

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

DECISION

FILE NUMBER: PLN2012-00021

APPLICANT: Murray Franklin Companies
14410 Bel-Red Road
Bellevue, WA 98007

TYPE OF CASE: Preliminary subdivision (*Krier*)

STAFF RECOMMENDATION: Approve subject to conditions

EXAMINER DECISION: GRANT subject to conditions

DATE OF DECISION: February 4, 2013

INTRODUCTION ¹

Murray Franklin Companies (Murray Franklin) seeks preliminary approval of *Krier*, a 12 lot single-family residential subdivision of a 2.51 acre site, owned by Marjorie Krier, which is zoned R-6.

Murray Franklin filed a Base Land Use Application on April 30, 2012. (Exhibit C ²) The Sammamish Department of Community Development (the Department) deemed the application to be complete for vesting purposes when filed. (Testimony)

The subject property is located at 21319 SE 32nd Street.

The Sammamish Hearing Examiner (Examiner) viewed the subject property on January 28, 2013.

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.

The Examiner held an open record hearing on January 29, 2013. The Department gave notice of the hearing as required by the Sammamish Municipal Code (SMC). (Exhibit O)

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 on or about net review day 183. 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 a letter from the Department explaining why the deadline was not met [SMC 20.05.100(3)]. The Department sent Murray Franklin a letter explaining the delay. (Exhibit U, p. 2, Finding 2)

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

Exhibits A - T:	As listed on page 9 of Exhibit U
Exhibit U:	Staff Report Recommendation to the Hearing Examiner
Exhibit V:	Critical Areas Affidavit
Exhibit W:	Density Calculation Worksheet

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.

ISSUES

Does the application meet the criteria for preliminary subdivision approval as established within the SMC?

FINDINGS OF FACT

1. The subject property is located one large parcel to the east of 212th Avenue SE on the south side of SE 32nd Street across from the 213th Place SE/SE 32nd Street intersection. The subject property consists of two rectangular parcels which, when combined, form a nearly square development parcel. The subject property has approximately 360 feet of frontage on the south side of SE 32nd Street and a north-south depth of approximately 300 feet. A single-family residence and associated outbuildings are located on the eastern half of the property. (Exhibits A and I³)
2. The subject property is bordered on the east by a four-lot, single-family residential short subdivision developed under King County regulations prior to incorporation of the City. (Exhibit A, Sheet P02)

³ The purple line on Exhibit I purporting to outline the subject property encloses only the east half of the site. (Cf. Exhibit A)

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The four lots in the short subdivision are accessed via 214th Court SE, a cul-de-sac.⁴ 214th Court SE abuts approximately the north 205 feet of the subject property's eastern boundary; the remaining approximately 95 feet of the eastern boundary is coterminous with the side lot line of one of the four lots (Navarro) within the short subdivision. 214th Court SE appears to have been constructed as a "half-street" cul-de-sac section: The right-of-way width of the cul-de-sac's entry "mouth" is only approximately 30 feet wide; the cul-de-sac "bulb" is offset to the east of the "mouth." The Krier family granted to the developer of the short subdivision a three-foot wide landscape easement along the common boundary extending south from SE 32nd Street for 200 feet. The landscape easement bars crossing over or through it. The owners of the lots in the short subdivision are responsible for maintenance of that landscape strip. The owners of the lots in the short subdivision do not wish to extinguish the easement. (Exhibits A and I and testimony)

The subject property is bordered on the south by the *Pine Lake Estates* plat, a single-family residential subdivision that appears (based on its recording number) to have been developed under King County regulations prior to incorporation of the City. (Exhibit A, Sheet P02) All of four lots, a portion of a fifth lot, and most of a storm water control tract back up to the subject property. (Exhibit I)

The subject property is bordered on the west by an acreage tract occupying the southeast quadrant of the 212th Avenue SE/SE 32nd Street intersection. The tract contains a centrally located, substantial, single-family residence. (Exhibit I)

The land across SE 32nd Street has been subdivided into single-family residential developments. (Exhibit I)

3. The area's zoning pattern was established by King County before Sammamish became an incorporated city in 1999. In 2003 the City adopted its own comprehensive plan and implementing regulations under the Growth Management Act of 1990, Chapter 36.70A RCW (GMA). The City has left the zoning of the area unchanged through that process. (Testimony)

The subject property is designated on the City's adopted comprehensive plan R-6 and zoned R-6, residential development at a maximum density of 6 dwelling units per acre, just as it was under the prior King County jurisdiction. 212th Avenue SE is the western boundary and SE 32nd Street is the northern boundary of the R-6 designated/zoned area in the vicinity of SE 32nd Street. (The R-6 zoning extends across 212th Street SE beginning at SE 34th Street.) Properties to the north of SE 32nd Street on the east side of 212th Avenue SE are designated/zoned R-4 (residential with a maximum density of four dwelling units per acre); properties to the west of 212th Avenue SE north of SE 34th Street are designated/zoned R-1 (residential with a maximum density of one dwelling unit per acre). (Exhibit S)

⁴ 214th Court SE is gated. The status (public or private?) of 214th Court SE is not clearly disclosed in the record, but, in any event, is immaterial to consideration of *Krier* because the subdivision does not propose to use it in any way.

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4. The maximum permissible lot yield under the subject property's R-6 zoning, calculated in accordance with procedures spelled out in the SMC, is 12.52 or 13. (Exhibit W)
5. The subject property is located on the relatively flat crest of an east-west trending ridge. The site slopes gently and uniformly towards the north. (Exhibit A)
6. The subject property is mostly open grass with some stands of conifers on its southern half and scattered ornamental trees throughout. (Exhibits I and M)
7. The site contains no environmentally sensitive areas. (Exhibit V)
8. Murray Franklin proposes to divide the property into 12 lots for single-family residences. The lots will be served by a short public street which will intersect SE 32nd Street on alignment with 213th Place SE and terminate against the western property boundary (to facilitate future development of the adjoining parcel). In Lieu of a full cul-de-sac bulb, an "eyebrow" turnaround area will be provided where the street makes its turn to the west. (Exhibit A)

The plat design turns its back on 214th Court SE because the subject property is prevented from accessing that street by the existence of the landscape easement described in Finding of Fact 2, above. (Exhibit A)

The proposed lots vary from 50 to 53 feet wide and range from 116 to 136 feet in depth. Lot sizes range from 5,946 square feet (SF) (Proposed Lot 4) to 9,073 SF (Proposed Lot 3). The proposed average lot size is 6,657 SF. (Exhibit A) All proposed lots meet applicable zoning standards. (Exhibit U)

9. Proposed Lots 1, 2, 10, and 11 are "double-fronted" (they front on streets on opposite ends of the lot); Proposed Lot 12 is "triple-fronted" (it fronts on streets on three of its four sides). (Exhibit A) Double- and triple-fronted lots are generally required to observe front setback requirements on all street frontages, thus resulting in a smaller buildable area than would exist on a similarly sized , standard interior lot.

Murray Franklin is both a land developer and a home builder. Murray Franklin generally likes to create lots that are at least 105 feet deep. All of the proposed lots in *Krier* are 15 or more feet deeper than that desired minimum. Murray Franklin is confident that it can build desirable residences on all the double- and triple-fronted lots in the proposed subdivision. (Testimony)

10. The Department's Staff Report (Exhibit U) provides a detailed exposition of facts related to all criteria for preliminary subdivision approval. Murray Franklin concurred in full in the Findings, Conclusions, and Recommended Conditions 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 2, Finding 1. The Department testified that the word “Parcela” should be “Parcels.”
 - B. Page 2, Finding 3. The Department testified that the last word in this Finding should be “north,” not “south.”
 - C. Page 3, Finding 18, sentence 1. The Department testified that “on , 2012” should be “on October 30, 2012”.
11. Navarro’s representative expressed his client’s concern that the proposed subdivision is too dense, does not fit the characteristics of the neighborhood, and that the resulting houses could be too crowded. The representative averred that just because a parcel is zoned R-6 it need not be developed at six dwelling units per acre. (Testimony)
12. 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

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:

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

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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 April 30, 2012.

Standard of Review

The standard of review is preponderance of the evidence. The applicant has the burden of proof.

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 *Krier* is effectively an uncontested case.
2. Navarro's lot is zoned exactly the same at the subject property; the same lot coverage, setback, building height, etc. requirements apply to each. From a zoning perspective, Navarro's lot and Proposed Lot 3 in *Krier* share side lot lines. Each has a required five foot setback from the common property line.

From Exhibit I it would appear that the distance between Navarro's residence and the residence of his neighbor to the east (within his short subdivision) is about 10 feet – the same minimum distance that would exist between Navarro's house and any house built on Proposed Lot 3 in *Krier*.⁶ But Proposed Lot 3 is about 40% deeper (north-south) than Navarro's lot. Given that the access to Proposed Lot 3 is at its north end and that utilities will come from that direction, it is highly likely that the house on Proposed Lot 3 will be built closer to the north end of Proposed Lot 3 than to the southern end, thus probably being mostly north of Navarro's house. Navarro's concern about a too close neighbor is no more applicable to his future neighbor to the west than to his existing neighbor to the east.

Navarro's concern does not rise to a level requiring any change in the plat or special conditioning of subdivision approval.

3. The suggestion expressed by Navarro's representative that R-6 zoning does not require approval of R-6 density is correct as far as it goes, but it is an incomplete statement of the law. The yield of any property is the result of a number of factors interacting with one another: The desires of the property owner, zoning regulations, environmentally sensitive area regulations, traffic considerations, etc. Where, as here, a property exhibits no environmental restrictions and there are no other regulatory considerations impinging on potential yield, then an owner does have a reasonable expectation that the yield allowed by applicable zoning should be able to be realized.
4. Based upon all the evidence in the record, the Examiner concludes that *Krier* meets the considerations within SMC 20.10.200. All evidence demonstrates compliance with Comprehensive Plan policies and zoning code, subdivision code, and Environmentally Sensitive Areas regulations.
5. Given all the evidence in the record, the Examiner concludes that *Krier* complies with the review criteria of SMC 20.10.220. The proposed subdivision allows development at the density expected under the Comprehensive Plan, does not thwart future development of surrounding properties, makes

⁶ Inspection of Exhibit I (aerial photograph of the area) shows that the three houses along the south edge of the short plat (one of which is Navarro's) are significantly closer together than are the houses in *Pine Lake Estates* to the south.

appropriate provision for all items listed in that code section, and will serve the public use and interest.

6. The recommended conditions of approval as set forth in Exhibit U 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. Preliminary subdivision evaluation is based upon the specific preliminary plat submitted by the applicant. It is appropriate, therefore, that the conditions of approval clearly identify the plat which is being approved. The Department recommendation as drafted does not do so. Exhibit A is the preliminary plat and supporting preliminary plans which have been evaluated in the hearing process. Reference to that exhibit set will be incorporated into a new Condition 1.

B. Recommended Condition 8. This condition refers to an “infiltration pond.” In fact, the proposal is for neither infiltration nor a pond. The proposal is for stormwater detention in an underground vault. The reference will be made consistent with the proposal.

C. Recommended Conditions 16 – 29. These conditions appear under the heading “Conditions to appear on the face of the final plat”. Taken at face value, that heading suggests that every condition which follows is to be literally placed verbatim on the face of the final plat. But a careful reading reveals that some contain guidance while others obviously contain statements to be literally placed on the plat document. For example, Recommended Condition 20 contains guidance while recommended Condition 23 contains a statement to appear on the final plat. That distinction needs to be made clear or readers will become confused as to what is actually required.

Other City staffers who represent the Department in preliminary subdivision hearings use font differences and quotations to distinguish between guidance and literal text: Quoted, italicized text is meant to appear literally on the face of a final plat; non-italicized text is guidance. The Examiner has accepted that system in all prior preliminary subdivision cases and will apply it here.

D. Recommended Conditions 17 and 18. These conditions both refer to Tract A, the combination underground stormwater detention vault and community recreation tract. Recommended Condition 17 requires Tract A to be dedicated to the City; Recommended Condition 18 requires Tract A to be owned by the Homeowners Association and be subject to an easement to the City for stormwater facility maintenance and repair. The conflict between the two is obvious and significant: Tract A cannot be simultaneously owned by the Homeowners Association and the City.

The Examiner concludes that since a recreation facility for the homeowners is to be located within Tract A, Recommended Condition 18 correctly states the desired outcome. Recommended Condition 17 will be eliminated.

- E. A few minor, non-substantive structure, grammar, and/or punctuation revisions to Recommended Conditions 1 - 3, 9, 12, 14, 15, 16, 18, 20, 26, and 28 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 *Krier* **SUBJECT TO THE ATTACHED CONDITIONS.**

Decision issued February 4, 2013.



John E. Galt
Hearing Examiner

HEARING PARTICIPANTS⁸

Mike Miller
Kevan Petek

Rob Garwood
Teresa Maylor

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.

⁷ The ending punctuation mark for three 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.

A request for reconsideration is not a prerequisite to judicial review of this Decision, nor does filing a request for reconsideration stay the time limit for commencing judicial review. [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 ***KRIER*** **PLN2012-00021**

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

General Conditions:

1. Exhibit A is the approved preliminary plat (and supporting plans). Revisions to approved preliminary subdivisions are subject to the provisions of SMC 19A.12.040.
2. 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 Chapter 27A SMC and 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 Chapter 19A SMC.
3. The Plator or subsequent owner(s) shall comply with the payment of traffic impact fees in accordance to City of Sammamish Ordinance No. O2006-208.

Prior to Final Construction Approval:

4. The internal plat roads 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. The

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City Engineer may modify this standard based on engineering judgment during final engineering review.

5. Illumination shall be provided on the 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.
6. The City Engineer has approved an eyebrow turnaround in lieu of a cul-de-sac for the local road. The turnaround shown in Exhibit A has been preliminarily approved by Public Works and shall be reviewed for construction during final engineering. Eastside Fire and Rescue has not provided preliminary approval of the turnaround. The Fire Department may require some single family building permits to be constructed with fire sprinklers or modification of the proposed eyebrow during site development plan review.
7. Joint use driveways shall be consistent with PWS.15.170 and shall serve as access for no more than two lots.
8. Drainage plans, Technical Information Reports, and analysis shall comply with the 2009 King County Surface Water Design Manual (KCSWDM), the City of Sammamish Addendum to the 2009 KCSWDM, and the City of Sammamish Stormwater Management Comprehensive Plan.

Prior to recording of the final plat:

9. At a minimum, all stormwater facilities shall be constructed and online and operational. This includes construction of road ATB, curb, gutter, rain gardens, stormwater conveyance system, water quality treatment systems, and detention vault. The final lift of asphalt may be bonded except as indicated.
10. 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.
11. 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.
12. The storm drain system shall be jetted, cleaned, and vactored and the system shall be televisioned for inspection.

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13. A performance bond shall be posted to the City for all required improvements that remain at the time of final plat, or 30% of the total improvements costs, whichever is greater. A bond quantities worksheet shall be provided by the Plator for City review and approval of performance bond amount. The restoration bond shall be released by the City following final plat approval.
14. A Public Works performance bond shall be posted consistent with the 2009 King County Surface Water Design Manual.
15. In accordance with SMC 14A.15.020, a minimum of 30% of the impact fees shall be paid prior to recording.
16. Pursuant to SMC 21A.105, fifty percent of the school impact fees shall be paid at final plat. Fifty percent of the school impact fees, plus an administrative fee, shall be paid prior to building permit issuance on Lots 2-12.

Conditions to appear on the face of the final plat:

17. The Plator shall indicate on the face of the plat any additional fees owed by the lots in the plat and shall indicate that Lots 2-12 are subject to any remaining street impact fees.
18. Proposed Tract A shall be owned and maintained by the Homeowners Association. The City of Sammamish shall be granted an easement for access, inspection, maintenance, and repair of the stormwater facilities within the tract.
19. *“Maintenance of all landscape strips along the internal plat roads shall be the responsibility of the Homeowners Association. Under no circumstances shall the City bear any maintenance responsibilities for landscaping strips created by the plat.”*
20. 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 final plat.
21. *“All landscaped areas of the plat and individual lots shall include a minimum of 8-inches of composted soil amendment.”*
22. *“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.”*
23. *“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.”*

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24. If plat construction approves the installation of infiltration or dispersion trenches, the following note shall be required: *“For all lots which contain or are adjacent to infiltration or dispersion trenches, these lots shall be graded such that top of trench is below bottom of foundation.”*
25. Unless otherwise directed by Public Works, the following note shall be shown on the final recorded plat: *“All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain 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 stub-out per 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.”*
26. *“A surface water system development charge shall be paid at the time of building permit issuance for each new residential dwelling unit.”*
27. *“Lots 2-12 are subject to the park impact fees in effect at the time of building permit issuance.”*
28. *“Pursuant to Chapter 21A.105 SMC, fifty percent of the school impact fees were paid at final plat. Fifty percent of the school impact fees, plus an administrative fee shall be paid prior to building permit issuance on Lots 2-12.”*
29. *“Trees identified on the tree retention plan of the preliminary plat have been retained pursuant to the provisions of SMC 21A.35.210. All trees shall be clearly tagged with numbers corresponding to the tree retention plan on file with the city. Removal of these trees is prohibited unless the tree is removed to prevent imminent danger or hazard to persons or property. Contact the City of Sammamish to determine applicable permit requirements. Trees removed subject to this provision shall be replaced in compliance with SMC 21A.35.240. All trees to be retained in groups will be placed in tracts or Tree Retention Easements (T.R.E), except for individual trees on individual lots.”*
The Plator shall record a copy of the tree retention plan as part of the final plat.