



December 11, 2014

**VIA HAND DELIVERY**

Mr. Phil Olbrechts  
Hearing Examiner  
City of Black Diamond  
24301 Roberts Drive  
Black Diamond, WA 98010

Re: Applicant's Request for Plat 2C Approval with Revisions to Plat Conditions of Approval  
Preliminary Plat 2C, PLN13-0027

Dear Hearing Examiner Olbrechts:

This firm represents BD Village Partners, LP ("Yarrow Bay"), the applicant for the above-referenced preliminary plat, commonly referred to as "Plat 2C."

**Introduction and Request for Approval of Plat 2C**

Yarrow Bay concurs with the City Staff recommendation for approval, and requests that the Examiner approve the preliminary plat for Plat 2C, subject to conditions. The Preliminary Plat 2C is depicted in the most recent plan set, which includes a table labeled "Transfer of Development Rights (TDR) Information" on the cover page.<sup>1</sup>

The City Staff Report is quite lengthy. For a good summary of how Plat 2C meets the applicable plat approval criteria found in BDMC 17.15.020, we direct you to pp. 174-181.

For the reasons explained in this letter, Yarrow Bay requests revisions and additions to the Staff Recommended Conditions of Approval for Plat 2C. This letter also asks the Examiner to take note of certain clarifications to statements made in the Staff Report.

Finally, we ask that you focus your decision on Plat 2C. While our presentation materials will include responses to all public comments received, many of those comments are irrelevant to Plat 2C. Similarly, there appears to be a strong desire in the community to restate all conditions of approval from

<sup>1</sup> The cover page for the most recent Preliminary Plat plan set is, unfortunately, un-dated, but can be easily distinguished from prior sets due to the addition of the table labeled "Transfer of Development Rights (TDR) Information."

The Villages MPD Permit and all terms of The Villages Development Agreement for purposes of imposing conditions on Plat 2C itself. As the Examiner is aware, all Conditions of Approval included within The Villages MPD Permit Approval (Black Diamond Ord. 10-946) and incorporated as Exhibit "C" to The Villages MPD Development Agreement (Black Diamond Ord. 11-970) and the Development Agreement itself are independently applicable to each The Villages MPD implementing project, such as Plat 2C, and do not need to be restated as a project-specific condition of approval in order to control.

### **Comments and Clarifications to Staff Report**

We ask that the Examiner take note of the following comments and clarifications regarding statements in the Staff Report.

1. In the Chronology, at Item 4 (p. 13), this date should be November 8, 2013 instead of 2014.
2. At p. 17, in the description of Applicable Codes and Standards, under The Villages MPD Permit Conditions of Approval (Ordinance No. 10-946), the statement is made that the Hearing Examiner approved the MPD Permit. As the Examiner is aware, the Examiner recommended approval and the final approval was granted by the Black Diamond City Council.
3. At p. 71 and p. 74, the Staff discussion of MPD Condition of Approval 125 and Development Agreement Section 8.2.6 could be misleading to those not unfamiliar with the history of The Villages permitting process. The 300-foot wildlife corridor discussed in the MPD Conditions of Approval and the Development Agreement was not addressed through conditions on Preliminary Plat 1A. Rather, provision of the corridor is a generally applicable requirement, which was met by approval of the Development Agreement, including Sheet 3 of Exhibit G (Constraints Map), which located and mapped the wildlife corridor, to the south of the Plat 2C site.
4. At p. 77, the Staff Report discussion of the requirements of BDMC 19.10.130 confirms that the City's peer review wetlands expert is qualified under the City's requirements. Likewise, Yarrow Bay's experts at WRI are qualified as demonstrated by the curriculum vitae to be submitted at the hearing.
5. At pp. 106 - 107, regarding Section 7.2.1 of The Villages Development Agreement, the Staff Report could have also stated that The Villages Development Agreement at Section 7.2.1., provides that any "application process that calls for a certificate of water availability shall be satisfied by reference to this Agreement."

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**Requested Revisions and Additions to the Staff Recommended Conditions of Approval**

Enclosed with this letter is a markup of the Staff recommended conditions for Plat 2C. Yarrow Bay requests the Examiner approve Plat 2C subject to the Conditions listed at Staff Report pp. 181- 190, as revised and modified on the enclosed markup. The rationale for each modified condition is listed here:

Plat 2C, Conditions 1 and 15:

Condition 15, as drafted by Staff, applies to “off-site” improvements that will provide service to Plat 2C, and Yarrow Bay accepts Condition 15 as drafted. Yarrow Bay asks that Condition 1 be revised to clarify its applicability to “on-site” improvements within Plat 2C.

Plat 2C, Condition 2:

Consistent with the philosophy stated above, Condition 2 ought not restate terms that already apply pursuant to the MPD Conditions of Approval and the Development Agreement. As drafted by Staff Condition 2 largely repeats obligations that independently exist and apply. However, rather than delete those terms, Yarrow Bay’s requested revisions alter the approval authority for the CC&Rs to match the PP1A conditions (approval by the Designated Official), and to state more clearly that the CC&R provisions of concern to the City are tied to those prior approvals.

Plat 2C, Condition 3:

Condition 3 is revised to correct a date reference. It appears the City pulled the date “December 6, 2016” from the PP1A plat approval conditions. Pursuant to MPD Condition of Approval 156, the schedule for the fiscal analysis update is 5 years from the most recent update. Based on the fiscal update that was submitted and approved for Phase 2 of The Villages, the correct date is June 16, 2019.

Plat 2C, Condition 4:

Condition 4 is revised to clarify that the easements will be shown on the face of the “final” plat.

Plat 2C, Condition 9:

Condition 9 is revised to address two timing concerns. First, that the Master Developer or HOA might obtain the franchise agreement well before utility permit review for Plat 2C, and, second,

that if that has not occurred the franchise agreement should be requested at the time of the first relevant utility permit review for Plat 2C, so that it can be approved before the final plat is approved.

Plat 2C, Condition 11:

Condition 11 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, and is revised to better reflect the language of those existing documents.

Plat 2C, Condition 12:

Condition 12 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, and is revised to better reflect the language of those existing documents.

Plat 2C, Condition 13:

Condition 13 is revised in response to public comments to delete the word “subtle,” so that it is clear that any changes are required to meet the condition, and is revised to reflect the recommendation of Yarrow Bay’s consultants, as described in Yarrow Bay’s response to public comments.

Plat 2C, Condition 16:

The final sentence of Condition 16 is deleted, because it is inconsistent with the terms of other conditions and State law which require dedication of improvements on the face of the final plat.

Plat 2C, Condition 26:

Condition 26 is revised to add language that appears in the Development Agreement which appears to have been inadvertently omitted, and to add the correct recording number reference.

Plat 2C, Condition 27:

Condition 27 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, as well as Plat 1A condition language, and is revised to better reflect the language of those existing documents.

Plat 2C, Condition 34:

Condition 34 is revised to clarify its relationship to Condition 15 and to re-confirm that, as stated in Condition 15, certain improvements may be built or bonded.

Plat 2C, Condition 35:

Condition 35 is amended because it is inconsistent with the terms of other conditions and State law which require dedication or conveyance on the face of the final plat.

Plat 2C, Condition 37:

Condition 37 is amended to be clear that the buffer averaging plan be followed and that lands that are currently wetland buffer, but which have been approved under the buffer averaging plan to become development area, may be cleared and graded, just like lands where temporary buffer impacts are required, while also assuring protection for all other buffer areas.

Plat 2C, Condition 44:

Given the amount of wetland area contained within the boundaries of Plat 2C, determining where fences should be placed to protect the wetland areas is more easily depicted on a map, rather than in text. Condition 44 is revised to reflect a map that Yarrow Bay has also prepared. In addition, while the fencing may be split rail, split rail fences are not required by the Code or applicable design standards. Thus, the Condition also is revised to allow flexibility in fence style.

Plat 2C, Conditions 49 and 50:

Conditions 49 and 50 erroneously state they are MDNS mitigation measures. Yarrow Bay recommends deletion of that language.

Plat 2C, Condition 64:

Condition 64 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, and is revised to better reflect the language of those existing documents. Specifically, there is no requirement that the water plan amendment be initiated by Master Developer (versus the City). Rather, the requirement is that the plan update be paid for by the Master Developer.

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Plat 2C, Condition 65:

Condition 65 is revised to be clear that it applies to the application being approved, Plat 2C.

Plat 2C, Condition 66:

Yarrow Bay recommends correction of a typographical error in Condition 66.

Plat 2C, Condition 67:

Condition 67 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, and is revised to better reflect the language of those existing documents.

Plat 2C, Condition 70:

Condition 70 restates independent requirements of the MPD Conditions of Approval, and the Development Agreement, and is revised to better reflect the language of those existing documents.

Plat 2C, Condition 73:

Yarrow Bay has resubmitted the Preliminary Plat plan set to the City. That resubmittal includes a table on the cover page labeled "Transfer of Development Rights (TDR) Information" that provides the information requested in Condition 73. Therefore, Yarrow Bay recommends that Condition 73 be deleted.

Plat 2C, Condition 80:

The desired parking prohibition contained in Condition 80 is already assured by Conditions 30 and 31. In addition, Condition 80 would also prohibit parking on even 28 foot wide woonerfs, where parking has been expressly designed to occur. Therefore, Yarrow Bay recommends that Condition 80 be deleted.

Plat 2C, Condition 81:

Condition 81 is revised to state that any recommended actions which result from the shovel probe testing, will become conditions of approval for subsequent clearing and grading permits.

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This is intended to address a concern raised in public comments that the recommended actions of the shovel probe testing would somehow not be enforceable.

Plat 2C, New Condition A:

In response to public comments, Yarrow Bay offers Condition A, to state the independent requirement of State law that in the event certain State level permits are required, those permits will be obtained.

**Conclusion**

Thank you for your careful attention to these matters. Again, Yarrow Bay requests that Preliminary Plat 2C be approved, as depicted in the most recent plan set (which includes the table labeled "Transfer of Development Rights (TDR) Information" on the cover page), and that the Plat 2C approval be subject to the Conditions proposed by City Staff as amended in this letter and enclosure.

Very truly yours,



Nancy Bainbridge Rogers

NBR/kgb  
Enclosure

## VI. RECOMMENDED CONDITIONS OF APPROVAL

**Boldface** indicates the item is a general requirement of The Villages Development Agreement.

### GENERAL

1. All on-site public utilities (water, sewer, and stormwater pipes and facilities) and streets necessary to serve Plat 2C must be completed or bonded prior to final plat approval. Maintenance responsibility assigned to private property owners are to be indicated on the plat for Plat 2C. These conditions will be reviewed at the final plat stage.
  
2. Prior to final plat approval of Plat 2C, the applicant shall submit Covenants, Conditions, and Restrictions (CCRs) for Plat 2C for review and approval by ~~City Attorney as to form the Designated Official as defined in The Villages MPD Development Agreement.~~ The Designated Official's review and approval shall be limited to the CCRs shall contain compliance with (i) the Conditions of Approval of The Villages MPD Permit (Black Diamond Ord. No. 10-946); (ii) the provisions of The Villages MPD Development Agreement dated December 12, 2011 (Black Diamond Ord. No. 11-970); and (iii) the inclusion of the specific items described, in general, below. Provided, if CCRs have already been submitted and approved by the Designated Official that bind a certain plat or division, this condition shall be deemed satisfied.
  - A covenant stating the property owners' or HOA's specific responsibilities for stormwater facility maintenance (including rain gardens) and which will be included on the face of the plat and recorded against each lot in the subdivision.
  - A covenant stating the property owners' or HOA's specific responsibilities for maintaining and ensuring public access to the public trail and parks tracts within Plat 2C. Covenant to include maintenance of pet waste stations.
  - A covenant stating the property owners' or HOA's specific responsibilities for maintaining and protecting the sensitive areas within designated tracts 903, 927, 928, 929, and 930.
  - A statement that all alleys and woonerfs ~~in Phase 2C~~ shall be privately owned and maintained by the applicant and/or the owners of property in the plat.
  - **A statement that the applicant or future Homeowners Association shall be required to maintain all street side landscaping, (pursuant to MPD Permit condition of approval No. 23).**
  - A statement of the property owners' or HOA's specific responsibilities, if any, for maintaining signage prohibiting parking on private streets and any enforcement responsibilities.
  - An integrated pest management system to limit the use of fertilizers, herbicides and pesticides within twenty-five feet of the buffer of wetlands E7, E8, and E10, within fifty

feet of the buffer of wetland E1 and within one hundred feet of the buffer of wetland TOS.

- Restrictions on roof types (no galvanized, copper, etc.) and roof treatments (no chemical moss killers, etc.) that are known to adversely impact water quality of runoff.
- A prohibition on exterior light intrusion into, or direct lighting of, the buffer areas.
- A provision allowing the use of green technologies such as solar panels.
- The following two paragraphs related to street maintenance:
  - **Master Developer agrees to maintain all private streets, alleys and autocourts serving 20 units or less as constructed in accordance with each approved implementing project, for a period of three years from final plat recording or other implementing approval, unless otherwise agreed upon by the City and the Master Developer (or applicable Homeowners' Association), the Master Developer's street maintenance obligation, as set forth herein, shall automatically renew for an additional two year period, and continue every two years thereafter. The Master Developer, in its sole discretion, may elect to transfer the private street maintenance obligation to a homeowners' association or other acceptable entity following its initial three year obligation. The Master Developer's failure to adequately maintain private streets in accordance with this agreement will result in result in written notice from the City to the Master Developer requiring compliance. If a private street is not maintained in a manner adequate to maintain safe passage, in the reasonable determination of the Designated Official within ten (10) days of delivery of the written notice the City may perform the required maintenance with the reasonable costs associated therewith charged to the Master Developer. In the event of an emergency, the applicable notice period shall be reduced to twenty-four (24) hours and the City may provide notice via a phone call to the Master Developer's designated representative.**
  - **Pursuant to Condition of Approval No. 22 of the MPD Permit Approval, if the Master Developer fails to perform such maintenance as required herein and, as a result, the City performs such required maintenance, the City's total costs arising from its performance of the maintenance shall be paid by the Master Developer or Homeowners' Association, as applicable within thirty (30) days of the date of invoicing by the City. Any costs not paid within thirty (30) days of invoicing by the City shall be delinquent, shall have added to them a penalty of ten (10) percent plus interest accruing at the rate of twelve (12) percent per annum from the date of delinquency until paid. Delinquent costs, penalties added thereto and the interest on such costs and penalties shall be a lien against all property within the Implementing Project in which the private street, alley or autocourt is located, and said lien may be foreclosed in the same manner provided for the foreclosure of liens for**

**unpaid sewer rates and charges set forth in RCW 35.67.220 – 280, as amended.**

3. In order to ensure compliance with The Villages MPD Condition of Approval No. 156, the Master Developer's annual Total Funding Obligation for a given year shall be equal to or greater than the Net Annual General Fund Deficit for such year (as set forth in Table 2 of the Villages Plat 2C Fiscal Impact Analysis dated April 28, 2014 and approved June 16, 2014), provided a deficit is shown in such table, until a new fiscal analysis is prepared and approved by the City's Designated Official pursuant to the terms of The Villages MPD Development Agreement Section 13.6, which shall be no later than the earlier of (1) ~~December 6, 2016~~ June 16, 2019; (2) prior to the start of the next phase of The Villages and/or Lawson Hills MPDs; or (3) during Annual Review if the Master Developer elects to have a new targeted fiscal analysis prepared in its sole discretion for the next calendar year. At such time, the Master Developer's annual Total Funding Obligation to ensure compliance with Condition of Approval No. 156 shall be reevaluated. No implementing permits or building permits shall be issued by the City of Black Diamond for Plat 2C of The Villages MPD if the Master Developer fails to make an annual Total Funding Obligation payment as described 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).
4. All easements assigned to private property owners shall be shown on the face of the final plat.
9. **The HOA or Master Developer must obtain a franchise agreement for private stormwater systems that are in public rights-of-way. ~~This condition will be enforced during utility permit review. If a franchise agreement has not previously been approved, then a franchise agreement application shall be requested by the HOA or Master Developer at the time of the first utility permit review that includes private stormwater systems within the future public rights-of-way for this Plat.~~**
11. **As a condition of the City's approval of the first utility permit, the applicant shall provide sufficient information for the City to ensure that MPD permit conditions of approval Nos. 67, 68, 70, 73, 75, 77, 79, 81, 82, and 85 (Exhibit 14) have been satisfied. Prior to the approval of the first utility permit that allows construction of impervious surfaces that will drain to Lake Sawyer, the applicant shall comply with MPD Condition Nos. 81 and 85 including: establishing a pre-construction baseline phosphorus load from the project prior to the construction of impervious surfaces; identifying any AKART opportunities related to phosphorus reduction, including monitoring capabilities in the stormwater utility system; and a program for approval of an end-of-water-year comparison of actual and base-load phosphorus discharge, after impervious surfaces have been constructed. (These items may not be deferred through surety.) This condition must be satisfied before the City will issue the first utility permit that allows impervious surface construction.**

12. **The applicant shall submit for review and approval the phosphorus baseline monitoring plan referenced in the Development Agreement, Exhibit O, of which the most recent update is Exhibit 13c. The City shall not approve any permits allowing construction of any impervious surfaces until the monitoring report is submitted and approved. This condition will be enforced with utility permits.**
13. The Preliminary Drainage Analysis (Exhibit 20) must be updated during final engineering review of Plat 2C to account for any ~~subtle~~ design changes from the preliminary plat design to the final engineering construction drawings. The update to the preliminary drainage analysis should use the same methodology as the applicant's consultant previously completed. [Note: MDNS Mitigation Measure]
16. The transportation facilities in Plat 2C shall comply with the terms and conditions set forth in the Traffic Impact Study prepared by Transpo Group dated December 19, 2013. (Exhibit 24) The terms and conditions include, but are not limited to, provision of three, two-lane public roadways with onstreet parking, curb bulb-outs at 13 intersections and at two mid-block locations (page 5 of the Traffic Impact Study), four private alleys and three woonerfs. ~~Roads A, B, and C shall be dedicated to the City following their acceptance by the City.~~
26. Pursuant to Condition of Approval No. 22 of the MPD Permit Approval, if the Master Developer fails to perform such maintenance as required herein and, as a result, the City performs such required maintenance, the City's total costs arising from its performance of the maintenance shall be paid by the Master Developer or Homeowners' Association, as applicable within thirty (30) days of the date of invoicing by the City. Any costs not paid within thirty (30) days of invoicing by the City shall be delinquent, shall have added to them a penalty of ten (10) percent plus interest accruing at the rate of twelve (12) percent per annum from the date of delinquency until paid. Delinquent costs, penalties added thereto and the interest on such costs and penalties shall be a lien against all property within the Implementing Project in which the private street, alley or autocourt is located, and said lien may be foreclosed in the same manner provided for the foreclosure of liens for unpaid sewer rates and charges set forth in RCW 35.67.220 – 280, as amended. The following note language shall be added to the face of each recorded plat or binding site plan:
  - a. In the event that the Owners' Association/Homeowners' Association fails to perform any maintenance of private street, alley or auto court as required by Section 6.5 of The Villages Development Agreement recorded under recording No. 20120130000655 and, as a result, the City of Black Diamond performs said required maintenance, the lot owners of the ~~[plat/binding site plan]~~ acknowledge and agree on behalf of themselves and all successors and assigns that, if not paid within thirty (30) days of invoicing by the City, the City's total cost arising from the City's performance of said required private street maintenance plus any penalties and interest thereon as provided by The Villages MPD Development Agreement shall be a lien against all property, including individual lots, within

this ~~[plat/binding site plan]~~, and said lien may be foreclosed in the same manner provided for the foreclosure of liens for unpaid sewer rates and charges set forth in RCW 35.67.220 – 280, as amended.

27. **Pursuant to MPD Permit Condition #32, prior to issuance of the Certificate of Occupancy for The Village MPD's 200th dwelling unit, the applicant shall comply with the Roberts Drive sidewalk and pedestrian connection requirement under Section 11.6 of The Villages Development Agreement, as updated by Condition 30 of the Black Diamond Hearing Examiner's decision for Preliminary Plat 1A, PLN11-0001, dated December 10, 2012. This will be to provide a connecting sidewalk and safe pedestrian connection from the frontage improvements along parcel V13 to the northeast corner of the Guidetti Parcel along Roberts Drive.**
34. As part of compliance with Condition 15, The the City will not issue final plat approval for the Preliminary Plat for Phase 2 Plat C until one of the following conditions has occurred:
- a. Phase 1A connecting road (currently named Willow Avenue SE) is constructed by the applicant and accepted by the City, or bonded for construction; or
  - b. A road connecting Roberts Drive to Road A of Plat 2C and meeting the standards and requirements of the BDEDCS and The Villages Development Agreement has been:
    - i. built within the Temporary Access and Utility Easement in Phase 1A (Exhibit 44) and accepted by the City; or
    - ii. bonded for construction.
35. **The applicant will conserve the identified open space tracts (Sheet CV4, Exhibit 2) on Preliminary Plat Phase 2 Plat C ~~prior to final plat approval~~ and ensure that all sensitive areas and buffers are in separate protection tracts pursuant to BDMC 19.10.150(B), for purposes of conveyance or dedication to appropriate entities on the face of the final plat. [Note: MDNS Mitigation Measure]**
37. Clearing and grading activities are prohibited in the buffer areas, inclusive of areas added for the averaging approval, EXCEPT for temporary disturbances that are required for grading and construction as described in the averaging approval, and EXCEPT for temporary disturbances that are required to install utilities and construct the soft-surface trail, and EXCEPT for areas of existing buffer will be permanently impacted via conversion to development area in exchange the protected buffer addition area elsewhere.
44. Pursuant to BDMC 19.10.220(D), wetland buffer boundaries adjacent to ~~land lots and other areas within this plat that are readily accessible to people as shown on the map submitted as Exhibit \_\_\_\_\_~~, shall be ~~permanently delineated by split-rail or other fencing~~

and identification signs, as approved by the City. Fencing shall be installed prior to final plat. [Note: MDNS Mitigation Measure]

49. The noise hotline shall remain open until further notice from the City. [Note: MDNS Mitigation Measure]
50. The applicant will continue to convene the Phase 1A Noise Review Committee through construction of Plat 2C. [Note: MDNS Mitigation Measure]
64. **Pursuant to MPD condition of approval #52, should the applicant desire new water distribution alternatives 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 submit an application for an amendment to the City's Plan and be responsible for the cost of updating the plan, if needed.**
65. **The parks on tracts 906, 909, 911, and 921 shall be constructed or bonded prior to occupancy or issuance of final inspections for 60% of the dwelling units located in Plat 2C within ¼ mile of the tracts 906, 909, 911, and 921 ~~in Plat 2C~~.**
66. The trails shown on Plat 2C shall be constructed by the Master Developer and maintained by the HOA. ~~The trail~~ The segment of the trail on Plat 2C that corresponds to the trail shown on Figure 9.2 of the DA must extend to the boundary of Plat 2C at the future Willow Avenue SE and through tract 902. All trails will be constructed or bonded prior to final plat approval.
67. **Table 9-5 of The Villages Development Agreement sets triggers for providing recreational facilities. One trigger is at the 800<sup>th</sup> dwelling unit. In the event the 800<sup>th</sup> Dwelling Unit is built as part of Plat 2C, tThe City will not issue a certificate of occupancy for theat 800th dwelling unit on any Phase until the required recreation facilities required at the trigger point in Table 9-5 of The Villages Development Agreement are constructed.**
70. **Pursuant to MPD Permit condition of approval No. 94, and Section 9.9.3 of the Development Agreement, public access is authorized to all parks and trails in Plat 2C, unless otherwise determined by the Designated Official for reasons of public safety, welfare and convenience, or for maintenance reasons. The face of the plat shall contain a note to that effect guarantee public access to the parks traets and traets containing trails.**
73. ~~Sheet CV1, the cover sheet of the Preliminary Plat for Plat 2C, shall have a table that shows the ratio of base density to planned density for Phase 2, and how Plat 2C units affect the totals for base and planned densities and the TDRs required (if any) for each plat or division within Phase 2.~~
80. ~~Parking on private alleys and woonerfs is prohibited so as to ensure unobstructed access for emergency vehicles.~~

81. Prior to submittal of the first clearing/grading permit for any portion of Plat 2C, the proponent shall place additional archaeological shovel probes on lands near Rock Creek (Parcel E) and provide a report to the City prepared by a qualified professional summarizing the results and any recommended actions. Those recommended actions from the report shall be conditions of any clearing and grading permit issued by the City for Plat 2C. [Note: MDNS Mitigation Measure]

Yarrow Bay's Proposed New Conditions

- A. Should soil disturbing activities associated with Plat 2C in the Rock Creek basin require review by the Washington State Department of Fish and Wildlife and/or a Hydraulic Permit Approval, the Master Developer shall secure such review and/or permit, as necessary.