

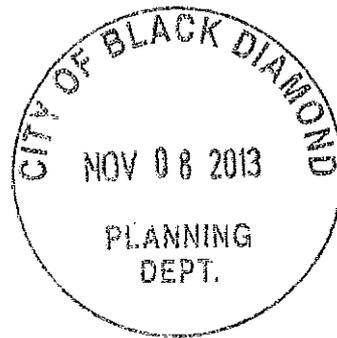
3i.

Certificates of water and sewer availability: Sections
7.2.1 and 7.3.1 of The Villages Development
Agreement

BDMC 17.12.010(H)

0 Certificates of water and sewer availability;
; Sections 7.2.1 and 7.3.1 of The Villages
Development Agreement

Certificates of water and sewer availability. See Sections 7.2.1 (water availability) and 7.3.1 (sewer availability) of The Villages MPD Development Agreement.





**The Villages Master Planned Development
Development Agreement**

7.1.9 Capital Facilities Charges

Pursuant to BDMC 13.04 and 13.20 (Exhibit "E"), the purpose of the City's water capital facilities charge and sewer connection and reserve capacity capital charges (the "Capital Facilities Charges") is to collect funds to assure new users pay an equitable share of the City's water and sewer facilities. The Master Developer, however, will not be using the City's existing system to serve the MPD's Implementing Projects, other than on a limited basis and will instead be constructing the water and sewer infrastructure necessary to serve the Project Site. Further, if the City were to assess Capital Facilities Charges against the Implementing Projects and then, as required by state law, provide a credit to the Master Developer for the cost of its facility infrastructure construction, the total amount of the credit due would exceed the total Capital Facilities Charges to be collected. Therefore, in consideration for the Master Developer's construction of the water and sewer infrastructure necessary to serve the Project Site, the City shall not collect Capital Facilities Charges for Implementing Project approvals sought for the Villages MPD provided the City Council adopts an ordinance exempting Implementing Projects from the City's Capital Facilities Charges, and the Master Developer shall not seek credit or reimbursement from the City under the Water Supply and Facilities Funding Agreement. If the City Council does not adopt such an ordinance, general facilities charges will be assessed again Implementing Projects of The Villages MPD and the Master Developer will receive a credit against such charges for the cost of its construction of facility infrastructure.

7.2 WATER SYSTEM STANDARDS

This agreement shall not apply within the Covington Water District to the extent that this section unlawfully conflicts with the authority of the Covington Water District.

7.2.1 Water Availability

The Master Developer controls property with the rights to approximately 1,080,310 gallons of water per day ("GPD"). This is determined through the "Three Party Agreement" between Plum Creek Land Company, Black Diamond Associates, Ltd., and Palmer Coking Coal Company dated August 8, 2003.

Any Implementing Project application process that calls for a certificate of water availability shall be satisfied by reference to this Agreement. Improvements necessary to provide water service to each Implementing Project must be provided by the Master Developer consistent



**The Villages Master Planned Development
Development Agreement**

All MPD Development that is located within Covington Water District's water service area boundaries and that is ultimately connected to and physically served by Covington Water District facilities shall comply with the District's adopted standards, procedures and system extension requirements for water service and connection to District facilities.

7.3 SANITARY SEWER DESIGN STANDARDS

7.3.1 Sewer Availability

This Agreement provides sewer availability to service 4,800 Dwelling Units on The Villages MPD (3,600 Single Family and 1,200 Multi-family) as well as 775,000 square feet of commercial/office/retail/light industrial uses, plus additional Public Uses and schools as defined in part by the School Agreement. Any Implementing Project application process that calls for a certificate of sewer availability shall be satisfied by reference to this Agreement.

7.3.2 Sewer Design and Construction Standards

All sewer system facilities (on and off-site, except those existing or proposed facilities owned or maintained by King County) required to provide service to The Villages MPD shall be designed and Constructed by the Master Developer in accordance with the Black Diamond Engineering Design and Construction Standards (Exhibit "E") and will become part of the City's system upon acceptance by the City.

7.3.3 Connection to City Sewer

Pursuant to Section 7.1.9 above, Implementing Projects within The Villages MPD shall not be required to pay the City's general facilities charge or other connection fees provided: (i) all supporting sewer infrastructure necessary to serve The Villages MPD is provided for by the Master Developer and Implementing Project developers; and (ii) the mitigation projects listed in Tables 11-3-1 through 11-3-4 and 11.4.1 in Section 11 are Constructed by the Master Developer prior to the end of the Build-Out Period. The Master Developer shall deliver the sewage from The Villages MPD to the City sewer system or direct to a King County facility as directed by the City.

7.3.4 Regional Sewer Facilities

The Villages MPD Conceptual Sewer Plan (Figure 7.3) shows the general location of the proposed sewer collection system, force mains and up to four (4) new pump stations that will