

**BEFORE the HEARING EXAMINER for the
CITY of SAMMAMISH**

DECISION

FILE NUMBER: PSUB2015-00046

APPLICANT: Seattle Real Estate Holdings, LLC
C/o Skip Coddington
1518 1st Avenue S, Suite 301
Seattle, WA 98134

TYPE OF CASE: Preliminary subdivision (*Costea Estates*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: August 30, 2016

INTRODUCTION ¹

Seattle Real Estate Holdings, LLC (SREH) seeks preliminary approval of *Costea Estates*, a 30-lot single-family residential subdivision of an approximate 7.6 acre site which is zoned R-6.

SREH filed a Base Land Use Application on March 20, 2015. (Exhibits A; 1 {p. 5} ²) The Sammamish Department of Community Development (the Department) deemed the application to be complete when filed. (Testimony) A Notice of Application was issued on April 7, 2015. (Exhibit B)

The subject property is located in the 2000 – 2100 blocks of 246th and 248th Avenues SE.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on August 23, 2016.

The Examiner held an open record hearing on August 23, 2016. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit P)

Subsection 20.05.100(1) SMC requires that decisions on preliminary subdivisions be issued within 120 net review days after the application is found to be complete. The open record hearing was held well after net

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.

review day 120. 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(3)]. SREH chose to extend the deadline. (Testimony)

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

- Exhibit 1: Departmental Staff Report
- Exhibits A – P: As enumerated in Exhibit 1
- Exhibit 9001: Determination of Nonsignificance appeal, filed August 5, 2016, by D. Brent Jones
- Exhibit 9002: Letter, Examiner to Appellant and Respondent, August 9, 2016 (Appeal scheduling guidance)
- Exhibit 9003: Notice of Prehearing Conference, issued August 10, 2016
- Exhibit 9004: Withdrawal of appeal, filed by D. Brent Jones by e-mail at 2:20 p.m., August 12, 2016

The Examiner held the hearing record open for submittal of school walk information and water and sewer availability certificates. The following documents were entered into the record pursuant to that process:

- Exhibit 2: Certificate of Water Availability, filed August 24, 2016
- Exhibit 3: Certificate of Sewer Availability, filed August 24, 2016
- Exhibit 4: Request for School District Information and Review, filed August 24, 2016
- Exhibit 5: Department comment on Exhibit 4, filed by e-mail at 11: 30 a.m., August 24, 2016
- Exhibit 6: SREH comment on Exhibit 4, filed by e-mail at 12:03 p.m., August 24, 2016

The hearing record closed on August 24, 2016, with receipt of Exhibit 6.

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. SREH proposes to subdivide the subject property into 30 lots for single-family residential development.³ The subject property is an "L" shaped assemblage of three parcels located between 246th and 248th Avenues SE. The subject property has approximately 490 feet of frontage on the west

³ *Costea Estates* originated in 2013 as *Beaver Lake* and was later known as *Sammamish Highlands*, before taking on its current name and file number in 2015. (See, e.g., Exhibit 9001.) Those earlier versions are not before the Examiner and are irrelevant to the current proceeding.

side of 248th Avenue SE and approximately 650 feet of frontage on the east side of 246th Avenue SE. A parcel (Isola-Yang Parcel) having about 150 feet of frontage on the east side of 246th Avenue SE was “carved out” of the subject property through the Boundary Line Adjustment (BLA) process. BLA 2015-00003 was recorded on June 18, 2015, under King County Auditor’s File Number 20150618900002. The western portion of the subject property’s “leg” is partially encumbered by a Bonneville Power Administration (BPA) high voltage transmission line easement. (Exhibit G; and testimony)

2. The subject property is relatively flat with a slight gradient towards the southeast. Grass and scrub brush are the dominant vegetation on portions of the site; forest is the dominant vegetation on other portions of the site. Each of the three parcels comprising the subject property contain a single-family residence. A small type Ns stream flows along the eastern edge of the site, roughly along the west edge of 248th Avenue SE. There is a wetland on the undeveloped parcel north of the top of “leg,” but neither the wetland nor its required regulatory buffer impinge on the subject property. (Exhibits 1 {p. 4, Vicinity map}; F; G)
3. 248th Avenue SE is a two-lane public street. It has curb and gutter on both sides and a sidewalk on the east side. 246th Avenue SE is a narrow, gravel private road serving approximately seven residences. It exists through a non-exclusive easement. The lots in the *Ponderosa Trails* subdivision which border the west side of 246th Avenue SE have access to a public street on their west, but also have access rights to 246th Avenue SE. (Exhibits G; J; and testimony)
4. The subject property is bordered on the north, west, and south by large lots, some of which are undeveloped. A subdivision (*Hamilton*) of the large parcel north of the top of the “leg” is currently under review by the City. The engineer designing *Costea Estates* is also designing *Hamilton*. The east side of 248th Avenue SE is characterized by an expansive area of small-lot residential development. (Exhibit 1 {p. 4, Vicinity map}; and testimony)
5. The maximum permissible lot yield under the subject property’s R-6 zoning, calculated in accordance with procedures spelled out in the SMC, is 30.⁴ (Exhibit 1 {p. 6, Finding II.E}; and testimony)
6. SREH proposes to remove all three existing residences. A curvilinear through street connecting 248th Avenue SE with 246th Avenue SE will be constructed; it will cross the type NS stream on the alignment of one of the existing driveways to minimize stream impact. 246th Avenue SE will be improved to a “half-street” section for the length of the subject property and dedicated as a public right-of-way. A temporary cul-de-sac turnaround will be provided at the north end of the improvement. All area within the BPA easement will be either street or open tracts. Three short private roads will serve a total of 12 of the proposed lots: Tract D serving Lots 16 – 19; Tract E serving Lots 22 – 24 and 26; and Tract G serving Lots 27 – 30. The remaining lots will all have

⁴ The yield calculation in Exhibit E is 31.74, which would round up to 32. The Department testified that Exhibit E is not correct.

frontage on one of the public streets. A 50 foot wide buffer will protect the Type Ns stream along the entire east edge of the “toe.” Frontage improvements (curb, gutter, planter strip, and sidewalk) will be provided along the subject property’s frontage on 248th Avenue SE, both sides of the interior public street, and the subject property’s frontage on 246th Avenue SE. Storm water runoff will be collected and conveyed to Tract A in the southeast corner of the subject property where it will be treated before release into the City’s drainage system. Rain gardens will be included in the storm water control system. Mitigation for the stream impact is included in the proposal. Proposed lot sizes range from about 5,000 square feet (SF) to about 15,000 SF. (Exhibits 1; G; O)

7. All proposed lots meet applicable zoning standards. (Exhibit 1)
8. The record contains evidence that appropriate provisions have been made for open space (Exhibits 1; G); drainage (Exhibits 1; G; O); streets and roads (Exhibits 1; G; J; K); potable water supply (Exhibits 2; G); sanitary wastes (Exhibits 3; G); parks and recreation (Exhibits 1; G); playgrounds (Exhibits 1; G); and schools and schoolgrounds (Exhibit 1). The plat design does not utilize alleys or other public ways (Exhibit G). The record contains no request for transit stops.
9. *Costea Estates* is located within the Issaquah School District. *Costea Estates* is within the current attendance areas of Discovery Elementary, Pine lake Middle, and Skyline High Schools. All students will be bussed; bus stops will be “adjacent” to the subdivision. (Exhibit 4) As previously stated, sidewalks will be provided on all frontages and interior streets.
10. 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 interim tree regulations. Required tree retention will be concentrated along the south edge of the subject property and in the northern portion of the “leg”. The proposed tree retention complies with the version of the regulations to which the application is vested. (Exhibits 1; G; M; and testimony)

11. Sammamish’s State Environmental Policy Act (SEPA) Responsible Official issued a threshold Determination of Nonsignificance (DNS) for *Costea Estates* on July 20, 2016. (Exhibit 1 {p. 2}) The DNS was appealed, but the appeal was withdrawn before the hearing. (Exhibits 9001 - 9004)
12. The Department’s Staff Report (Exhibit 1) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. SREH 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 exceptions:

- A. Page 1: The public comment period dates are incorrectly stated on this p[age]. The correct dates are stated on page 6. (Testimony)
 - B. Page 9, last bullet on the page: The word “care” in the third line should be “carry.” (Testimony)
 - C. Page 11, last bullet on the page: The Department used the interim version of the City’s tree regulations, not the current version, in the review of *Costea Estates*. (Testimony)
13. The Department recommends approval of *Costea Estates* subject to 48 conditions. (Exhibit 1 {pp. 17 - 21})
14. SREH has no objection to any of the recommended conditions. (Testimony)
15. The concerns which led to the Jones SEPA appeal were the extent of proposed tree removal and improvements to 246th Avenue SE. (Exhibit 9001)

A resident to the north (Westfahl) questioned how the half-street improvement of 246th Avenue SE would mesh with a similar improvement planned for *Hamilton*, given that the latter project has some drainage issues to contend with that will affect its 246th Avenue SE improvements. (Testimony)

SREH’s project engineer (Plog), who also happens to be the project engineer for *Hamilton*, explained that surface water flowing from west to east across the *Hamilton* site towards the wetland will have to be intercepted, conveyed beneath the development, and discharged into the wetland. The interception will require a slight off-set to the east in the alignment of the *Hamilton* half-street improvement, but a transition zone will be provided where the two developments join. The travel surface will be 20 feet wide. (Exhibit G; and testimony)

16. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

LEGAL FRAMEWORK ⁵

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

Authority

⁵ Any statement in this section deemed to be either a Finding of Fact or a Conclusion of Law is hereby adopted as such.

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.

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 March 20, 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 *Costea Estates* 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 *Costea Estates* 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 *Costea Estates* complies with the review criteria of SMC 20.10.220(1). The proposed subdivision allows development at the density expected under the Comprehensive Plan and zoning, 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 *Costea Estates* 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. A preliminary subdivision embodies the concept of approval of a specific development proposal: The preliminary plat. A preliminary subdivision evaluation is based upon the specific plat submitted by the applicant. It is appropriate, therefore, that the conditions of approval clearly identify the plat and supporting plans which are being approved. The Department's recommendation as drafted does not do so. Both the Department and SREH agree that Exhibit G constitutes the plat and supporting plans which should be approved. Reference to that exhibit will be incorporated into a new condition.
 - B. Recommended Condition 1. The vesting date listed in this condition is incorrect: The application was deemed complete when filed on March 20, 2015, not on July 25, 2014.⁶ The date will be changed.
 - C. Recommended Conditions 3 and 5: These conditions are duplicates. Recommended Condition 5 will be deleted.
 - D. Recommended Conditions 4 and 6. Recommended Condition 4 requires compliance with the street, park, and school impact fee requirements of Chapters 14A.15, 14A.20, and 21A.105 SMC. Recommended Condition 6 requires payment of "traffic" impact fees in accordance

⁶ July 25, 2014, might well have been the vesting date of one of *Costea Estates* predecessor versions. That prior vesting date has no relevance to the current application.

with Ordinance No. O2006-208 – which is, in fact, the most recent amendment to Chapter 14A.15 SMC. Therefore, Recommended Condition 6 overlaps Recommended Condition 4 and may be eliminated without eliminating any requirements.

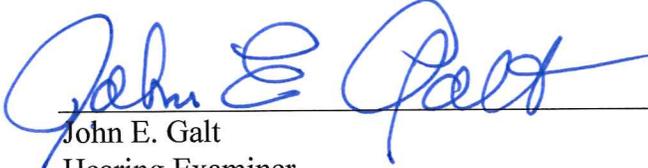
- E. The Recommended Conditions make no mention of tree retention requirements. The Department has included two Recommended Conditions regarding tree retention in every preliminary subdivision recommendation in recent years; the Examiner has imposed those conditions as recommended. The record provides no justification to drop those conditions for this subdivision. Therefore, the Examiner will add them, using the wording that has been used in prior cases where the original or interim version of the requirements applied.
- F. A number of minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 3, 5 – 11, 15, 18 – 20, 29, 31, 32, and 35 will improve parallel construction, clarity, and flow within the conditions.⁷ Such changes will be made.

7. Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such.

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 *Costea Estates* **SUBJECT TO THE ATTACHED CONDITIONS**.

Decision issued August 30, 2016.



John E. Galt
Hearing Examiner

HEARING PARTICIPANTS⁸

Mark Plog
Shannon Westfahl

Ryan Harriman

⁷ 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.

⁸ The official Parties of Record register is maintained by the City's Hearing Clerk.

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."

CONDITIONS OF APPROVAL *COSTEA ESTATES* PSUB2015-00046

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 G is the approved preliminary plat (and supporting plans). Revisions to approved preliminary subdivisions are subject to the provisions of SMC 19A.12.040.
2. Pursuant to RCW 58.17.170, the Plator shall comply with all local, state, and federal rules and regulations in effect on March 20, 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 codes, including, but not limited to the International Building Code and the International Fire Code, as amended.

3. 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 five years of the date of preliminary plat approval as required by SMC 19A.12.020, provided Plator may file for an extension as permitted by code.
4. 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 Title 27A, and Interim Public Works Standards (PWS) Chapter 10.050(K). All improvements required pursuant to the PWS, SMC, or other applicable regulations must be installed and approved, or bonded as specified for plats in SMC Chapter 19A.16.
5. The Plator or subsequent owner(s) shall comply with the payment of street, park, and school impact fees in accordance to SMC Chapters 14A.15, 14A.20, and 21A.105, respectively.

Site Development Permit Special Conditions:

6. Half-street improvements shall be provided on 248th Avenue SE consistent with a local road or as approved by the City Engineer during final engineering. Any portion of the roadside stream that is currently within the proposed half street improvement section shall be relocated to be completely outside that roadway section.
7. Half-street improvements shall be provided on 246th Avenue SE consistent with a local road including a minimum of a 20-foot wide paved surface, or as approved by the City Engineer during final engineering.
8. 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 2005-191, and pursuant to the approved variation from street standards for right-of-way width, or as approved by the City Engineer during final engineering.
9. The Cul-de-sac shall be designed in accordance to PWS.15.120 or as modified by the Fire Marshal pursuant to code or statutory authority.
10. Illumination shall be provided on 248th Avenue SE, 246th Ave SE and the internal plat road (SE 21st Place) consistent with the City's standards for average foot candles and uniformity. Luminaires shall be full cut off. Pole type and style shall be approved by Public Works.
11. Appropriate sidewalk and road transition from all proposed plat roads to all existing roads shall be constructed consistent with AASHTO standards.

12. All construction and design shall meet 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.
13. Due to the width of the half street improvements along 246th Avenue SE, "No Parking" signs shall be provided on the plat side of the road within the development as approved during site development permit phase.
14. Drainage plans, Technical Information Reports, and analysis shall comply with the *2009 King County Surface Water Design Manual* (2009 KCSWDM), the City of Sammamish Addendum to the 2009 KCSWDM, and the City of Sammamish Stormwater Management Comprehensive Plan.
15. Individual lot flow control BMPs shall be required consistent with the 2009 KCSWDM.
16. All wetland and stream hydrology affected by the development shall be maintained in accordance to the 2009 KCSWDM. Specifically, maintenance of all on-site and off-site stream and wetland hydrology shall be required.
17. A right-of-way and restoration bond shall be posted consistent with the requirements of the 2009 KCSWDM.

Concurrent with or Prior to Final Plat:

18. Right-of-way dedication on 246th Avenue SE shall be 30 feet along the plat frontage.
19. Right-of-way dedication on 248th Avenue SE shall be 11.5 feet along the plat frontage.
20. The local road within the internal plat shall be dedicated as right-of-way.
21. All frontage improvements on 246th Avenue SE and 248th Avenue SE shall be fully installed and approved.
22. Driveways shall be completed prior to the final plat. Any joint use driveways shall be bonded for or constructed under the Site Development Permit.
23. At a minimum, all stormwater facilities shall be constructed and online and operational. This includes construction of road ATB, curb, gutter, and other stormwater related facilities. Final lift of asphalt may be bonded unless otherwise directed by Public Works.
24. 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. *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.

25. Any offsite improvements shall be fully constructed.
26. “*No Parking – Fire Lane*” signs shall be permanently installed pursuant to SMC 16.05.130(13), §503.3(3) on the east side of 246th Avenue SE including the cul-de-sac.
27. Illumination shall be fully installed or as approved by the City Engineer.
28. Soil amendments shall be provided or bonded for all common areas of the plat consistent with the requirements of the City of Sammamish Addendum to the 2009 KCSWDM.
29. 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.
30. A Public Works surety bond shall be posted consistent with the 2009 KCSWDM.

Conditions to appear on the face of the final plat (italicized words verbatim):

31. The Plator shall include a note regarding the payment of all traffic impact fees on the subject site consistent with the provisions of the City of Sammamish Ordinance No 2006-208.
32. Covenant and easement language pertaining to individual lots and tracts with flow control BMPs shall be shown on the face of the final plat. Public Works shall approve the specific language prior to the final plat.
33. Unless located within a recreation tract and public easements provided, 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 maintenance and operation. Language to this effect shall be shown on the face of the final plat.
34. *Maintenance of all vegetation within rain gardens along the internal plat road (SE 21st Place) and 246th Avenue SE 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.*
35. *All landscaped areas of the plat and individual lots shall include a minimum of 8 inches of composted soil amendment.*
36. *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.*

37. *Individual lot flow control BMP's in accordance to the 2009 King County Surface Water Design Manual shall be provided with each single family residential building permit unless otherwise incorporated into the subdivision site development plans.*
38. *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.*
39. *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.*
40. *Unless directed to individual lot flow control BMPs, all building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain system as shown on the approved plat Site Development permit on file with the City of Sammamish. The connection to the storm system shall be through a perforated tightline in accordance to the 2009 King County Surface Water Design Manual. The approved Site Development permit shall be submitted with the application for any building permit. All connections of the drains shall be constructed and approved prior to final building inspection approval.*
41. *In accordance to the 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.*
42. *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.*
43. *Trees retained pursuant to former SMC 21A.35.210 shall be identified on the face of the final plat for retention.*
44. *Trees identified on the face of this plat have been retained pursuant to the provisions of former SMC 21A.35.210. Retained trees are subject to the tree protection standards of former SMC 21A.35.230. 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 former SMC 21A.35.240.*

Prior to City Acceptance of Improvements:

45. *All items in the final acceptance construction punch list shall be addressed and accepted by the City.*

46. 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.
47. The Plator shall purchase from the City and install drain markers on each catch basin within the plat (Only Rain Down the Drain). Installation instructions are provided with drain markers.
48. 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 inspections.
49. Prior to acceptance in to the Maintenance and Defect period, project close-out documents including as-builts and final corrected TIR shall be submitted to the City for approval.