



CITY OF BLACK DIAMOND

October 12, 2012

CITY OF BLACK DIAMOND STAFF REPORT THE VILLAGES MPD PHASE 1A PRELIMINARY PLAT FILE NO.: PLN11-0001

I. APPLICATION INFORMATION

Applicant/Owner: B.D. Village Partners, LP
10220 NE Points Drive, Suite 310
Kirkland WA 98033

Project Name: The Villages MPD Phase 1A Preliminary Plat

Project Description: A subdivision of 127.3 acres into 413 lots and 98 tracts, consistent with the approved Villages Master Planned Development (MPD) and the Villages MPD Development Agreement. The project will feature 393 residential lots, a 12.5 acre elementary school site (two lots) and 18 lots totaling 14.28 acres for commercial/mixed use. Approximately 22.48 acres of open space will be set aside in parks, trails and landscape tracts. Tract uses include landscaping, natural landscape, parks, sensitive areas and buffers, utilities and access. The project includes off-site street and utility improvements in order to serve the plat and associated site preparation and grading.

Location: The site is located on the south side of Auburn-Black Diamond Road (Roberts Drive), extending from its intersection with Lake Sawyer Road west to the western city limits and generally ½ mile to the south, within the NW ¼ and the SW ¼ of Section 15, Township 21 North, Range 6 East, Willamette Meridian, King County, WA.

Parcel Numbers: 152106-9098, -9099, -9100, -9101, -9102, -9103, -9104, -9105 and a portion of -9108 and -9109.

The Villages MPD Development Parcels: V10, V11, V12, V13 (partial), V14, V15, V16, V17, V18, V19, V21, V22-S and V24.

Zoning: MPD, Master Planned Development

Comprehensive Plan: Low Density Residential, Mixed Use, Master Planned Development Overlay

II. BACKGROUND INFORMATION

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis of the approval or disapproval of the general layout of the subdivision. (BDMC Section 17.08.010)

"Subdivision" means the division or redivision of land into seven or more lots, tracts, parcels, or sites for the purpose of sale, lease or transfer of ownership, except as provided in Section 17.04.030 of this title. The creation of tax parcels by the county shall not be deemed the division of land for purposes of creating a lot, tract, parcel or site that can be sold, leased or transferred. (BDMC Section 17.08.010)

Abbreviations/Definitions of terms

The following abbreviations and terms are used in this Staff Report.

BDEDCS: Black Diamond Engineering, Design and Construction Standards

BDCP: Black Diamond Comprehensive Plan

BDMC: Black Diamond Municipal Code

CSMA: The Comprehensive School Mitigation Agreement for The Villages and Lawson Hills Master Planned Developments

Designated Official: Per TV DA, the person appointed by the Mayor authorized to administer, interpret, process and approve plans as required. See TV DA 14.0 for full description.

DRC: Design Review Committee

FEIS: The Final Environmental Impact Statement for The Villages MPD Permit

LUPA: Land Use Petition Act

Master Developer: project applicant; as defined in Ch. 14 TV DA

MDNS: Mitigated Determination of Non-Significance

MDRT: Major Development Review Team

MPD Permit: The Villages Master Planned Development Permit approved by the Black Diamond City Council in Ordinance No. 10-946

SAO: Sensitive Areas Ordinance

SEPA: State Environmental Policy Act

TDR: Transfer of Development Rights

TV DA: The Villages Development Agreement

Utility Permit: Civil construction permit; as defined in Ch. 14 TV DA

WSFFA: Water Supply & Facility Funding Agreement

III. FINDINGS

1. On September 20, 2010, the Black Diamond City Council approved the MPD Permit for "The Villages," a planned mixed-use development of 1,196 acres, featuring 4,800 residential units, 775,000 square feet of office, retail and light industrial uses, school sites and both passive and active open space. (Ordinance No. 10-946, included as Exhibit C of The Villages Development Agreement).
2. On August 21, 2012, the Central Puget Sound Growth Management Hearings Board issued an Order of Dismissal for lack of jurisdiction and closed the case regarding the challenge to the City's approval of the MPD ordinances.
3. On August 27, 2012, King County Superior Court upheld the City Council's approval of the MPD Permit. The Black Diamond Hearing Examiner's land use decision in the Village FEIS Decision, concluding that The Villages Final Environmental Impact Statement is legally adequate, was also affirmed. On September 19, 2012, a Notice of Appeal of this decision was filed at the Court of Appeals.
4. On December 12, 2011 the Black Diamond City Council approved The Villages Master Planned Development Development Agreement. (Ordinance No. 11-970, see TV DA, Exhibit 1).
5. On December 30, 2011 a LUPA action was filed regarding the City Council's approval of the Development Agreement.
6. All of the conditions of approval from the Master Planned Development Permit and the TV DA apply to this plat, whether listed or not herein.
7. Exhibit E of TV DA contains the BDMC through September 20, 2010; this is the version of City Code The Villages MPD is vested to. All references in this Staff Report to BDMC are to the version contained within Exhibit E of TV DA, unless otherwise stated.
8. The applicant is pursuing a subdivision of 127.3 acres into 413 lots and 98 tracts. Future development of the site will be consistent with the approved Villages MPD and TV DA. Development will feature 393 residential lots, a 12.5 acre elementary school site (two lots) and 18 lots totaling 14.28 acres for commercial/mixed use. Approx. 22.48 acres of open space will be set aside in parks, trails and landscape tracts. Tract uses include landscaping, natural landscape, park, sensitive area and buffer, utilities and access. The project includes off-site street and utility improvements in order to serve the plat and associated site preparation and grading.
9. There is an off-site stormwater pond shown on Sheets RS7-9 (Exhibit 2). Access to the facility will be accomplished by both a temporary road extension of Villages Parkway SE and a drainage easement. The purpose of the easement is for ingress, egress, improvement, operation, maintenance and expansion of a water quality and storm drainage infiltration facility. In Section VIII below, this staff report recommends a condition of approval to require execution of the drainage easement.
10. For clarification, parcel V22-S is a 2.5 acre optional expansion parcel for the Enumclaw School District originally identified on the MPD Site Plan that was included as Exhibit A to TV DA. Pursuant to the Comprehensive School Mitigation Agreement dated January 24, 2011, the Master Developer has agreed to reserve a portion of parcel V22 equaling 2.5 acres and to convey it to the District if the District decides to build a larger elementary school. This 2.5 acre expansion area is referred to as Development Parcel V22-S.

11. The preliminary plat application was submitted on February 2, 2011 and determined to be complete for processing on February 11, 2011. In December, 2011, City staff formed a Major Development Review Team (MDRT), consisting of staff and outside consultants. MDRT review of the application resulted in two required resubmittals for review by staff in April and July 2012.
12. The Notice of Application (Exhibit 3) was issued on February 25, 2011 and provided the required 14-day comment period. Six comment letters were received within the specified comment period. Two of the communications were requests to receive future notices, etc. on the application. The other four communications expressed concerns about the project. (See Exhibits 4-9)
13. A SEPA Mitigated Determination of Non-significance (MDNS) and Adoption of Existing Environmental Document (Exhibit 10a) was issued on August 31, 2012. The comment and appeal period was later extended to September 21, 2012 (Exhibit 10b).
14. The 15 SEPA mitigation measures are as follows:
 - a. 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.
 - b. 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.
 - c. Prior to final plat approval of any division within the Phase 1A Preliminary Plat, 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.
 - d. 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.
 - e. 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.
 - f. Operators shall be required to lift, rather than drag materials wherever feasible.
 - g. Electric pumps shall be used whenever pumps are required.
 - h. 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 No. 41 of The Villages MPD permit.
 - i. The proponent shall provide construction noise attenuation for existing residents adjoining development parcels Villages V10, V13 and V15 as set forth in Condition of Approval No. 44 of The Villages MPD permit.
 - j. 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.
 - k. 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.

- l. Prior to issuance of certificates of occupancy for the 726 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.
 - m. Prior to issuance of certificates of occupancy for the 327 ERU (equivalent residential unit), the proponent shall install a traffic signal at the intersection of SE Auburn-Black Diamond Rd. and Village Pl. SE (aka Main St.).
 - n. Prior to the issuance of certificates of occupancy for the 1,128 ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the intersection of SE Auburn-Black Diamond Rd. and Villages Parkway SE (aka Community Connector "A").
 - o. The proponent shall model and monitor traffic at the midpoint of occupancy of Phase 1A (596 equivalent residential units) and determine what additional requirements may be necessary to comply with the transportation concurrency requirements of the Comprehensive Plan.
15. The 127.3 acre property is located south of Auburn-Black Diamond Road (Roberts Drive). According to the Sensitive Area Study for The Villages Phase 1A Preliminary Plat, dated May 9, 2012, prepared by Wetland Resources (Exhibit 11), "The project site topography undulates with alternating swaths of upland and lowlands. There is an old logging road system on this site that is used by unauthorized ORV (off-road vehicle) users. No existing structures exist within the boundary of the Phase 1A preliminary plat. Most of the site and surrounding land has consisted of managed forest plantations for decades. Due to this forest management activity, the site is typically forested with an even-aged stand of Douglas fir and a sparse, native understory."
 16. A significant tree report for the Phase 1A preliminary plat was prepared by International Forestry Consultants, Inc. on January 31, 2011 and was submitted with the initial preliminary plat application. Because the significant tree 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 this Phase 1A preliminary plat (Exhibits 12-14).
 17. Given the size of the preliminary plat site, significant tree coverage densities were determined based upon modeling work, with subsequent site verification conducted by the two consultants (International Forestry Consultants, Inc. and S.A. Newman). 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. Because the numbers of significant trees proposed to be removed are based upon modeling (as opposed to a precise inventory), tree removal and compliance with BDMC 19.30 (Tree Preservation) should be addressed more specifically as each division of the plat is proposed for development, and recommended conditions of approval requiring subsequent reports and replanting are included in Section VIII below.
 18. The applicant submitted a request for a Minor Amendment to the Development Agreement, (PLN12-0011) to amend Table 4-1 to correct inaccuracies due to a scrivener's error involving residential unit ranges. A Notice of Decision approving the amendment was issued on June 15, 2012 (Exhibit 15).
 19. The applicant submitted a request for a Minor Amendment to the Development Agreement, (PLN12-0018) to amend Table 4-1 to correct an incorrect phase designation for Development Parcel V22-S. A Notice of Decision approving the amendment was issued on August 17, 2012 (Exhibit 16).

20. The applicant submitted a Lot Line Adjustment (LLA) application (PLN12-0013) to transfer land among 10 lots. The LLA involved ten tax parcels comprising approx. 212.25 acres to create a lot configuration that is consistent with the approved Villages MPD permit parcel layout for Phase 1A. The LLA was approved on August 21, 2012.
21. The applicant submitted a construction deviation request (PUB12-0024) to provide a wider planter strip than called for by TR-7 of the City's Engineering, Design and Construction Standards (BDEDCS). The purpose of the deviation request is to: 1) allow installation of a rain garden within the right-of-way between the curb and sidewalk and 2) allow the use of a single slope road cross section, as opposed to a crowned road cross section as shown in TR-7.
22. The applicant submitted a second construction deviation request (PUB12-0025) from TR-8 of the BDEDCS, to allow alleys to be constructed within a 20' wide private tract instead of a 20' wide right-of-way. The second part of the request was to allow the use of alternative cross sections within the plat, instead of solely relying on the single slope cross section with a curb and gutter on one side as shown in TR-8. The third request was to allow the drive aisle width to be increased from 16 feet wide to 20 feet wide in isolated locations.
23. The Public Works Director approved with conditions the requested construction deviations (PUB12-0024) (Exhibit 17) on July 27, 2012, for a wider planter strip to accommodate a rain garden and a single slope cross section.
24. The Public Works Director approved with conditions the construction deviations (PUB12-0025) (Exhibit 18) on July 27, 2012, for private alleys within a tract, a flat cross section along with pervious pavement and reinforcing bands of concrete on the outside edges, an inverted cross section and a deviation for a wider alley section (20-feet).
25. Per Section 1.3 of the BDEDCS, the City Engineer is the final authority on all deviation requests. Deviation requests approved by the Public Works Director are not subject to approval by, appeal to or reversal by the Hearing Examiner.
26. Staff conducted site visits to verify site conditions in March 2012 and July 2012. The MDRT wetland consultant also visited the site in late May and early July 2012.
27. The zoning designation of the properties is Master Planned Development (MPD). Section 4 of TV DA addresses uses within the MPD. Per Exhibits L and U of TV DA, The Villages Development parcels land uses are as follows:

Parcel	Land Use	Description
V10	MPD-H	High Density Residential over 18 du/ac
V11	MPD Mixed Use	Mixed Use
V12	MPD Mixed Use	Mixed Use
V13	MPD-H	High Density Residential
V14	MPD-H	High Density Residential over 18 du/ac
V15	MPD-L	Low Density Residential
V16	MPD-M	Medium Density Residential
V17	MPD-H	High Density Residential over 18 du/ac
V18	MPD-M	Medium Density Residential
V19	MPD-M	Medium Density Residential
V21	School	School
V22-S	School	School
V24	MPD-H	High Density Residential

(See Finding of Fact 10 regarding parcel V22-S.)

28. Section 5 of TV DA states the minimum lot size for *detached* single family is 2,200 square feet. The minimum lot size does not apply to alternative lot configurations per

Section 5.2.6 of TV DA or to cottages, townhomes, or multi-family. Lot sizes are dictated by product type, setbacks, and other specific lot standards described in Section 5 of TV DA. Plat sheets CV1 and CV4 (Exhibit 2) indicate that the minimum lot size for attached residential (i.e., townhomes) is 1,105 square feet (sq. ft.), minimum lot size for detached residential is 2,450 sq. ft., maximum lot size (residential only) is 6,595 sq. ft. and the average lot size (residential only) is 3,358 sq. ft. The minimum lot size specified in Sheets CV1 and CV4 for detached residential complies with the standards in TV DA.

29. Per MPD Permit Condition of Approval #131, a minimum density of 4 dwelling units/per net acre for residential development shall be required for implementing projects, and shall be calculated for each development parcel using the boundaries of that parcel (or the portion thereof to be developed) as shown on the Land Use Plan map (Figure 3-1, as updated July 8, 2010). Figure 3-1 is now part of Exhibit L of TV DA. Per the MPD Permit Approval as explained in Section 4.2 of TV DA, the total number of dwelling units allowed on the project site is 4,800 (3,600 single family and 1,200 multi-family). The Land Use Capacity Table on Sheet CV4 (Exhibit 2) shows this plat proposal includes 444 single family units and 338 multi-family units on 95.47 acres of development parcel area (the "V" parcels from Figure 3-1 of Exhibit L of TV DA). Of the 95.47 gross acres (84.67 net acres), 73.44 gross acres (62.64 net acres) is dedicated to residential use. The net residential parcel density achieved by the plat ranges from 1.60 units (on a Mixed Use parcel) with the next lowest being 7.62 to the highest at 25.91 on a (High Density Residential parcel). The overall Phase 1A gross residential parcel density is 10.65 units/acre (782 units/73.44 acres). The overall Phase 1A net residential parcel density is 12.48 units/acre (782 units/62.64 acres). This net density complies with MPD Permit Condition of Approval No. 131 and TV DA Section 4.2.
30. Per the MPD Permit Approval as explained in Section 4.3 of TV DA, the total square feet of non-residential development allowed on the Project Site is 775,000 sq. ft. of floor area (the mix is 325,000 sq. ft. of commercial (mixed use, retail and neighborhood commercial) and 450,000 sq. ft. of office and light industrial). The Land Use Capacity Table on Sheet CV4 (Exhibit 2) shows this plat proposal is intended to include 190,000 sq. ft. of commercial/office/ retail use, which is within the MPD Permit and TV DA limitations.
31. The Comprehensive Plan designation of the properties is Low Density Residential, Mixed Use and Master Planned Development Overlay.
32. A Preliminary Plat is a Type 3-Quasi-Judicial type decision per BDMC 18.08.030 and 18.08.060; these decisions are made by the Hearing Examiner.
33. As required by BDMC Section 17.16.030.C.2, the subject properties are not within a flood control zone.
34. Notice of the public hearing (Exhibit 19) was mailed to all property owners within 500 feet of the perimeter of the affected parcels on October 12, 2012.
35. Notice of the public hearing was advertised in the City's official newspaper, The Covington-Maple Valley-Black Diamond Reporter, on October 12, 2012.
36. Notice of the public hearing was posted on the project site on October 12, 2012.
37. On September 20, 2012, the City Council adopted Ordinance No. 12-979, which amended BDMC Title 17 to provide that appeals of Hearing Examiner decisions on preliminary plats shall be to Superior Court.
38. BDMC Chapter 12.08 authorizes the Community Development Department to develop and administer a street naming and addressing policy guide. Accordingly, staff has assigned street names to the ways-of-travel within the preliminary plat and also anticipates that Auburn-Black Diamond Road will be renamed as Roberts Drive as it passes the plat boundary. These names are used on both the plat drawings and throughout this report.

39. The applicant submitted a letter dated April 25, 2012 from the Design Review Committee (DRC) for BD Village Partners, LP's Village Master Planned Development (Exhibit 20). The letter states that the DRC found that the revised Preliminary Plat 1A complies with the City's MPD Framework Design Standards and Guidelines and the DRC Design Guidelines as well as the MPD Project Specific Design Standards and Guidelines contained in The Villages MPD DA. The letter is an update to the previous DRC letter dated February 1, 2011, which was submitted with the original application.
40. The Preliminary Plat site includes one on-site wetland (Wetland S), two wetlands (Wetlands T & D4) immediately adjacent to the southwest and a buffer associated with an off-site wetland (Wetland E1) located to the southeast. Per Section 8.2.1 of TV DA, wetland boundaries were deemed final and complete. However, the typing of wetlands and, therefore, their required buffers, are to be determined and approved on a project-by-project basis. Therefore, a Sensitive Areas Study and subsequent revisions was prepared by Wetland Resources, Inc. (WRI) and submitted by the applicant (Exhibits 11, 21-22).
41. The MDRT wetland consultant (Perteet) conducted both a field visit and peer review of the Sensitive Areas Study and other documentation provided by WRI (Exhibits 23-24). As a result of that review, the applicant has agreed to provide the width of buffers per the City's Sensitive Areas Ordinance (BDMC 19.10) (See Sheets PP4, PP7 & PP8 of Exhibit 2). Any wetland buffer averaging that may be proposed in the future will be allowed only if consistent with the SAO. These issues were addressed in the MDNS issued for the plat.
42. Pursuant to Section 11.7 of TV DA, required infrastructure and amenities are scheduled to meet the demands of the future occupants of the Phase 1A Preliminary Plat. A detailed implementation schedule for the Phase 1A regional infrastructure improvements was approved by the Designated Official in August 2012 (Exhibit 37). Utilities and ways of travel will be provided as final plats are approved. The plat is not large enough to trigger the provision of any of the recreation facilities listed in Table 9.5.5 of TV DA. Section 9.2 of TV DA includes a provision to ensure that parks are provided in conjunction with development. Parks and open space are dispersed throughout the Phase 1A plat and will be built in phases as divisions obtain final plat approval.

IV. APPLICABLE PLANS, CODES AND STANDARDS

1. City of Black Diamond Comprehensive Plan (June 2009)*
2. Black Diamond Municipal Code (BDMC) Chapter 17.15, Preliminary Plat Approval Criteria*
3. BDMC Chapter 18.98, Master Planned Development*
4. City of Black Diamond Engineering Design and Construction Standards (June 2009)*
5. Black Diamond Design Guidelines (June 2009)*
6. The Villages MPD (Ordinance No. 10-946)
7. The Villages MPD Development Agreement (Ordinance No. 11-970)

**As contained within Exhibit E of TV DA.*

V. ANALYSIS

This section of the report analyzes the proposal in light of the various standards contained in adopted plans, codes and regulations.

BDMC Chapter 17.15 provides review criteria for Preliminary Plats:

17.15.020 - Approval criteria.

A. The following criteria must be met to approve any subdivision. The criteria may be met by conditions imposed by the hearing examiner as conditions of approval:

1. The proposed subdivision meets all city zoning regulations and is consistent with the city's comprehensive plan maps and policies, and with the Black Diamond design standards and guidelines where applicable;

a. The proposed subdivision meets all city zoning regulations.

The zoning designation of the properties is Master Planned Development (MPD). BDMC Section 18.98.120 addresses permitted MPD uses and densities. Compliance with BDMC Chapter 18.98 is detailed in another section of this Report. Section 4 of TV DA addresses uses within the MPD. See also Findings of Fact #28 and #29 regarding the development parcels and minimum lot sizes. The Phase 1A Preliminary Plat is consistent with these requirements, and therefore meets all city zoning regulations.

b. The proposed subdivision is consistent with the City's comprehensive plan maps and policies.

The Comprehensive Plan map designation of the properties is Low Density Residential, Mixed Use and Master Planned Development Overlay.

Regarding the MPD Overlay, the BDCP states, "Areas with an MPD overlay designation are intended to develop only subsequent to approval of an MPD permit pursuant to Black Diamond Municipal Code." The Villages Phase 1A Preliminary Plat is an implementing project of the approved The Villages MPD (see Finding #1). It is therefore consistent with the "Master Planned Development Overlay" Comprehensive Plan map designation.

The Phase 1A Preliminary Plat is also consistent with applicable Black Diamond Comprehensive Plan policies; those that are applicable are set forth below along with a brief explanation of how the Phase 1A Preliminary Plat is consistent with them:

Policy LU-16: Encourage a variety of housing types, providing housing for all income levels and all family sizes.

The Phase 1A Preliminary Plat contains a range of lot sizes (1,105-6,595 square feet for single family lots), as well as lots for multi-family housing, consistent with Policy LU-16's call for development to encourage a variety of housing types.

Policy LU-17: New housing should be compatible with the existing development pattern and the small-town atmosphere—a mix of small and large lots, size and scale.

Consistent with Policy LU-17, the Phase 1A Plat's proposed lot sizes and new housing will be compatible with the existing development pattern, which includes the Black Diamond townsite and Morganville areas developed on a traditional grid pattern with a predominant average density of 6 units per acre, as well as with the existing area on Lawson Hill developed at a density of about 4 units per acre. The Phase 1A Plat is also consistent with Black Diamond's small town atmosphere because, as called for by Policy LU-17, the proposed plat has a mix of small and large lots, size and scale.

Policy LU-18: Require residential development patterns to allow for efficient provision of public services and utilities.

The Phase 1A Plat is also consistent with Policy LU-18, because it utilizes a compact residential development pattern that will readily allow for efficient provision of public services and utilities.

Policy LU-19: Encourage clustering within new developments to create compact new communities surrounded by open space.

The Phase 1A Preliminary Plat encourages clustering within new developments to create compact new communities surrounded by open space. The Phase 1A Plat itself utilizes clustering, with smaller sub-neighborhoods surrounded by open space, as shown on Plat Sheet CV5 (Exhibit 2). In addition, the Phase 1A Preliminary Plat is part of The Villages MPD, which is a compact, clustered, master planned development community largely surrounded by open space, as shown on the Site Plan Map included as Figure 3-1 as part of Exhibit L of TV DA.

Policy LU-20: Allow multifamily residential in identified areas or when integrated as part of a planned development.

The Phase 1A Preliminary Plat allows multi-family development in identified areas (Parcels V10, V13, V14, V17 and V24), as shown on Plat Sheets CV3 and 4 (Exhibit 2), as part of a planned development (The Villages MPD).

Policy LU-21: Require multifamily structures or multiple family complexes with more than 4 units to undergo design review for consistency with adopted Design Guidelines.

Multi-family structures within the Phase 1A Preliminary Plat are required by MPD Permit Condition #135 and Section 5 (Additional Bulk, Landscape and Sign Standards), Exhibit H (MPD Project Specific Design Standards and Guidelines) and Exhibit I (High Density Residential Supplemental Design Standards and Guidelines) of TV DA to undergo design review for consistency with the Master Planned Development Framework Design Guidelines.

Policy LU-22: Use the MPD process to review all proposals on sites larger than 80 acres.

The Phase 1A Preliminary Plat is a 127.3-acre site, and is part of The Villages MPD Permit and TV DA approved by the Black Diamond City Council.

Policy LU-23: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.

The Phase 1A Plat provides sites (Parcels V11 and V12) that are large enough to accommodate significant commercial uses. The Plat proposes 75,000 square feet of commercial/office/retail development for Parcel V11, and 115,000 square feet of commercial/office/retail development for Parcel V12, as shown on Plat Sheet CV4 (Exhibit 2).

Policy LU-24: Provide day-to-day retail goods and services within walking distance of most residential neighborhoods.

See response to Policy LU-23 above. Potential development on Parcels V11 and V12 will allow for provision of retail goods and services within walking distance of the residential neighborhoods within the Phase 1A Plat.

Policy LU-26: Allow a comprehensively planned mixture of Residential, Commercial, Retail, Public and Open Space uses within MPDs and areas appropriate or designated for mixed-use development.

See above. As noted on the Comprehensive Plan's Future Land Use Map, the northern portion of the Phase 1A plat is designated as "Mixed Use," with a Master Planned Development

Overlay. The Phase 1A Preliminary Plat is located within The Villages MPD. It contains a comprehensively-planned mixture of residential, commercial, retail, public and open space uses.

Policy LU-27: Prohibit heavy industrial, and limit light industrial uses within mixed-use areas.

No heavy or light industrial use is proposed as part of the Phase 1A Preliminary Plat.

Policy LU-53: New developments should be designed to incorporate features to encourage alternative travel modes, such as biking, walking, and transit.

Figure 6.3 of TV DA shows the Bike Route and Future Connection Plan. This figure shows a bike route along the "Community Connector" (Villages Parkway SE) and along the "Ring Road" (Willow Ave SE, SE Dogwood Street). Sidewalks are provided on all streets. The proposed density will make transit viable. It is generally accepted that 7 households/acre is viable density for 30 minute transit service intervals.

(See the BDCP in Exhibit E of TV DA for full text of the transportation policies noted below.)

Policy T-1 Roadway Design Policy:

Ensure adequate and safe access to property via a system of primarily public and limited private roads.

The Phase 1A Preliminary Plat provides adequate and safe access to property via a system of primarily public roads. The only roadways proposed to be private are all alleys and Village Place SE, which serves an area planned for future commercial development. Therefore, Policy T-1 is met.

Policy T-2 Connectivity Policy:

Provide an interconnected network of roads and trails for ease and variety of travel.

The Phase 1A Preliminary Plat utilizes an interconnected network of roads and trails, as shown on Sheets RS1 - 9. The Phase 1A Plat does not utilize cul-de-sacs or dead-ends, except where streets will connect to other plats within The Villages MPD. The roads in the Phase 1A Plat are proposed to be public; only alleys and Village Place SE will be private. Policy T-2 is met.

Policy T-5 Access Policy:

Limit and provide access to the road network in a manner consistent with the function and purpose of each roadway.

This policy applies generally only to the City, and not to a specific development application. To the extent that this policy applies to a specific development application, the Phase 1A Preliminary Plat is consistent with this policy, because the Plat limits access to the Auburn - Black Diamond Road (Roberts Drive) to three specific access points consistent with the road's minor arterial classification.

Policy T-6 Local Access Policy:

Establish a standard to limit the number of dwelling units that may be served before a second point of access is required. Limit the length of dead end streets by either distance or number of lots served.

The Villages MPD Permit Condition #28 and Section 6.4.1 (On-Site Connections) of TV DA limits the areas of the MPD that may be developed (nothing east of parcel V48) prior to completion of a second major access point (the South Connector). The Phase 1A Preliminary Plat is located north of parcel V48. This policy is met.

Policy T-10 “Small Town” Character Policy:

Enhance the “small town” character that the City currently possesses. This can be done by the following:

7. Discourage widening of SR 169 to a four or five lane facility thus creating a “thoroughfare” that will tend to divide the City;
8. Encourage landscaping, parkway trees, and compatible architecture in the design and construction of roadways, especially SR 169, and other facilities along selected corridors. Minimize obtrusive signs through provisions in the zoning code;
9. Limit the number of traffic signals within the City of Black Diamond by considering the use of roundabouts as the first solution where appropriate; and
10. Adopt new road standards and development guidelines to minimize paving widths; preserve desirable trees and vegetation through minimized right-of-way clearing; and allow creative designs.
11. Adopt separate road standards for the older, historic portions of the City that are specific to individual street geometries, with the goal of not causing undue disruption to existing neighborhoods.

This policy is met. Phase 1A Preliminary Plat internal roads include landscaping, and are governed by the road standards included in TV DA and the BDEDCS, subject to appropriate deviations discussed in the Findings of Fact above. In addition, the Phase 1A Preliminary Plat includes off-site transportation improvements to SR 169, but the proposed improvements do not include widening. Use of roundabouts was considered as a first solution but rejected for these improvements; temporary improvements will be constructed in two locations on SR 169 as a recommended condition of the Phase 1A Plat, with roundabouts to be installed as permanent improvements during subsequent MPD phases, when warranted by additional traffic.

Policy T-13 Concurrency Policy:

Ensure that transportation improvements or strategies are constructed or financed concurrent with development. This also includes concurrency with plans of other transportation agencies. The City requires either a construction or financial commitment for necessary transportation improvements from the private or public sector within 6 years of development. To monitor these commitments, the City’s Concurrency Management System includes the following:

21. Adopting a traffic impact fee program;
22. Assessing level of service;
23. Determining compliance with the adopted level of service standards;
24. Identifying facility deficiencies; and,
25. Making appropriate revisions to the Six-Year TIP.

MPD Permit Condition #10 and the Traffic Monitoring Plan attached as Exhibit F to TV DA require the Applicant to construct certain roadway improvements set forth in the City’s Comprehensive Plan to the extent necessary to maintain the City’s then-applicable, adopted level of service standards, to provide transportation concurrency, and to obtain City approval of traffic monitoring reports required by Exhibit F to TV DA. The approved traffic monitoring report calls for construction of certain traffic improvements and, subject to the Applicant’s construction of those improvements, the Phase 1A Preliminary Plat’s traffic will be consistent with adopted levels of service. Given this, Policy T-13 is met.

Policy T-15 Financial Impact Mitigation Policy:

Require developers to contribute their fair share towards the transportation improvements required to meet the LOS standards. Impact mitigation efforts may include:

32. Requiring developers to assist in providing additional transportation facilities and services in proportion to the impacts and needs generated by development; and,

33. Encouraging developers to design projects that generate less vehicular traffic.

MPD Permit Condition No. 10 and the Traffic Monitoring Plan attached as Exhibit F to the TV DA require the Applicant to construct certain roadway improvements set forth in the City's Comprehensive Plan to the extent necessary to maintain the City's then-applicable, adopted level of service standards, to provide transportation concurrency, and to obtain City approval of traffic monitoring reports required by Exhibit F to TV DA. The approved traffic monitoring report calls for construction of certain traffic improvements and, subject to the Applicant's construction of those improvements, the Phase 1A Preliminary Plat's traffic will be consistent with adopted levels of service. In addition, the Phase 1A Preliminary Plat is part of The Villages MPD, which includes office, commercial and mixed-use development that will reduce overall vehicle trip generation by creating opportunities for work, shopping and dining within The Villages MPD. The Phase 1A Preliminary Plat is consistent with this approach; it provides for mixed-use office and commercial development within close proximity to residences.

Policy T-16 Traffic Impact Analysis Policy:

Require that a Traffic Impact Analysis (TIA) be prepared for new developments.

The City will require a TIA for new developments that are proposed in the city limits of Black Diamond that generate ten (10) or more vehicle trips in the PM peak hour or are otherwise determined to have the potential for an adverse impact upon the City's transportation system. The study should include site access points, arterial and collector roadways and intersections of arterials and collectors that are impacted by 10 or more PM peak hour trips, and may not be limited to intersections located within the City of Black Diamond. The TIA shall be prepared by a licensed traffic engineer and will be accepted after approval by the City.

A February, 2011 traffic impact study was prepared for the Phase 1A Preliminary Plat by Kevin Jones, a licensed traffic engineer at The Transpo Group (Exhibit 25). The traffic impact study was updated in May, 2012 to reflect current land use assumptions, and additional analysis and response to comments provided by the applicant in a memorandum dated June 28, 2012 (Exhibits 26-27). The traffic impact study, update and memorandum determined that four existing intersections would not meet the City's level of service standard at Phase 1A build out without improvements, and that two future intersections would not meet the City's level of service standard at build out without installation of a traffic signal or construction of a roundabout. The traffic impact study identified when improvements will be necessary, and recommended appropriate improvements/traffic controls. The traffic impact study, update and memorandum also address gross trip generation and internal and pass-by trip assumptions, trip assignment and distribution, queuing, and peak hour factor, among other topics. Transpo also submitted documentation regarding traffic control and improvements along Auburn Black Diamond Road (Roberts Drive) & SR 169 (Exhibits 28-29). The MDRT transportation consultant (Parametrix) reviewed the materials submitted by the applicant/applicant's consultant and provided comments (Exhibits 30-33). The traffic impact study was approved and accepted by the Designated Official on August 30, 2012 (Exhibit 34). Policy T-16 is met.

Policy T-18 Multi-modal Coordination Policy:

Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond's transportation system. Comprehensive Plan Update. This will be accomplished by the following:

37. The City will provide for pedestrian and bicycle facilities in the City's road system through provisions in the City's design standards.

By its terms, Policy T-18 applies to the entire city. In addition, pedestrian and bicycle facilities are provided for in the BDEDCS, and sidewalks and bicycle lanes are required by Section 6.3 and Figure 6.3 of TV DA on streets within the Phase 1A Preliminary Plat. Specifically, Auburn–Black Diamond Road, Villages Parkway SE, SE Dogwood Street and Willow Avenue SE are designated bicycle routes in Figure 6.3 of TV DA, and are required to have bicycle lanes per Section 6.3. Therefore, Policy T-18 is met.

Policy CF-3: Require new development to finance the facilities and services needed to support the development wherever a direct connection of benefit or impact can be demonstrated.

Sections 7 & 11 of TV DA require the Master Developer to construct a wide range of on- and off-site regional facilities. The Funding Agreement also requires payment of City staff costs for a list of specified staff positions necessary to process implementing project approvals such as the Phase 1A Preliminary Plat. The Comprehensive School Mitigation Agreement requires dedication of identified school sites as well as the payment of a school mitigation fees at specified amounts. There are no additional facilities or services needed to support the Phase 1A development for which a direct connection of benefit or impact has been demonstrated. Therefore, this policy is met.

Policy CF-16: School district comments shall be solicited prior to approval of residential development projects.

The Enumclaw School District has been notified of the Phase 1A Preliminary Plat. As of the date of this report, no comments have been received. This policy is met.

Policy CF-18: The City shall take reasonable action to ensure development is within 1.5 miles travel distance of a fire station upon built roads.

The Phase 1A Preliminary Plat is within 1.5 miles travel distance upon built roads of Station 99 located at 25313 Baker Street. In addition, Station 98 is located at 22015 SE 296th Street. This policy is therefore met.

Policy CF-27: Prior to approving development, ensure that the sanitary sewer system necessary to support development meets City requirements and is adequate to serve the development at the time the development is available for occupancy and use.

The sanitary sewer system necessary to support the Phase 1A Preliminary Plat meets City requirements and will be adequate to serve the Plat at the time it available for occupancy and use. There are 1,150 equivalent residential units (ERUs) of capacity remaining in the King County sewer treatment system, and the Phase 1A Plat will use 921 ERUs, less than the total remaining capacity. This policy is met.

Policy CF-30: Design new sewer facilities to allow for efficient and economical provision of sanitary sewers and require new development to provide those new facilities following the general concepts in this chapter.

The applicant is required and proposes to install sanitary sewer facilities to and within the Phase 1A Preliminary Plat, in accordance with the City's adopted sanitary sewer requirements set forth in the BDEDCS and BDMC Section 13.20.150. Accordingly, this policy is met.

Policy CF-37: New development will be required to pay its fair share of expansion of the sewer system through capital facility charges, built, and dedicated facilities.

The applicant will build its fair share of expansion of the sewer system. Section 11 of TV DA lists the on-site and off-site regional sewer facilities that will be built by the Master Developer, including sewer pump stations and sewer lines. This policy is met.

Policy CF-43: Ensure that the storm drainage facilities necessary to support construction activities and long-term development are adequate to serve the development at the time construction begins and when the development is available for occupancy and use.

Storm drainage facilities necessary to support construction of the Phase 1A Preliminary Plat and its long-term development and occupancy will be adequate to serve the Plat at the time construction begins and when the Plat is available for occupancy and use. Per MPD Permit Condition No. 60 and BDMC Section 14.04.020, development of the Phase 1A Plat storm drainage facilities are governed by the 2005 Stormwater Management Manual for Western Washington ("SWMMWW"). Sheets RS1-9 (Exhibit 2) propose how storm drainage facilities will be constructed as part of the plat. A temporary infiltration facility will be located just to the southeast of the Plat; at full build-out of The Villages MPD, this temporary facility will be removed, and drainage from the Phase 1A Plat formerly discharging to the temporary pond will be routed to a regional detention facility located to the southwest of the Phase 1A Plat, as set forth in Section 7.4 of TV DA.

Policy CF-44: Design new development to allow for efficient and economical provision of storm drainage facilities, and require new development to pay its fair share of providing service.

The Phase 1A Preliminary Plat is designed for efficient and economical provision of storm drainage facilities. It provides storm water facilities consistent with the requirements of the 2009 SWMMWW. It also utilizes Low Impact Development (LID) techniques where feasible (e.g., pervious pavement and rain gardens), as depicted on Sheets RS1–9 (Exhibit 2). The Plat also utilizes a temporary stormwater infiltration facility, designed to be 40% oversized. During future phases of MPD development, Phase 1A Plat drainage will be routed to a regional storm drainage facility located to the southwest of the Phase 1A Plat. This will allow for even more efficient and economical retention/detention as well as sediment removal and/or other water quality treatment.

Policy CF-46: New development should minimize increases in total runoff quantity, should not increase peak stormwater runoff, and should prevent flooding and water quality degradation.

The Phase 1A Plat minimizes increases in total runoff quantity and addresses peak stormwater runoff consistent with the 2005 SWMMWW. A recommended condition of approval will require the applicant to monitor and maintain the water balance within an adaptive management zone to meet the target recharge flow rates and volumes to Horseshoe Lake, which will prevent flooding. By complying with the 2005 SWMMWW, the Phase 1A Plat will also prevent water quality degradation, including but not limited to its use of LID techniques.

In light of the above, the proposed Phase 1A Preliminary Plat is consistent with the city's comprehensive plan maps and policies.

c. The proposed Phase 1A Preliminary Plat is consistent with the Black Diamond Design Guidelines, where applicable.

The City of Black Diamond Design Guidelines consist of the following different sets of guidelines: MPD Framework Design Standards & Guidelines; Residential Uses in the Historic Village Core; Multi-Family Development; Business Park / Industrial Areas; Commercial Zones; and The Historic Town Center. Of these different sets of guidelines, only the MPD Framework Design Standards & Guidelines are applicable to the Phase 1A Preliminary Plat. The Multi-Family Development and Commercial Zones Design Guidelines, along with Exhibits H and I of

TV DA, will be applied to certain specific Implementing Approvals within the Phase 1A Plat, specifically, at the site plan review and building permit stage, after building and site plan details are known.

MPD Framework Design Standards & Guidelines

GENERAL PRINCIPLES AND SITE PLANNING

(These standards and guidelines are primarily intended for application at the stage of overall MPD design, but maintain some applicability during review of implementing projects.)

A. Environmentally Sustainable Guidelines

1. Implement a construction waste management plan to reduce construction waste. Consider life-cycle environmental impacts of building materials.

Exhibit J of TV DA contains the Construction Waste Management Plan. Section 13.1 of TV DA requires the Master Developer to comply with this plan.

2. Incorporate energy saving techniques into all aspects of building's design and operation.

This guideline is not applicable to the Phase 1A Preliminary Plat. This guideline will be evaluated at the time of individual building permit applications.

3. Maximize water conservation by maintaining or restoring pre-development hydrology with regard to temperature, rate, volume and duration of flow; use native species in landscaping; recycle water for on-site irrigation use.

Section 7.2.5 of TV DA contains the Water Conservation and Monitoring Plan. Section 7.4 of TV DA contains Stormwater Management Standards and Section 5.5 contains Landscape Standards applicable to the plat.

4. Use measures that can mitigate the effects of potential indoor air quality contaminants through controlling the source, diluting the source, and capturing the source through filtration.

This guideline is not applicable to the Phase 1A Preliminary Plat. This guideline will be addressed at the time of future building permit applications.

5. Reduce overall community impacts by providing connectivity from the project to the community; by incorporating best management practices for stormwater management; by creating useable public spaces such as plazas and parks; and by protecting important community-identified viewsheds and scenic areas.

Section 11.6 of TV DA addresses the connecting sidewalk and safe pedestrian connection along Roberts Drive. Section 7.4 of TV DA contains Stormwater Management Standards. As shown on Sheet CV5 of the preliminary plat (Exhibit 2) Tracts 916, 917 and 923 contain Community Parks, Tracts 944 and 946 will contain portions of a King County Regional Trail and a cross community trail is depicted north/south along Villages Parkway SE and east/west across the middle of the plat, providing for useable public spaces.

6. Grading plans shall incorporate best management practices with phased grading to minimize surface disturbance and to maintain significant natural contours.

Sections 12.8.1.C and 13.2 of TV DA address clearing, grading and forest practices. The applicant submitted a letter addressing the cut/fill balance as required by MPD condition of approval #110 (Exhibit 35). The total earthwork quantities for the plat are 541,416 cubic yards (cy) of cut and 580,020 cy of fill; the quantities are within approximately 7% of each other. In

addition, the applicant has submitted a map prepared by Earthwork Service, Inc. illustrating that the majority of the site is proposed to be graded only minimally, and that there is little difference between existing and proposed final contours. The two exceptions to this are the location of the offsite stormwater infiltration facility, and a localized depression (a former borrow pit or glacial scour) that, consistent with best management practices, will be graded to provide positive surface water drainage. This guideline is met.

B. Using Open Space as an Organizing Element

Guidelines

1. All master planned developments shall include a wide range of open spaces, including the following: a. Sensitive environmental features and their buffers, b. Greenbelts, c. Village greens, d. Parks and school playgrounds, e. Public squares, f. Multi-purpose trails. These features should be deliberately planned to organize the pattern of development and serve as center pieces to development cluster, not merely as “leftover” spaces.

As shown on Sheet CV5 of the preliminary plat (Exhibit 2) open space tracts include landscaping, natural areas, sensitive areas and their buffers, parks and pedestrian access. In numerous blocks featuring alley-load lots, this open space serves both as a common “front yard” for adjoining lots and provides a walkway between adjacent streets that will be open to use for all future residents within the plat. Other open space tracts (e.g., Tracts 932, 941) will provide for “pocket parks” to serve the neighborhood.

(a) Both on- and off-site wetlands and their buffers are preserved; (b) the required landscape buffer of the Gateway Overlay District (BDMC 18.76) will be provided along Roberts Dr.; (c) “village greens” are provided with Tracts 916 & 917; (d) as noted above, both pocket parks are provided and a dedicated elementary school site (lots 1L and 2L) will provide playgrounds; (e) Village Place SE will be a private road, providing the opportunity to create a plaza environment, plus allow closure of the street for activities; and (f) the plat provides a primary east-west trail through the project that will connect with a future King County Regional Trail in Tracts 944 & 946. Therefore, staff finds that the proposal meets these guidelines.

2. Open spaces shall be linked into an overall non-motorized network through sidewalks, trails and parkways. The overall network shall be delineated at initial MPD approval and implanted through subsequent plats and permit approvals.

As shown on Sheet CV5 of the preliminary plat (Exhibit 2) Tracts 944 and 946 will contain portions of a King County Regional Trail and a cross community trail is depicted north/south along Villages Parkway SE and east/west across the middle of the plat, providing for an overall non-motorized network. Bike lanes are shown along Villages Parkway SE, SE Dogwood St and Willow Ave SE. The trails and bike lanes shown on the plat drawing are consistent with Figures 6.3 (Bike Route and Future Connection Plan) and 9.2 (Park and Trail Plan). Staff finds that the proposal meets this guideline.

3. Stands of trees as an element of open space. Due to the propensity of severe wind events in the Black Diamond area, an MPD should incorporate the preservation of larger rather than smaller stands of native trees.

The Phase 1A Preliminary Plat will primarily preserve trees within certain open space areas, wetlands and their buffers. Given the size of proposed lots and site grading requirements, it is not feasible to retain large stands of trees outside of these areas.

C. Integrating Development with Open Spaces

Guidelines

1. Use of conventional, suburban-style subdivision design that provides little common open space shall be avoided.

The preliminary plat emphasizes small lots and common open space as opposed to larger lots with large, private yards. As shown on Sheet CV5 of the preliminary plat (Exhibit 2) open space tracts include landscaping, natural areas, sensitive areas and their buffers, parks and pedestrian access. Staff finds that the proposal meets this guideline.

2. Groupings of primarily residential development of approximately 400-600 units should be contained generally within a quarter mile radius to support walking, bicycling and future transit service. Development clusters shall be surrounded by a network of open space with a variety of recreational uses (including trails) to provide connections between clusters.

As shown on the plat sheets, this guideline is met. All residential units are within a quarter mile of the elongated roundabout, a central feature of the plat. As previously noted above, the plat design features open spaces in sizes/dimensions that allow for both active and passive use. Sheet CV5 depicts the primary trail network that interconnects the plat east to west and north to south. In addition, many other pathways are provided in other open space tracts, which interconnect to the sidewalk system constructed within the public right-of-way.

3. Methodology for Planning Development in clusters.

- a. environmentally sensitive areas to be protected (including streams, wetlands, steep slopes, wildlife corridors, and their buffers) shall be identified, mapped and used as an organizing element for design;**
- b. areas for development of housing and commercial development shall be indicated;**
- c. streets and public spaces (as well as sites for public facilities such as schools, fire stations and other civic structures) shall be identified;**
- d. lots and groups of lots with various ownerships (i.e. fee simple by occupant, condominium, single ownership apartments, etc) shall be integrated with one another throughout all phases of a project;**
- e. views of Mt. Rainier and other desirable territorial views shall be identified and integrated into site planning to maximize viewing from public spaces (streets, trails, parks, plazas, etc.).**

As shown on the plat sheets, this guideline is met, as follows: (a) wetlands are located primarily at the edges of the plat and are preserved; (b) commercial development is intended to occur in the area adjacent to Roberts Drive, with both multifamily and cottage housing lots being established nearby; (c) streets and public spaces are identified on the plat, including a proposed elementary school site at its southern border, and an open space/plaza in the center of the plat; (d) this plat features areas for detached and attached single family housing, live/work units, cottage housing and multifamily housing; and (e) views of Mt. Rainier will be available along Villages Parkway SE and the community park (Tract 916).

D. Ensuring Connectivity

Guidelines

1. Pedestrian Connectivity

a. Similar to a traditional small town, services and common spaces shall be easily accessible to residents on foot. Off-street pedestrian trails are to be provided as a network throughout the development. Pedestrian connections shall be provided where cul-de-sacs or other dead-end streets are used.

As shown on the plat sheets and discussed above, staff finds that the proposal meets this guideline. Commercial and retail development will be available within walking distance of the Plat's residential units; off-street pedestrian trails are provided, as part of a broader network, and there are no dead-end or cul-de-sac streets in this plat).

2. Street Connectivity

a. The system of streets shall demonstrate a high degree of both vehicular and pedestrian connectivity, allowing residents and visitors multiple choices of movement. Isolated and dead-end pockets of development are not desired.

As shown on the plat sheets, this guideline is met.

b. Cul-de-sacs shall be avoided unless there are no other alternatives.

No cul-de-sacs are proposed to remain at full plat build-out. However final platting is proposed to occur in phases; the proposed divisions are shown on Sheet CV3 of the plat (Exhibit 2). Portions of roads within the preliminary plat will be built in conjunction with final plats, necessitating the use of temporary turnarounds (to accommodate emergency access). There are no other feasible alternatives until final plat approval. As more divisions obtain final plat approval, the roads will be extended and connected and the temporary turnarounds will be eliminated.

E. Mixing of Housing

Guidelines

- 1. MPD's shall include various types of housing, such as:**
 - a. Single Family, detached, on various sized lots**
 - b. Single Family, attached: duplexes, townhouses (semi-attached), row houses (attached, common walls), courtyard houses**
 - c. Cottage housing**
 - d. Apartments**
 - e. Accessory Dwelling Units**

The plat includes a variety of lot sizes, which will allow for a variety of housing types. The exact nature of housing to occur on the larger multifamily parcels (V10 and V13) has not been identified at this point in time. The applicant has indicated intent to have both cottage multifamily housing occur on these larger parcels.

2. Each cluster of development shall include a variety of unit types and densities.

As noted above, the plat includes the variety of unit types and densities identified above, including low, medium and high residential, in conjunction with Exhibits L and U of TV DA.

3. For Single Family developments, alley access to garages is desired. Direct driveway access to streets should only occur if there are no other alternatives.

MPD Permit Condition of Approval #142 also addresses this guideline. Plat Sheet CV3 (Exhibit 2) contains a Lot Summary table with detail regarding whether garages will be front or alley loaded. Front loaded lots are only proposed on lots 1I-25I and 1J-11J, which are located along the western boundary of the plat, where it is not practical to have alley loaded lots. Overall, only 10% of the total number of single family lots are "front loaded."

4. Large apartment complexes and other repetitive housing types are discouraged. Apartments should replicate features found in Single Family Residential areas (i.e. garages associated with individual units, individual outdoor entries, internal driveway systems that resemble standard streets, etc.).

Section 5 and Exhibits H and I of TV DA address design standards for development. Those requirements and guidelines, along with this criteria cannot be applied at the preliminary plat stage, but instead will be applied at the site plan review and building permit level, once building and site plan details are known.

F. Creating Neighborhood Civic/Commercial Centers

Guidelines

- 1. Civic/Commercial Centers shall be located to serve groupings of clusters as well as pass-by traffic in order to support an array of shops and services.**
- 2. Such centers shall be anchored by a public green space and, ideally, a public building such as a school or meeting hall.**
- 3. Upper story housing above retail or commercial space is strongly encouraged within Civic/Commercial Centers.**

This guideline is met. The Villages MPD Town Center includes 18 lots totaling 14.28 acres intended for commercial/ mixed use development. The commercial lots are located to serve the clusters of residential development within the Phase 1A Plat, as well as pass-by traffic from Auburn-Black Diamond Road. The center is “anchored” by the large common space in the center of Villages Parkway SE. Village Place SE is planned to be a private roadway, which allows the developer to control development up to the front of future buildings and also close off the street as desired to create a plaza for special activities. Nine lots within this area are also proposed to be “live/work” units, featuring a main floor business use with connected residential housing above. These lots are located adjacent to Tracts 916 and 917, which will contain Community Parks (as shown on Sheet CV5 of the preliminary plat (Exhibit 2)). Future uses within this area are not known at this time; civic uses may be located in this area.

G. Interface with Adjoining Development

Guidelines

- 1. Where individual lot residential development is located along the boundary of an MPD, lot sizes shall be no less than 75% the size of the abutting residential zone or 7200 sq. feet, whatever is less.**

This plat does not contain individual lot residential development along the boundary of The Villages MPD. The western boundary includes a 100 ft. wide trail corridor (Tracts 944 and 946) and all other boundaries do not directly abut non-MPD lands.

- 2. Multi-family and non-residential land uses should include a minimum 25 ft wide dense vegetative buffer when located along the boundary of an MPD.**

Parcels 1D and 2D, which comprise part of development parcel V13, are multi-family and located near but not along the eastern boundary of The Villages MPD. There is the eastern portion of parcel V13 that is not part of this plat, which exceeds 25' in width, according to Sheet CV2 (Exhibit 2). Parcel 1H, which comprises part of development parcel V10, is multi-family and located near the western boundary of The Villages MPD. Tract 944 is an open space tract located to the west of Parcel 1H, which exceeds 25' in width, according to Sheet CV4 (Exhibit 2). This guideline is met.

3. When there is no intervening development proposed, a minimum 25 ft wide dense vegetative buffer should be provided between main entrance or access routes into an MPD and any adjoining residential development.

There are three access points along Auburn Black Diamond Road (Roberts Drive) and none of them are within 25' of adjoining residential development.

CIRCULATION

A. Streets

Guidelines

1. Connectivity

a. The street layout shall create a network that promotes convenient and efficient traffic circulation and is well connected to other existing City streets.

The street layout as shown on Sheet CV1 (Exhibit 2) creates a network that promotes convenient and efficient traffic circulation. There are no permanent cul-de-sacs within the development; many blocks feature pedestrian walkways located mid-block. There are three access points along Roberts Drive (Auburn-Black Diamond Road), the only possible connection to existing City streets. Two of these intersections are planned to be constructed as roundabouts, while one (Village Place SE) is planned to be signalized. This guideline is met.

2. Design

a. The layout of streets should relate to a community-wide focal point.

This guideline is met. The street design provides for a neighborhood focal point at the elongated roundabout (Villages Parkways SE) near The Villages MPD Town Center and Community Parks.

b. A consistent overall landscape theme should be utilized, with variations provided to indicate passage through areas of different use, densities, topography, etc.

This guideline is not applicable to review of a preliminary plat. Landscaping details will be evaluated during Utility Permit review.

c. Limit the use of backyard fences or solid walls along arterial streets.

The majority of single family residential lots will be alley loaded, limiting fencing opportunities along arterial streets. In the limited instances where rear lot lines do face an arterial street (i.e., Villages Parkway SE), there is a wide, intervening area that will be landscaped, which will provide a buffer to any future rear yard fencing that may occur. This guideline is met.

3. Reduced Pavement Widths

a. Pavement widths should be minimized to slow vehicular speeds and maintain an area friendly to pedestrians and non-motorized users.

This guideline is met. Pavement widths have been reduced to the minimum allowed by International Fire Code. Section 6.3 of TV DA establishes the standard lane width as 10 feet. The streets within this plat generally provide for on-street parking on both sides, which acts both as a traffic calming measure and also provides a greater buffer between vehicular traffic and the sidewalk. Bike routes within the plat (Roberts Drive/Auburn-Black Diamond Road, Villages Parkway SE, SE Dogwood Street and Willow Avenue SE) will feature striped bike lanes.

Alley I and Alley F within the Phase 1A Plat are proposed to be used for Fire Department access to several properties within the plat, and therefore need to be a minimum of 20 feet in

width. It is possible, that these alleys may be used by residents as “cut-through” routes because they potentially provide as wide a driving surface as residential streets. In order to prevent this, and ensure that these alleys function as local access only, these alleys should be designed and constructed with traffic calming features to prevent cut-through traffic.

A recommended condition of approval will require Alley I and Alley F to be designed and constructed with traffic calming features to prevent cut-through traffic. This condition will be applied and enforced during Utility Permit review.

4. Low-Impact Design

a. Stormwater runoff should be reduced through “natural” techniques: flush curbs, bio-filtration swales, use of drought-tolerant vegetation within medians and planting strips, etc.

The Phase 1A Preliminary Plat provides space required for bio-filtration swales (“rain gardens”). Flush curbs, drought-tolerant vegetation and other low impact design elements will be required at the Utility Permit stage.

5. Traffic calming methods should include: Roundabouts, Traffic Circles, Chicanes, Corner bulbs.

MPD Condition of Approval #24 addresses traffic calming methods. As noted, the two of the three intersections along Roberts Drive (Auburn Black Diamond Road) will be developed as roundabouts. In addition, the Phase 1A Plat includes an elongated roundabout (Villages Parkways SE) south of The Villages MPD Town Center, and most roads within the Plat utilize narrow vehicle lanes, curbside parking, curb bulbs at the intersections, minimized block lengths and an interconnected street grid. These features provide additional traffic calming. Therefore, this guideline is met.

6. Lanes and Alleys

a. Access to rear residential garages and commercial loading and service areas shall be available through lanes and alleys.

MPD Condition of Approval #142 addresses this guideline. Plat Sheet CV3 (Exhibit 2) contains a Lot Summary table with detail regarding whether garages will be front or alley loaded. Front loaded lots are only proposed on lots 1I-25I and 1J-11J, which are located along the western boundary of the plat, where it is not practical to have alley loaded lots.

7. Non-motorized Circulation

a. All streets shall include either sidewalks or trails on at least one side of the street. Design streets to be “bicycle” friendly.

All streets will include either sidewalks or trails on at least one side of the street. Striped bicycle lanes are provided along the routes identified in Figure 6.3 of TV DA (Roberts Drive / Auburn – Black Diamond Road, Villages Parkway SE, SE Dogwood Street and Willow Avenue SE) are also provided. In general, residential streets do not require separate bicycle lanes. The presence of on-street parking and the use of corner bulbs will assist in reducing traffic speeds, resulting in a safer and more “bicycle friendly” environment. Therefore, this guideline is met.

8. Street Landscaping

a. All streets shall include native and/or drought-tolerant vegetation (trees, shrubs and groundcover) planted within a strip abutting the curb or edge of pavement. Native and/or drought-tolerant vegetation shall also be used within all medians.

The applicant has shown the space required for bio-filtration swales (“rain gardens”). Flush curbs, drought-tolerant vegetation and other low impact design elements will be required at the Utility Permit stage.

9. On-Street Parking

- a. Curbside parallel parking shall be included along residential streets. Parallel or angle parking should be included within non-residential areas.**

Curbside parallel parking is included along all streets except Villages Parkway SE. Off street parking within non-residential areas will be reviewed during future site plan review/building permit review.

B. Sidewalks

Guidelines

1. Width

- a. The minimum clear pathway shall generally be between 5 ft and 8 ft, depending upon adjacent land uses and anticipated activity levels.**

Section 6.3 of TV DA establishes the standard street section that includes a 5 ft. sidewalk. Compliance with this standard will be required at the time of Utility Permit review for final plats within the Phase 1A Plat.

2. Lighting

- a. All lighting shall be shielded from the sky and surrounding development and shall be of a consistent design throughout various clusters of the development.**

Compliance with this standard will be required at the time of Utility Permit and/or building permit review for final plats within the Phase 1A Plat.

3. Furnishings

- a. Street furnishings including seating, bike racks, and waste receptacles shall be located along main streets in Civic/Commercial areas.**

- b. Furnishings serving specific businesses (outdoor seating) will require a building setback and shall maintain a minimum passable width of the sidewalk.**

As shown on Sheets CV1 and CV6 (Exhibit 2), Village Place SE is shown as a private access tract and will be maintained by the applicable owners association. A recommended condition of approval is that in addition to the applicable owners association, the Master Developer shall also be in charge of maintenance of Tract 901 (Village PI SE). The items listed above will be required within Tract 901 as part of Utility Permit review.

- c. Mailbox stations shall be designed to be architecturally compatible with the development in which they are located.**

Compliance with this standard will be required during Utility Permit review for final plats within the Phase 1A Plat.

C. Walkways and Trails

Guidelines

1. Location

- a. Walkways and trails shall be integrated with the overall open space network as well as provide access from individual properties. Trail routes shall lead to major community activity centers such as schools, parks and shopping areas.**

Walkways and trails are part of the overall open space network as shown on Sheet CV5 (Exhibit 2). This system allows for convenient walking throughout the project, providing connections to the features noted above and also to the future King County Regional Trail located along the western boundary of the Phase 1A Plat.

2. Width

a. Not less than 8 feet wide to allow for multiple modes of use.

Section 9.7 of TV DA addresses Trail Standards, which vary depending on the type of trail. The Cross Community Trail is shown as being 8' wide on Sheet CV5 (Exhibit 2).

3. Materials

a. Walkways connecting buildings and hardscaped common spaces shall have a paved surface.

b. Trails throughout the development and connecting to larger landscaped common spaces shall be of at least a semi-permeable material.

Staff finds that the Phase 1A Plat meets this guideline, as shown on the RS Sheets (Exhibit 2). Compliance with this standard will be required during Utility Permit review for final plats within the Phase 1A Plat.

SITE DESIGN

A. Cluster Development

Guidelines

1. Larger groupings of development should be divided into smaller neighborhood clusters of approximately 50 dwelling units that are defined by open space.

Staff finds that the proposal meets this guideline as shown on Sheet CV5 (Exhibit 2).

2. Clustering

Within projects, higher density residential development shall be designed to have a village-like configuration. This includes elements such as:

a. Houses of varying sizes, styles, and form;

b. The maximum number of attached units shall not be more than twelve within a single structure.

Section 5 and Exhibits H and I of TV DA address design standards for development. Those requirements and guidelines, along with this criteria, will be applied at the site plan review and building permit stage, once building and site plan details are known.

B. Neighborhood Common Space

Guidelines

1. Amount

a. In general, within higher density residential and commercial development, a minimum of 1% of the lot area plus 1% of the building area should be the amount of area set aside for common space, exclusive of other required landscaping.

Section 5 and Exhibit H of TV DA address design standards for development. Those requirements and guidelines, along with this criterion, will be applied at the site plan review and building permit stage, once building and site plan details are known.

2. **Location**
 - a. **Common open space shall be accessible and visible to users, as well as integrated into the overall project through connections and trails.**

Sheet CV5 (Exhibit 2) demonstrates that open space is provided throughout the project in locations visible from the public street system and accessible by a variety of trails. Staff finds that the Phase 1A Preliminary Plat meets this guideline.

3. **Landscaping/Hardscaping**
 - a. **Commercial areas shall provide common space in the form of plazas, courtyards, and/or seating areas including some of the additional features noted below.**
 - b. **Higher density residential areas shall have usable outdoor spaces that provide at least four of the following features to accommodate a variety of ages and activities:
Site furnishings (benches, tables), Picnic areas, Patios or courtyards, Gardens, Open lawn with trees, Playfields, Special interest landscape, Public art, Water features, Sports courts (tennis, basketball, volleyball)**

Section 5 and Exhibits H and I of TV DA address design standards for development. Those requirements and guidelines, along with these criteria, will be applied at the site plan review and building permit stage, once building and site plan details are known.

4. **Lighting**
 - a. **Pedestrian scale, bollard, or other accent lighting may be incorporated into the design of open space.**

This guideline is optional, not mandatory. To the extent such lighting is proposed, it will be addressed during Utility Permit review.

C. Landscaping & Planting Design

Guidelines

1. **Incorporate native, drought-tolerant vegetation, avoid extensive use of lawn and plantings that demand significant irrigation and fertilization.**
2. **A minimum of 75% of the landscaped area (not including recreational areas) should be planted with other than turf or lawn. Perennials and annuals are encouraged to provide special interest and highlight pedestrian areas such as walkways and trails.**
3. **Where landscape areas are located adjacent to a street right-of-way, the type of landscaping should provide a vertical buffer.**
4. **Rocks, pebbles, sand, and similar non-living materials shall not be used as groundcover substitutes, but may be used as accent features provided such features do not exceed a maximum 5% of the total landscape area.**

Conformance with this guideline will be required during Utility Permit review.

D. Stormwater Detention/Retention Ponds

Guidelines

1. **Location**
 - a. **Use natural site topography plus low-impact development methods to determine appropriate locations, which is to be integrated into the overall project design.**
2. **Landscaping**

a. Where possible, provide facilities that are site amenities, in order to reduce need for fencing. In general, public access to stormwater facilities should be included within design.

3. Fencing

a. Chain link fencing shall not be allowed. Other forms of non-obscuring fencing may be permitted when ponds exceed a safe slope. However, it is generally expected that ponds will be gently integrated into the design of the site with slopes that are safe to traverse on foot (less than 7% grade).

Section 9.4 of TV DA addresses stormwater ponds. Those requirements and the guidelines listed above will be applied during Utility Permit review. The Phase 1A Preliminary Plat does not utilize a retention/detention pond; instead, it proposes use of a temporary water quality pond and infiltration facility located using natural site topography in an existing low area as shown on Sheets RS7 and RS9 (Exhibit 2). The Phase 1A Plat includes a 5-foot wide path around the exterior of the pond and infiltration facility, providing public access. During development of future phases of The Villages MPD, the temporary pond and infiltration facility will be eliminated and runoff from Phase 1A routed to a regional stormwater facility located to the southwest.

The Phase 1A Plat also proposes the use of LID techniques including rain gardens. These are proposed to be incorporated into the plat's site design by locating them along rights-of-way where permitted by soil composition. The final location of rain gardens will be established during Utility Permit review; conceptual locations are shown on Sheets RS1-9 (Exhibit 2). The rain gardens are proposed to be landscaped to be site amenities; this condition will be addressed during the Utility Permit review stage. Fencing, either along rain gardens or the water quality pond and infiltration facility, is not proposed.

Given the above, this guideline is met.

BUILDING DESIGN

(A. 1-10. not listed here.)

Section 5 and Exhibits H and I of TV DA address design standards for development. Those requirements and guidelines along with these criteria will be applied at the site plan review and building permit stage, once building and site plan details are known.

In light of the above analysis, the proposed subdivision is consistent with the Black Diamond design standards and guidelines, including the Master Planned Development Framework Design Guidelines, where applicable.

2. The proposed subdivision results in a net density that is equal to or less than the allowable maximum density established by the zoning regulations, and is greater than or equal to any applicable minimum density requirement;

The allowable maximum density for MPD properties is set forth in BDMC 18.98.120(F), which allows a density of 18 units per gross acres, with multi-family housing at up to 30 units per gross acre. Sheet CV4 of the preliminary plat (Exhibit 2) contains a section entitled "Land Use Capacity Table" which denotes an overall Phase 1A gross residential parcel density of 10.65 units/acre and an overall Phase 1A net residential parcel density of 12.48 units/acre for the project. The Phase 1A Plat is equal to or less than the allowable maximum density established by BDMC 18.98.120(F).

The applicable minimum density requirement is specified in BDMC Section 18.98.120(E), which is the base density designated in any applicable preannexation agreement or development agreement and in the absence of any such agreement, the minimum density designated in the

comprehensive plan. The base density specified in the Black Diamond Comprehensive Plan for MPD properties is 4 units per gross acre; the density specified in the Black Diamond Urban Growth Area agreement is 4 units per acre. In addition, the Villages MPD Condition of Approval #131 (Exhibit C of TV DA) states that a minimum density of 4 du/per net acre for residential development shall be required for implementing projects, and shall be calculated for each development parcel using the boundaries of that parcel (or the portion thereof to be developed) as shown on the Land Use plan map (Figure 3-1, as updated July 8, 2010).

As shown on Sheet CV4, "Land Use Capacity Table," the Phase 1A Plat proposes a gross residential density of 10.65 units per acre, and a net density of 12.48 units per acre, which is equal to or greater than the applicable minimum density requirements specified in the BDUGAA, the Comprehensive Plan, and MPD Permit Condition No. 131.

Therefore, the plat density is consistent with the applicable minimum and maximum density requirements.

3. The public use and interest is served by the establishment of the subdivision and dedication. In considering this criteria, it shall be determined if appropriate provisions are made for all relevant matters, including, but not limited to, the public health, safety and general welfare, open spaces, storm drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds;

WATER

With the conditions noted below, the Phase 1A Preliminary Plat makes appropriate provision for potable water supply to and within the Plat, and complies with the Development Agreement, applicable Codes and the MPD conditions of approval.

Water service is available via connections to the existing city-owned water mains that are off-site. A recommended condition of approval is for all existing water mains must remain in-service during construction.

The existing water mains are supplied by the City's existing springs near the Green River. Equalizing, fire flow, and standby storage are provided by the 850-zone reservoir and delivered to the 750-zone through existing pressure reducing stations. There is sufficient capacity in the 850 reservoir and in the city-wide supply water distribution system to support the uses shown in this application; namely 921 ERU.

The preliminary plat application is located within the 750-pressure zone. However, some multi-family or commercial uses may need to be supplied by the City's existing 850 pressure zone in order to meet fireflow requirements and deliver proper pressures to future development areas, and will be a recommended condition of approval. Pressures at the water meters (for properties within the 750 pressure zone) will range from 75 to 90 psi.

The on-site water distribution system is generally composed of loops of 12-inch diameter pipe proposed to be located within the completed rights-of-way. The water conveyance system as designed is consistent with City standards and requirements. All elevations within the project can be served, including the highest anticipated finished floor elevations within future structures, without booster pump stations. Water mains are sized to provide the required flow rates during maximum fire flow conditions, while meeting the minimum pressure criteria. A recommended

condition of approval is for all water mains to be located in public rights of way or within utility easements that provide a minimum of 15' of unobstructed space for access and maintenance.

Required fire flows are estimated to range from 2,500 gpm to 3,500 gpm. The Fire Marshall will establish actual requirements during building permit review. Fire hydrants will be provided in rights-of-way. Additional hydrants may be required around some buildings as determined by Fire Department review and approval of building permits. Sprinklers will be provided in buildings according to the requirements of the International Fire Code.

All water meters will be located within the rights-of-way or in public utility easements. The meter locations must be compatible with the design standards contained within Exhibits "H" of TV DA. All water meters must be located such that they can be accessed with the City's drive-by meter reading system. Redundant fire meters will be required for all buildings greater than 10,000 square feet, and shall be appropriately located such that if one fire meter is not operational due to maintenance outages or catastrophic failure, fire flow requirements can be provided by the other/redundant fire meter.

The Villages MPD Permit Condition #58, and TV DA Section 7.2.5, set forth water conservation and monitoring requirements. The water conservation plan requirements applicable to water fixtures will be applied during future building permit review and approval; the monitoring requirements will be implemented by the Designated Official, per Section 7.2.5 of TV DA.

Water supply can be provided by the City's water utility, using existing water rights and future connections to the Tacoma supply pipeline.

It should be noted that previous planning efforts anticipated that off-site improvements would be provided as a cooperative effort between several off-site property stakeholders in accordance with a document titled Water Supply and Facility Funding Agreement (WSFFA). The WSFFA allows the City to maximize and optimize supply from the spring source before using water supply from Tacoma. Spring upgrades are necessary. These improvements are obligations of BDVP pursuant to the WSFFA and the City is currently in the process of identifying the specific improvements, costs and schedule under a separate effort with BDVP, with the WSFFA partners.

In accordance with the WSFFA, off-site improvements would be designed and constructed by the City using funding from the WSFFA partners. The applicant has expressed an interest in designing and constructing the improvements as a sole-source effort and has identified that the off-site improvements needed would therefore be done outside the scope of the WSFFA as a developer extension. Either a sole-source effort or a WSFFA enabled project is allowed under TV DA. If the applicant builds the off-site improvements as a sole-source project, then those improvements must be completed or bonded prior to the first Final Plat Approval.

In addition, the improvements must 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 improvements, then the applicant must notify the City, in writing, of this decision prior to the first Final Plat approval. In addition, a Final Plat may not be approved until the City has designed and bid the necessary improvements. Building permits should not be issued until the improvements are complete and in-service. This will be a recommended condition of approval. If the applicant elects to build the improvements as a sole-source effort, the applicant would be entitled to Latecomer reimbursements for properties outside this application that connect to or benefit from the improvements.

Extensions to the water system, within the project, will be in accordance with the Development Agreement and adopted codes and standards. In general, the new water system will consist of looped water mains that are located in city-owned rights-of-way and easements and served from an extension of the City's existing 750 pressure zone. The pipes are looped for redundancy and reliability and are equipped with strategically located valves and inter-connections so that short-term failures can be isolated and repaired with a minimum of service disruptions. In some portions of the project there are dual water mains as it is anticipated that future phases will need service from higher pressure pipelines (the 850 zone). Therefore, both a low pressure and high pressure pipeline may be constructed side-by-side or one above the other. This is a common practice and consistent with the City's Comprehensive Water System Plan. Where possible, future 850 zone mains should 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 will be a recommended condition of approval.

The application shows a schematic of the pipelines and in some cases details about connections and pipe routing. These should be considered schematic and representative of the general location and configuration of potable water mains. The actual location, pipe sizes, interconnections, valves, meters and the details of construction will be identified in subsequent Utility Permits and will likely differ from the schematic configuration shown in this application.

A portion of this application lies within an area identified as a Coordinated Water Service Area Boundary (Sheet CV2). The area to the west and south of this boundary was included in a Coordinated Water System Plan in the 1980s and the Covington Water District claims that document allows them the right to provide water service to this area. This area is also shown in the Black Diamond Comprehensive Water System Plan and the City claims that document allows them the right to provide water service to this area. In other words, both Covington and the City believe they have the rights to serve the same area. This situation was recognized in TV DA and the basis and procedure for resolving the dispute are contained there. Both agencies have the capability to provide service and the resolution of which agency provides service does not need to be resolved before Preliminary Plat approval. If however, the 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 for this area shall be designed to be compatible with both the Covington Water District Standards and the City's Standards. This will be a recommended condition of approval. This will allow either agency to serve the area in the future.

The boundary shown on sheet CV2 includes a note that the boundary shown is approximate. The boundary has been graphically transferred from a previous map and no record exists of the exact location for the boundary. 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 in the application should be provided by the applicant and this description will be used as the actual location of the boundary. This will be a recommended condition of approval. If, as part of a final plat some properties straddle the 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 since the City is obligated, through its Codes, to serve properties within their service area. This will be a recommended condition of approval.

Therefore, with the conditions noted above, the Phase 1A Preliminary Plat makes appropriate provision for potable water supply to and within the Plat, and complies with The Villages MPD Permit conditions of approval, TV DA, and applicable codes.

SEWER

With the conditions noted below, the Phase 1A Preliminary Plat also makes appropriate provision for sanitary sewer service and complies with TV DA, applicable Codes and The Villages MPD Permit conditions of approval.

Sewer service is available via connections to either the existing city-owned sewer mains that are off-site, or to an existing King County-owned sewer main that is off-site. A recommended condition of approval is for all existing sewer mains must remain in-service during construction.

Extensions to the sewer system, within the project, will be in accordance with TV DA and adopted codes and standards. In general, the new sewer system will consist of gravity sewer pipes that are installed within public rights-of-way and easements. The pipes direct flow toward the south and generally converge at a point near the regional stormwater pond, where the sewage is collected and discharged to the wet well of a temporary lift station. In the future, the gravity piping system will be extended further to the south through future projects, where sewage will be collected in a future permanent lift station. The temporary lift station will be designed and constructed in accordance with a pre-design memorandum that was previously submitted by BDVP and approved by the City (dated 10/4/2010 by Triad Associates). A recommended condition of approval is for the lift station to be complete and operational before the first building permit (for a building or structure that may generate sewage) is issued.

The temporary lift station will pump the collected sewage to an off-site discharge point in the City's existing sanitary sewer system. Sewage will then flow through the existing city system to a regional King County facility where the sewage is discharged out of the City. King County has confirmed that they have sufficient capacity for this application (existing capacity is 1,150 ERU; the Phase 1A Plat contains 921 ERU) (Exhibit 41). The off-site discharge location has not been selected and is pending further discussions with King County. One alternative is to discharge at a city-owned sewer facility on Roberts Drive, east of the site. A second alternative is to discharge directly into the King County facility at a point in Lake Sawyer Road. The actual discharge location will be determined by the City after further discussions with King County. There is sufficient capacity in either location for this application. Regardless of the discharge location, the off-site pipeline connection must be completed and operational before the first building permit for a structure that might discharge sanitary sewer into the utility system is issued. This will be a recommended condition of approval.

The Phase 1A Preliminary Plat, Sheets SSWA 1 – 8, shows a schematic of the pipelines; these should be considered only representative of the general location and configuration of the sanitary sewer collection system. The actual location, pipe sizes and the details of construction will be specified in subsequent Utility Permits and may differ from the schematic configuration shown in this application.

It is anticipated that future phases of development may flow through the pipelines constructed as part of the Phase 1A Plat, toward a permanent lift station that is located to the south of the Phase 1A Plat. Therefore, some oversizing of pipelines in the Phase 1A Plat is anticipated (both in the gravity collection system and in the force main) to accommodate future capacity. Excess sewage capacity, both in gravity pipelines and force mains, can present operational and maintenance impacts as residence times increase or velocities are reduced. A recommended condition of approval is for any pipelines that are designed with excess capacity to include provisions to minimize the operational impacts due to the oversizing.

The applicant must include details about the sewage system capacity impacts with each Building Permit and Utility Permit. On the face of each plan set, the DRC (in conjunction with their notification of approval to the City) must include the following 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 must be in tabular form. This will be a recommended condition of approval.

Therefore, with the conditions noted above, the Phase 1A Preliminary Plat also makes appropriate provision for sanitary sewer service and complies with TV DA, applicable Codes and The Villages MPD Permit conditions of approval.

STORMWATER

With the conditions noted below, the Phase 1A Preliminary Plat also makes appropriate provision for storm drainage, and complies with TV DA, applicable Codes and The Villages MPD Permit conditions of approval.

TV DA identifies several different stormwater management zones, and three of those zones exist within this Preliminary Plat: Zone 1A and Zone 1B and Zone 1C. The boundaries of each zone are shown on sheet UA1.

Stormwater within Zone 1A must be fully infiltrated on-site within the boundaries of the zone. This infiltrated stormwater is used to match predevelopment recharge to Horseshoe Lake. Stormwater from pollution generating surfaces in Zone 1A (roadways, for example) may be infiltrated after enhanced water quality treatment or it can be infiltrated within Zone 1B with basic water quality treatment. Stormwater from non-pollution generating surfaces in Zone 1B may be infiltrated in Zone 1A after basic water quality treatment. It is therefore possible to "trade" stormwater between Zone 1A and Zone 1B to minimize the cost of treatment facilities. In other words, for every gallon of dirty stormwater diverted from Zone 1A into Zone 1B, a companion gallon of clean stormwater can be diverted from Zone 1B to Zone 1A (with basic water quality treatment requirements).

Stormwater within Zone 1B is used to recharge wetlands and is infiltrated to match predevelopment recharge to Horseshoe Lake (provided the recharge requirements have not been met within the Zone 1A boundaries). Any excess stormwater, i.e. stormwater that is not needed to recharge wetlands or Horseshoe Lake, may be discharged to the regional stormwater facility.

Stormwater within Zone 1C is used to recharge wetlands and all excess stormwater is discharged to the regional stormwater facility.

A regional stormwater facility will be located to the south of the plat and is designed to detain, treat and infiltrate most of the stormwater from the plat in accordance with the Preliminary Plat Drainage Report dated January 26, 2011, with an update submitted on June 28, 2012 (Exhibits 42 and 43) and TV DA.

Previous studies have analyzed and estimated the average annual recharge required in Zone 1A to match predevelopment hydrology and minimize impacts to Horseshoe Lake. The boundary of Zone 1A has been selected, based on the land use plan, to provide sufficient recharge to meet TV DA requirements. It may be possible, however, that changing weather patterns and/or unanticipated development impacts may have an impact on the post-development hydrology of Horseshoe Lake. Because the grading within this project is relatively flat, especially within Zone 1B, the stormwater facilities within Zone 1B could be configured to drain to either Zone 1A or Zone 1C through strategically located valves and piping. Sheet UA1 shows an area of "adaptive management" that will be designed and built with the capability to route clean stormwater from rooftops to either discharge in Zone 1A or Zone 1C. The applicant is 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.

TV DA requires, and several previous studies have confirmed, that all of the stormwater from this Preliminary Plat be infiltrated on-site. Most of the stormwater, by volume, will be infiltrated in the regional stormwater facility to the south of the project. In the future, additional phases of The Villages will also discharge to, and use the infiltration capacity within the regional stormwater facility. In order to provide a safety factor and to accommodate unanticipated events, the regional stormwater facility will be designed and built to accommodate all future phases at this time. That will result in a facility that is approximately 40% oversized to serve this plat, or that has a 40% factor of safety integrated into the design. That 40% safety factor should remain dedicated to the Phase 1A Plat until the larger regional stormwater facility is completed and operational. The safety factor will be released for future phases only after the applicant has demonstrated, through on-site real-time monitoring, that the infiltration system is operating as designed and has sufficient capacity for those future phases. These will be recommended conditions of approval.

No long-term monitoring is required for the facilities in this phase, except as necessary to release excess capacity in the regional stormwater facility for future phases.

The applicant has coordinated with the Department of Ecology and has received an exemption from the state mandated NPDES requirements due to the fact that all of the stormwater from this project will be infiltrated and will not leave the site. A recommended condition of approval would require that, prior to approval for 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 phase of this Preliminary Plat, including utility installation and building construction. In the alternative, the applicant may obtain the applicable NPDES Permit, if required.

Therefore, with the conditions noted above, the Phase 1A Preliminary Plat makes appropriate provision for storm drainage, and complies with The Villages MPD Permit conditions of approval, TV DA, and applicable codes.

STREETS

With the conditions noted below, the Phase 1A Preliminary Plat makes adequate provisions for streets, and complies with TV DA, applicable Codes and The Villages MPD Permit conditions of approval.

TV DA provides the standards for roadways within the project. The standards apply equally to public and private streets and no distinction is made between their function or appearance, except that pervious roads may be used for stormwater control and if used, pervious roadways must remain privately owned and maintained.

Unless specifically noted otherwise, details of the street design comply with adopted City street standards.

TV DA Section 6.3 establishes a standard street section, (including travel lanes, bike lanes, planting strips and pedestrian facilities). TV DA also includes the ability for the Designated Official to approve alternate road sections under certain circumstances, as part of an implementing project and that option is being requested with this application. The applicant has requested that a new element, a stormwater rain garden, be added to the allowable roadway elements. The rain garden is 11.5 feet wide and displaces the planting strip and on-street parking bay where proposed for application. The rain garden element meets the sustainability

objectives in TV DA and has been approved by the Designated Official for use where soil conditions permit.

The street network generally consists of a ring or perimeter road that interconnects with an interior gridded street pattern providing auto and pedestrian access to all of the lots and tracts in the project. Some changes will be made to Roberts Drive to accommodate the new development (see Exhibit 37). Those changes must be complete and accepted by the City as detailed in Exhibit 37 regional infrastructure plan. This will be a recommended condition of approval.

Extensions from the perimeter road to the south and east are anticipated with future phases of development in The Villages.

Villages Parkway SE is proposed as a two way, two lane roadway with a center landscape island. Sidewalks on each side of the roadway are separated from the travel lane by landscaping and meander through adjacent landscape tracts (this is allowed by TV DA). This roadway includes bike lanes on each side of the roadway. In some locations, where necessary for traffic capacity, additional through lanes and turn lanes are provided.

On-street parking is provided on most streets in accordance with the applicable street standard. Some parking is displaced by rain gardens where those facilities are proposed to meet the stormwater treatment and discharge requirements. There is a general note on the plans that states that rain gardens will be located where the soils are suitable; this means that the rain garden locations shown might change. It may be possible, therefore, for this to be interpreted that rain gardens are more important than on-street parking and, to the extent the actual soils encountered are not suitable, that rain gardens might occupy the entire roadway network and displace all of the parking. Parking is an important component of the street network (for traffic calming), the pedestrian experience (it protects pedestrians on sidewalks and improves safety) and sustainability (it is the most efficient way to park cars) and should not be completely displaced to accommodate stormwater facilities, which may be able to be located elsewhere if necessary. To this extent, the on-street parking shown in the application should be considered the minimum acceptable amount and should not be displaced by rain gardens or other utility systems. This will be a recommended condition of approval.

Bike Lanes are shown on Sheet CV5 and are generally consistent with the bike lanes shown and required in Section 6.3 and Figure 6.3 of TV DA. The bike lanes end near the intersection (conversion) of Ash Ave SE and SE Dogwood Street, without an apparent extension of the bike facility to other destinations. The bike lane should be required to be extended to Tract 984 to connect to the Cross Community Trail. This will be a recommended condition of approval.

Street trees are not shown in the application or in the typical street sections, but are implied to be located within the planting strips on all road types. TV DA allows the trees to be placed in groves where other roadside facilities (such as rain gardens) compromise an even spacing. Street trees are an important part of the roadway network (traffic calming, pedestrian protection, minimize heat-island effects, etc. To this extent, trees should only be allowed to be placed in groves on a block-by-block basis. In other words, the number of trees required within a single block must be placed within that same block, although they may be placed in groves instead of uniformly spaced along the roadway. This will be a recommended condition of approval.

Street lighting is required on all streets. Although not shown on the application, street lights will be required to be provided consistent with City standards, including spacing, pole height, and fixture type, as part of future Utility Permit review.

Alley I and Alley F within the application are used for Fire Department access to several properties in the plat. In order to meet the emergency access requirements, these alleys will be

as wide as the travel way of adjacent local streets. It may be possible; therefore, that these alleys may be used by residents as “cut-through” streets. In order to prevent this, and ensure that these alleys function as direct lot access only, these alleys should be designed and constructed with traffic calming features to prevent cut-through traffic. This will be a recommended condition of approval.

Therefore, with the above noted conditions, the Phase 1A Preliminary Plat makes appropriate provision for streets, and complies with The Villages MPD Permit conditions of approval, TV DA, and applicable codes.

GRADING

Grading within the Preliminary Plat, as conditioned, complies with TV DA and the MPD conditions of approval.

Mass grading within the Preliminary Plat is proposed to provide suitable development and building areas, and to meet City utility standards. MPD Approval Condition #110 requires that overall cut (material removed from the site) is within 20% of the overall fill (material imported to the site). The cut/fill balance proposed is no more than 7%, and may even be reduced to a balanced cut and fill (with the exception of and complies with TV DA and the MPD conditions of approval.

FIRE

The Fire Department reviewed the proposed subdivision and provided comments and recommended conditions:

- 1) All road grades shall not exceed 15%.
- 2) 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.
- 3) Alleys are 20 foot wide, which is the minimum width for code compliant Fire Department access. All alleys shall be posted “No-Parking” with signage according to the International Fire Code; provisions for enforcement of these no parking zones must be made.
- 4) The elongated roundabout (Villages Parkway SE) roadway surface is 21 feet wide and requires fire lane markings in accordance with IFC. Alternatively, “No Parking” signs would not be necessary if short term loading and unloading areas are provided with signage on both sides of the roundabout.
- 5) The length from the intersection of Alley A and B may exceed 150 feet, if so it requires an approved Fire Department turnaround at its end per IFC.
- 6) Woonerf 1 (Cedar Lane SE) is less than the required 20 foot width and cannot be considered as Fire Department access.
- 7) Ways-of-travel including alleys may not have divided driving surfaces and still meet IFC requirements. The IFC can allow use of any all-weather driving surface that will support the weight of fire apparatus; this may include bike lanes, for example, to meet the required 20foot width. As shown in the provided drawings, in some cases it is necessary to include the bike lane to meet the 20-foot Fire Department access requirements, which is acceptable provided the 20 foot width is unobstructed.
- 8) 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.

PARKS/OPEN SPACE

Sheet CV5 contains information on open space tracts and shows locations of parks. Approximately 22.48 acres of open space will be set aside in parks, trails and landscape tracts. The subdivision makes provision for open space, parks and playgrounds.

Section 9.1 (Overall Open Space Requirement) of TV DA specifies open space requirements. As shown on Sheet CV2 (Exhibit 2) in the Parcel Exhibit, the Phase 1A plat comprises a little over half of Parcel D. Table 9-1 in TV DA states that for the West Annexation Area, which includes Parcels C, D and G, 63.3 acres of open space are required. The Phase 1A plat is the first implementing plat of The Villages MPD and is providing 22.48 acres of open space. The remaining 40.82 acres of open space required for the West Annexation Parcels must be accommodated elsewhere within The Villages MPD project site.

SCHOOLS

The Phase 1A subdivision provides a 12.5 acre elementary school site (lots 1L and 2L) pursuant to the Comprehensive School Mitigation Agreement (CSMA) dated January 24, 2011 (recorded under King County recording no. 20110624001156). The elementary school site is located within one-half mile of residential areas within the Phase 1A Plat, consistent with MPD Permit Condition No. 98. In addition, Per Section 13.3 of TV DA, school mitigation is accomplished through the CSMA, which requires payment of a school mitigation fee. The mitigation fee is based on the Enumclaw School District's calculations concerning the expected student generation rate of The Villages MPD and the anticipated cost of new school facilities. Section 3.1 of the CSMA provides that the Agreement "constitutes full, total, complete and sufficient mitigation of the impact of full build out of The Villages MPD on school facilities of the District."

Therefore, the Phase 1A Preliminary Plat makes adequate provisions for sites for schools and school grounds.

The public use and interest is served by the establishment of the subdivision and future dedications. Appropriate provisions are made for the public health, safety and general welfare, through appropriate requirements related to utilities, access, fire, parks and schools.

4. The physical characteristics of the proposed subdivision site, as conditioned, do not increase the risk of flood or inundation conditions on- or off-site;

The physical characteristics of the Phase 1A Preliminary Plat utilizes appropriate storm water facilities designed in accordance with the 2005 SWMMWW, and infiltrate stormwater via LID rain gardens and a temporary water quality pond and infiltration facility. As conditioned below, it will not increase the risk of flood or inundation, either on-site or off-site (except for storms larger than 100-year event, which are not required to be regulated).

5. Applicable city development standards are met or exceeded;

The proposed subdivision has been reviewed for consistency with applicable portions of Title 17 (Divisions of Land), Title 18 (Zoning), and Title 19 (Environment), plus TV DA and The Villages MPD Permit conditions of approval. With the exception of the allowable deviations described in Findings of Fact #21-24, all other development standards or permit or TV DA conditions are met or exceeded.

6. All environmental impacts have been addressed consistent with the public health, safety and welfare and city goals and policies;

A SEPA MDNS and Adoption of Existing Environmental Document (Exhibit 10) was issued by the City on August 31, 2012. This document adopted by reference the Final Environmental Impact Statement (FEIS) for The Villages. Mitigation identified in the FEIS as well as during the FEIS appeal and MPD Permit hearings was incorporated as conditions of MPD Permit approval. Additional mitigation was identified during proceedings relating to TV DA, and incorporated into TV DA. The applicable mitigation requirements incorporated as Villages MPD Permit conditions of approval and within TV DA have been met by the Phase 1A Preliminary Plat, and/or are incorporated as required mitigation in the Phase 1A MDNS.

In addition, TV DA Section 4.10 provides:

“As designed and with full implementation of all the mitigation measures, The Villages MPD build-out will fully and adequately mitigate the probable significant adverse environmental impacts of The Villages MPD and, that through such mitigation measures, provisions will be made for: (i) the facilities needed to serve new growth as a result of The Villages MPD within the City and (ii) the Master Developer to construct or pay a proportionate share of the cost of completing certain system improvements.”

Additional analysis of certain Phase 1A Plat-specific environmental impacts has also been performed; analysis of those impacts was not included in the FEIS because the FEIS utilized phased environmental review, where certain components of analysis were deferred under WAC 197-11-060(5) to a subsequent, project implementation phase. Queue lengths, construction traffic and safety impacts potentially arising from the Phase 1A Plat were determined not to result in significant adverse environmental impacts.

In addition, the Phase 1A Plat complies with City code provisions that address environmental impacts, including but not limited to Chapters 14.04, 19.10 and 19.30 of the Black Diamond Municipal Code. Given the above, all environmental impacts have been addressed consistent with public health, safety and welfare and city goals and policies, subject to inclusion of the 15 MDNS mitigation measures as preliminary plat conditions. See Findings of Fact #13 and 14. This code requirement is therefore met.

7. Concurrency exists for all utilities and transportation system improvements prior to occupancy of any structures;

Following completion of the improvements listed in the Phase 1A Preliminary Plat application and in accordance with the conditions of approval in the staff report, concurrency exists for the City's water, sewer and stormwater systems.

In addition, the information provided is sufficient to demonstrate compliance with the City's transportation concurrency requirements, the Development Agreement, and conditions of approval for the project (Exhibit 33).

Also see Section 4.10 (Developer Improvements) of TV DA. In light of the foregoing, this code requirement is met.

8. If the proposal is in an approved MPD, the proposed subdivision shall be consistent with the approved MPD, the MPD conditions of approval, the MPD design standards, and the MPD development agreement;

The proposal is within the approved The Villages Master Planned Development. Analysis of consistency with the MPD conditions and the MPD development agreement is contained within Section IV (Analysis) of this Staff Report (below). Analysis of consistency with the MPD design standards is contained above within Section IV of this Report under BDMC Section 17.15.020(A)1 (Approval criteria) and below under consistency with TV DA Exhibits H and I. This code requirement is met.

9. There shall be connectivity of motorized and nonmotorized transportation routes, open spaces and wildlife corridors with existing or proposed routes or corridors on adjacent properties;

Connectivity of transportation routes and wildlife corridors has already been addressed within the boundaries of The Villages MPD. There are no identified wildlife corridors within the Phase 1A Plat. Adjacent properties within the MPD are located to the north and south of the plat site. The Villages Phase 1A plat is the first implementing plat for The Villages MPD. Adjacent properties outside the MPD to the west and east include single family residential development and vacant land. There are no plans to connect ways-of-travel within the plat to non-MPD properties adjacent to the east or west.

10. The use of cul-de-sacs and other dead-end streets shall be minimized to the fullest extent possible;

No cul-de-sacs are proposed at full build-out of the Phase 1A Plat. However, final platting is proposed to occur in phases; the proposed divisions are shown on Sheet CV3 of the plat (Exhibit 2). Portions of roads within the preliminary plat will be built in conjunction with final plats, necessitating the use of temporary turnarounds (to accommodate emergency access). As divisions within the Phase 1A Plat receive final plat approval, the roads will be extended and connected and the temporary turnarounds will be eliminated.

11. Appropriate provision has been made for the dedication of land to any public body, and provision of public improvements has been made as necessary to serve the subdivision. This shall include appropriate provision for payment of any impact fees imposed in accordance with the provisions of RCW 82.02.050 through 82.02.090, and applicable city codes and regulations. Dedications shall clearly be shown on the final plat;

Numerous tracts are proposed for access and utilities; see the Tract Table on Sheet CV6 (Exhibit 2). Per Section 6.5 of TV DA, all street right-of-way will be dedicated to, owned and maintained by the City except for private streets which include alleys, autocourts serving less than 20 dwelling units and Main Street (Village Pl. SE). A recommended condition of approval will require all easements to be shown on the final plats within the Phase 1A Plat.

The subdivision provides a 12.5 acre elementary school site (lots 1L and 2L) pursuant to the CSMA dated January 24, 2011 (recorded under King County recording no. 20110624001156). The CSMA provides for the timing of conveyance of the school site to the Enumclaw School District. Per Section 13.3 of TV DA, additional school mitigation is accomplished through the CSMA, which includes payment of a school mitigation fee.

With respect to other impact fees, Section 4.10 of TV DA provides:

“As designed and with full implementation of all the mitigation measures, The Villages MPD build-out will fully and adequately mitigate the probable significant adverse environmental impacts of The Villages MPD and, that through such mitigation measures, provisions will be made for: (i) the

facilities needed to serve new growth as a result of The Villages MPD within the City and (ii) the Master Developer to construct or pay a proportionate share of the cost of completing certain system improvements. Unless otherwise provided elsewhere in this Agreement or in the MPD Permit Approval, the mitigation measures listed this Agreement and in Exhibit "C" are in lieu of the payment of any impact fees that the City has the authority to impose pursuant to RCW 82.02.050 *et seq.*, including any amendments thereto, such that no impact fees shall be imposed on any Implementing Project during the term of this Agreement except for those impact fees explicitly allowed in this Agreement."

Section 13.4 of TV DA addresses fire mitigation, which includes payment of a fire mitigation fee and construction of a satellite fire station. The dwelling unit triggers for items related to the satellite fire station will be reached in this Phase 1A plat. A recommended condition of approval will require construction of the satellite fire station pursuant to Section 13.4 of TV DA.

Section 13.9 of TV DA addresses general government facilities mitigation, which includes payment of a general government facilities mitigation fee and/or dedication of land and/or construction of general government facilities. A recommended condition of approval will require payment of the general government facilities mitigation fee pursuant to Section 13.9 of TV DA.

Given the above, and subject to the recommended conditions of approval, this code requirement is met.

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;

The Villages Phase 1A plat is the first implementing plat for The Villages MPD. No adjacent properties have been developed as an MPD.

13. The proposed subdivision provides safe walking conditions for students who walk to and from school; and

The proposed subdivision will contain a street network with sidewalks and marked crosswalks, which will provide safe walking conditions for students who walk to and from the future elementary school site. This same sidewalk network can be used by students to safely walk to school bus stops, which will be needed to transport secondary school students and (until the elementary school is constructed) elementary school students.

14. The proposed subdivision provides for tree preservation consistent with the provisions of chapter 19.30.

A significant tree report for the Phase 1A preliminary plat 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 this Phase 1A preliminary plat (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 MPD Condition of Approval 122.

Given the foregoing, the Phase 1A Preliminary Plat complies with the Approval Criteria set forth in BDMC Section 17.15.020(A).

BDMC Chapter 18.98 provides review criteria for Master Planned Developments:

18.98.005 - MPD zoning district created.

The master plan development (MPD) zoning district is created. No development activity may occur, or any application accepted for processing, on property subject to an MPD zoning designation, or for which the submittal of an MPD is required by a development agreement, unless it is done in accordance with the terms and conditions of a valid MPD permit or consistent with this chapter. Development activity shall include, but not be limited to, grading, clearing, filling, tree harvesting, platting, short platting, building or any other activity for which a city permit or other approval is required.

The plat properties are zoned MPD and are subject to The Villages MPD Permit. The Phase 1A Plat is in accordance with the terms and conditions of The Villages MPD Permit, as explained below.

18.98.110 - MPD standards—Design review required.

B. Design review process.

2. Implementing permits or approvals—Residential subdivisions. Each residential subdivision that is part of an approved MPD shall be reviewed at the time of preliminary plat review for compliance with the city's MPD design standards. This review shall include typical elevations, and exterior material samples for the single-family residences and other structures to be built on the subdivided lots. This review shall be merged with the hearing examiner's review of the preliminary plat.

The applicant submitted exterior colors and materials boards and typical elevations (representative images) (Exhibits 36a-e). Analysis of consistency with the MPD design standards is contained above within Section IV of this Report under BDMC Section 17.15.020.A.1 - Approval criteria and below under consistency with TV DA Exhibits H and I. The MPD design standards are primarily intended for application at the stage of overall MPD design, but maintain some applicability during review of implementing projects. See Finding of Fact #39.

The Villages MPD Conditions of Approval Consistency Analysis

(The full text of the conditions of approval is contained within Exhibit C of TV DA.)

GENERAL

1. This condition relates to the MPD approval; no further action is required at this time.

2. On December 12, 2011 the Black Diamond City Council approved The Villages MPD Development Agreement. (Ordinance No. 11-970). TV DA has been recorded under King County recording no. 20120130000655. No further action is required pursuant to this preliminary plat.
3. This condition relates to the MPD approval; no further action is required at this time.
4. This condition is addressed in Section 11 (Project Phasing) of TV DA; no further action is required as part of this preliminary plat.
5. This condition is addressed in Sections 9 (Parks, Open Space and Trail Standards), 11 (Project Phasing) and 12 (Development Review Process) of TV DA; no further action is required as part of this preliminary plat.
6. This condition is addressed in Section 15.2 (Duties of Master Developer) of TV DA; no further action is required as part of this preliminary plat.
7. The situation described here did not occur before the approval and execution of TV DA; no further action is required as part of this preliminary plat.
8. This condition is addressed in Exhibit J (Construction Waste Management Plan) of TV DA; no further action is required as part of this preliminary plat.
9. Conditions, covenants and restrictions (CCRs) are prepared and submitted at the time of final plat. A recommended condition of approval is that prior to final plat approval, the applicant shall submit Covenants, Conditions and Restrictions (CCRs) for staff review and approval.

TRANSPORTATION

10. Transportation improvements required for Phase 1A meet the requirements of this condition to maintain the City's adopted level of service standards and provide access and circulation within the project. No connection of MPD roads to Green Valley Road is proposed. This is also addressed in Section 11.5 (Transportation Regional Facilities) and Exhibit F (Traffic Monitoring Plan) of TV DA.
- 11-14. These conditions are not applicable since Phase 1A contains less than 850 dwelling units that would trigger the need for validating and calibrating a new travel demand model.
15. An agreement for off-site transportation mitigation has been reached with the City of Covington and City of Maple Valley (see Exhibits Q and R of TV DA). Improvements in the jurisdiction of WSDOT, King County and the City of Black Diamond have been evaluated and proposed to meet Condition #11 above.
16. A separate agreement for off-site transportation mitigation has been reached with the City of Maple Valley, which incorporates the mitigation requirements of this condition, which is therefore met (see Exhibit Q of TV DA).
17. This condition is not applicable since Phase 1A contains less than 850 dwelling units that would trigger the need for validating and calibrating a new travel demand model.

- 18.** Development Agreements for The Villages and Lawson Hills have been approved, and the transportation improvements for The Villages Phase 1A are consistent with the Development Agreements. This is also addressed in Section 11.5 (Transportation Regional Facilities) and Exhibit F (Traffic Monitoring Plan) of TV DA.
- 19.** Roundabouts were considered at all intersections where traffic signals are proposed for Phase 1A: Auburn-Black Diamond Road (Roberts Drive)/Main Street (Village PI SE), SR 169/Roberts Drive, and SR 169/Black Diamond-Ravensdale Road. A traffic signal is preferred over a roundabout at the Auburn-Black Diamond Road (Roberts Drive)/Main Street (Village PI SE) intersection due to pedestrian safety considerations and proximity to roundabouts on both sides of the intersection. At the two SR 169 intersections, traffic signals are an interim solution to mitigate impacts from Phase 1A—the ultimate improvements at both intersections will be roundabouts, constructed during subsequent phases of The Villages MPD as warranted by traffic impacts of those subsequent phases.
- 20.** A Transportation Monitoring Plan was established in the Development Agreements and The Villages Phase 1A improvements are consistent with the transportation monitoring plan requirements. There is a requirement to model and monitor traffic at the midpoint of Phase 1A occupancy. This is also addressed Exhibit F (Traffic Monitoring Plan) of TV DA.
- 21.** Internal roadway improvements establish a street grid for The Villages Phase 1A development. This is also addressed in Section 6.1 (Purpose) of TV DA.
- 22.** All auto courts serving 20 units or less and all alleys shall be private and maintained by the applicant or future Homeowner’s Association. This is also addressed in Section 6.5 (Ownership and Maintenance) of TV DA.
- 23.** The applicant or future Homeowners Association shall be required to maintain all street side landscaping. This is also addressed in Section 5.5.7 (Maintenance) of TV DA.
- 24.** Several traffic calming measures are included in the Phase 1A plat. Within The Villages MPD, traffic calming will be provided to limit traffic flows along minor roadways within neighborhoods and encourage travel on a few key roadways. Curb bulbs and on-street parking will be used to promote slower vehicle speeds and shorten pedestrian crossing distances.
- 25.** Most of this condition is not applicable because Phase 1A contains less than 850 dwelling units that would trigger the need for validating and calibrating a new travel demand model. There is a requirement to model and monitor traffic at the midpoint of Phase 1A occupancy to be consistent with the last sentence of this condition. This is also addressed Exhibit F (Traffic Monitoring Plan) of TV DA.
- 26.** Because the new model described in Condition 14 is not required for Phase 1A, the mode split analysis to determine the number of park and ride spaces needed cannot be conducted. There are sites within Phase 1A large enough to accommodate a future park and ride lot, or the lot could be provided in a future development phase north of Auburn-Black Diamond Road (Roberts Drive).
- 27.** The number, location and construction timing of access roadways for Phase 1A is consistent with this condition.

- 28.** This condition is not applicable to Phase 1A. This is also addressed in Section 6.4.1 (On-Site Connections) of TV DA.
- 29.** A detailed implementation schedule for improvement projects has been established for Phase 1A; this was approved by the Designated Official in August 2012 (Exhibit 37).
- 30.** Several traffic calming measures are included in Phase 1A. Within The Villages MPD, traffic calming will be provided to limit traffic flows along minor roadways within neighborhoods and encourage travel on a few key roadways. Curb bulbs and on-street parking will be used to promote slower vehicle speeds and shorten pedestrian crossing distances.
- 31.** This condition is not applicable to Phase 1A. This is also addressed in Section 6.4.3 (Pipeline Road) of TV DA.
- 32.** This is addressed in Section 11.6 (Off-Site Pedestrian Regional Facilities) of TV DA. A recommended condition of approval is for provision of the sidewalk and pedestrian connection pursuant to Section 11.6 of TV DA.
- 33.** The Green Valley Road study was completed in November 2010. This is also addressed in Exhibit P (Green Valley Road Measures) of TV DA. An update on the progress of The Green Valley Road Review Committee was provided by the applicant in August 2012 (Exhibit 38).
- 34.** Item (a) is addressed by Section 11.5 (Transportation Regional Facilities) of TV DA. Item (b) is not applicable to Phase 1A.

NOISE

- 35.** The applicant submitted a short term construction noise mitigation plan that contains the listed best management practices (Exhibit 39). A recommended condition of approval is for the applicant to ensure that the short term construction noise mitigation plan for the Phase 1A plat is implemented during construction.
- 36-44.** Many of these items were made SEPA mitigation measures, which in turn are recommended plat conditions of approval. All of these items are also included as part of the short term construction noise mitigation plan. Section 13.7 of TV DA also addresses condition #44. A recommended condition of approval is that the applicant should be required to establish the noise control hotline prior to commencement of any development activity on the Phase 1A site.
- 45.** The Noise Review Committee has not been formed yet, as there has been no development activity on the site. An update on the Noise Review Committee was provided by the applicant in August 2012 (Exhibit 38). A recommended condition of approval is that the applicant should be required to form The Villages MPD Noise Review Committee no later than one week after commencement of any development activity on the Phase 1A site.

PUBLIC UTILITIES-WATER

- 46.** This condition is addressed in the Development Agreement. Section 7.2.1 grants water availability to the Project in accordance with the WSFFA and Section 7.2.2 requires that all water

supply projects be built in accordance with the WSFFA (unless specifically exempted from compliance in that document).

47. This condition is addressed in the Staff Report via a recommended approval condition. The condition requires that the springs be upgraded to maximize their supply potential (based upon the City's valid water rights) prior to using supply from the Tacoma supply source.

48. This condition is addressed in a recommended condition to this Staff Report. The condition requires that off-site piping be provided to complete a loop into the existing 850 pressure zone.

49. This condition is addressed in a recommended condition that requires the off-site piping loops (as identified in the WFFSA) be provided prior to building permits being issued.

50. This condition is addressed in the Development Agreement, Section 11, Table 11.4.2. This Table outlines the various off-site improvements that are required, the responsibility for funding and the threshold for completion of the appropriate improvements.

51. This condition is addressed in the Development Agreement, Section 7.2.1. This section of the Development Agreement specifically references this MPD approval condition and cross references the Water Comprehensive Plan, the City's Design Standards and the WSFFA.

52. This condition is addressed in the Staff Report via a recommended approval condition that requires that the Comprehensive Water System Plan be updated by the Master Developer if the utility upgrades are not consistent with the existing Comprehensive Plan.

53. This condition is addressed in the Development Agreement, Section 7.2.5, which details the requirements of the Water Conservation Plan, the implementation and monitoring required and specific remediation if the planned target conservation levels are not achieved.

54. This Condition is addressed in the Development Agreement, Section 7.2.5, second paragraph.

PUBLIC UTILITIES-SEWER

55. This condition is not applicable to Phase 1A because this phase is limited to 921 ERU. This condition will be enforced with future permit applications when the proposed development (cumulative) exceeds 1150 ERU (the off-site supply capacity in the existing King County Sewer System), and in accordance with the Development Agreement, Section 11.4.1

56. This condition is not applicable to Phase 1A because this phase is limited to 921 ERU. This condition will be enforced with future permit applications when the proposed development (cumulative) exceeds 1150 ERU (the off-site supply capacity in the existing King County Sewer System), and in accordance with the Development Agreement, Section 11.3.2

57. This condition is addressed in the Development Agreement, Section 11, Table 11-3-2. This Table identifies these projects as Phase 1B projects which are not triggered by the Phase 1A application because the allowable units in Phase 1A are limited to 921 ERU. This condition will apply when the allowable units exceeds 1150 ERU (the threshold for off-site sewer capacity in the King County sewer system).

58. This condition is addressed via a recommended approval condition that requires the sewer system to be in-place, operational and accepted by the City prior to the possibility of any sewage discharge from any of the properties in Phase 1A.

59. This condition is addressed in the Development Agreement, Section 11.3.2 and Section 7.3.3, and in the Staff Report. The timing of the pump station is included in Section 11 and the specific design details are bound to a technical memorandum (which requires that an interim lift station be built to permanent station standards).

PUBLIC UTILITIES-STORMWATER AND WATER QUALITY

60. This condition is addressed in the Development Agreement, Section 7.4.1. This section requires that the 2005 Stormwater Management Manual for Western Washington govern design and construction of the infrastructure and facilities constructed pursuant to the Development Agreement.

61. The stormwater from the Phase 1A plat will be infiltrated on-site.

62. This condition is addressed in the Application via notes on the Phase 1A application and via a recommended approval condition that requires the stormwater system to be designed and managed to meet the target recharge flow rates and volumes to Horseshoe Lake.

63. This condition is met. Stormwater facilities necessary to mitigate stormwater impacts of the Phase 1A Plat, including the temporary infiltration facility, are proposed within the MPD project limits. If future development of subsequent MPD Phases results in elimination of the infiltration facility as expected, drainage will be routed to a large, regional stormwater facility located southwest of the Phase 1A Plat. If that facility is located outside of the City, the requirements of MPD Permit Condition No. 63 for an agreement with King County regarding ownership and maintenance of the off-site facility will be applied and enforced as part of future permit applications for construction of the regional facility and/or as part of permit applications for discharge of stormwater to it.

64. This condition is addressed in Section 5.5.3. and 9.4 of TV DA. This condition will be enforced with future permit applications.

65. This condition is not applicable to Phase 1A, because there are no off-site or point stormwater discharges associated with development of the Phase 1A Plat. The requirements of MPD Permit Condition 65 will be evaluated and enforced with future permit applications for any facilities that discharge stormwater to streams.

66. This condition is addressed in the Development Agreement, Section 7.4.1. This section requires compliance with the Comprehensive Plan, City Design Standards and the applicable Ecology and King County standards.

67. This condition is addressed in the Phase 1A Preliminary Plat Application, in the Development Agreement (Section 7.4.4.A.6) and in a recommended condition of approval. Rain gardens will be provided to the extent feasible based on the ability of the native soils to meet the required infiltration requirements. The recommended approval condition also defines a

relationship between on-street parking and rain gardens (one displaces the other) and the community priority of these two elements.

68. This condition is addressed in the Development Agreement Section 7.4.4.A.3, which restricts roofing materials and roofing maintenance procedures. The Development Agreement includes a specific cross reference to MPD Permit approval condition #68.

69. A recommended condition of approval is that prior to final plat approval, the Master Developer shall either comply with this condition and obtain the Directors' approval, or dedicate more open space as may be necessary to meet minimum standards. This affects portions of proposed tracts 906, 913, 917, 918, 921, 923, 933, where rain gardens are proposed.

70. This condition is addressed in the Development Agreement, Section 7.4.4.A.1 and Section 7.4.4.A.2. This section includes a specific cross-reference to the NPDES requirements and to the MPD approval condition. It also requires the Developer to fund reasonable costs for O&M training and inspection.

71. This condition is addressed in the Development Agreement, Section 7.4.3.A.J. This section includes a specific cross-reference to the MPD approval condition and requires a proactive and responsive TESC plan and program.

72. This condition is addressed in the Development Agreement Section 7.4.4.A.K. This section identifies the objective to design facilities that have reasonable O&M costs and expectations.

73. This condition is addressed in the Development Agreement Section 7.4.4. This section requires that each implementing Land Use Action and each subsequent Utility Permit tally and summarize the impacts of the previous actions and permits. This will be used to maintain an accurate tracking system for cumulative impacts and compliance.

74. This condition is addressed in the Development Agreement Section 7.4.4.A.L. This section requires that the stormwater facilities be constructed to facilitate adaptive management so that the City can identify and react to local and regional changes in the stormwater management system. The Development Agreement includes a specific cross reference to the MPD Permit approval condition #74.

75. This condition is addressed in a recommended condition of approval. The report requires that sufficient stormwater capacity be built and reserved for Phase 1A and that additional capacity (safety factor) be included in the Phase 1A design and facility. The safety factor cannot be released for use by future phases until there is sufficient operational experience to demonstrate that the safety factor is not needed to meet the Development Agreement requirements for the Phase 1A Plat.

76. This condition is addressed in the Development Agreement Section 7.4.4.A. This section requires that AKART or new (superior) technologies be employed where appropriate to minimize the amount of phosphorus discharged to Lake Sawyer.

77. This condition is addressed in the Development Agreement Section 7.4.4. This section allows deviations from the adopted standards in accordance with the Black Diamond Engineering Design and Construction Standards. These referenced standards include technical and risk assessments.

78. This condition is not applicable to this application. This condition will be enforced with future permit applications that discharge stormwater off-site to the referenced regional facility or that require the construction of the off-site regional facility. The Phase 1A Plat does not discharge stormwater off-site.

79. This condition is addressed in the Development Agreement Section 7.4.5. This section includes the requirements for no net increase in phosphorus to Lake Sawyer, describes the required monitoring for compliance with the no net increase objective and remediation measures if an increase is detected.

80. This condition is not applicable to this application. This condition will be enforced with future permit applications that discharge stormwater off-site to the Lake Sawyer Basin. Phase 1A does not discharge stormwater to Lake Sawyer. Future phases will be required to comply with Section 7.4.5 of TV DA.

81. This condition is complete. The required monitoring has been completed and submitted by the Master Developer. In addition, the requirements for no net increase in phosphorus discharge are included in Section 7.4.5 of TV DA and will be enforced with future applications that discharge stormwater to the Lake Sawyer basin.

82. This condition is addressed in Section 7.4.3.B of TV DA, which requires that the 2005 DOE Manual govern design and construction of stormwater facilities for the Phase 1A Plat. Utility Permits for stormwater facilities in the Phase 1A Plat will be reviewed (and approved if appropriate) in conformance with the 2005 DOE manual.

83. This condition is addressed in Section 7.4.3.B of TV DA, (which requires compliance with the 2005 DOE Manual) and a recommended condition of approval. To the extent that the Phase 1A Plat 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 phosphorus 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.

84. This condition is not specific to implementing projects. No further action is required pursuant to this preliminary plat.

85. An update on the progress of The Water Quality Review Committee was provided by the applicant in August 2012 (Exhibit 38).

VISUAL AND AESTHETICS

86. This condition is addressed in Section 8.4 (Hazardous Tree Removal) of TV DA; no further action is required pursuant to this preliminary plat.

87. This condition is addressed in Section 13.2 (Forest Practices) of TV DA; no further action is required pursuant to this preliminary plat.

PUBLIC SERVICES-PARKS AND RECREATION

- 88.** This condition is addressed in Section 9.5.2 (Recreation and Useable Open Space Standards) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 89.** This condition is addressed in Section 9.5.5 (Recreation Facilities) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 90.** This condition is addressed in Section 9.5.3 (Recreation and Useable Open Space Standards) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 91.** This condition is addressed in Section 9.5.3 (Recreation and Useable Open Space Standards) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 92.** This condition is addressed in Section 9.5.5 (Recreation Facilities) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 93.** This condition is addressed in Section 9.5.3 (Recreation and Useable Open Space Standards) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 94.** This condition is addressed in Section 9.9.3 (Public Access) of TV DA; no further action is required as part of the Phase 1A preliminary plat.
- 95.** This condition is addressed in Section 9.6 (Trail Plan) of TV DA; no further action is required at this time.
- 96.** This condition is addressed in Section 9.2 (Park and Open Space Plan) of TV DA; no further action is required at this time.
- 97.** This condition is addressed in Section 9.10 (Park Characteristics) of TV DA; no further action is required as part of the Phase 1A preliminary plat.

PUBLIC SERVICES-SCHOOLS

- 98.** This condition is addressed in Section 13.3 (Schools) of TV DA; no further action is required as part of the Phase 1A preliminary plat. The plat features a 12.5 acre elementary school site, within a half-mile walk of residential areas within the MPD. No further action is required as part of the Phase 1A preliminary plat.
- 99.** This condition is addressed in Section 13.3 (Schools) of TV DA. A high school site is not proposed as part of this plat; no further action is required at this time.

PUBLIC SERVICES-PUBLIC SAFETY

- 100.** This condition is addressed in Section 13.4 (Fire Mitigation) of TV DA; no further action is required at this time. A recommended condition of approval requires design and construction of the satellite fire station pursuant to Section 13.4 of TV DA.
- 101-102.** Conformance with these conditions will be enforced during Utility Permit review.

103. Land to the east of the project contains residential uses. Land to the south is part of the Villages MPD, and will develop in the future. The Fire Department did not make any Phase 1A Plat specific wildland fire comments.

EROSION HAZARDS

104-109. Conformance with these conditions will be enforced during Utility Permit review.

110. This condition is met. The applicant submitted a letter addressing the cut/fill balance for the Phase 1A Plat (Exhibit 35). The total earthwork quantities for the Phase 1A Plat are 541,416 cubic yards (cy) of cut and 580,020 cy of fill; the quantities are within approximately 7% of each other. The applicant also submitted a subsequent letter stating that the applicant will screen and retain topsoil and other materials onsite, and that the cut and fill will be balanced except for the import of approximately 7,000 cubic yards of topsoil and 7,000 cubic yards of other material for construction proposed rain gardens (Exhibit 45).

LANDSLIDE HAZARDS

111. There are no landslide hazard areas shown within the Phase 1A plat, per Exhibit G (Constraint Maps) of TV DA. This is also addressed in Section 8.0 (Sensitive Area Standards) of TV DA.

112. Stormwater is proposed to be infiltrated to the south of the site in a low area. As discussed in a prior section of this Report, there is a 40% factor of safety integrated into the design of the facility.

113. There are several small isolated geologically hazardous areas shown within the Phase 1A plat, per Exhibit G (Constraint Maps) of TV DA. These areas are intended for development. This is also addressed in Section 8.0 (Sensitive Area Standards) of TV DA. Section 8.3 (Alteration of Geologically Hazardous and Landslide Hazard Areas) allows for the alteration and/or elimination of geologic hazard and landslide hazard areas through the clearing and grading permit process.

MINE HAZARDS

114. This condition does not apply to the Phase 1A Plat, because there are no moderate mine hazard areas shown within the Phase 1A plat, per Exhibit G (Constraint Maps) of TV DA. This is also addressed in Section 8.0 (Sensitive Area Standards) of TV DA.

115. This condition does not apply to the Phase 1A plat. This is also addressed in Section 8.0 (Sensitive Area Standards) of TV DA.

116. This condition is addressed in Section 13.5 (Mine Hazard Release) and the release form is included as Exhibit M (Mine Hazard Release Form) of TV DA.

VEGETATION AND WETLANDS

117-119. Conformance with these guidelines will be enforced during Utility Permit review.

120. A tree inventory was submitted on February 2, 2011, which covers the Phase 1A plat area and another which covers adjacent property including the proposed off-site stormwater pond on July 3, 2012 (Exhibits 12-13).

121. See response to condition of approval #87.

122. Conformance with this guideline will be enforced during Utility Permit review and landscaping plan review.

FISH AND WILDLIFE

123. Conformance with this guideline will be enforced during Utility Permit review and landscaping plan review.

124. This condition is addressed in Section 5.5.2 (Review Process) of TV DA Conformance with this guideline will be enforced during Utility Permit review and landscaping plan review.

125. This condition does not apply to the Phase 1A plat, as the wildlife corridor is located further south in The Villages MPD. This area is shown in Exhibit G (Constraint Maps) of TV DA.

CLIMATE CHANGE

126. Exhibits H (MPD Project Specific Design Standards and Guidelines) and I (High Density Residential Supplemental Design Standards and Guidelines) of TV DA address design guidelines. The City of Black Diamond MPD Framework Design Standards & Guidelines also apply. None of these documents prohibit the use of solar, wind or other renewable sources.

127. This condition will be enforced during Site Plan Review for commercial projects.

LAND USE

128. This condition is addressed in Section 4 (Land Use and Project Elements) and Exhibit L (Excerpts from Chapter 3 of MPD Permit Application) of TV DA. Corner store-style neighborhood commercial uses are addressed in Section 4.7.2 (Neighborhood Commercial Designed as Corner Stores) in TV DA.

129. This condition is addressed in Section 4.8.4 (Process to Track Total Dwelling Units and Floor Area) of TV DA. Table 4-8-4 (Target Unit Count by Phase) of TV DA and the Phase 1A plat proposal are compared below:

Phase	Target Single Family Dwelling Units	Target Multi-Family Dwelling Units	Target Commercial/Office/Retail (Square Feet)	Total (Units)
1A	436	334	200,000	770
Phase 1A plat proposal	444	338	190,000	782

- 130.** This condition is addressed in Exhibits L (Excerpts from Chapter 3 of MPD Permit Application) and U (Updated MPD Site Plan) of TV DA.
- 131.** This condition is reviewed on an implementing project by implementing project basis; see Finding of Fact #29, above.
- 132.** This condition is addressed in Section 4.4.2 (MPD Site Plan Amendments) of TV DA. The applicant has not submitted a proposal to increase a residential category that abuts the perimeter of the MPD as part of the Phase 1A plat.
- 133.** This condition is addressed in Section 4.4 (MPD Site Plan Amendments) of TV DA. Reclassification of development parcels is not proposed as part of the Phase 1A plat.
- 134.** This condition is addressed in Sections 4.6 (Expansion Parcels) and 10.5 (Expansion Parcels) of TV DA. The inclusion of expansion parcels is not proposed as part of the Phase 1A plat.
- 135.** This condition is addressed in Section 5 (Additional Bulk, Landscape and Sign Standards), Exhibit H (MPD Project Specific Design Standards and Guidelines) and Exhibit I (High Density Residential Supplemental Design Standards and Guidelines) of TV DA.
- 136.** This condition is addressed in Sections of 2.2 (Project Elements), 4.1 (MPD Site Plan) and 4.2 (Total Number of Dwelling Units) TV DA.
- 137.** This condition will be applied to specific proposed commercial/office development projects, on an implementing project by implementing project basis. Commercial/office uses currently proposed as part of the Phase 1A Plat (compare Sheet CV4 with Site Plan Map (Exhibit U to TV DA)) are proposed to be located on lands designated for that purpose. Therefore, this condition is met.
- 138-139.** These conditions are addressed in Section 11.8 (Housing Types) of TV DA. The City is responsible for preparing the affordable housing analysis after the completion of Phase 1A.
- 140.** This condition is addressed in Exhibits L (Excerpts from Chapter 3 of MPD Permit Application), U (Updated MPD Site Plan) and Section 4.3 (Total Amount of Non-Residential Development) of TV DA.
- 141.** This condition is addressed in Exhibit I (High Density Residential Supplemental Design Standards and Guidelines) of TV DA.
- 142.** This condition is met. Plat Sheet CV3 (Exhibit 2) contains a Lot Summary table with detail regarding whether garages will be front or alley loaded. Front loaded lots are only proposed on lots 1I-25I and 1J-11J, which are located along the western boundary of the plat, where it is not practical to have alley loaded lots. Overall, only 10% of the total number of single family lots are "front loaded." Compliance will be assured by further application of this condition on an implementing project by implementing project basis, as detached single-family dwelling units are proposed to be constructed.

143. Conditions, covenants and restrictions (CCRs) are prepared and submitted at the time of final plat. A recommended condition of approval is that prior to final plat approval, the applicant shall submit Covenants, Conditions and Restrictions (CCRs) for staff review and approval. The contents of the CCRs will be reviewed to determine compliance with this condition at that time. For clarification, the Architectural Review Committee is the Design Review Committee per Section 12.3 (Design Review Committee) and Section 14 (Definitions) of TV DA.

144. This condition is addressed in Section 5.2 (Dimensional Standards) of TV DA.

145. This condition is addressed in Section 5.2.7 (Floor Area Ratio (FAR)) of TV DA.

146-7. These requirements will be applied at the site plan review and building permit level, once building and site plan details are known.

148. This condition is addressed in Sections 5.3.1.B (Mixed Use-Village Center) of TV DA. The parking standards in Section 5.1.3.B will be applied at the site plan review and building permit level, once building and site plan details are known.

SENSITIVE AREAS/OPEN SPACE

149. This condition is addressed in Section 8 (Sensitive Areas Standards) of TV DA. Also see Findings of Fact #40 & 41 related to wetlands.

150. There are two locations within the Phase 1A plat that are also areas shown as natural open space in the figure on Page 5-7 of the MPD application. The first area is the 100' trail corridor along the western boundary of the plat (Tracts 944 & 946) and the second area is along the south side of Roberts Drive (Auburn Black Diamond Road) from the western boundary of the plat extending east to Villages Parkway SE (aka the Community Connector) (Tract 990). The tract table on Sheets CV5 & CV6 (Exhibit 2) show Tracts 944 and 946 as open space tracts, with natural landscape (NL) and pedestrian access (PA) uses. Sheets CV5 & CV6 show Tract 990 as an open space tract, with landscape use (LA). In addition, a recommended condition of approval for the Phase 1A plat will require that Tract 990 shall be designated for natural landscape (NL) use.

151. See response to condition of approval #97.

152. See response to condition of approval #5.

153. This condition is addressed in Section 9.9 (Ownership & Maintenance) and 11.7 (Phasing of Development) of TV DA.

154. This condition is addressed in Section 9 (Parks, Open Space and Trail Standards) of TV DA. Parks and other open space tracts will be dedicated as part of final plat approval and as required by conservation easements.

155. This condition is addressed in Section 8 (Sensitive Area Standards) of TV DA.

ADMINISTRATION

156. This condition is addressed in Section 13.6 (Fiscal Impacts Analysis) and Exhibit N (MPD Funding Agreement) of TV DA. Section 13.6 outlines the methodology for preparation of a fiscal impact analysis, and provides that if the results of the fiscal analysis show a revenue deficit after application of a credit equal to the Developer's total funding obligation under a separate Funding Agreement, then the Developer must prepare a supplemental analysis proposing how any project City fiscal shortfall should be addressed. A fiscal impact analysis has been prepared by the applicant in compliance with Section 13.6, and the analysis shows no revenue deficit after application of the required credit for the Developer's payment of its obligations under the Funding Agreement.

157. There was a petition for formation (Black Diamond Community Facilities District (CFD) No. 2011-1 Petition for Formation), which was approved in December 2011. This approval was later rescinded in 2012. Regarding the second paragraph of the condition, see response to condition of approval #5.

158. This condition is addressed in Section 12.1 (Purpose) of TV DA.

159. This condition is addressed in Section 15.1 (Binding Effect & Vesting) of TV DA.

160. See response to condition of approval #133.

161. See response to condition of approval #132.

162. See response to condition of approval #134.

163. This condition is addressed in Section 11 (Project Phasing) and Exhibit K (MPD Phasing Plan) of TV DA.

164. See response to condition of approval #29.

The Villages MPD Development Agreement Section & Exhibit Consistency Analysis

1.0 Definitions and Consistency

The Villages MPD Phase 1A plat complies with Section 1.0 of TV DA.

2.0 Project Description

Sheets CV2 and CV4 of Exhibit 2 contain drawings which show the boundary of the plat compared to the areas shown in Exhibits B and U of TV DA (Section 2.1). The preliminary plat sheets were prepared by a licensed surveyor (Section 2.3.1). The Villages MPD Phase 1A plat complies with Section 2.0 of TV DA.

3.0 Prior Agreements

This plat does not include expansion parcels (Section 3.1). The Villages MPD Phase 1A plat complies with Section 3.0 of TV DA.

4.0 Land Use and Project Elements

The Phase 1A Preliminary Plat is consistent with the provisions of Section 4 of TV DA, taking into account the minor amendments previously approved. See Findings of Fact #18 & 19,

regarding Minor Amendments to Table 4.1, and Findings of Fact #29-30 regarding the number of dwelling units and non-residential development (Section 4.2 & 4.3 of TV DA). To date, no MPD site plan amendments have been submitted (Section 4.4). The applicant submitted a Preliminary Plat/MPD Site Plan Comparison drawing (Exhibit 40), which shows the percent deviation of preliminary plat development parcel areas to MPD site plan development parcel areas. All parcels are within 5%, as provided for by Section 4.4.8 of TV DA. The Phase 1A Plat provides for appropriate interface with adjoining development, as described above in the response under MPD Design Guidelines item G, and is therefore consistent with Section 4.5 of TV DA. This plat does not include expansion parcels, and so is consistent with Section 4.6 of TV DA. The number of ADUs is not determined at the time of preliminary or final plat, because ADUs require only a building permit; therefore, the Phase 1A Plat is consistent with Section 4.7.3.

See analysis under MPD Condition #129 regarding table 4-8-4. Sheet CV4 of Exhibit 2 contains a TDR information section, which states that the base density used is 452 and the TDRs needed is 330. The ratio of base density to planned density is less than 60% ($452/782=57.8\%$). A recommended condition of approval is the Master Developer shall demonstrate ownership of all TDRs required for the preliminary plat prior to issuance of Utility Permits for any road or stormwater improvements for any division of the plat until the Master Developer has demonstrated ownership of any TDRs needed for that division. Another recommended condition of approval is that 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. (Section 4.9).

Given the above, as conditioned, the Villages MPD Phase 1A plat complies with Section 4.0 of TV DA.

5.0 Additional Bulk, Landscape and Sign Standards

The Phase 1A Plat is consistent with the MPD Framework Design Standards & Guidelines, as explained above. Consistency with Exhibits H and I of TV DA, will be addressed at the site plan review and building permit level, once building and site plan details are known (Section 5.0). See Finding of Fact #39 regarding the DRC (Section 5.1). See Finding of Fact #28 regarding lot size (Section 5.2.1). The majority of Section 5.0 of TV DA will be applied during building permit, Utility Permit, and/or site plan review. Section 5.5.10 of TV DA does not apply to the Phase 1A Plat, because the eastern portion of parcel V13 is not part of the Phase 1A plat as shown on Sheet CV2 (Exhibit 2).

Therefore, the Villages MPD Phase 1A plat complies with Section 5.0 of TV DA.

6.0 Internal Street Standards Within The Villages MPD

The Phase 1A Plat is consistent with Section 6.0 of TV DA. The street sections proposed as part of the Phase 1A Plat comply with the requirements of Section 6.2 of TV DA, taking into account the approved construction deviations from the BDEDCS that are permitted by Section 6.2. See Findings of Fact #21-25 regarding variations to the street sections. The street alignment in the plat is consistent with the street alignment shown in Figure 3.1 of TV DA, as required by Section 6.3. No connection to King County road stubs located to the west of the plat is proposed with this project (Section 6.4). The dwelling unit triggers contained in Section 6.4.3 of TV DA, requiring construction of Pipeline Road, are not met by the Phase 1A plat. As required by recommended conditions of approval the applicant will construct improvements to certain intersections on Roberts Drive, consistent with Section 6.4.3. The Phase 1A Plat proposes public ownership and maintenance of the streets within the Phase 1A Plat, except for

alleys, consistent with Section 6.5 of TV DA. Dedication of the streets to public ownership will be accomplished as part of final plat approvals of the divisions within the Phase 1A Plat, and no additional related conditions of approval are necessary at this time. In light of the above, the Villages MPD Phase 1A plat complies with Section 6.0 of TV DA.

7.0 Water, Sewer and Stormwater Utility Standards

The majority of this section dictates provision of utilities. See previous discussion on utilities for required capacity and recommended conditions of approval. This plat will trigger the Water Monitoring Plan following occupancy of the 500th dwelling unit, which the City will manage (Section 7.2.5 TV DA). For the duration of construction for Phase 1A of The Villages MPD, the Master Developer is responsible for paying 60% of all costs from the King County Lake Stewardship Program, per Section 7.4.4.A.7. The Villages MPD Phase 1A plat complies with Section 7.0 of TV DA.

8.0 Sensitive Area Standards

The GPS marking requirement of Section 8.2 of TV DA will be applied and enforced during Utility Permit review and approval. See Findings of Fact #40-41 related to wetlands (Section 8.2.1). See responses to MPD Conditions of Approval Consistency Analysis related to erosion hazards, landslide hazards, mine hazards and fish and wildlife (Sections 8.2.2-8.3). The Villages MPD Phase 1A plat complies with Section 8.0 of TV DA.

9.0 Parks, Open Space and Trail Standards

See previous discussion on open space provided in the plat (Sections 9.1 & 9.6). As shown on Sheet CV5 of Exhibit 2, the parks and trails are consistent with Figure 9.2 (Section 9.2). Storm water facilities may be considered as open space if they are designed as an amenity. A recommended condition of approval is that prior to final plat approval, the Master Developer shall either comply with MPD condition of approval #69 and obtain the Directors' approval, or dedicate more open space as may be necessary to meet minimum standards. (This could result in fewer lots). This affects portions of proposed tracts 906, 913, 917, 918, 921, 923, 933, where rain gardens are proposed (Section 9.4) All dwelling units will be within ¼ mile of a park, as defined in TV DA (Section 9.5.1). All areas proposed as parks are over 1,500 square feet (Section 9.5.1).

Several of the park types shown in the Open Space Tract Table on Sheet CV5 will need to be amended in future application materials as follows: Tract 910 is too small to be a Neighborhood Park; Tract 918 is too small to be a Neighborhood Park; and Tract 941 is too large to be a Pocket Park per the park type definitions in Section 14 of TV DA. The plat is not large enough to trigger the provision of any of the recreation facilities listed in Table 9.5.5 of TV DA. A Cross Community Trail is shown on Sheet CV5 and is proposed to be an 8' hard surface multi-use trail (Section 9.6).

As conditioned, The Villages MPD Phase 1A plat complies with Section 9.0 of TV DA.

10.0 Determinations, Amendments & Expansion Parcel Review Process

See Findings of Fact #18 & 19, regarding Minor Amendments (Section 10.4.2). No Expansion Parcels are included as part of this plat (Section 10.5). The Villages MPD Phase 1A plat complies with Section 10.0 of TV DA.

11.0 Project Phasing

This preliminary plat includes all of Phase 1A of The Villages MPD (Section 11.1). A detailed implementation schedule for the Phase 1A regional infrastructure improvements was approved

by the Designated Official in August 2012 (Exhibit 37) (Sections 11.2 & 11.4/Section 11 tables). The capacity of the existing transportation, water, sewer, stormwater and park systems was evaluated during the staff review of this plat. See sheet UA1 of Exhibit 2 for information on utility availability. See the portion of this Report related to provision of utilities for further details (beginning on page 27) (Section 11.3). A recommended condition of approval is for provision of the sidewalk and pedestrian connection pursuant to Section 11.6 of TV DA. See Finding of Fact #42 regarding Section 11.7. With that condition, The Villages MPD Phase 1A plat complies with Section 11.0 of TV DA.

12.0 Development Review Process

See Finding of Fact #38 regarding the DRC. The majority of this section describes application review procedures. This application was filed in February 2011, before TV DA was approved in December 2011 (Section 12.5.1). See Finding of Fact #12 related to Notice of Application (Section 12.6.1). No MPD Site Plan Amendments are proposed as part of this plat (Section 12.8.3). Work hours are stipulated in Section 12.8.13 and were made a SEPA mitigation measure. Recommended conditions of approval include a requirement that the applicant comply with Exhibits Q and R of TV DA (Sections 12.10 & 12.11). Sheet CV1 of Exhibit 2 contains a note that references the Maple Valley agreement per Section 12.10.3 of TV DA. With those conditions, The Villages MPD Phase 1A plat complies with Section 12.0 of TV DA.

13.0 Miscellaneous Additional Standards and Requirements

See response to BDMC Section 17.15.020.A.11 regarding schools, fire mitigation and general government facilities (Sections 13.3, 13.4 & 13.9). There are no moderate mine hazard areas within the Phase 1A plat, per Exhibit G (Constraint Maps) of TV DA (Section 13.5). The fiscal analysis required by Section 13.6, showing no fiscal shortfall, has been submitted (see discussion of MPD Permit Condition #156 above). Noise attenuation is discussed in Section 12.8.13 and was made a SEPA mitigation measure. An additional recommended condition of approval is that the applicant shall notify the City in writing of the status of their compliance with Section 13.7 (Noise Attenuation) of TV DA with regard to The Villages development parcels V10, V13 and V15 at the time of submittal of Utility Permits for those development parcels (Section 13.7). Section 13.10 does not yet apply, because Phase 1A contains less than the 850 dwelling units that would trigger the need for validating and calibrating a new travel demand model at this time. As conditioned, The Villages MPD Phase 1A plat complies with Section 13.0 of TV DA.

14.0 Definitions

This section contains definitions of terms used in TV DA; also see Section 1.1 of TV DA. For clarification purposes, many of the terms defined in Section 14 of TV DA are used in this staff report, but may not necessarily be capitalized in the same manner as in Section 14 of TV DA. The Villages MPD Phase 1A plat complies with Section 14.0 of TV DA.

15.0 General Provisions

Consistency with The MPD Conditions of Approval as set forth in Exhibit C of TV DA was done in a previous section of this staff report (Section 15.1). This section contains general provisions of TV DA, many of which do not need further discussion with regard to the Phase 1A plat. The Villages MPD Phase 1A plat complies with Section 15.0 of TV DA.

Exhibit “A” – Removed. Please see Exhibit “U”.

There is nothing to verify consistency with.

Exhibit “B” – Legal Description and Parcel Map

As shown on Sheet CV2 (Exhibit 2) in the Parcel Exhibit, the Phase 1A plat comprises a little over half of Parcel D. The Villages MPD Phase 1A plat complies with Exhibit B of TV DA.

Exhibit “C” – MPD Permit Approval

Exhibit C of Ordinance No. 10-946 contains The Villages MPD Conditions of Approval; a consistency analysis is contained in another section of this staff report. The Villages MPD Phase 1A plat complies with Exhibit C of TV DA.

Exhibit “D” – Summary of Prior Agreements

This exhibit details the purpose, intent and status of prior agreements affecting The Villages MPD. The Villages MPD Phase 1A plat complies with Exhibit D of TV DA.

Exhibit “E” – City of Black Diamond Municipal Code & Other City Standards

Exhibit E contains a copy of the Black Diamond Municipal Code current through September 20, 2010 and other city documents, including the Black Diamond Design Guidelines for Master Planned Development Framework Design Standards and Guidelines. The Phase 1A plat has been reviewed and found to be consistent with the applicable documents listed in Exhibit E; the analysis for which is contained in various parts of this staff report. See Findings of Fact #21-24 regarding deviations. Consistency with the EDCS will be fully analyzed upon submittal of Utility Permits.

Exhibit “F” – Traffic Monitoring Plan

The MDRT transportation consultant (Parametrix) found that the information provided to the City is sufficient to demonstrate compliance with the City’s transportation concurrency requirements, the Development Agreement, and conditions of approval for the project (Exhibit 33). Pursuant to Section 11.4 and Exhibit F of TV DA, the Master Developer submitted documents pertaining to the Traffic Monitoring Plan. These documents were reviewed by the Designated Official and by the MDRT transportation consultant. The Designated Official approved the combined documents referred to as the “Traffic Monitoring Plan” prepared for The Villages MPD Phase 1A Preliminary Plat in August 2012. The Villages MPD Phase 1A plat complies with Exhibit F of TV DA.

Exhibit “G” – Constraint Maps

Staff reviewed the Constraints Map for this portion of The Villages MPD. See Findings of Fact #40-41 related to wetlands. See responses to MPD Conditions of Approval Consistency Analysis related to erosion hazards, landslide hazards, mine hazards and fish and wildlife. The Villages MPD Phase 1A plat complies with Exhibit G of TV DA.

Exhibit “H” – MPD Project Specific Design Standards and Guidelines

See Finding of Fact #39 regarding the DRC. The Phase 1A plat includes a large portion of the Village Center District and a portion of Diamond Park District (as defined on page 8, The Villages Neighborhood Plan). Chapter 3 includes non-residential design standards and guidelines, which are more appropriately applied at the building permit/site plan review level when these types of details are known. Chapter 4 includes residential design standards and guidelines. The Phase 1A plat design is consistent with the general guidelines of the Site Design section in Chapter 4. Regarding the lot size guidelines of the Site Design section in Chapter 4, the plat complies with the first (with the exception of lots 25I and 25K) and second bullets. The remainder of Chapter 4 is more appropriately applied at the building permit/site plan review level when these types of details are known.

Chapter 5 addresses parks, open space and trails; Sheet CV5 of Exhibit 2 contains open space tract details. Several of the park types on Sheet CV5 will need to be amended in future application materials as follows: Tract 910 is too small to be a Neighborhood Park, Tract 918 is too small to be a Neighborhood Park, and Tract 941 is too large to be a Pocket Park per the park type definitions in Section 14 of TV DA. The park type definitions in Section 14 and Exhibit H of TV DA differ slightly. Tracts 910, 918 and 941 will provide additional park space.

Tracts 916, 917, 921 and 923 fall within the size of a Neighborhood Park per Exhibit H. These tracts are connected by pathways and parking is shown in Tract 923. Tract 948 is shown as a pocket park, with adjacent off-street parking. Common Greens are shown within Tracts 906, 933, 958, 960, 964, 965 and 969, all of which open onto neighborhood streets. A Cross Community Trail is shown on Sheet CV5 of Exhibit 2 and is proposed to be an 8' hard surface multi-use trail. Chapter 6 is dedicated to signage and wayfinding and is more appropriately applied at the building permit/site plan review level when these types of details are known. The Villages MPD Phase 1A plat complies with Exhibit H of TV DA.

Exhibit “I” – High Density Residential Supplemental Design Standards and Guidelines

This exhibit contains additional design guidelines for high density residential development (18-30 du/ac). The contents of this exhibit are more appropriately applied at the building permit/site plan review level when these types of details are known. The Villages MPD Phase 1A plat complies with Exhibit I of TV DA.

Exhibit “J” – Construction Waste Management Plan

This project is required to comply with the Construction Waste Management Plan. The Villages MPD Phase 1A plat complies with Exhibit J of TV DA.

Exhibit “K” – MPD Phasing Plan

This plat includes all of Phase 1A as shown on the MPD Phasing Plan, Figure 9-1. A detailed implementation schedule for the Phase 1A regional infrastructure improvements was approved by the Designated Official in August 2012 (Exhibit 37). Section 11 of TV DA contains additional detail regarding phasing and the provision of on-site and off-site infrastructure improvements. Exhibit K incorporated the Phasing Plan from the MPD Permit submittal. The applicant will be constructing all improvements depicted in the table, with the exception of the regional wastewater storage facility which is not required at this time because the number of ERUs contained within the plat does not trigger the need for the facility to be built. The number of dwelling units per Exhibit K anticipated to be built in Phase 1A is 850; this plat proposes 782 units. The Villages MPD Phase 1A plat complies with Exhibit K of TV DA.

Exhibit “L” – Excerpts from Chapter 3 of MPD Permit Application

This exhibit contains portions of Chapter 3 of the MPD Permit Application included for reference. See Finding of Fact #29 for discussion of Figure 3-1 of Exhibit L. The applicant submitted a Preliminary Plat/MPD Site Plan Comparison drawing (Exhibit 40), which shows the percent deviation of preliminary plat development parcel areas to MPD site plan development parcel areas. All parcels are within 5%, which is permitted by Section 4.4.8 of TV DA. The Villages MPD Phase 1A plat complies with Exhibit L of TV DA.

Exhibit “M” – Mine Hazard Release Form

There are no moderate mine hazard areas within the Phase 1A plat, per Exhibit G (Constraint Maps) of TV DA. The use of this form is not anticipated for lots within Phase 1A. The Villages MPD Phase 1A plat complies with Exhibit M of TV DA.

Exhibit “N” – MPD Funding Agreement

This exhibit contains the MPD Funding Agreement, which has no bearing on an individual plat application. The Villages MPD Phase 1A plat complies with Exhibit N of TV DA.

Exhibit “O” – Stormwater Monitoring

This exhibit concerns water quality and Lake Sawyer. The Villages Phase 1A plat does not drain to Lake Sawyer. This exhibit has more applicability in future phases of the MPD.

Exhibit “P” – Green Valley Road Measures

The Green Valley Road study was completed for the City by Parametrix in November 2010. An update on the progress of The Green Valley Road Review Committee was provided by the applicant in August 2012 (Exhibit 38). Exhibit P requires that, prior to the conclusion of construction in Phase 1A, the Master Developer shall submit to King County permit applications for any Traffic Calming Measures for Green Valley Road as chosen by the committee. A recommended condition of approval is that prior to final plat approval of the last division of Phase 1A, the Master Developer shall submit a status report to the Designated Official verifying compliance with Exhibit P of TV DA. With that condition, The Villages MPD Phase 1A plat complies with Exhibit P of TV DA.

Exhibit “Q” – Maple Valley Transportation Mitigation Agreement

Exhibit Q is an agreement between the City of Maple Valley, BD Villages Partners, LP and BD Lawson Partners, LP. A recommended condition of approval is that the applicant complies with Exhibit Q of TV DA. With that condition, The Villages MPD Phase 1A plat complies with Exhibit Q of TV DA.

Exhibit “R” – Covington Transportation Mitigation Agreement

Exhibit R is an agreement between the City of Covington, BD Villages Partners, LP and BD Lawson Partners, LP. A recommended condition of approval is that the applicant complies with Exhibit R of TV DA. With that condition, The Villages MPD Phase 1A plat complies with Exhibit R of TV DA.

Exhibit “S” – Potential Expansion Areas

The Phase 1A plat does not contain any potential expansion areas shown in this exhibit. The Villages MPD Phase 1A plat complies with Exhibit S of TV DA.

Exhibit “T” – Impact Fees for Fire Protection Facilities dated 1-13-2011

Exhibit T is provided in TV DA for reference. Section 13.4 of TV DA addresses fire mitigation, which includes payment of a fire mitigation fee and a satellite fire station. On September 20, 2012, the City Council adopted a City-wide fire impact fee. The impact fee amount is the same as the mitigation fee contained within TV DA. The dwelling unit triggers for items related to the satellite fire station will be reached in this Phase 1A plat. A recommended condition of approval shall be provision of the satellite fire station pursuant to Section 13.4 of TV DA. With that condition, The Villages MPD Phase 1A plat complies with Exhibit T of TV DA.

Exhibit “U” – Updated MPD Site Plan

Exhibit U is addressed in Section 4.1 of TV DA; it is the updated MPD Site Plan. See Finding of Fact #27 regarding Exhibit U. As noted above, the plat includes a variety of unit types and densities include low, medium and high residential, in conjunction with Exhibits L and U of TV DA. The Villages MPD Phase 1A plat complies with Exhibit U of TV DA.

MISCELLANEOUS COMMENTS

The following information is provided for clarification.

1. On all Sheets of Exhibit 2:
 - a. Staff will not be signing the signature block; that is something more appropriate for drawings related to Utility Permits rather than a preliminary plat.
2. On Sheet CV3 of Exhibit 2:
 - a. Roberts Drive is incorrectly labeled as Richards Drive.
 - b. 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. This appears to be an oversight, however because the total count of 782 units is accurate and does not include the units identified here.
3. Sheet CV4 contains a grid overlay on the plat drawing with a letter grid one way and a numbered grid the other way to support references.
4. On Sheet CV6 of Exhibit 2:
 - a. Sheet CV6 shows Tracts 908 and 954-956 as being maintained by the A.O.A (Applicable Owners Association). However for consistency between the access/utility tracts, a recommended condition of approval for the Phase 1A plat is that Tracts 908 and 954-956 shall be maintained by the Master Developer (M.D.)/Applicable Owners Association (A.O.A.).

VII. CONCLUSIONS

1. The proposed Preliminary Plat, as conditioned, satisfies the criteria of BDMC Sections 17.15.020 (Preliminary Plat Approval Criteria), the MPD Framework Design Standards & Guidelines, The Villages MPD Conditions of Approval and The Villages MPD Development Agreement.

VIII. STAFF RECOMMENDATION

Staff recommends this Preliminary Plat (PLN11-0001) be approved, 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 the Phase 1A Preliminary Plat.
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 the Phase 1A Preliminary Plat, 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 Condition of Approval #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 Phase 1A plat is implemented during construction.
14. The Master Developer shall establish the noise control hotline prior to commencement of any development activity on the Phase 1A 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 TV 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 726th 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 327th 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 1,128th 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 (596th 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 easements 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 TV DA.
29. Prior to final plat approval of any plat division, the applicant shall submit Covenants, Conditions and Restrictions (CCRs) for review and approval by the Designated Official.
30. The applicant shall comply with the Roberts Dr. sidewalk and pedestrian connection in accordance with the requirements of Section 11.6 of TV DA.
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 MPD Condition of Approval #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 TV DA.
35. The Master Developer shall comply with Exhibit R of TV DA.
36. Prior to final plat approval of the last division of Phase 1A, the Master Developer shall submit a status report to the Designated Official verifying compliance with Exhibit P of TV 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 the Phase 1A Plat. 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 the Phase 1A Plat 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 Phase 1A Plat, 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 this Preliminary Plat, 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 regional stormwater facility. 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 regional stormwater facility located to the south of the Phase 1A Preliminary Plat shall be designed and built at this time to accommodate all future phases 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 regional stormwater facility, the applicant shall demonstrate, through on-site real-time monitoring, that the regional 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 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 phase of this Preliminary Plat, 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.

IV. EXHIBITS

Exhibit 1	The Villages MPD Development Agreement (Ordinance No. 11-970)
Exhibit 2	Villages Preliminary Plat 1A (Project No. PLN11-0001) Plat Sheets, Triad Associates, received 8-24-12
Exhibit 3	Notice of Application, dated 2-25-11
Exhibit 4	Email communication to Stacey Borland from John Murphy, dated 2-28-11
Exhibit 5	Letter to Steve Pilcher from Ty Peterson, City of Maple Valley, dated 3-21-11
Exhibit 6	Email communication to Brenda Martinez from Cindy Proctor, dated 3-29-11
Exhibit 7a	Email communication to Steve Pilcher from David Vournas, dated 4-1-11
Exhibit 7b	Letter to Steve Pilcher from David Vournas, dated 4-1-11

- Exhibit 8 Letter to Steve Pilcher from John Starbard, King County, dated 5-11-11
- Exhibit 9 Letter to City of Black Diamond from Gretchen and Michael Buet, dated 5-23-11
- Exhibit 10a SEPA MDNS and Adoption of Existing Environmental Document, dated 8-31-12
- Exhibit 10b Notice of Extension of Comment/Appeal Period
- Exhibit 11 Sensitive Area Study for The Villages Phase 1A Preliminary Plat, Wetland Resources, Inc., dated 5-9-12
- Exhibit 12 Significant Tree Report for the Phase 1A Preliminary Plat, International Forestry Consultants, Inc., dated 1-31-11
- Exhibit 13 Tree Inventory on BD Village Partners: The Villages Phase 2 – Plat A, S.A. Newman Firm, dated 3-14-11
- Exhibit 14 Significant Tree Inventory Exhibit, Triad Associates, received 7-3-12
- Exhibit 15 Notice of Decision for Minor Amendment to TV DA (PLN12-0011), dated 6-15-12
- Exhibit 16 Notice of Decision for Minor Amendment to TV DA (PLN12-0018), dated 8-17-12
- Exhibit 17 Road Section Deviation Determination (PUB12-0024), dated 7-27-12
- Exhibit 18 Alley Section Deviation Determinations (PUB12-0025), dated 7-27-12
- Exhibit 19 Notice of Public Hearing
- Exhibit 20 Letter to Steve Pilcher from the Design Review Committee, BD Village Partners, LP, dated 4-25-12
- Exhibit 21 Letter to Steve Pilcher from Wetland Resources, Inc., dated 7-17-12 (Response Memo and Revised Sensitive Area Study)
- Exhibit 22 Letter to Steve Pilcher from Wetland Resources, Inc., dated 7-30-12
- Exhibit 23 Memorandum to Steve Pilcher from Jason Walker & Jim Rothwell, Perteet, dated 6-13-12
- Exhibit 24 Memorandum to Steve Pilcher from Jason Walker & Jim Rothwell, Perteet, dated 7-25-12
- Exhibit 25 Traffic Impact Study, The Villages Master Planned Development – Phase 1A, Transpo Group, dated February 2011
- Exhibit 26 Memorandum to Colin Lund, YarrowBay Holdings, LLC, from Dan McKinney Jr. & Larry Toedtli, Transpo Group, dated 5-5-12
- Exhibit 27 Memorandum to Colin Lund, YarrowBay Holdings, LLC, from Dan McKinney Jr. & Larry Toedtli, Transpo Group, dated 6-28-12
- Exhibit 28 Memorandum to Colin Lund, YarrowBay, from Transpo Group, received 8-21-12
- Exhibit 29 Memorandum to Colin Lund, YarrowBay, from Dan McKinney Jr. & Stefanie Herzstein, Transpo Group, dated 8-28-12
- Exhibit 30 Technical Memorandum to Andy Williamson from John Perlic, Parametrix, dated 6-1-12
- Exhibit 31 Email communication to Andy Williamson from John Perlic, Parametrix, dated 8-27-12
- Exhibit 32 Email communication to Andy Williamson from John Perlic, Parametrix, dated 8-29-12
- Exhibit 33 Email communication to Andy Williamson from John Perlic, Parametrix, dated 8-30-12
- Exhibit 34 Memorandum to Files PLN11-0001, PLN11-0002 from Andrew Williamson, dated 8-30-12
- Exhibit 35 Memorandum to Andrew Williamson from Thomas Matt, Triad Associates, dated 6-25-12
- Exhibit 36a The Villages - Phase 1A Representative Images (A-C), YarrowBay Holdings, received 7-3-12
- Exhibit 36b The Villages - Phase 1A Representative Images (D-F), YarrowBay Holdings, received 7-3-12

- Exhibit 36c The Villages - Phase 1A Representative Images (G-I), YarrowBay Holdings, received 7-3-12
- Exhibit 36d The Villages Phase 1A Preliminary Plat Exterior Colors Board (photo image)
- Exhibit 36e The Villages Phase 1A Preliminary Plat Exterior Materials Board (photo image)
- Exhibit 37 Memorandum to Files PLN11-0001, PLN11-0002 from Andy Williamson & Steve Pilcher, dated 8-27-12
- Exhibit 38 Letter to Mayor Rebecca Olness from Colin Lund, YarrowBay, dated 8-8-12
- Exhibit 39 The Villages MPD Phase 1A Preliminary Plat Short-Term Construction Noise Mitigation Plan, dated 1-31-11
- Exhibit 40 Preliminary Plat/MPD Site Plan Comparison, YarrowBay Holdings, received 8-24-12
- Exhibit 41 Letter to Andy Williamson, from Mark Buscher, King County Wastewater Treatment Division, dated February 17, 2011
- Exhibit 42 The Villages MPD Phase 1A Preliminary Plat Drainage Report, Triad Associates, dated 1-26-11
- Exhibit 43 Addendum 1 to the Phase 1A Preliminary Plat Drainage Report, Triad Associates, dated 6-28-12.
- Exhibit 44 Letter to Steve Pilcher, from Colin Lund, YarrowBay, dated September 28, 2012
- Exhibit 45 Master Application, received 2-2-11
- Exhibit 46 Villages MPD Phase 1A Geotechnical Report, Golder Associates, dated 10-8-10, received 6-5-12
- Exhibit 47 The Villages FEIS & Appendices, December 2009
- Exhibit 48 Email communication to Steve Pilcher, from Michael Irrgang, dated 10-7-12

Staff reserves the right to respond to matters raised subsequent to the writing of this report.