

**38.**

**The Villages Preliminary Plat Phase 1 Plat A  
(PLN11-001) Conditions of Approval**

**BDMC 17.15.020(A)(12):** *The streetscape and public open space amenities shall be compatible with any adjacent project that has been developed or approved for development as an MPD;*

22. Compatible Streetscape and Open Space. PP1A is the first implementing plat for The Villages MPD. No adjacent properties have been developed as an MPD.

**BDMC 17.15.020(A)(13):** *The proposed subdivision provides safe walking conditions for students who walk to and from school; and*

23. Safe Walking Conditions for School Children. As determined in Finding of Fact V(6)(g), the proposal provides for safe walking conditions to and from school.

**BDMC 17.15.020(A)(14):** *The proposed subdivision provides for tree preservation consistent with the provisions of chapter 19.30.*

24. A significant tree report for PP1A was prepared by International Forestry Consultants, Inc. on January 31, 2011 and was submitted with the initial preliminary plat application. Since that report did not address the area of the proposed off-site storm drainage facility, staff requested supplemental information. A second report, prepared by S.A. Newman, dated March 14, 2011, was provided on July 3, 2012. The two reports along with a Significant Tree Inventory Exhibit address all areas of The Villages MPD proposed for disturbance as a result of PP1A (Exhibits 12-14).

Given the size of the preliminary plat site, significant tree coverage densities were determined based upon modeling work, with “ground truthing” being conducted by the two consultants. Summary tables are provided in the reports; they indicate that a large number of significant trees will be removed as a result of site development. Since these figures are based upon modeling (as opposed to a precise inventory), staff finds it is more appropriate to address tree removal and compliance with BDMC 19.30 (Tree Preservation) more specifically as each division of the plat is proposed for actual physical development.

Recommended conditions of approval related to tree removal:

a. Concurrent with submittal of Utility Permits for any final plat, the Applicant shall submit a report with the exact number of significant trees to be removed in that plat and identify mitigation per BDMC 19.30.070 (e.g., planting of replacement trees or payment into the City tree mitigation fund).

b. Trees proposed for replanting shall be native trees per Villages MPD COA 122.

A new SEPA condition imposed as a result of the SEPA Appeal also requires that the tree report identified in the preceding paragraph shall delineate root protection zones.

## DECISION

The proposed subdivision is approved if the Applicant commits to constructing Rock Creek Bridge pedestrian improvements as outlined in SEPA mitigation measure No. 1, identified in Section IV(1) of this decision, subject to the following conditions:

1. The Master Developer shall execute the drainage easement for the off-site stormwater pond shown on Sheets RS7-9 (Exhibit 2) prior to final plat approval of any division within PP1A.
2. Pursuant to BDMC 19.10.220.D, wetland buffer boundaries adjacent to land within this plat shall be permanently delineated by split-rail fencing and identification signs, as approved by the City. Fencing shall be installed prior to final plat approval of any plat division adjacent to wetland buffers.
3. The proponent shall submit a wetland buffer vegetation management plan prepared in accordance with BDMC 19.10.230.F for review and approval prior to the issuance of any site development permits for lands adjacent to wetland buffers.
4. Wetlands and all required wetland buffers shall be defined as separate tracts in the final plat (BDMC 19.10.150.B). These tracts shall be as shown on the proposed preliminary plat drawings, except as may be modified pursuant to BDMC 19.10.230 prior to final plat approval.
5. Prior to final plat approval of any division within PP1A, the proponent shall re-channelize the south leg of the intersection of SE 288th St. and 216th Ave. SE to provide a refuge/merge area for westbound left-turning vehicles.
6. Stationary construction equipment shall be located distant from sensitive receiving properties wherever possible. Where this is infeasible, or where noise impacts would still be likely to occur, portable noise barriers shall be placed around the equipment (pumps, compressors, welding machines, etc.), with the opening directed away from sensitive receiving properties.
7. All equipment required to use backup alarms shall utilize ambient-sensing alarms that broadcast a warning sound loud enough to be heard over background noise, but without having to use a preset, maximum volume. Alternatively, use broadband backup alarms instead of typical pure tone alarms.
8. Operators shall be required to lift, rather than drag materials wherever feasible.
9. Electric pumps shall be used whenever pumps are required.
10. The proponent shall establish a noise control "hotline" to allow neighbors affected by noise to contact both the City and the construction contractor to ask questions or to complain about violations of the noise reduction program per Condition of Approval #41 of The Villages MPD permit.
11. The proponent shall provide construction noise attenuation for existing residents adjoining development parcels Villages V10, V13 and V15 as set forth in Villages MPD COA #44 of The Villages MPD permit.
12. Work hours of operation shall be limited to 7:00 a.m. and 7:00 p.m. on weekdays, 9:00 a.m. and 5:00 p.m. on Saturday, and shall be prohibited on Sundays and City holidays, subject to emergency construction and repair needs as set forth in BDMC 8.12.040.C.
13. The Master Developer shall ensure that the short term construction noise mitigation plan for the PP1A is implemented during construction.

14. The Master Developer shall establish the noise control hotline prior to commencement of any development activity on the PP1A site.
15. The Master Developer shall form The Villages MPD Noise Review Committee no later than one week after commencement of any development activity on the Phase 1A site.
16. The Master Developer shall notify the City in writing of the status of their compliance with Section 13.7 (Noise Attenuation) of Villages DA with regard to The Villages development parcels V10, V13 and V15 at the time of submittal of Utility Permits for those development parcels.
17. Prior to issuance of certificates of occupancy for the 726<sup>th</sup> ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the realigned intersection of Lake Sawyer Rd. SE and SE Auburn-Black Diamond Rd. (Roberts Dr.)
18. Prior to issuance of certificates of occupancy for the 327<sup>th</sup> ERU (equivalent residential unit), the proponent shall install a traffic signal at the intersection of SE Auburn-Black Diamond Rd. (Roberts Dr.) and Village Pl. SE (aka Main St.).
19. Prior to the issuance of certificates of occupancy for the 1,128<sup>th</sup> ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the intersection of SE Auburn-Black Diamond Rd. (Roberts Dr.) and Villages Parkway SE (aka Community Connector "A").
20. The proponent shall model and monitor traffic at the midpoint of occupancy of Phase 1A (596<sup>th</sup> equivalent residential unit) and determine what additional requirements may be necessary to comply with the transportation concurrency requirements of the Comprehensive Plan.
21. In addition to the applicable owners association, the Master Developer shall also be responsible for maintenance of Tract 901 (Village Pl SE).
22. All road grades shall not exceed 15%.
23. At the time of building permit application, structures will be required to either have required fire flow available or to have a fire sprinkler system installed to allow for a reduction in required fire flow.
24. All alleys shall be posted "No-Parking" with signage according to the International Fire Code; provisions for enforcement of these no parking zones shall be defined and accepted by the Designated Official prior to final plat approval of any plat division in which alleys are provided.
25. If the final design length of Alley A from its intersection with Alley B exceeds 150 feet, an approved Fire Department turnaround shall be provided at its end, per the IFC.
26. All ways-of-travel shall maintain a minimum 20 foot unobstructed driving surface per the IFC. Bike lanes may be a component of this 20 foot width. The fire hydrant and water supply system shall meet IFC Requirements, and shall be installed prior to the beginning of combustible construction materials being placed on site. Construction materials refers to the lumber (framing) packages and not to a job shack.
27. All dedications shall be shown on the final plat.

28. The Applicant shall make provision for a satellite fire station in accordance with the requirements of Section 13.4 of the Villages DA.
29. Prior to final plat approval of any plat division, the Applicant shall submit Covenants, Conditions and Restrictions (CCRs) for such division for review and approval by the Designated Official as defined in The Villages MPD Development Agreement. The Designated Official's review and approval shall be limited to the CCRs compliance with the Conditions of Approval of The Villages MPD Permit (Black Diamond Ord. No. 10-946) and the provisions of The Villages MPD Development Agreement dated December 12, 2011 (Black Diamond Ord. No. 11-970). Provided, if CCRs have already been submitted and approved by the Designated Official that bind a certain plat division, this condition shall be deemed satisfied for purposes of such division.
30. The Applicant shall comply with the Roberts Dr. sidewalk and pedestrian connection in accordance with the requirements of Section 11.6 of the Villages DA. In addition, the Applicant has voluntarily agreed that, subject to the requirements of Section 11.6 of the Villages DA, it shall submit a permit application for the sidewalk and pedestrian connection prior to issuance of the Certificate of Occupancy for The Villages Phase 1A Preliminary Plat's 1<sup>st</sup> Dwelling Unit and such connection shall be substantially complete prior to issuance of the Certificate of Occupancy for The Villages Phase 1A Preliminary Plat's 200<sup>th</sup> Dwelling Unit."
31. Tract 990 (as shown on Sheets CV5 and CV6 of Exhibit 2) shall be designated for natural landscape (NL) use.
32. Any division of a final plat requiring TDRs will not be processed or approved until the Master Developer has acquired title to the needed TDRs and they have been assigned by the Master Developer to the applicable division of the final plat.
33. Prior to final plat approval, the Master Developer shall either comply with Villages MPD COA #69 and obtain the Directors' approval, or dedicate more open space as may be necessary to minimum standards.
34. The Master Developer shall comply with Exhibit Q of Villages DA.
35. The Master Developer shall comply with Exhibit R of Villages DA.
36. Prior to final plat approval of the last division of PP1A, the Master Developer shall submit a status report to the Designated Official verifying compliance with Exhibit P of Villages DA.
37. Tracts 908 and 954-956 shall be maintained by the Master Developer (M.D.)/Applicable Owners Association (A.O.A.).
38. All existing water mains within public rights of way shall remain in-service during construction. This condition will be enforced during Utility Permit review and approval.
39. Water connections will be required to both the 750 and the 850 pressure zones in order to meet fireflow requirements and provide proper pressures to future development areas.

40. All water mains shall be located in public rights of way or within utility easements that provide a minimum of 15' of unobstructed width for access and maintenance. This condition will be applied during Utility Permit review and approval.
41. If the Applicant builds off-site improvements to the City's springs water source as a sole-source project, then those improvements shall be completed or bonded prior to the first Final Plat Approval within PP1A. In addition, the improvements shall be in-service and accepted by the City before the first building permit is issued. If the Applicant elects to use the terms of the WSFFA to complete the off-site springs water source improvements, then the Applicant shall notify the City, in writing, of this decision prior to the first Final Plat approval. In addition, a Final Plat within PP1A may not be approved until the City has designed and bid the necessary improvements. Building permits shall not be issued until the improvements are complete and in-service.
42. Where possible, 850 zone mains for service to future areas of the project shall be interconnected to the 750 zone to improve service to the Phase 1A customers and to prevent stagnation of water in unused pipelines. These mains may be isolated from the 750 zone in the future when buildings are constructed in the 850 zone. This condition will be applied during Utility Permit review and approval.
43. If the Coordinated Water Service Area Boundary dispute has not been resolved prior to Final Plat approval of any final plat that includes building lots within the disputed area, then the water system that is designed for service to areas within the disputed boundary for this area shall be designed to be compatible with both the Covington Water District Standards and the City of Black Diamond Standards. The City will be the permitting agency for water system improvements in the disputed area, even if the area is served by the Covington Water District. This condition will be enforced during Utility Permit review.
44. Prior to Final Plat approval of any final plat that includes building lots within the disputed area, a metes and bounds description of the line that is graphically shown on Sheet CV2 and labeled "Coordinated Water Service Area Boundary" in the application will be provided by the Applicant and this description will be used as the actual location of the boundary.
45. If, as part of a final plat within the PP1A, some properties straddle the Coordinated Water Service Area Boundary, and if the disputed area is served by the Covington Water District, service to the properties straddling the line will be from the City's water system.
46. Sanitary sewer shall be discharged to the existing City collection system, unless King County approves direct discharge into the regional King County collection system.
47. All existing sewer mains shall remain in-service during construction of any new sanitary sewer facilities. This condition will be applied during Utility Permit review and approval.
48. Prior to issuing the first building permit for any structure that might discharge sanitary sewer into the utility system, the temporary sanitary sewer lift station shall be complete, operational and accepted by the City. This condition will be applied during building permit review and approval.

49. Prior to issuing the first building permit for any structure that might discharge sanitary sewer into the utility system, the off-site pipelines connecting the temporary lift station to the point of discharge shall be completed and accepted by the City. This condition will be applied during building permit review and approval.
50. Any sewage pipelines (either gravity or force-main) that are designed with excess capacity shall include provisions to minimize potential operational impacts due to the oversizing. This condition will be applied during Utility Permit review and approval.
51. On the face of each plan set for building and Utility permits in PP1A, the DRC (in conjunction with their notification of approval to the City) shall include the following sewage flow information as applicable; the total building square footage included in that application, the number of fixture units, the Average Dry Weather Flow (ADWF), and the Peak Wet Weather Flow (PWWF) associated with the improvements in that application. The information shall be in tabular form.
52. Stormwater from the rooftops in the area labeled "adaptive management" shall be configured, through valves and piping, with the option of discharging into either the Zone 1A infiltration facilities or into the Zone 1C stormwater facility located south of PP1A and designed and managed to meet the target recharge flow rates and volumes to Horseshoe Lake. The Applicant shall be responsible for monitoring and maintaining the water balance within the adaptive management zone until all stormwater facilities within the zone are complete and accepted by the City. The default position will set for Zone 1A. This condition will be enforced during Utility Permits.
53. The stormwater facility located to the south of the PP1A and shown on plat sheets RS7 through RS9 dated 8/23/2012 shall be designed and built at this time to accommodate all future phases of The Villages MPD that may potentially drain to it. This condition will be applied during Utility Permit review and approval.
54. Prior to permitting for any future Villages MPD phase that may discharge to the stormwater facility shown on PP1A sheets RS7 through RS9 dated 8/23/2012, the Applicant shall demonstrate, through on-site real-time monitoring, that the infiltration system located to the south of the Phase 1A Plat is operating as-designed and has sufficient capacity for those future phases. This condition will be applied during preliminary plat, final plat and/or Utility Permit review for Villages MPD phases subsequent to Phase 1A.
55. Prior to approval of the first clearing or grading permit, the Applicant shall provide written confirmation, from the Department of Ecology, that an NPDES permit is not required for any division of PP1A, including utility installation and building construction. Alternatively, the Applicant shall obtain any required NPDES permit. This condition will be applied during grading and/or clearing permit review and approval.
56. Improvements to Roberts Drive, as necessary to provide suitable access to the Project, shall be completed and accepted by the City as detailed in Exhibit 37 regional infrastructure plan. This condition will be applied during subsequent permit review and approval.

57. The on-street parking locations shown in the application shall be considered the minimum acceptable number of parking spaces. To the extent that additional stormwater facilities are required (namely rain gardens), these facilities shall be located outside the right-of-way and shall not displace or eliminate any on-street parking spaces. This condition will be applied during Utility Permit review and approval for rain garden and/or street construction.
58. Extend the bike lanes on Ash Ave SE to Tract 984 (or as necessary) to connect to the Cross Community Trail so that bikes may access the regional trail network. This condition will be applied during Utility Permit review and approval.
59. Street trees may be placed in groves, but shall be counted on a block-by-block basis. In other words, the number of trees required within a single block shall be placed within that same block, although they may be placed in groves instead of uniformly spaced along the roadway. This condition will be applied during Utility Permit review and approval for street construction.
60. Alley I and Alley F shall be designed and constructed with traffic calming features to prevent cut-through traffic, as acceptable to the Designated Official. This condition will be enforced during Utility Permit review and approval for Alley I and F construction.
61. All implementing projects and permits for PP1A shall comply with the terms and conditions set forth in the Traffic Impact Study prepared by Transpo Group dated February 2011, updated on May 15, 2012, and approved by the City on August 30, 2012.”
62. All implementing projects and permits for PP1A shall comply with the terms and conditions set forth in the Detailed Implementation Schedule of Phase 1A Regional Infrastructure Improvements dated August 25, 2012 and approved by the City on August 27, 2012.
63. The Master Developer shall implement the following strategies to further reduce PP1A’s construction traffic: (1) Adjust PP1A’s site grading to achieve an approximate earthwork balance notwithstanding limited import of the following: (i) topsoil of approximately 7,000 CY; and (ii) import approximately 7,000 CY of material for rain garden materials (estimated at 52 rain gardens of average size 11.5’ W x 75’ L x 4.5’D); (2) Screen PP1A strippings onsite to obtain topsoil for re-use onsite; (3) Rocks obtained through the screening of topsoil on PP1A should be used as fill or crushed for use as base material onsite; (4) Sticks obtained through the screening of topsoil on PP1A should be “chipped” and used for soft surface trails or erosion protection onsite; and (5) Limit deliveries via trucks larger than Single Unit (SU) trucks to before 3:30 p.m. Monday – Friday.
64. All implementing projects and permits for PP1A shall be reasonably consistent, as determined by City staff, with the terms and conditions set forth in the Overall Grading Plan dated June 25, 2012 and the Triad memorandum dated September 28, 2012 re: The Villages PP1A Construction Trips.
65. Prior to any clearing or grading activities within a division of PP1A, clearing limits shall be marked in the field with continuous ribbon, silt fence or orange construction fence where appropriate to clearly indicate clearing limits. Trees within or near clearing limits

to be saved shall be clearly marked. Orange construction fence shall be installed as a tree protection fence outside of drip lines of trees to be saved prior to the start of clearing and grading operations.

66. In order to ensure that The Villages MPD will not have an adverse financial impact upon the City after Phase 1A, the Master Developer shall pay to the City an amount for each year that, when combined with the Master Developer's Total Funding Obligation paid for that year pursuant to the Funding Agreement, will be at least equal to the Net Annual General Fund Deficit (if any) shown for that year in Table 2 of The Villages Phase 1A Fiscal Impact Analysis dated September 20, 2012. The Master Developer shall make this payment each year until the earlier of: (1) a new fiscal analysis is prepared pursuant to Section 13.6 of the Villages MPD Development Agreement and approved by the Designated Official, demonstrating that there is further no Net Annual General Fund Deficit; (2) the City and Master Developer mutually agree to amend the Funding Agreement to include the amounts of any payments needed to offset any Net Annual General Fund Deficit for Phase 1A within the Total Funding Obligation required to be paid under the Funding Agreement; or (3) pursuant to Villages MPD COA 156, the Master Developer identifies mechanisms other than interim funding to address projected shortfalls. No implementing permits or building permits shall be issued by the City of Black Diamond for Phase 1A of The Villages MPD if the Master Developer fails to make the payment required herein according to a payment schedule mutually agreed to by the Master Developer and MDRT as part of the Annual Review. All capitalized terms not otherwise defined in this condition shall be as defined in the MPD Funding Agreement (Exhibit "N" of The Villages MPD Development Agreement).
67. The following mechanisms shall be utilized in PP1A where feasible so as to integrate Low Impact Development techniques into The Villages MPD build-out: (1) reduced roadway widths, (2) infiltration wells, (3) rain gardens, (4) bioswales, (5) media filter strips, (6) reduced driveway lengths, (7) pervious asphalt and concrete in alleys, (8) pervious pavers, and (9) install pet waste stations in common areas.
68. Trails within a Division of PP1A shall be constructed or bonded prior to issuance of a certificate of occupancy, final site plan approval or final plat approval (whichever occurs first) for that Division within PP1A.
69. All Neighborhood Parks, trails and Community Parks in PP1A will be owned and maintained by the applicable Owners' Association (OA) or Master Developer pursuant to the provisions of Subsection 5.5.7 of The Villages MPD Development Agreement, except for any owned by a school district.
70. Required open spaces identified with the PP1A sheets will be conserved or conveyed to the City on a division-by-division basis during the final plat process.
71. The westerly boundary of Tract 953 shall be modified prior to final plat submittal and approval for Division 1L to include all portions of the 60-foot buffer of Wetland S as indicated on PP1A Sheet PP7. Such boundary modification shall be exempt from the plat alteration process set forth in BDMC §17.20.090(B) because it is required by a preliminary plat condition of approval.

72. Prior to final plat approval of the Division in which such lot is located and in order to ensure compliance with the first bullet under “Lot Sizes and Front Yard Setbacks (Single Family Detached)” of Chapter 4 of the MPD Project Specific Design Standards and Guidelines (Exhibit “H” of The Villages MPD Development Agreement), which reads “Corner lots side yard setback on the street side shall be at least 5 feet wider than interior lots” (emphasis added), the Master Developer shall either: (i) amend the lot lines of Lots 25I and 25K, as shown on PPIA sheets dated 8/23/2012, to accommodate 5 feet wider side yard setbacks; or (ii) require smaller residential building footprints such that 5 feet wider side yard setbacks can be accommodated on Lots 25I and 25K.
73. Prior to final plat submittal of any Division within PP1A, the park types in Open Space Tract Table on PPIA CV5 shall be amended as follows: (i) Tract 910 is too small to be a Neighborhood Park; (ii) Tract 918 is too small to be a Neighborhood Park; and (iii) Tract 941 is too large to be a Pocket Park per the park type definitions in Section 14 of The Villages MPD Development Agreement. Correct park types shall be substituted as approved and determined necessary by City staff.
74. Prior to final plat submittal of any Division within PP1A, the Master Developer shall correct PPIA Sheet CV3 as follows: (i) Roberts Drive is incorrectly labeled as Richards Drive; and (ii) the Lot Summary table incorrectly gives unit values for Division 1A Lots 1A-10A, Division 1F Lots 1F-3F, Division 1L and Division 1M; these lots are intended for mixed use commercial development and a school site.
75. To the extent that PPIA requires construction of off-site improvements to roads that currently drain to Lake Sawyer, the Applicant will be required to treat the runoff from the improvements and the right-of-way in the immediate vicinity of the improvements to the then current, applicable phosphorous treatment standard. This condition will be applied during the review and approval of any Utility Permits for design and/or construction of any such off-site road improvements.
76. Concurrent with submittal of Utility Permits for any Division of PP1A, the Applicant shall submit a report with the exact number of significant trees to be removed in such Division and identify mitigation per BDMC 19.30.070 (e.g., planting of replacement trees or payment to the City tree mitigation fund). Trees proposed for replanting shall be native trees per The Villages MPD COA 122.
77. Pursuant to Villages MPD COA No. 52, should new water distribution alternatives be desired by the Applicant that are not consistent with the City’s Water Comprehensive Plan in effect as of the date of The Villages MPD Permit Approval, the Applicant shall be responsible for the cost of updating the Plan, if needed..
78. The Applicant shall make payment of the general government facilities mitigation fee pursuant to Section 13.9 of the Villages DA.
79. Prior to the approval of the first utility permit for construction of sanitary sewer utilities, the Applicant shall conduct wet season inspection and/or monitoring sufficient to confirm to the City’s satisfaction that there no root intrusion, blockage, breakage or other deficiency that would render the City’s existing sewer system downstream of the proposed point of connection insufficient to convey the sanitary sewer flows anticipated

from PPIA. If inspection/monitoring identifies any condition indicating there is not sufficient capacity to convey such flows, the Applicant shall provide any improvements the City deems necessary to remedy the deficiency prior to issuance of the first certificate of occupancy for the first division of the Phase 1A plat.

80. The Applicant may seek approval of PPIA final plat by division, as depicted at CV3 of Ex. 2. However, no division shall be approved unless the Applicant demonstrates to the satisfaction of staff that there is no reasonable possibility that piecemeal approval will adversely impact the continuity of required infrastructure and other mitigation. Every approved division should be able to stand on its own in terms of connections to infrastructure networks. staff is authorized to impose mitigation, such as requiring the posting of security devices, to the extent necessary to ensure that the continuity of required improvements is not permanently impaired if remaining un-built divisions are never completed. Final plat approval by division also may not impair any other mitigation requirements, specifically including any required school mitigation.
81. If requested by the Enumclaw School Board, the Applicant shall meet with the Board on a yearly basis to discuss construction activities and activities conducted to mitigate school impacts.
82. Unless waived by the Enumclaw School Board, the Applicant shall prepare a written quarterly report addressed to the Board identifying progress in construction of the Villages MPD as well as any school mitigation required for the MPD. The report shall specifically identify if the 180 day contingency period of the CSMA has been triggered, if this information has not already been provided to the Enumclaw School District by the Applicant.
83. The comparable city used in the fiscal impact analysis, Ex. 40, shall be revised to use a city other than the City of Black Diamond for purposes of estimating police service costs. The Applicant may opt to continue to be subjected to its funding obligation under the current fiscal impact analysis should its funding obligation be more than the funding obligation resulting from the revisions required by this condition. The revisions shall be approved by City staff prior to the issuance of any certificates of occupancy for PPIA.
84. Off-site improvements required for PPIA within the Lake Sawyer Drainage basin shall be construed as the “first implementing project” as referenced in the September 19, 2011 memo from Alan Fure in Ex. O to the Villages Development Agreement. “Baseline monitoring”, as referenced in that Fure memo, shall be completed within the timeframes required by Ex. O.
85. Prior to final plat approval of the first division, the Applicant shall acquire all required approvals from King County for the connection and/or discharge of all of PPIA wastewater into King County’s wastewater collection and treatment system.
86. The Applicant shall prepare a detailed noise control plan as required by Villages MPD COA 35 that does more than just repeat noise reduction measures already required for the project. The Applicant shall present the plan to the Noise Review Committee created by Villages MPD COA 45 for input. Notice of the Committee meeting shall be mailed to all

property owners within 500 feet of PP1A at least ten days in advance. The plan shall be approved by staff prior to the initiation of any on-site construction activities.

87. As discussed in Finding of Fact No. III(M)(3), the City's MDRT team shall re-evaluate the Class II designation for Wetland E1 on the basis of whether Wetland E1 was properly segregated under the guidelines of the City's adopted and applicable wetland classification manual. The re-evaluation shall be completed prior to conducting any activities within Wetland E1 or its buffers that would be prohibited in a Class I wetland and no later than issuance of the first certificate of occupancy for a PP1A dwelling unit.
88. Prior to any clearing or grading within a final plat division, the tree plan required by Chapter 19.30 BDMC shall delineate the root protection zones for all significant trees retained, relocated or planted for the division under the plan.
89. Prior to any clearing or grading of Parcels 34B, 27C, 1L or the area between 1L and 27C, the Applicant shall prepare and have approved an analysis by a qualified expert assessing whether any wildlife corridor connections between wetlands S, T, D4 and E1 have any significant environmental benefit and identify any measures to connect those wetlands that are reasonably feasible. The Applicant's analysis shall be subject to peer review by the City's MDRT team. The SEPA Responsible Official shall be responsible for approving the connectivity analysis and is authorized to impose reasonable mitigation measures to the extent necessary to prevent probable significant adverse environmental impacts.
90. In the disputed water service area between the City and CWD, see Ex. 66, the Applicant shall be responsible for selecting the appropriate water service provider. If the Applicant chooses to designate a water provider prior to resolution of the water service dispute, the design of the water system will include a plan for connecting to the other service provider should the City and CWD subsequently agree that the Applicant has selected the incorrect water service provider or a court or other tribunal of competent jurisdiction rules that the service provider selected by the Applicant is not entitled to provide service to the disputed area. The alternate connection plan shall ensure that an alternate connection can be achieved with minimal disruption of completed plat improvements, no disruption in water service and no impacts to environmentally sensitive areas. The alternate connection plan shall be subject to the approval of the alternate water service provider, provided that approval is not unreasonably withheld. The alternate connection plan shall be deemed approved if no response is provided the alternate provider within ten working days of receipt. No final plat approval shall be provided for areas that need water service within the disputed water service area until either the Applicant has secured an approved connection plan or the water service area dispute for the area in question has been resolved.
91. Prior to final plat approval of Division 1A, the Applicant shall acquire approval from City staff for a park use and design of Tract 917 that assures that children and other Tract 917 users will not be endangered by the proximity of adjoining roads.

Dated this 10<sup>th</sup> day of December, 2012.

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Phil Olbrechts  
Hearing Examiner  
City of Black Diamond

### **Appeal Right and Valuation Notices**

This land use decision is final and subject to appeal to superior court as governed by Chapter 36.70C RCW. Appeal deadlines are short and procedures strictly construed. Anyone wishing to file a judicial appeal of this decision should consult with an attorney to ensure that all procedural requirements are satisfied.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.