

BEFORE the HEARING EXAMINER for the
CITY of SAMMAMISH

DECISION

FILE NUMBER: PSUB2015-00264

APPLICANT: Amalani, LLC
ATTN: Barry Margolese
105 South Main Street, Suite 230
Seattle, WA 98104

TYPE OF CASE: Preliminary subdivision (*Cedar Hill*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: September 20, 2016

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CITY OF SAMMAMISH

INTRODUCTION ¹

Amalani, LLC (Amalani) seeks preliminary approval of *Cedar Hill*, a 25-lot single-family residential subdivision of a 9.09 acre assemblage of parcels which is zoned R-4.

Amalani filed a Base Land Use Application on October 29, 2015. (Exhibit 2 ²; and testimony ³) The Sammamish Department of Community Development (the Department) deemed the application to be complete when filed. (Exhibit 1, p. 11, Recommended Condition 1)

The subject property is located on the west side of 244th Avenue NE, opposite the NE 24th Street intersection.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on September 15, 2016.

The Examiner held an open record hearing on September 15, 2016. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit 8a)

¹ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.
² Exhibit citations are provided for the reader's benefit and indicate: 1) The source of a quote or specific fact; and/or 2) The major document(s) upon which a stated fact is based. While the Examiner considers all relevant documents in the record, typically only major documents are cited. The Examiner's Decision is based upon all documents in the record.
³ The date received stamp on Exhibit 2 is incorrect. (Testimony)

Subsection 20.05.100(1) SMC requires that decisions on Type 3 applications be issued within 120 net review days after the application is found to be complete. The open record hearing was held on or about net review day 220. The SMC provides two potential remedies for an untimely decision: A time extension mutually agreed upon by the City and the applicant [SMC 20.05.100(2)] or written notice from the Department explaining why the deadline was not met [SMC 20.05.100(4)]. The Department provided Amalani with the required explanatory notice. (Exhibit 1, p. 5, Finding 29)

The following exhibits were entered into the hearing record during the hearing:

- Exhibit 1: Departmental Staff Report
- Exhibits 2 – 20: As enumerated in Exhibit 1
- Exhibit 21: John R. Scannell hearing statement

The action taken herein and the requirements, limitations and/or conditions imposed by this decision are, to the best of the Examiner's knowledge or belief, only such as are lawful and within the authority of the Examiner to take pursuant to applicable law and policy.

FINDINGS OF FACT

1. Amalani proposes to subdivide the subject property into 25 lots for single-family residential development. The proposal includes a public street aligned with NE 24th Street, three short private access tracts, extensive open space along the western and southwestern perimeter of the site, stormwater control facilities, a sewer lift station, and a 20 foot wide buffer along the north edge of the site. (Exhibit 3)
2. The subject property is an irregular assemblage of parcels whose outer boundary does not yet legally exist. The assemblage consists of three legal parcels and portions of two other legal parcels. Boundary Line Adjustments (BLA2016-00125 and BLA2016-00126) have been approved by the Department, but not yet executed by the owners or recorded, which will divide the remaining parcels so as to create the boundary of the proposed subdivision as depicted on Exhibit 3. Amalani expects the two BLAs to be executed upon approval of the *Cedar Hill* preliminary subdivision. (Testimony)
3. The subject property slopes irregularly towards the south and southwest. The site itself contains no regulated environmentally critical areas; a Category III wetland and a Type F stream are located near the southwest border of the site whose regulatory buffers encumber the subject property. The wetland is the subject of a buffer/conservation easement recorded in 2004 which established the regulatory buffer width for the wetland. The subject property is fairly densely wooded except in the immediate vicinity of the two residences which are located on it. (Exhibits 1; 3; 4)
4. The subject property is bordered on the north by five acreage parcels which take access from NE 25th Street. Muniz and Kelling/Scannell own two of those abutting acreage lots. On the east side of 244th

Avenue NE north of NE 24th Street is a residential subdivision; the area south of NE 24th Street is wholly or mostly undeveloped. The aforementioned stream, a tributary to Evans Creek, flows northwesterly through a deepening ravine just south of the southwest boundary of the subject property. A dense residential neighborhood lies across that ravine to the west. (Exhibits 1, p. 3; 3, Sheet P01; 7b, p. 19⁴; and testimony)

5. The subject property is zoned R-4, residential development at a maximum density of four dwelling units per acre. Neighboring properties on the west side of 244th Avenue NE are similarly zoned; the area east of 244th Avenue NE lies in unincorporated King County. (Exhibit 19)
6. The maximum permissible lot yield under the subject property's R-4 zoning, calculated in accordance with procedures spelled out in the SMC, is 25. (Exhibit 3, Sheet P01)
7. The subdivision design proposes to construct a public street, aligned with NE 24th Street across 244th Avenue NE,⁵ which will traverse the property before ending as a temporary street stub against the north subdivision boundary.⁶ As designed, the centerline of the street stub aligns with the common boundary between the Muniz and Kelling/Scannell properties. Four short private roads will provide access to about 12 of the proposed lots. Over three acres of the western-southwestern area of the subject property will be preserved as tree retention and sensitive area tracts. A 20 foot wide tree retention strip is proposed along the north boundary on either side of the street right-of-way stub (Tracts C and M). In addition, a centrally located recreation tract (Tract E) will be provided; the ground above the detention vault will also be available as open space (Tract G). The proposed lots range from approximately 5,000 square feet (SF) to approximately 9,500 SF. (Exhibit 3)
8. All proposed lots meet applicable zoning standards. (Exhibit 1)
9. Muniz and Kelling/Scannell have opposed the staff-required street stub since its initial proposal. (Exhibits 9b and 9d) They have several objections. First, both families indicate that they have no intention of selling their properties in the foreseeable future, thus rendering any possible northerly extension moot in their view. Second, a domestic water well (presently serving four families, but approved to serve up to nine families) is located near their common boundary about 100 feet north of the subject property. Third, they do not believe that a connection to NE 25th Street would solve any traffic circulation problems that the City has in the area. Finally, they do not want to see a gap in the northern buffer. (Exhibit 21; and testimony)

Amalani finds itself in the middle: It needs to please the City but doesn't want to offend the neighbors. It is willing to use either a cul-de-sac design or a stub street design. (Testimony)

⁴ Where available, as is the case with Exhibit 7b, page number references use the "Bates" numbers on each page.

⁵ An Interim Public Works Standards arterial intersection spacing variation is not required because the NE 24th Street intersection already exists. (Testimony)

⁶ Amalani initially proposed a cul-de-sac street design. (Exhibit 8, p. 7) City staff directed Amalani to provide the street stub to the north instead of a cul-de-sac. (Testimony)

During the course of the hearing a compromise was worked out that satisfies all parties, including Public Works: The right-of-way for the street stub will be dedicated with the plat, but no street will be built within approximately 20 feet of the northern boundary, thus preserving both the potential for an eventual extension of the street while preserving for the foreseeable future the buffer desired by Muniz and Kelling/Scannell. (Testimony)

10. The record contains evidence that appropriate provisions have been made for open space (Exhibits 1; 3); drainage (Exhibits 1; 3; 7b); streets and roads (Exhibits 1; 3; 7c); potable water supply (Exhibits 3; 12); sanitary wastes (Exhibits 3; 12); parks and recreation (Exhibits 1; 3); playgrounds (Exhibits 1; 3); schools and schoolgrounds (Exhibit 1); and safe walking conditions for children who walk to school (Exhibits 1; 10). The proposed design does not require alleys or other public ways. (Exhibit 3) The record contains no request for transit stops.
11. Sammamish first enacted tree retention/preservation regulations in or around 2005. [Ordinance No. O2005-175] Those regulations were contained in former SMC 21A.35.210 - .240. In 2014 the City enacted emergency, interim revisions to those code sections. The interim regulations were in effect from October 14, 2014 to October 14, 2015. [Ordinance Nos. O2014-375 and O2015-390] Those interim regulations were repealed and replaced by Chapter 21A.37 SMC, Development Standards – Trees, effective October 14, 2015. [Ordinance No. O2015-395]

The subject application is vested to the current tree regulations. Essentially, those regulations require retention of 35% of the significant trees outside of protected critical areas, all trees within protected critical areas, and replacement of removed significant trees. [SMC 21A.37.230 - .280] Under the current regulations Amalani is required to retain 157 significant trees outside the regulated critical areas. Amalani proposes to retain 181 significant trees, located generally in the tracts along the west, north, and east edges of the development. In addition, Amalani will replace 341 trees that will be removed with 525 new trees. Because there are relatively few significant trees within Tracts C and M (the northern buffer strip), many of the replacement trees will be planted in those tracts. (Exhibit 3, Sheets P09 – P14)

12. Sammamish's State Environmental Policy Act (SEPA) Responsible Official issued a threshold Determination of Nonsignificance (DNS) for *Cedar Hill* on June 10, 2016. (Exhibit 5a) The DNS was not appealed. (Exhibit 1)
13. The Department's Staff Report (Exhibit 1) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. Amalani concurred in full in the Findings and Conclusions set forth in that report. (Testimony) The record contains no challenge to the content of that report. Therefore, the Findings and Conclusions/Analysis within the Staff Report are incorporated herein as if set forth in full with the following exception: Any references to the provisions of former SMC 21A.35.210 - .240 are incorrect: *Cedar Hill* is not subject to the former tree retention regulations.

14. The Department recommends approval of *Cedar Hill* subject to 47 conditions. (Exhibit 1, pp. 11 - 14)
15. Amalani has no objection to any of the recommended conditions. (Testimony)
16. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK ⁷

The Examiner is legally required to decide this case within the framework created by the following principles:

Authority

A preliminary subdivision is a Type 3 land use application. [SMC 20.05.020, Exhibit A] A Type 3 land use application requires an open record hearing before the Examiner. The Examiner makes a final decision on the application which is subject to the right of reconsideration and appeal to Superior Court. [SMC 20.05.020, 20.10.240, 20.10.250, and 20.10.260]

The Examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications, and restrictions as the Examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the interim comprehensive plan or neighborhood plans, the development code, the subdivision code, and other official laws, policies and objectives of the City of Sammamish.

[SMC 20.10.070(2)]

Review Criteria

Section 20.10.200 SMC sets forth requirements applicable to all Examiner Decisions:

When the examiner renders a decision ..., he or she shall make and enter findings of fact and conclusions from the record that support the decision, said findings and conclusions shall set forth and demonstrate the manner in which the decision ... is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the interim comprehensive plan, the development code, and other official laws, policies, and objectives of the City of Sammamish, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public.

⁷ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

Additional review criteria for preliminary subdivisions are set forth at SMC 20.10.220:

When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

- (1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- (2) The public use and interest will be served by the platting of such subdivision and dedication.

Vested Rights

Sammamish has enacted a vested rights provision.

Applications for Type 1, 2, 3 and 4 land use decisions, except those that seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

[SMC 20.05.070(1)] Therefore, this application is vested to the development regulations as they existed on October 29, 2015.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof. [City of Sammamish Hearing Examiner Rule of Procedure 316(a)]

Scope of Consideration

The Examiner has considered: all of the evidence and testimony; applicable adopted laws, ordinances, plans, and policies; and the pleadings, positions, and arguments of the parties of record.

CONCLUSIONS OF LAW

1. Extensive, detailed conclusions regarding conformance with the criteria for approval are unnecessary since *Cedar Hill* is essentially an uncontested case.

2. Section 20.10.200 SMC requires the Examiner to consider a number of items, including “the interim comprehensive plan”. The Examiner’s ability to use the comprehensive plan in project review is constrained by state law which states that the comprehensive plan is applicable only where specific development regulations have not been adopted: “The review of a proposed project’s consistency with applicable development regulations or, in the absence of applicable regulations the adopted comprehensive plan ...” [RCW 36.70B.030(1)]

The state Supreme Court addressed that provision in *Citizens v. Mount Vernon* [133 Wn.2d 861, 947 P.2d 1208 (1997), *reconsideration denied*] in which it ruled that “[RCW 36.70B.030(1)] suggests ... a comprehensive plan can be used to make a specific land use decision. Our cases hold otherwise.” [at 873]

Since a comprehensive plan is a guide and not a document designed for making specific land use decisions, conflicts surrounding the appropriate use are resolved in favor of the more specific regulations, usually zoning regulations. A specific zoning ordinance will prevail over an inconsistent comprehensive plan. If a comprehensive plan prohibits a particular use but the zoning code permits it, the use would be permitted. These rules require that conflicts between a general comprehensive plan and a specific zoning code be resolved in the zoning code’s favor.

[*Mount Vernon* at 873-74, citations omitted]

3. Based upon all the evidence in the record, the Examiner concludes that *Cedar Hill* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies, to the extent they can be considered, and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
4. Given all the evidence in the record, the Examiner concludes that *Cedar Hill* complies with the review criteria of SMC 20.10.220(1). The proposed subdivision allows development at the density expected under the Comprehensive Plan, does not thwart future development of surrounding properties, and makes appropriate provision for all items listed in that code section.
5. Given all the evidence in the record, the Examiner concludes that *Cedar Hill* will serve the public use and interest and will thus comply with the review criteria of SMC 20.10.220(2).
6. The recommended conditions of approval as set forth in Exhibit 1 are reasonable, supported by the evidence, and capable of accomplishment with the following changes:
 - A. No development activity may occur until the subject property has been legally created. Until the two BLAs are recorded, the property for which subdivision approval is sought will not legally exist. And until it exists as a legal development parcel, development cannot occur. A

new condition will be added to require completion of the BLAs before any development activity occurs.⁸

- B. Recommended Condition 6. This is a “reminder” condition: The subdivision is subject to traffic impact fees. But the subdivision is also subject to park and school impact fees. The reminder should address all three types of mitigation fees if it’s going to address any.
- C. Recommended Condition 13. The street stub compromise worked out during the hearing protects the public interest, preserves (at least for the foreseeable future) the buffer for the neighbors to the north, and imposes no burden on Amalani. Muniz and Kelling/Scannell will not own the abutting parcels forever; their parcels will at some unknown time in the future be owned by others. What those others may want to do with those parcels obviously cannot be known today. The compromise: Protects the buffer for as long as Muniz and Kelling/Scannell own the abutting parcels; preserves the public’s ability for a connecting street in the future if one is ever needed or desired; and eliminates Amalani’s need to construct about 20 feet of pavement that will not be needed to serve the lots in *Cedar Hill*. Everyone benefits. This condition will be augmented to address the treatment of that northerly 20 feet of right-of-way.⁹
- D. Recommended Condition 32. This condition is a “disclosure” condition: The face of the recorded plat is to alert lot purchasers that each lot may be subject to traffic impact fees. But, like Recommended Condition 6, a similar “disclosure” is appropriate for park and school impact fees.

A further consideration is the subject of fee credits for existing residences. Credits for existing residences are appropriate, even arguably necessary. Over the past year or so the Department and the Examiner have informally (through project recommendations and decisions) developed an acceptable, standard way to treat credits. (Were the City Council to enact a code provision regarding impact fee credits, then that regulation would obviously become the requirement.) That agreed method is missing from the recommended conditions. The conditions will be revised and augmented in keeping with prior Decisions.

- E. Recommended Condition 30. This condition refers to streets that simply are not within the proposed subdivision: “NE 26th Court, for the proposed Road A”. This condition appears to have been “borrowed” from a staff recommendation for some other subdivision. NE 26th

⁸ This Conclusion of Law and related Condition 2 are paraphrases of Conclusion of Law 16.B and Condition 2 in the Examiner’s May 26, 2016, Decision on *Gabrielle’s Place*, PSUB2015-00104, a subdivision located a few hundred feet north of *Cedar Hill*.

⁹ Public works may wish to consider placing a sign at the end of the public pavement indicating that the street is not a permanent dead-end and may be extended at some time in the future. The Examiner will not impose a condition to that effect as it would not relate to any impact caused by *Cedar Hill*, but such an advisory would serve as a warning to prospective purchasers that the street is not a cul-de-sac.

Court is a dedicated public street located about two blocks north of the subject property. The condition will be revised to relate to the public streets within this application.

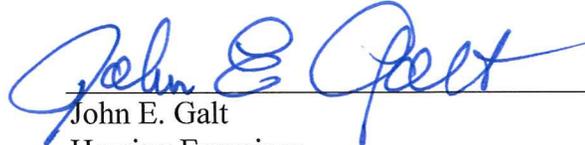
- F. Recommended Condition 32. The Examiner will replace the word “applicant” with the word “Plattor.” The word “applicant” could be read to refer to the applicant for preliminary subdivision approval. Since land use permits “run with the land,” it is better to use a word without that possible connotation. Elsewhere in the Recommended Conditions staff has used the word “Plattor,” meaning the person or entity developing the subdivision. The Examiner will use that word here for consistency.
 - G. Recommended Condition 36. This condition would be appropriate if a stormwater detention/retention pond were to be the method of stormwater control for the subdivision. But it isn’t: A buried vault is proposed. As suggested by Amalani’s consultant, the condition is superfluous. (Exhibit 9e, p. 11) The condition will be eliminated.
 - H. Tree retention. Previous Department recommendations have included two “disclosure” conditions to appear on the face of the final plat regarding tree retention. This Department recommendation does not include them. Staff testified that although the code provisions have changed, it would be beneficial to place analogous conditions on this and future plats. Those additions will be made.
 - I. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 4, 8, 9 – 14, 16, and 30 will improve parallel construction, clarity, and flow within the conditions.¹⁰ Such changes will be made.
7. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

¹⁰ The ending punctuation mark for many of the Recommended Conditions is a semi-colon. Those will all be replaced with periods although not individually listed in this sentence.

DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, and the testimony and evidence submitted at the open record hearing, the Examiner **GRANTS** preliminary subdivision approval for *Cedar Hill* **SUBJECT TO THE ATTACHED CONDITIONS.**

Decision issued September 20, 2016.



John E. Galt
Hearing Examiner

HEARING PARTICIPANTS ¹¹

Barry Margoese
John Scannell
Raymond Muniz

Emily Arteche
Wendy Kelling
Haim Strasbourger

NOTICE of RIGHT of RECONSIDERATION

This Decision is final subject to the right of any party of record to file with the Examiner (in care of the City of Sammamish, ATTN: Lita Hachey, 801 228th Avenue SE, Sammamish, WA 98075) a written request for reconsideration within 10 calendar days following the issuance of this Decision in accordance with the procedures of SMC 20.10.260 and Hearing Examiner Rule of Procedure 504. Any request for reconsideration shall specify the error which forms the basis of the request. See SMC 20.10.260 and Hearing Examiner Rule of Procedure 504 for additional information and requirements regarding reconsideration.

A request for reconsideration is not a prerequisite to judicial review of this Decision. [SMC 20.10.260(3)]

NOTICE of RIGHT of JUDICIAL REVIEW

This Decision is final and conclusive subject to the right of review in Superior Court in accordance with the procedures of Chapter 36.70C RCW, the Land Use Petition Act. See Chapter 36.70C RCW and SMC 20.10.250 for additional information and requirements regarding judicial review.

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation."

¹¹ The official Parties of Record register is maintained by the City's Hearing Clerk.

CONDITIONS OF APPROVAL
CEDAR HILL
PSUB2015-00264

This Preliminary Subdivision is subject to compliance with all applicable provisions, requirements, and standards of the Sammamish Municipal Code, standards adopted pursuant thereto, and the following special conditions:

General Conditions:

1. Exhibit 3 is the approved preliminary plat (and supporting plans). Revisions to approved preliminary subdivisions are subject to the provisions of SMC 19A.12.040.
2. Prior to approval of any site development permits and/or site development work, the subject property shall have been legally created by approval and recordation of BLA2016-00125 and BLA2016-00126.
3. Pursuant to RCW 58.17.170 the Plator shall comply with all county, state, and federal rules and regulations in effect on October 29, 2015, the vesting date of the subject application. However, if the legislative body finds that a change in conditions creates a serious threat to the public health or safety in the subdivision, future development may be subject to updated construction codes, including but not limited to the International Building Code and the International Fire Code, as amended.
4. Preliminary plat approval shall be null and void if any condition is not satisfied and the final plat is not recorded within the approval period of 60 months (5 years) as required by SMC Chapter 19A.12.020, provided Plator may file for an extension as permitted by code.
5. The roadway transition from the proposed improvements along the frontage of 244th Avenue NE shall be updated during the final engineering phase to match AASHTO requirements.
6. For the purpose of ensuring compliance with all conditions of approval and the standard requirements of the SMC, the Plator shall provide financial guarantees in conformance with SMC Chapter 27A, and PWS Chapter 10.050(K). All improvements required pursuant to the PW standards, SMC, or other applicable regulations, must be installed and approved, or bonded as specified for plats in SMC 19A.16.
7. The Plator shall comply with the payment of traffic, park, and school impact fees in accordance with Chapters 14A.15, 14A.20, and 21A.105 SMC, respectively.
8. A bond quantity worksheet must also be provided and, after approved by the City, shall be the basis of a performance bond that must be posted with the City to ensure that improvements are installed.

Site Development Permit Special Conditions:

9. 244th Avenue NE is classified as a minor arterial road with 60 feet of existing right-of-way. Half-street frontage improvements and 3.5 feet of right-of-way dedication shall be provided along the development frontage with 244th Avenue NE consistent with the minor arterial road standard and any variation from the standards approved by the City Engineer.
10. No direct driveway access shall be allowed onto 244th Avenue NE.
11. The internal plat road serving more than 4 dwelling units shall be consistent with the local road standards in accordance with PWS Table 1, PWS Figure 01-05, and City Ordinance O2005-191, and per the approved variation from streets standards for road width, or as approved by the City Engineer during Site Development permit phase.
12. Access to Tracts B, D, and K shall be through a private road consistent with PWS.15.090, including the necessary curb separating traffic from pedestrians.
13. A temporary turn-around is required and shall be a cul-de-sac with a 90-foot paved diameter or hammerhead as approved by the Public Works Department.
14. A stub for a future road connection to NE 25th Street is required. Right-of-way for the stub shall be dedicated to the north line of the subject property as depicted on Exhibit 3. However, street and sidewalk improvements shall stop approximately 20 feet south of the north property line as necessary to provide proper access to the private road in Tract K. Vegetation within the northern 20 feet of the right-of-way shall be retained to the greatest extent possible consistent with safe construction practices.
15. Illumination shall be provided in the plat local roads consistent with the City's standards for average foot candles and uniformity for a local road. Luminaires shall be full cut off. Pole type and style shall be approved by Public Works. WSDOT standard luminaries with black powder-coated steel poles and full cut off LEDs on 244th Avenue NE are required.
16. Drainage plans, Technical Information Reports, and analysis shall comply with the Municipal Code Title 13, the applicable Municipal Code sections of Chapter 21A.50, *2009 King County Surface Water Design Manual*, the City of Sammamish Surface Water Design Manual Addendum, and the City of Sammamish *Stormwater Management Comprehensive Plan*.

Prior to or Concurrent with Final Plat:

17. Frontage on 244th Avenue SE shall be dedicated as public right-of-way. All work on 244th Avenue SE required by the Site Development Permit and/or right-of-way permits shall be completed.
18. The new internal plat roads shall be completed.

19. Private roads shall be constructed under the Site Development permit.
20. Driveways shall be completed prior to final plat. Any joint use driveways shall be bonded for or constructed under the Site Development permit.
21. A public stormwater easement shall be provided for access, inspection, maintenance, repair, and replacement of the detention and water quality facilities within Tract G.
22. At a minimum, all stormwater facilities shall be constructed and online and operational. This includes construction of road ATB, curb, gutter, stormwater conveyance system, water quality treatment systems, and detention vault. Final lift of asphalt may be bonded except as indicated.
23. A licensed surveyor shall survey and stake all storm drain facilities and conveyance lines with associated easements and dedications not located within the public right-of-way. Public Works Inspector shall inspect and approve locations prior to final plat and easement recording.
24. Off-site stormwater easements required by the stormwater design shall be recorded.
25. All new signs required in the public right-of-way must be installed by the City of Sammamish Public Works Department or at the direction of the City of Sammamish Traffic Engineer. Procurement and installation shall be paid for by the Developer. Contractor shall contact the Public Works Inspector to initiate signage installation a minimum of 6 WEEKS PRIOR TO FINAL PLAT. Temporary street signs may be required for internal plat roads for emergency vehicle access. Any no parking signs shall be installed prior to final plat. No parking signs shall be required on all proposed street and private roads with clear widths of 20 feet or less.
26. Off-site improvements shall be fully constructed.
27. Sensitive Area Tract and No Parking signs shall be permanently installed.
28. Illumination shall be fully installed or bonded as approved by the City Engineer.
29. Soil amendments shall be provided or bonded for in all common areas of the plat consistent with the requirements of the *2009 King County Surface Water Design Manual City of Sammamish Addendum*.
30. A Public Works performance bond shall be posted consistent with the *2009 King County Surface Water Design Manual*.
31. The Plator shall complete dedication of right-of-way for NE 24th Street and 244th Avenue NE.
32. A Community Development bond for landscaping and recreational space improvements shall be posted consistent with SMC Chapter 27A.

Conditions to appear on the face of the Final Plat (italicized text shall be included verbatim):

33. The Plator shall include a note regarding the payment of street impact fees in accordance with Chapter 14A.15 SMC. Specific language related to the payment of the street impact fees for 12 new lots shall be reviewed and approved by the City prior to final plat approval. The first two single-family residence building permit applications submitted to the City are exempt from this impact fee.
34. *Pursuant to Chapter 21A.105 SMC, fifty percent of the school impact fees have been paid at final plat for 23 new lots. The remaining fifty percent of the school impact fees, plus an administrative fee, shall be paid prior to building permit issuance. The first two single-family residence building permit applications submitted to the City are exempt from this impact fee.*
35. *Consistent with Chapter 14A.20 SMC, the plat is subject to parks impact fees which shall be paid at the time of building permit issuance for 23 new lots, together with an administrative fee. The first two single-family residence building permit applications submitted to the City are exempt from this impact fee.*
36. Covenant and easement language pertaining to individual lot and tracts with flow control BMPs shall be shown on the face of the final plat. Public Works will approve the specific language prior to final plat.
37. Unless located within a recreation tract and public easement, all Surface Water Management Facilities required for this subdivision shall be contained within a separate tract of land and shall be dedicated to the City of Sammamish for inspection, maintenance, operation, repair, and replacement. Language to this effect shall be shown on the face of the final plat.
38. *“Maintenance of all landscape strips along the plat roads shall be the responsibility of the Homeowners Association or adjacent property owners. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips created by the plat.”*
39. *“All landscaped areas of the plat and individual lots shall include a minimum of 8-inches of composted soil amendment.”*
40. *“Maintenance of illumination along all local and private roads shall be the responsibility of the Homeowners Association or jointly shared by the owners of the development.”*
41. *“Metal products such as galvanized steel, copper, or zinc shall not be used in all building roofs, flashing, gutters, or downspouts unless they are treated to prevent metal leaching and sealed such that contact with storm water is prevented.”*
42. *“All lots containing or adjacent to infiltration or dispersion trenches/facilities shall be graded such that the flow path is directed away from the building foundation and the top of the trench is below the bottom of foundation.”*

43. *"In accordance with City of Sammamish Ordinance No. 02002-112, a surface water system development charge shall be paid at the time of building permit issuance, for each new residential dwelling unit."*
44. *"Illicit discharge of stormwater pollutants from pressure washing, car washing, and other routine maintenance of household appurtenances such as siding, roof, and windows shall be prevented from entering the storm drain system. Measures such as directing water to a green, vegetated area or covering the downstream catch basins shall be required and enforced pursuant to SMC 13.30.020."*
45. Trees retained pursuant to SMC Chapter 21A.37 shall be identified on the face of the final plat for retention.
46. *Trees identified on the face of this plat have been retained pursuant to the provisions of SMC Chapter 21A.37. Retained trees are subject to the tree protection standards of that chapter. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property, and may be subject to a clearing and grading permit approved by the City of Sammamish. Trees removed subject to this provision shall be replaced in compliance with that chapter.*

Prior to City Acceptance of Improvements:

47. All items in the final acceptance construction punch list shall be addressed and accepted by the City.
48. Contractor and design engineer shall certify that all construction meets requirements consistent with the United States Department of Justice ADA Standards. The Access Board's ADA Accessibility Guidelines (ADAAG) serves as the minimum baseline for the standards.
49. Prior to acceptance into the Maintenance and Defect period, the storm drain system shall be jetted, cleaned, and vactored and the system shall be televised for inspection.
50. Prior to acceptance into the Maintenance and Defect period, project close-out documents including as-builts and final corrected TIR shall be submitted to Public Works for approval.
51. The Plator shall purchase from the City and install drain markers on each catch basin within the short plat (Only Rain Down the Drain). Installation instructions are provided with drain markers. Avoid placement on roadway asphalt.