable or proven.

1 Pursuant to Washington State's SEPA guidelines and local ordinances, even though the Washington State Department of Health (WSDOH) is authorized to permit and review LOSS applications, King County Local Services, Department of Permitting retains primary authority for SEPA and plat approvals. As the lead agency, it is incumbent upon the Department to evaluate all environmental impacts comprehensively, irrespective of which agency holds jurisdiction over specific components of the permitting process.

Beyond the complex operational requirements new homeowners are responsible for, concentrating 24 homes' sewage into a single tank increases the impact of a large scale, catastrophic contamination event into groundwater. Earthquakes, faulty tanks, broken lines, construction accidents, power outages – these could all lead to a seeping of human effluent directly into Fall City's permeable soils and high water table. While OSS can also have failure events, this risk is dispersed across a larger geographic area and both the volume and concentration of wastewater is dramatically less than a shared LOSS used by dozens of homes.

Homeowner managed LOSS is a wrought with vulnerabilities. No matter the failure point, of which there are many, the risk to public health and the environment is that untreated effluent or inadequately treated wastewater can leach into the groundwater. Spillage events can be acute or ongoing, and the impact can be permanent. In the words King County:

"Groundwater is subject to contamination from human activity.
Once a source of groundwater is contaminated it may be lost forever.
The cost of protection is considerably less than the cost of remediation and
replacement.
Having accurate, up-to-date information on groundwater quality and
quantity is essential for managing this resource."
(King County Comprehensive Plan 2016, Groundwater Resources)

Evidence of *probable* adverse outcomes:

It's 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. These criteria alone necessitate an EIS to fully assess the risk profile and environmental impacts of homeowner managed LOSS.

The negative repercussions of LOSS are not merely probable—they are unfolding with certainty and immediacy in Fall City today.

At the time of the appeal, Arrington Court LOSS is malfunctioning that is actively leaching Nitrogen above threshold levels into Fall City soils. Arrington Court is non-compliant with WSDOH treatment standards (last report had Nitrogen 600% over acceptable limits) and wrought with ongoing operational problems ranging from homeowner misuse and equipment failure. Septic pumping trucks are a weekly sight at

this development and liability is an ongoing issue. Neighbors report ongoing smells of septic and alarms indicating system alerts are heard daily. Reflective of the difficulty in homeowner managed systems, the original government entity (Snohomish County PUD) that was responsible for overseeing the system has ended their contract with the homeowner's association. This situation is well documented and available for reference in the hearing examiner sessions and documents for Fall City II, Cedar 23, CHA and Mt. Si plats.

While we do know that the system is not meeting treatment requirements, impacts to the aquifer and drinking water are currently unknown. The community is concerned and anxious for the system to reach operational standards, and unsure of next steps. Jurisdictional ownership over drinking water safety is complex and no agency has stepped in to analyze risk or offer support. The consensus is that until at least one system can be brought into operational compliance and potential impacts understood, no more homeowner managed LOSS systems should be permitted.

Because of this precedent, it is highly probable, if not guaranteed, that Stevens²⁴ and the other developments will surely have ongoing maintenance problems and create significant risk to public health. When it comes to drinking water safety, a *probable* adverse outcome is well above any acceptable level of risk assessment. All precautions must be made to ensure that safe drinking water is protected proactively, not reactively. From the WA Dept of Ecologies Guidance for CARAs:

Prevention of groundwater contamination is far less expensive than cleanup. Environmental Protection Agency (EPA) studies have shown that investing funds for groundwater protection is cost-effective compared to groundwater cleanup at a ratio that runs anywhere from 1:5 to 1:200 (U.S. EPA, 1995).

Evidence of *significant and adverse outcomes*

5,000+ Fall City 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 the highest level of vulnerability to contamination as determined by King County, GMA and EPA.

Today, Fall City's septic density is approximately 2.6 OSS per acre. Currently, King County DOH OSS policies in CARAs have been updated to more protective sizing, resulting in a density of 1.5 homes per acre for an OSS. What this means is that today Fall City has

already over saturated the area with septic systems and the community may already be at risk for contamination events. Adding an additional 7 homeowner managed LOSS supporting 143 homes might be the tipping point that turns Fall City in a groundwater mismanagement case study.

Fall City, and King County, is not prepared for an adverse event:

One of the key requirements for building in a critical area is to have mitigation and monitoring programs in place. Fall City wells have no alarms, are unlined, and have no infrastructure to warn residents of a contamination event, or monitoring programs to assess longer running contamination events. Residents do not have access to *any* alternate sources for drinking water and a contamination event can lead to permanent harm to groundwater quality that could be irrecoverable.

The specific contamination concerns of the community are for a Nitrogen related event similar to the events in the Lower Valley Yakima Groundwater Crisis, which lead to blue baby syndrome or Methemoglobinemia.

What we don't know what and EIS would provide:

The community is actively investing in and learning more about how the aquifers below the surface of Fall City behave in relation to the wells. The Fall City Water District has recently applied for a grant and commissioned a geohydrology firm to inform a much needed update to their wellhead protection areas (which is over 25 years old) and to learn more about the potential for contamination. Of special concern is the new understanding of the high levels of OSS density in Fall City in comparison to guidance from King County DOH.

The Water District's mission to get a more complete understanding of the soils, the wells and contamination risk is just getting underway, but the first deliverable from the outside firm shows that the aquifers are more connected than previously known. There is still information to be learned about how they are interconnected, how quickly water moves between areas, how little or how much contamination could lead to an event, etc. The funding for this work is lacking, and the absence of available science is an additional reason to conduct an EIS.

In a situation where there is incomplete or missing information WAC 197-11-080 states that:

“(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”

Several geohydrologists have recommended that Fall City conduct a “Nitrogen Mass Loading Analysis” to determine if Fall City soils can absorb any more wastewater or Nitrogen. Fall City deserves to have these studies completed before issues permits or determining that plats will have no adverse environmental impacts. RCW 36.70A.172 mandates the application of BAS when "protecting critical areas" and through the process of an EIS King County can ensure that they are meeting this requirement. An EIS would gather the required experts so that risk can be properly assessed and appropriate mitigations recommended.

Neither the lead agency, any agency, nor the applicant, have assessed or addressed the potential risks, mitigation plans, plans for ongoing monitoring, or compliance programs to offset the environmental risk posed from wastewater entering the aquifer as required for a Critical Area.

It is important to note that at this time the citizens of Fall City and the Water District are funding scientific research and experts to help assess risk. The EIS process requires the applicant to provide the necessary data for environmental impacts. Requiring an EIS removes the burden of protecting groundwater out of the hands of the public and into the proper channels, where the county and the applicant work together to objectively assess environmental and public health impacts and propose mitigations.

Summary

The residents of Fall City request that a DS be issued and a full EIS with the required experts versed in the complex geohydrological factors of shallow aquifers and septic systems using the best available science. After a risk assessment, the community expects the applicant to include a mitigation & monitoring program as required for critical areas.

Section 2: Cultural and archeological significance and sensitivity

In the applicants SEPA applications for all Plats, including Stevens24, Section 13.b, they stated:

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Unknown, no studies have been conducted to date.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The King County GIS data and Washington Information System for Architectural and Archaeological Records Data (WISAARD) was used to assess the potential impacts to cultural and historic resources on and near the project.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

No measures are anticipated. If an archeological site is found during the course of construction, the State Historic Preservation Officer will be notified.

These statements under report the sensitivity of the Fall City area to the Snoqualmie Tribe. All of Fall City is considered a high-density and high sensitivity site. In contrast to the applicant's statement, WISAARD shows that each plat falls inside the highest sensitivity risk areas:

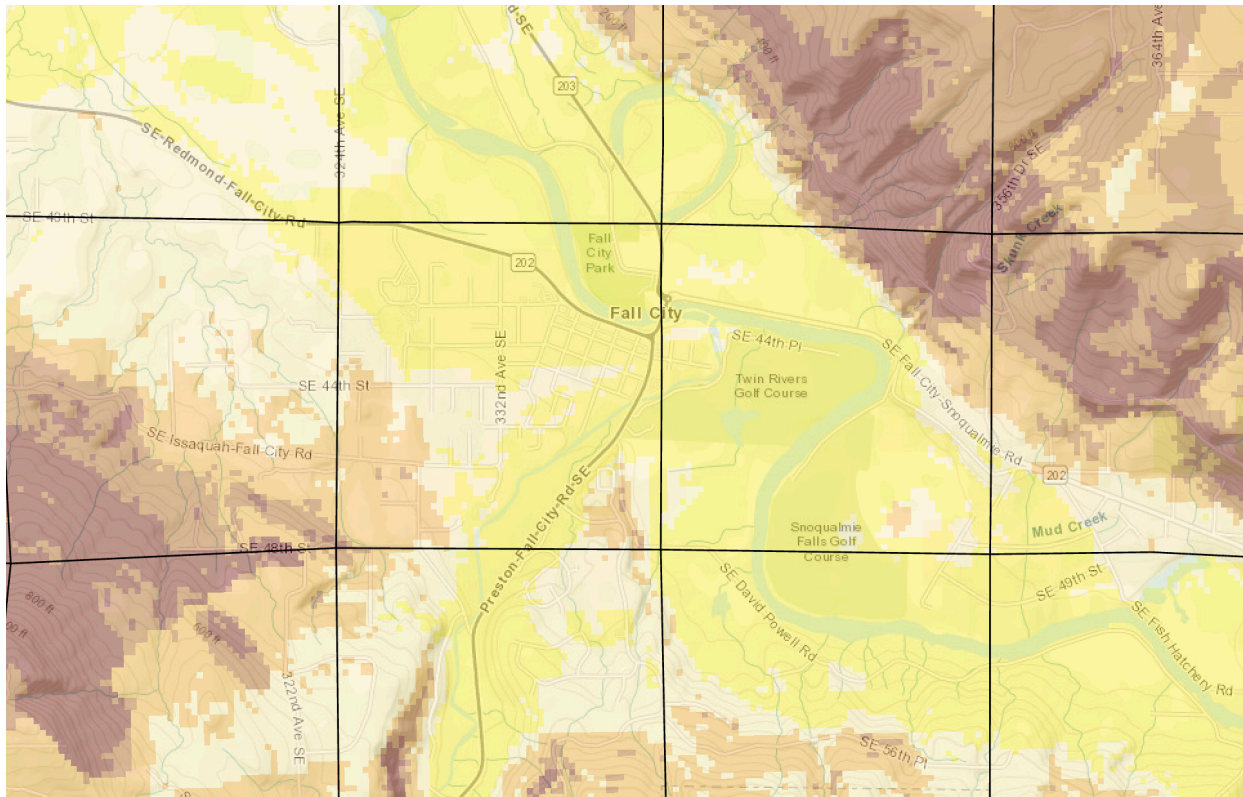


Figure 2 WISAARD mapping indicates the highest risk areas for cultural and archeological sensitivity throughout Fall City. Partnership and collaboration with the Snoqualmie Tribe to assess the location and proximity to sensitive areas should be initiated.

Summary

In recent years, excavations have found tribal ancestral remains leading to the discovery of thousands of artifacts. Fall City's location along the Snoqualmie and Raging Rivers was an important and historic tribal village site. Not only should an archeological review be prepared, but the Tribe should be partnered with and consulted on with during the Plat review process.

Section 3: Cumulative environmental impacts for the Fall City assemblage

Scope of the Fall City Assemblage

The Stevens24 plat is 1 of 8 plats totaling of 143 homes across 35 acres of development within the Rural Town boundary of Fall City. 7 plats are currently under permitting and 1 has been completed. The applicant has purchased all but a handful of remaining in the area lots over 3 acres for simultaneous and coordinated development.

Parcel	Plat	Stage	LOSS Status	SEPA	Vested	Acres	Homes
	Arrington Court	Complete	Malfunctioning, Not operation	DNS	Yes	4.2	17
943100220	Fall City II	Plat Approved	Permit under review	DNS	Yes	3.89	13
1524079038	Mt. Si	Plat Approved, Under Appeal	Permit under review	DNS	Yes	4	16
1524079053	Cedar23	Plat Approved, Under Appeal	Permit under review	DNS	Yes	5.75	23
943100110	Stevens24	Preliminary Plat Hearing TBD	Permit under review	DNS under appealed	Yes	5.35	24
943100384	Hazel16	Preliminary Plat Hearing TBD	Permit under review	No determination	Yes	4	16
1524079033	Cha17	Plat Approved, Under Appeal	Permit under review	DNS	Yes	3.6	15
943100900	Hendrickson	Application submitted, Unvested	Unknown	No determination	No	4.64	19
					Totals	35.43	143

The collection of plats are referred to by the applicant as the “Fall City Assemblage” in their permit application materials. The project is functionally and logistically a single project – sharing timelines, construction plans, financing and contractors. For example, the project utilizes a single and shared traffic analysis for all plats. Because of these shared logistics (and resulting shared environmental impacts), the project easily meets the criteria for “similar actions” as defined in WAC 197-11-060 for “common timing, types of impacts, alternatives, or geography.”

As one of the last rural communities in King County, Fall City is unprepared for the pace, style, volume and pattern of development. The area is unequipped to mitigate the demands on infrastructure, services and conversion of open space into urban style development patterns. The introduction of 143 homes to the existing town’s 480 homes adds roughly 30% homes and up to a 50% increase in population over a 2 year period.

This is a stark transformation to the landscape; homes are substantially larger—twice the size of their modest counterparts—yet sited on lots half as big. This influx of expansive, 5+ bedroom residences marks a drastic shift for the once-rural community, ushering in increased traffic, amplified light pollution, and intensified parking demands, all while significantly reducing open space. In response to the fact that these developments are counter to the GMA and policies protecting rural character, King County has conducted an analysis to document the existing character of the area (see attached report) to help inform upcoming regulatory changes. This analysis clearly shows that the plats do not

conform to policies applying to rural towns and rural areas. King County is empowered during SEPA review to take a deeper look at the policies and make sure that the proposed projects conform to both code and policy in their implementation.

	Acres	Homes	Growth rate	Density/Acre	Impervious Surface %
Fall City 1990	227	440		0.52	> 30%
Fall City 2021	227	480	0.30%	0.47	> 35%
Proposed Plats 2025	36.43	143	30%	4	60-65%

Legal framework for conducting a cumulative impact EIS

In contrast to the strict vesting regulations and permit timing requirements for preliminary plat approvals, the SEPA review framework allows lead agencies to change threshold determinations at any time, even outside of a specific appeal or appeal window, based on the emergence of new information or the expanding of a project’s scope. Various legal cases support the process of having new information leading to reexamination or supplementation of an EIS (Wells v. Water Dist. 10, 105 Wn. App. 143).

Even though the developer has submitted individual applications for each plat, it does not mean that the county is required to review the impact of each project individually or in isolation. The macro implications to the environment – above and below ground – is something that the SEPA process has made specific provisions for in WAC 197-11-060:

(c) (Optional) Agencies may wish to analyze "similar actions" in a single environmental document:

(i) Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects that provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. (...)

(ii) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways:

(A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or

(B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media, or subject matter.

The collective impact of the "Fall City Assemblage" to this rural area is profound and permanent: light pollution, traffic, water usage, removal of agricultural land, and many other impacts to both public and environmental health. Most importantly, while the individual plats alone pose risks to groundwater, the plats as a collective have a multiplied risk.

The cumulative impact of multiple LOSS can significantly increase the load of contaminants entering the aquifer, exceeding the natural filtration capacity of the soil and the dilution ability of the aquifer. This is particularly concerning in areas with high septic system density. Additionally, large developments can alter local hydrology, affecting recharge areas and overdrawing aquifers. Changes in land use can also affect the volume and timing of water recharge to aquifers, which is critical for maintaining water levels and quality.

SEPA framework for updating a DNS and requiring an EIS

Lead agencies to change threshold determinations at any time, even outside of a specific appeal or appeal window. Not only is King County encouraged to conduct an EIS for projects similar in action like the Fall City Assemblage, this change in determination can be made with the emergence of new information or a change in project scope. Various legal cases have supported the idea that new information can lead to reexamination or supplementation of an EIS (*Wells v. Water Dist. 10*, 105 Wn. App. 143).

Transfer of lead agency

Should King County not have the resources or expertise required, transfer of lead agency for completing the EIS can be handed to the WSDOH or DOE, both of whom have jurisdiction over groundwater, wastewater management and protections of critical areas like CARAs. WSDOH is the permitting agency for LOSS and public drinking water systems, and would be a good candidate agency to take on the EIS. A transfer of lead agency can happen at any time, including outside of an appeal, and this option may be beneficial to all parties (WAC 197-11-940).

Summary of the legal framework for requiring a cumulative impacts EIS

Subdivisions of these size are not typical candidates for a SEPA DS and EIS. But the Fall City Assemblage is not typical or precented:

1. The plats meet the criteria for a single project and pose a measurable, cumulative impact to the environment.
2. The plats are situated in a sensitive critical area with limited best available science to accurately assess risk.
3. The plats leverage a problematic wastewater management strategy with a documented and ongoing history of adverse events.
4. The plats propose a pattern of development (LOSS clustering in a CARA) that is unstudied and the outcome of an adverse event would be detrimental to public health.

The SEPA legal framework fully empowers King County to proactively protect sensitive resources like groundwater and ensure that public health is protected.

Section 4. Application omissions & errors

Listed by section from the SEPA application.

Impervious surface limits

Impervious surface proposed is 64%. King County Zoning for R4 only allows 55%.

Surface water

1) *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

There are no surface water bodies present on site or in the immediate vicinity of the site.

2) *Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*

No, work will not be within 200' of any surface water body.

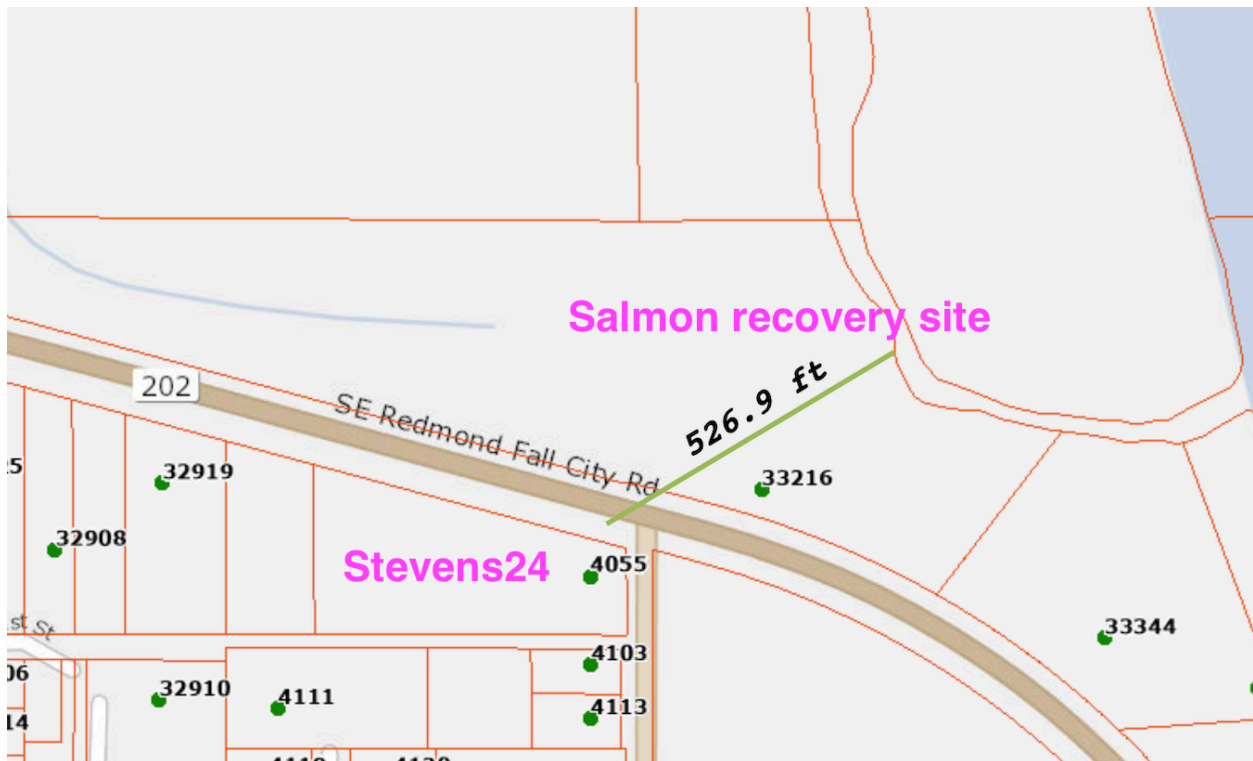


Figure 3 Stevens24 is located directly adjacent to a large King County salmon recovery wetland area with newly created streams and habitat. The plat sits hydrogeologically upstream from this sensitive location.

Animals

a. *List any birds and other animals which have been observed on or near the site or are known to be on or near the site.*

Songbirds and Deer

b. List any threatened and endangered species known to be on or near the site.

No threatened or endangered species are known to be on or near the Site.

c. Is the site part of a migration route? If so, explain.

Western Washington is in the migration path of a wide variety of non-tropical songbirds, and waterfowl, including many species of geese.

The lead agency did not adequately consider the potential impacts of the project on existing bald eagle habitat on the site, which are protected under the Endangered Species Act and the Bald and Golden Eagle Protection Act. Potential Impacts on Bald Eagles and Their Habitat: The project will disturb, destroy, or degrade bald eagle habitat, which includes nesting, roosting, foraging, and perching areas, as well as buffer zones around them. The attached pictures, provided by residents living adjacent to the property, show active roosting sites and activity as of 2023.





Figure 4 Stevens24 is home to a large stand of mature fir and cedar trees that serve as roost and mating sites for bald eagles, as photographed by neighbors adjacent to the site. On this Spring of 2023 a group of eagles were observed congregating in the trees, feeding juveniles and fishing in the Snoqualmie river located $\frac{1}{4}$ of a mile next to the site.

Land use compatibility

*Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **The proposed development is compatible with the prescribed land use codes and designations for this site. Per the County Zoning Code, the development is consistent with the density requirements and land use of this property.***

The proposed plats are not consistent with the Rural Town land use policies of the current comprehensive plan, as determined by previous hearing examiner review. It is recommended that county permitters require the applicant to adhere to the policies of the GMA and KCCP for rural towns. Extensive discussion of this topic is available to the lead agency in the legal briefs for the ongoing appeals of the preliminary plat approvals in King County Council Hearings and District Court.