



King County

PERMITTING DIVISION, DEPARTMENT OF LOCAL SERVICES (DLS)
KING COUNTY, WASHINGTON

PRELIMINARY REPORT TO THE HEARING EXAMINER
June 9, 2020 – PUBLIC HEARING AT 9:00 A.M.

****** Hearing will be held via ZOOM video conference
Please contact the Hearing Examiner's office for instructions and
access information 206-477-0860 or
hearingexaminer@kingcounty.gov**

PROPOSED PLAT OF
Sammamish 18th
Assemblage

FILE NO: PLAT18-0009

PROPOSED ORDINANCE NO: 2020-0082

A. SUMMARY OF PROPOSED ACTION:

This is a request to subdivide 5.41 acres, zoned R-4 into 32 lots for single-family detached dwellings, tracts for drainage/recreation and open space/tree retention. The lot size average is approximately 4,673 square feet. The applicant is proposing to utilize Transferable Development Rights (TDR) per King County Code ch. 21A.37 to obtain 10 of the 32 lots proposed. See Attachment 1 for a copy of the proposed site plan (revision) and Attachment 2 for the TDR certificate.

The Permitting Division report and recommendations also constitutes the subarea study as required when TDRs are proposed for use with a formal subdivision as a receiving site. (KCC 21A.37.030).

B. GENERAL INFORMATION:

Applicant:	Toll Brothers, Inc. Attn. Jeff Peterson 8815 122 nd Ave NE, Suite 200 Kirkland WA 98033 425-825-5310
Engineer:	D.R. Strong Consulting Engineers 620 7 th Ave Kirkland WA 98033 425-827-3063
STR:	26-25-06
Location:	The site is located east of 244 th Ave NE (24403, 24407, 24515 NE 18 th St) and south side of NE 18 th St Parcel Nos. 262506-9033, -9048, -9090
Zoning:	R-4
Acreage:	5.41 acres
Number of Lots:	32
Density:	Approximately 6 units per acre
Lot Size:	Average lot size is approximately 4,673 square feet
Proposed Use:	Single Family Detached Dwellings
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District

Fire District: King County Fire Districts #34 & #10
School District: Lake Washington School District
Community Service Area: West King County
Date of Application Submittal: September 25, 2018
Complete Application Date: October 23, 2018

C. HISTORY/BACKGROUND:

The Subdivision Technical Committee (STC) of King County has conducted an on-site examination of the subject property. The STC has discussed the proposed development with the applicant to clarify technical details of the application and to determine the compatibility of this project with applicable King County plans, codes, and other official documents regulating this development. The proposed preliminary site plan/plat map (revision received June 24, 2019) modified the proposed drainage plan. The road and lot layout is relatively unchanged since the initial September 2018 submittal.

As a result of the COVID-19 pandemic and related emergency proclamations, the public hearing originally scheduled for April 14, 2020 was converted to a status phone conference (per Hearing Examiner Order, dated March 13, 2020) and a subsequent Hearing Examiner status phone conference was held on May 5, 2020. Based on the outcome of the May 5, 2020 status conference and Hearing Examiner order dated May 13, 2020, the public hearing will take place via ZOOM video conference. The Permitting Division has considered, reviewed and evaluated the entire record/main file associated with this proposal in the development of the proposed recommendations. Per the Hearing Examiner's Rules of Procedure, the entire main file will become part of the record. However, pursuant to the Hearing Examiner's order and nature of this hearing, only relevant portions of the main file have been provided as exhibits.

D. THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:

Pursuant to the State Environmental Policy Act (SEPA), RCW ch. 43.21C, the responsible official of the Permitting Division issued a threshold determination of non-significance (DNS) for the proposed development on December 16, 2019. However, due to administrative error(s), the DNS was withdrawn and re-issued on January 13, 2020. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal would not cause probable significant adverse impacts on the environment.

Agencies, affected Native American tribes and the public were offered the opportunity to comment on or appeal the determination for 24 days. No appeals were filed.

E. AGENCIES CONTACTED:

1. King County Department of Natural Resources and Parks: The comments from this Department have been incorporated into this report.
2. King County Fire Marshal: The comments from the Fire Marshal have been incorporated into this report.
3. Lake Washington School District: No response.
4. Washington State Department of Ecology: No response.
5. Washington State Department of Fish and Wildlife: No response.
6. Washington State Department of Natural Resources: No Response
7. Washington State Department of Transportation: No response.
8. METRO: No response.
9. City of Sammamish: The City of Sammamish responded to the initial notice of application, expressing concerns regarding the density, impacts to traffic and parks and requested the applicant provide further traffic information, as well as payment of City impact fees. After subsequent revised information was submitted, no further comments were received from the City. Although this site is located within a potential annexation area to the City of Sammamish, it's currently located in unincorporated King County. Therefore, the proposed plat is vested and required

to comply with King County codes, rules and regulations. There is currently no interlocal agreement between the jurisdictions. Therefore, City of Sammamish regulations, including impact fees, have not been applied or imposed. It's the understanding of the Permitting Division that a voluntary mitigation agreement may have been reached between the applicant and the City. King County Permitting Division-DLS, is not a party to this agreement nor is aware of the details/content of the agreement.

F. NATURAL ENVIRONMENT:

1. Topography: The site generally slopes (less than 15 percent) to the northwest and northeast. A depression area exists in the northwest corner of the site, in the vicinity of Tract A.
2. Soils: Two soil types have been identified on this site – The majority of the site is Everett (EvC). A small portion in the northeast corner is identified as Alderwood (AgC)

EvC – Everett gravely, sandy loam; 6-15% slopes. Runoff is slow to medium and the erosion hazard is slight to moderate. This soil has a slight limitation for foundations and septic tank filter fields.

AgC - Alderwood gravely, sandy loam; 6-15% slopes. Runoff is slow to medium and the hazard of erosion is moderate. This soil has a moderate limitation for foundations, due to a seasonally high water table and slope. It has a severe limitation for septic tank filter fields due to very slow permeability in the substratum.
3. Critical Areas:
 - a. Wetland/Stream: The applicant submitted a wetland and stream reconnaissance technical memorandum by Raedeke Associates, Inc. dated March 26, 2018. This memorandum evaluated the site for wetlands and streams as well as the potential of off-site wetlands and streams where buffers may extend onto the Sammamish 18th Assemblage site. This study concluded there are not wetlands, streams or associated buffers located on the proposed subdivision parcels or extending from off-site properties. The wetland ecologist for the Permitting Division has reviewed the findings and concurs with the conclusions.
 - b. Mapped Critical Areas: The Critical Areas Folio does not identify any mapped critical areas as being present on this site. Allen Lake is located south-southeast of the site. Allen Lake outlet is located north of the site, north of NE 18th St.
4. Vegetation: The site is moderately wooded with a second and third-growth mixture of coniferous and broad-leaved trees native to the Pacific Northwest. Second-story vegetation, and groundcover consists of northwest native species including salal, sword fern, berry vines, and grasses. Additional landscaping and lawn area surround the existing residences.
5. Landscape Buffers: King County Code ch. 21A requires landscape buffers between residential and non-residential, differing types of residential (i.e. apartments), commercial and industrial uses. The code does not require landscape buffers between like zones and uses. The existing surrounding area (immediately east, north and, south) is also zoned R-4, therefore additional buffers or fencing is not required. King County Code does require street trees to be planted (on average every 40 ft.) along all public streets for single family subdivisions in the urban growth area (KCC 21A.16.050 E). A detailed street tree plan is required as part of the detailed engineering plan submittal for review and approval by the Permitting Division.
6. Significant Tree Retention: King County Code 16.82.156 requires the retention of significant trees in the urban growth area. The applicant has proposed Tract C as an open space/tree retention area. However, the code also provides allowances where if the required number of significant trees cannot be retained, additional trees will be replanted based upon replacement ratio(s). A detailed significant tree retention/replacement plan is required to be submitted to the Permitting Division for review and approval with the detailed engineering plans.
7. Wildlife: The initial wetland and stream memorandum by Raedeke Associates, Inc., dated March 26, 2018 also evaluated the site for evidence of nesting of protected species within the site or vicinity. In addition, in response to concerns raised by

neighbors, Raedeke Associates re-evaluated the site and provided a response letter (dated March 1, 2019). Small birds and animals undoubtedly inhabit this site; however, their population and species are limited due to nearby development. While signs of past foraging activity by woodpeckers was observed, no nests or cavities suitable for nesting were identified on-site. Larger species may visit this site on occasion. No threatened, endangered or protected species are known to exist on or near the property.

G. NEIGHBORHOOD CHARACTERISTICS:

The property lies in an urban/suburban area of east King County, on the Sammamish Plateau. The City of Sammamish boundary is along the west property boundary of the proposed subdivision (east side of 244th Ave NE right-of-way). The properties surrounding the site are developed with single-family dwellings and include the recently developed plats of Twins Ridge (PLAT12-0003), Woodbrook I & II (aka 16th Sammamish & Shillam – L11P0001 & PLAT12-0001), and Mystic Lake (L12P0003). Kensington Enclave (PLAT17-0010), a 43 lot plat which received preliminary approval March 2019, is located to the north across NE 18th St. The site itself is occupied by three single family dwellings and associated outbuilding(s) which will be removed with this development.

H. SUBDIVISION DESIGN FEATURES:

1. Lot Pattern and Density: The applicant is proposing to use Transferable Development Rights (TDR) or density credits to achieve the density and zoning. King County Code ch. 21A.12 establishes calculations for minimum density (the minimum number of lots a site is required to obtain), allowable density (the number of lots allowed) and the maximum density, permitted through the use of TDR, density incentives, etc. The use of density credits allows an applicant to increase the density to 150 percent to achieve the maximum density. No incentives, design measures, etc. are required under this program, it is simply a mathematical calculation. The density for this proposal, per calculations provided by the application, is the following: minimum density is 20 units, allowable number of units for this site is 22 and the maximum number for the entire site is approximately 32 units. The applicant has proposed 32 lots (density of 5.91 units or lots per acre) and provided a certificate (refer to Attachment 2) to utilize density credits. The use of TDRs is not considered a rezone, as King County Code 21A.13.030 allows a density range of 4 units per acre up to 8 units per acre, subject to TDRs and/or residential density incentives.
2. Transfer of Development Rights Subarea Study: King County Code 21A.37.030 requires a subarea study for formal subdivisions in the urban unincorporated area proposing to add lots through the use of TDRs. While the Permitting Division report and recommendations constitutes the subarea study, additional details pertaining to the use of Transferrable Development Rights for this proposal are as follows -

- a. The proposed project includes the use of ten (10) TDRs in accordance with King County 21A.37.020. These ten TDRs enable the addition of 10 lots in urban unincorporated King County per KCC 21A.37.040.

A TDR certificate (#369) was issued January 2018, for 20 TDR credits of which 10 are proposed for use with the Sammamish 18th Assemblage proposal. See Attachment 2

- b. The use of TDRs to increase the number of lots in a formal subdivision in the urban unincorporated area is consistent with the goals of the Washington State Growth management Act, per RCW 36.70A.020, including the following:

- (1) Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The site is urban and zoned R-4 (4 units per acre). King County Code 21A.12.030 allows a maximum density of 6 units per acre subject to TDRs and up to 8 units per acre subject to residential density incentives. The site passes King County Concurrency (Snoqualmie Valley Travelshed), and the applicant has provided certificates of sewer and water availability from the Sammamish Plateau Water and Sewer District which indicate the ability to provide service, including fire flow, for future residences (See Attachment 3).

- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.

The use of TDRs promotes an increased density in the urban area, where urban services and improvements are or will be available with the development of this proposal, in exchange for providing protection and open space of parcel(s) or portion(s) of parcel(s) elsewhere in King County in perpetuity (i.e. sending site).

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water and develop parks and facilities.

Recreation space and associated improvements will be provided on-site for use by the future homeowners within Sammamish 18th Assemblage. An open space/tree retention tract is also proposed in the southern portion of the site (Tract B). The TDR sending site or portions of the sending site are permanently preserved for habitat, critical area(s) and open space.

(10) Environment. Protect the environment and enhance the State's high quality of life, including air and water quality and the availability of water.

The Sammamish 18th Assemblage proposal is required to comply with the 2016 Surface Water Design Manual (drainage, including water quality), 2016 Road Design & Construction Standards, King County Code ch. 21A, including critical areas. Sewer and water availability certificates from Sammamish Plateau Sewer and Water District have been provided.

- c. Furthermore, the use of TDRs for additional density is consistent with the policies in Chapter 2: Urban Communities of the adopted 2016 King County Comprehensive Plan. In particular, King County Comprehensive plan policy U-111 is consistent with adding density utilizing TDRs:

U-111: Development standards for urban areas should emphasize ways to allow maximum permitted densities and uses of urban land while not compromising the function of critical environmental areas. Mitigation measures should serve multiple purposes, such as drainage control, groundwater recharge, stream protection, air quality improvement, open space preservation, cultural and historic resource protection and landscaping preservation. When technically feasible, standards should be simple and measurable so they can be implemented without lengthy review processes.

With the use of the TDRs to increase the number of lots, the proposed subdivision will not change the overall nature of the subdivision or create a density that will negatively impact the surrounding community and is an appropriate means of adding units to the subject subdivision. Surrounding properties are also zoned R-4. The proposed lot and street layout will be in conformance with King County Code Title 21A (zoning) and the 2016 King County Road and Construction Standards (KCRDCS).

3. Internal Circulation: The majority of the lots will be served from internal public roads (Road A and B) which extend southerly from NE 18th Street. Approximately 7 lots may access directly to NE 18th Street, and the applicant may also consider the use of joint use driveway(s) to further reduce the direct access to NE 18th St. Extension of Road B (right-of-way and sidewalk improvements) will be provided to the south and southeast property boundaries for future access and circulation.
4. Roadway Section: The road design will be improved to urban subaccess standards (i.e. curb, gutter and sidewalks-minimum 5 ft. in width) in accordance with the 2016 King County Road and Construction Standards (KCRDCS).
5. NE 18th Roadway Section: The road design for NE 18th Street will be improved to the width of a subcollector in accordance with the 2016 KCRDCS. This will include, in conjunction with the Kensington Enclave subdivision, widening to a total paved width of 28 feet, in addition to curb, gutter and sidewalk. The approximately first 180 feet of NE 18th Street east of 244th Avenue NE will be constructed as a widened boulevard entry. The boulevard section will have a 20-foot eastbound traveled way and a 20-foot westbound traveled way, separated by an 8-foot wide median island as depicted on Attachment 1. NE 18th Street will be re-graded and reconstructed to provide minimum stopping sight distance (SSD) per the 2016 KCRDCS.

6. 244th Avenue NE: Entering sight distance (ESD) at the southeast corner of 244th Avenue NE and NE 18th Street will be brought into compliance with City of Sammamish standards by clearing within the 244th Avenue NE right-of-way and relocation of a portion of an existing solid wood fence. A northbound to eastbound right turn taper will also be constructed along 244th Avenue NE to facilitate right turn movements on to NE 18th Street.
7. Drainage: The proposed project is located within the Evans Creek Drainage Basin. The site is subject to the requirements of the 2016 King County Surface Water Design Manual (SWDM). The site is comprised of two drainage subbasins, an East Basin and South Basin as referenced with the project's Technical Information Report (TIR). Each drainage subbasin has a separate natural discharge point from the site, but the downstream flowpaths from these subbasins combine within one quarter of a mile downstream from the project site. Therefore, the project site is considered as one threshold discharge area per the SWDM.

The East Basin consists of the eastern approximately one quarter of the project site, and runoff generally sheetflows uniformly (with no concentrated point discharge) east onto the neighboring properties. Eventually flows from the east basin are collected by the conveyance system within NE 18th Street, approximately 350 feet to the east of the project site. The existing conveyance system conveys the flows to the east along NE 18th Street, and then north along 247th Place NE, eventually discharging into the Allen Lake Outfall Channel.

The South Basin consists of the western approximately three quarters of the project site, and runoff generally infiltrates into the native subsurface soils at a local low point within the northwest portion of the site. Should the soil ever saturate and overflow from the local low point, it would then flow south through the neighboring property before entering the existing drainage system within NE 16th Street. The overflow would eventually discharge to the closed depression within the Woodhaven development. Overflows from the closed depression are conveyed through an existing drainage system that runs north towards NE 18th Street and converges with the downstream flowpath from the east basin as noted above.

The project proposes to collect and convey runoff from the majority of the development to a stormwater facility located in the northwest portion of the site. Water quality treatment will be provided by a pre-settling vault that will discharge to a Stormfilter cartridge treatment facility. The treated flows will then be routed to an underground infiltration vault that is designed to fully infiltrate the runoff. An emergency overflow drainage system has been provided from the infiltration vault to route any overflows to the west into the existing drainage along the west side of 244th Avenue NE. There is a small portion of the project site where runoff is not physically able to be collected and routed to the proposed stormwater facility. This area consists of the backyard areas of Lots 13-18 on the east portion of the project site that will continue to uniformly sheetflow to the east.

An updated Hydrogeological and Infiltration Report, prepared by Associated Earth Sciences, Inc., indicates that the underlying soils within the northwest portion of the site mainly consist of Vashon Recessional Outwash and Vashon Advance Outwash. Infiltration testing was performed in two test pits within the northwest portion of the site, with measured infiltration rates ranging from 48 to 3.5 inches per hour. Furthermore, the applicant has submitted a preliminary Groundwater Mounding Analyses prepared by Associated Earth Sciences, Inc., based upon the preliminary design of the infiltration facility. The preliminary Mounding Analyses found that for peak storm events, the combined flow from the groundwater table and the facility inflow will not mound above the design high water elevation for the infiltration facility.

I. TRANSPORTATION PLANS:

1. Transportation Plans: The King County Transportation Plan indicates that 244th Ave NE is an urban minor arterial within the City of Sammamish. The subject subdivision is not in conflict with this plan, nor with the Regional Trails Plan or Non-motorized Transportation Plan.
2. Subdivision Access/Neighborhood Circulation: The site will access from 244th Ave NE, an urban minor arterial (City of Sammamish) to the west via NE 18th Street, an urban subcollector, which adjoins the north boundary of the site. Urban

subaccess (Road A and B) will extend from NE 18th Street, with Road B extending further south and east from NE 18th Street to the property boundaries to provide for access and future road extension(s) to adjacent properties.

Sammamish 18th Assemblage will be constructing the south side (frontage) of NE 18th Street to an urban subcollector standard. Following construction, along the Sammamish 18th Assemblage and Kensington Enclave (north) frontages, NE 18th Street will be a 28-foot wide curb to curb roadway with curb, gutter and sidewalk on both sides of the roadway which will comply with the KCRDCS for an urban subcollector.

3. **Traffic Generation:** It is expected that approximately 336 vehicle trips per day along with 26 AM peak hour trips and 31 PM peak hour trips will be generated with full development of the proposed subdivision. This calculation includes service vehicles (i.e. mail delivery, garbage pick-up, school bus) which may currently serve this neighborhood, as well as work trips, shopping, etc.
4. **Adequacy of Arterial Roads:** This proposal has been reviewed under the criteria in King County Code ch. 14.70, Transportation Concurrency Management; and 14.80, Intersection Standards.
 - a. **King County Code ch.14.70 – Transportation Concurrency Management:** This site is located in the Snoqualmie Valley Travelshed, which currently passes concurrency. As required under RCW 36.70A.070 (6), the transportation improvements or strategies will be in place at the time of development, or a financial commitment is in place to complete the improvements or strategies within six (6) years.
 - b. **King County Code ch.14.80 – Intersection Standards:** The traffic generated by this subdivision falls below the threshold requiring mitigation on King County roads.

The applicant submitted an updated traffic impact analysis by Transportation Engineering Northwest (TENW) dated June 6, 2019. The traffic study evaluated trip generation, volumes, level-of-service, turn lane warrants, circulation, collision data and general traffic impacts, including within the City of Sammamish. The study also includes analyses of future cumulative impacts and traffic to forecasted growth in the vicinity. Project generated impacts were evaluated with and without the proposed project.

Level of Service – Level of service (LOS) is defined or described with a range of levels A through F. Level of Service A indicates free-flow traffic, while LOS F indicates extreme congestion and long vehicle delays. The LOS was evaluated for the am and pm peak hours, for existing, future without the project and future with the project, for eleven off-site intersections, of which a majority are located within the City of Sammamish. The study concludes the intersection of 244th Ave NE and NE 18th St. will operate at level-of-service C or better with the build-out of the Sammamish 18th Assemblage proposal, which is an acceptable LOS.

J. PUBLIC SERVICES:

1. **Schools:** This proposal has been reviewed under RCW 58.17.110 and King County Code ch.21A.28 (School Adequacy).
 - a. **School Facilities:** The subject subdivision will be served by Rachel Carson Elementary, Inglewood Middle School and Eastlake Senior High School, all located within the Lake Washington School District.
 - b. **School Impact Fees:** King County Code requires that an impact fee per lot be imposed to fund school system improvements to serve new development within this district. Payment of this fee in a manner consistent with K.C.C. ch. 21A.43 is a condition of subdivision approval. The 2019 school impact fee for the Lake Washington School District is \$12,294.00 per lot, and for 2020 the fee is \$13,633.00 per lot.
 - c. **School Access:** The District has indicated that future students from this subdivision will have access to bus service to the elementary, middle and

senior high schools. An existing bus stop is located on 244th Ave NE at NE 18th St. The proposed subdivision is within one mile of Rachel Carson Elementary and Inglewood Middle Schools. However, if the District discontinues the bus service and/or the future students choose to walk, there will be sidewalks constructed within the subdivision and along NE 18th Street to 244th Ave NE. Existing sidewalks on the west side of 244th Ave NE extend to both Rachel Carson Elementary and Inglewood Middle School. There may also be a future walkway connection to the north side of NE 16th, in addition to an existing bus stop located at intersection of 244th Ave NE and NE 16th St.

2. Parks and Recreation Space: The nearest public King County Parks are the natural areas ((Patterson Creek, Ravenhill) located over one mile east-southeast of the site. Recreation space on-site is required for urban plats per King County Code ch. 21A.14

K.C.C. ch. 21A.14 requires subdivisions in the UR and R zone classifications to either provide on-site recreation space or pay a fee to the Parks Division for establishment and maintenance of neighborhood parks. At this time, the applicant is proposing one tract (approximately 12,579 square feet) for recreation space. Recreation improvements will be constructed over the required drainage vault (shown as Tract A). Any area(s) associated with the drainage/vault requirements (i.e. access/maintenance, vents, etc.) are not counted towards the recreation space requirement of 390 sq. ft. per lot. In addition, an easement to King County for access and maintenance to the drainage facility will be required.

K.C.C. 21A.14.190 requires subdivisions to provide tot/children play areas within the recreation space on site. A detailed improvement plan for the recreation tract with equipment, landscaping, surfacing, etc. is required for submittal, review and approval by the Permitting Division prior to engineering plan approval. This plan shall include additional recreational facilities/improvements in accordance with King County Code 21A.14.180 as well as fencing and landscaping along the perimeter adjacent to right-of-way to alleviate potential conflicts between vehicles and users of the recreation tract.

King County Code 21A.14.180 E. Play equipment or age appropriate facilities shall be provided within dedicated recreation space areas according to the following requirements:

1. For developments of five dwelling units or more, a tot lot or children's play area, that includes age appropriate play equipment and benches, shall be provided consistent with K.C.C. 21A.14.190;

2. For developments of five to twenty-five dwelling units, one of the following recreation facilities shall be provided in addition to the tot lot or children's play area:

- a. playground equipment;
- b. sport court;
- c. sport field;
- d. tennis court; or
- e. any other recreation facility proposed by the applicant and approved by the director;

3. For developments of twenty-six to fifty dwelling units, at least two or more of the recreation facilities listed in subsection E.2. of this section shall be provided in addition to the tot lot or children's play area;

3. Fire Protection: The Certificate of Water Availability from Sammamish Plateau Water & Sewer District indicates that water is presently available to the site in sufficient quantity to satisfy King County Fire Flow Standards. Prior to final recording of the plat, the water service facilities must be reviewed and approved per King County Fire Flow Standards. The future residences will require sprinklers, unless otherwise approved by the King County Fire Marshal.

K. UTILITIES

1. Sewage Disposal: The applicant proposes to serve the subject subdivision by means of public sewers managed by the Sammamish Plateau Water & Sewer District. A Certificate of Sewer Availability, (dated September 25, 2018), indicates this district's ability to serve the proposed development. See Attachment 3.

2. Water Supply: The applicant proposes to serve the subject subdivision with a water supply and distribution system managed by Sammamish Plateau Water & Sewer District. A Certificate of Water Availability, (dated September 25, 2018), indicates this district's ability to serve the proposed development. See Attachment 3.

L. COMPREHENSIVE AND COMMUNITY PLAN:

1. Comprehensive Plan: This plan is governed by the 2016 King County Comprehensive plan which designates this area as Urban. The proposed subdivision is not in conflict with the policies of the Comprehensive Plan.
2. Community Plans: The subject subdivision is located in the East Sammamish Community Planning area and the West King County Community Service Area. At this time, there is currently no adopted community plan for this area. In addition, there are no P-suffix or special district overlay (SO) conditions associated with the parcels associated with the subdivision proposal.

M. STATUTES/CODES:

If approved with the recommended conditions in this report, the proposed development will comply with the requirements of the County and State Platting Codes and Statutes, and the lots in the proposed subdivision will comply with the minimum dimensional requirements of the zone district.

N. CONCLUSIONS:

The subject subdivision will comply with the goals and objectives of the King County Comprehensive Plan and will comply with the requirements of the Subdivision and Zoning Codes and other official land use controls of King County, based on the conditions for final plat approval.

O. RECOMMENDATIONS:

It is recommended that the subject subdivision, revised and received June 24, 2019, be granted preliminary approval subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
 - a. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall be the larger of the minimum dimensional requirements of the R-4 zone classification or those shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Permitting Division.
 - b. Any/all plat boundary discrepancy shall be resolved to the satisfaction of the Permitting Division prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.
 - c. The applicant shall provide the TDR certificate with the submittal of the engineering plans and the final plat. If the TDR certificate cannot be obtained, the applicant shall redesign the number of lots based upon the allowable density. This will result in the reconfiguration and loss of lots.
3. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Design and Construction Standards established and adopted by Ordinance No. 18420, as amended (2016 KCRDCS).
4. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

- a. Any future residences are required to be sprinklered unless otherwise approved by the King County Fire Marshal or designee.
5. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code ch. 9.04. Compliance may result in reducing the number and/or relocation of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. ch. 9.04 and the 2016 King County Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 2016 SWDM and applicable updates adopted by King County. Permitting Division approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by Permitting Division Engineering Review, shall be shown on the engineering plans.
 - c. 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 outlet as shown on the approved construction drawings # _____ on file with the Permitting Division and/or the Road Services Division. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval."
 - d. The drainage facilities shall meet the requirements of the 2016 King County Surface Water Design Manual (SWDM). The site is subject to the Conservation Flow Control and Basic Water Quality Requirements of the 2016 SWDM.
 - e. Proposed drainage systems or improvements within 244th Avenue NE shall be subject to City of Sammamish review and approval prior to engineering plan approval.
 - f. To implement the required Best Management Practices (BMP's) for treatment of storm water, the final engineering plans and TIR shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Section 1.2.9 of the SWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMP's for site development.

The required BMP's shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.
6. The proposed subdivision shall comply with the 2016 King County Road Design and Construction Standards (KCRDCS) including the following requirements:
 - a. Frontage: NE 18th Street shall be improved at a minimum to the urban sub collector street standard, including adequate right-of-way dedication for the improvements.
 - b. Frontage: The 244th Ave NE frontage is located within the City of Sammamish. Right-of-Way dedication and frontage improvements, if any, along the east side of 244th Ave NE Street which encompasses the frontage along Tract A and lots 1-4, shall be subject to the City of Sammamish review and approval prior to engineering plan approval.
 - c. Internal roads, Roads A and B, shall be improved at a minimum to the urban subaccess street standard.
 - d. Private Access Tracts (PAT) and Joint Use Driveway (JUD) tracts, if any, shall be improved to the PAT and/or JUD standard per Section 2.09 and 3.01 of the 2016

- KCRDCS. Notes regarding ownership and maintenance of the private access tracts and/or joint use driveways shall be shown on the final plat.
- e. No direct access shall be allowed to 244th Ave NE. Notes to this effect shall be shown on the engineering plans and final plat.
 - f. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.13 of the 2016 KCRDCS.
7. Compliance with the requirements of approval from the King County Fire Marshal may require wider roadway sections than are called for in the 2016 King County Road Standards.
 8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 9. Lots within this subdivision are subject to King County Code ch. 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 10. A homeowners' association or other workable organization shall be established to the satisfaction of the Permitting Division which provides for the ownership and continued maintenance of the recreation and open space tract(s). An easement shall be provided to King County over the recreation tract for access and maintenance of the storm water facilities or as needed by the KCSWDM.
 11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by the Permitting Division and King County Parks prior to or concurrent with the submittal of engineering plans. The plans must include additional recreation facilities per KCC 21A.14.180E, fencing and landscaping along the road perimeter to alleviate potential conflicts between users of the recreation and open space tract(s) and vehicles.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 12. Street trees shall be provided as follows (per KCRDCS 5.03 and K.C.C. 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009-5-013 of the 2016 KCRDCS, unless King County Road Services Division determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the county has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the engineering plans and final recorded plat.
 - e. The species of trees shall be approved by the Permitting Division if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose

roots are likely to obstruct sanitary or storm sewers, or that are not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by the Permitting Division prior to engineering plan approval.
 - g. The applicant shall contact Metro Transit Planning at (206) 553-3000 to determine if 244th Ave NE. is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
 - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after Permitting Division has completed a second inspection and determined that the trees have been kept healthy and thriving.
13. To implement K.C.C. 16.82.156, which applies to the site, a detailed significant tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 16.82.156. No clearing of the subject property is permitted until the final tree retention plan is approved by the Permitting Division. Flagging and temporary fencing of trees to be retained shall be provided. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for permitted grading work.

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots and HOA. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

14. Inadvertent Discovery Plan: If any employee, contractor, subcontractor, etc. believes a cultural resource and/or human remains have been uncovered at any point in the project, all work in the area must stop and location secured (see RCW ch. 27.44). The appropriate agencies and authorities (i.e. archaeological consultant, Washington State Dept. of Archeology and Historic Preservation, King County Historic Preservation, King County Medical Examiner, King County Sheriff) must be consulted. Work may not resume until all agencies involved have reviewed, made final determination(s), and approval to resume work has been granted.

P. OTHER CONSIDERATIONS:

- 1. The subdivision shall conform to K.C.C. ch.16.82 relating to grading on private property.
- 2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
- 3. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:
 - a. Forest Practice Permit from the Washington State Department of Natural Resources.
 - b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
 - c. Water Quality Modification Permit from WSDOE.
 - d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers

Q. TRANSMITTED TO PARTIES LISTED HEREAFTER:

Office of the Hearing Examiner hearingexaminer@kingcounty.gov
Dept. of Local Services
Permitting Division – 35030 SE Douglas St., Suite 210 Snoqualmie WA 98065-9266
Bottheim, Steve, Environmental Scientist III
Dobkins, Doug, Engineer III/Interim Product Line Manager-Residential
Casey, Laura, Environmental Scientist III
Claussen, Kim, PPM III
Hughes, Ben, Engineer II
Oosteroff, Natalie, Administrative Specialist II
Roads Services Division – 201 S. Jackson St., Seattle WA 98104
Eichelsdoerfer, Robert, Engineer III
Dept. of Natural Resources and Parks – 201 S. Jackson St. Suite 6, Seattle WA 98104
Webb, Megan, Interim TDR Program Manager
Toll Brothers, Inc. – Attn. Jeff Peterson jpeterson@tollbrothers.com
8815 122nd Ave NE, Suite 200 Kirkland WA 98033
Toll Brothers, Inc. – Attn. Aaron Hollingbery ahollingbery@tollbrothers.com
8815 122nd Ave NE, Suite 200 Kirkland WA 98033
DR Strong Consulting Engineers – Attn. Maher Joudi maher.joudi@drstrong.com
620 7th Ave Kirkland WA 98033
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1833 248th PI NE Sammamish WA 98074
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1602 232nd Ave NE Sammamish WA 98074
Behrens, Dave davewbehrens@gmail.com
Boyden, Marilyn
2424 215th Ave SE Sammamish WA 98075-9551
Ciliberti, Molly molly.ciliberti@comcast.net
1525 250th Ave NE Sammamish WA 98074
Clark, Maureen & Todd Maureen.clark@verizonwireless.com
1830 248th PI NE Sammamish WA 98074
DeLappe, R Scott & Teresa rscooter@yahoo.com
24407 NE 18th St Sammamish WA 98074
Dimitriou, John john@jazzalley.com
1414 250th Ave NE Sammamish WA 98074
Eisele, Edward & Tamami ted.eisle@live.com
25114 NE 18th St Sammamish WA 98074
Fischer, Evan efischer@sammamish.us
Flynn, Samantha samiflynn@comcast.net
Herrick, Larry labernherrick@comcast.net
1326 250th Ave NE Sammamish WA 98074
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24907 NE 18th St Sammamish WA 98074
Husting, Patrick patrickhusting@hotmail.com
24907 NE 18th St Sammamish WA 98074
LaMonte, tiffany
1209 207th PI NE Sammamish WA 98074
Kosters, Kolten kkosters@raedeke.com
Kroger, Curtis ckogger@aesgeo.com
Martin, Barbara & Scott mrs.bjm@hotmail.com
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3420 210th PI NE Sammamish WA 98074
McIntosh, Brandon Brandon.mcintosh@icloud.com
Meher, Rita Brandon.mcintosh@icloud.com
1826 247th PI NE Sammamish WA 98074
Middleton, Zachary & Kim zakmid@gmail.com
25113 NE 18th St Sammamish WA 98074
Mullor, Miki miki@mullor.org
Nelson, Diane/Core Desing dsn@coredesigninc.com
12100 NE 195th St, Suite 300 Bothell WA 98011
Osborne, Dennis Principal Planner, City of Sammamish dosborn@sammamish.us
801 228th Ave SE Sammamish WA 98075
Park, Clara Van Ness Feldman cpark@vnf.com
Pyle, David, City of Sammamish dpyle@sammamish.us
801 228th Ave SE Sammamish WA 98075

Regenstreif, Jay Sammamish Plateau Water & Sewer jay.regenstreif@spwater.org
1510 228th Ave SE Sammamish WA 98075

Robertson, Keith & Angie keithro@gmail.com angierob@gmail.com

Seavey, Joe joseph.seavey@gmail.com
19806 SE 23rd St Sammamish WA 98075

Selby, Scott ScottFSelby@msn.com

Sheehan, James & Paula jsheehan@technicalaero.com
24515 Ne 18th St Sammamish WA 98074

Shoukry, Amy amyandtherain@hotmail.com

Thiel, Susann thiel.susann@hotmail.com
22306 NE 11th Pl Sammamish WA 98074

Tiedeman, Wade & Anke wade.tiedeman@synopsys.com
24615 NE 18th St Redmond WA 98074

Valentine, Connor connor@valentinerroof.com
24924 NE 18th St Sammamish WA 98074

White, Krista kristawhite@msn.com

Wong, Kyle kyle.wong@spwater.org
1510 228th Ave SE Sammamish WA 98075

Yip, Eddie eddie_yip@hotmail.com
25119 NE 18th St Sammamish WA 98074

This is the Department of Local Services, Permitting Division written report and recommendations to the Hearing Examiner prior to the public hearing. Following the close of the public hearing, the Hearing Examiner will issue a written decision which may be appealed to the Metropolitan-King County Council. Appeal procedures will be outlined in the Examiner's written decision.

Recording Requested By And
When Recorded Mail To: Michael Murphy



King County

Transfer of Development Rights Program
Water and Land Resources Division
201 So. Jackson St., Suite 600
MS: KSC-NR-0600
Seattle, WA 98104

CONFORMED COPY



20180125000924

TRANSFER OF DEVELOPMENT RIGHTS Rec: \$79.00
1/25/2018 2:58 PM
KING COUNTY, WA

**Transfer of Development Rights
Certificate Number: 369**

TWENTY (20) Urban Transferable Development Rights
Date Issued: January 25, 2018

Certificate Issued To:

Name: Toll Bros., Inc. (Grantee)
Address: 8815 122nd Ave NE, Suite 200
City & Zip: Kirkland, WA 98033

These development rights are transferred from the following certified sending site, pursuant to K.C.C. 21A.37:

King County Sending site file number: A05P0075 (Moellendorf-William Arnold LLC)
Sending Site Parcel Number(s): 152205-9168
Sending Site Abbreviated Legal Description: Lt. M KCBLA Rec. No. 2001101900015
Sending Site Legal Description: Attached as **Exhibit A**
Grantor: King County, a political subdivision of the State of Washington
Previous Certificate Holder: Toll WA, LP

This certifies that **Toll Bros., Inc.** owns **TWENTY (20) Urban Transferable Development Rights** removed from the sending site identified above, which has been certified as a transfer of development rights sending site pursuant to K.C.C. 21A.37.

These development rights may only be used on receiving sites given final approval for additional residential or commercial density achieved through the transfer of development rights program or successor program in accordance with King County Code (K.C.C. 21A.37). Each Urban TDR may be redeemed for one (1) additional single family lot or unit on eligible unincorporated urban receiving sites per K.C.C. 21A.37, or in accordance with an adopted interlocal agreement between King County and an incorporated jurisdiction.

Receiving Site Parcel Number(s): TBD
Receiving Site Permit Number(s): TBD
Receiving Site Legal Description(s): TBD

The official record of these development rights is maintained by King County. If there is any discrepancy between the number of rights identified on this certificate and the official record, the official record shall control.

If any of the development rights identified on this certificate are sold, conveyed or transferred, the person acquiring the rights shall within ten (10) business days deliver to the King County Transfer of Development Rights Program this original certificate. A new certificate in the buyer's name shall then be issued.

TDR Certificate #196, recording number 20111228000554, is hereby cancelled.

Approved by Representative of the King County Transfer of Development Rights Program

1/25/2018

Signature

Date

PLAT18-0009
ATTACHMENT 2



King County
DDES

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES
900 Oakesdale Avenue Southwest
Renton, Wa 98055-1219

This certificate provides the Seattle King County Department of Public Health and the Department of Development and Environmental Services with information necessary to evaluate development proposals.

King County Certificate of Sewer Availability

Do not write in this box

number name

- Building Permit Preliminary Plat or PUD
 Short Subdivision Rezone or other _____

Applicant's name: Toll Bros, Inc.

Proposed use: Single Family Residential - 32 lots = 32 ERUs

Location: Tax Parcels 2625069033, 9048+9090; 244xx NE 18th St.

NE 18th Assemblage

(attach map and legal description if necessary)

Sewer agency information:

1. a. Sewer service will be provided by side sewer connection only to an existing _____ size sewer _____ feet from the site and the sewer system has the capacity to serve the proposed use.
OR
 b. Sewer service will require an improvement to the sewer system of:
 - (1) _____ feet of sewer trunk or lateral to reach the site; and/or
 - (2) The construction of a collection system on the site; and/or
 - (3) Other (describe) _____

2. a. The sewer system improvement is in conformance with a County approved sewer comprehensive plan.
OR
 b. The sewer system improvement will require a sewer comprehensive plan amendment.

3. a. The proposed project is within the corporate limits of the district or has been granted Boundary Review Board approval for extension of service outside the district or city. No-Protest Annexation to Sewer Service Boundary
OR
 b. Annexation or Boundary Review Board (BRB) approval will be necessary to provide service.

4. Service is subject to the following:
 - a. Connection charge: See Developer Extension Agreement
 - b. Easement(s): for details
 - c. Other: _____

* **Comments:** A Developer Extension Agreement is required. This Certificate is subject to the attached Conditions labeled CERTAT05, DE and is not valid without such attachment. This Certificate shall expire, be null & void, and have no further validity if not used for the designated land use permit application within one year of issuance.

I certify that the above sewer agency information is true. This certification shall be valid for one year from date of signature.

Sammamish Plateau Water & Sewer District	Jay Regenstreif, P.E.	
Agency name	Signatory name	
Planning Engineer	<i>Jay Regenstreif</i>	9/25/2018
Title	Signature	Date

PLAT18-0009
 ATTACHMENT 3
 1 OF 3



King County
DD&ES

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES
900 Oakesdale Avenue Southwest
Renton, Wa 98055-1219

This certificate provides the Seattle - King County Department of Public Health and the Department of Development and Environmental Services with information necessary to evaluate development proposals.

King County Certificate of Water Availability

Do not write in this box

number

name

- Building Permit Preliminary Plat or PUD
 Short Subdivision Rezone or other _____

Applicant's name: Toll Bros., Inc

Proposed use: Single Family Residential - 32 lots + Irrigation = 33 ERUs

Location: Tax Parcels 2625069033, 9048+9090; 244xx NE 18th St
NE 18th Assemblage
(attach map and legal description if necessary)

Water utility information:

1. a. Water will be provided by service connection only to an existing _____ (size) water main that is _____ feet from the site.
OR
 b. Water service will require an improvement to the water system of:
 (1) _____ feet of water main to reach the site; and/or
 (2) The construction of a distribution system on the site; and/or
 (3) Other (describe) Loop system
2. a. The water system has a current County-approved water comprehensive plan and franchise.
OR
 b. The water system does not have a current County-approved water comprehensive plan or franchise and will require a new or amended water comprehensive plan or franchise. (This may cause a delay in issuance of a permit or approval).
3. a. The proposed project is within the corporate limits of the utility, or the utility has been granted Boundary Review Board approval for service area annexation, or the project is within the County-approved service area of the utility.
OR
 b. Boundary Review Board approval of an annexation will be necessary to provide service.
4. a. Water is or will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant _____ feet from the building property (or as marked on the attached map):

Rate of flow at Peak Demand	Duration
<input type="checkbox"/> less than 500 gpm (approx. _____ gpm)	<input type="checkbox"/> less than 1 hour
<input type="checkbox"/> 500 to 999 gpm	<input type="checkbox"/> 1 hour to 2 hours
<input checked="" type="checkbox"/> 1000 gpm or more	<input checked="" type="checkbox"/> 2 hours or more
<input type="checkbox"/> flow test of _____ gpm	<input type="checkbox"/>
<input type="checkbox"/> calculation of _____ gpm	other _____

(Note: Commercial building permits which includes multifamily structures require flow test or calculation.)
- OR
 b. Water system is not capable of providing fire flow.
5. a. Water system has certificates of water right or water right claims sufficient to provide service.
OR
 b. Water system does not currently have necessary water rights or water right claims.

A Developer Extension Agreement is required. This Certificate is subject to the attached Conditions labeled CERTAT05, DE and is not valid without such attachment. This Certificate shall expire, be null & void, and have no further validity if not used for the designated land use permit application within one year of issuance.

I certify that the above water utility information is true. This certificate shall be valid for one year from date of signature.

Sammamish Plateau Water & Sewer District
Agency name
Planning Engineer
Title

Jay Regenstreif, P.E.
Signatory name
Jay Regenstreif
Signature
9/25/2018
Date

Nov. 24, 1999

PLAT18-0009
ATTACHMENT 3
2018

ATTACHMENT TO
KING COUNTY CERTIFICATE OF AVAILABILITY
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT

The following terms and conditions apply to the attached King County Certificate of Availability.

1. This Certificate of Availability is valid only for the real property referenced herein for the sole purpose of submission to King County Department of Development and Environmental Services, Seattle/King County Department of Public Health, or the Cities of Sammamish or Issaquah. This Certificate of Availability is between the District and the applicant only, and no third person or party shall have any rights hereunder whether by agency or as a third-party beneficiary or otherwise.

2. Any certificate issued by the Sammamish Plateau Water and Sewer District ("District"), in conjunction with a District Developer Extension Agreement, relating to King County's, Sammamish's or Issaquah's consideration and approval of various permits and approvals relating to land use actions shall expire, be null and void, and have no further validity and effect if the party receiving the certificate fails to apply for the designated land use approval to King County, City of Sammamish or City of Issaquah within one year of the issuance of such certificate by the District, unless such certificate is specifically updated by approval of the District. In the event of the expiration and cancellation of this Certificate of Availability, Applicant may be entitled to a refund of certain fees and charges paid to the District per District policy, resolution and procedure.

3. If the party that this certificate is issued to by the District enters into a Developer Extension Agreement with the District for the Project for which this certificate is issued, the terms and conditions of the Developer Extension Agreement are hereby incorporated in this Certificate by this reference as if set forth herein in full.

4. Upon County or City approval of the first land use process/procedure for which the Certificate of Availability was issued (for example - preliminary plat approval) payment of all District fees and charges pursuant to District Resolution, including but not limited to General Facility Charges, is required per the terms of the Developer Extension Agreement for the project covered by this Certificate of Availability,.

5. The District makes no representations, express or implied, that the owners of the real property which is the subject of this Certificate of Availability will be able to obtain the necessary permits, approvals, and authorizations from King County, City of Sammamish, City of Issaquah or any other governmental agency necessary before the owners of the real property can utilize the utility service which is the subject of this Certificate.

6. In the event the District and/or the party requesting the Certificate of Availability must extend the District's water and/or sewer system to provide utility service to the real property which is the subject of the Certificate of Availability, the District and/or the property owner may be required to obtain from King County, City of Sammamish, City of Issaquah or other governmental agencies various permits, approvals and authorizations. District makes no representations, express or implied, that the District and/or the owner of the real property which is the subject of the Certificate of Availability may be able to obtain all permits, approvals, and authorizations or to obtain such within any time or date certain to be able to utilize the utility service which is the subject of this Certificate. In addition, other governmental agencies may establish requirements, as a condition of granting any such permits, approvals, or authorizations relating to the Certificate of Availability that may make the provision of utility services impractical or impossible to the property which is the subject of the Certificate.