

**CITY OF SAMMAMISH
CITY COUNCIL AGENDA
SPECIAL MEETING
STUDY SESSION
July 12, 2000**

Wednesday, July 12, 2000, 6:30 p.m., 486 228th Avenue N.E., Council Chambers

Special Meeting

- 1. Redhawk Final Plat Discussion/Community Development-Public Works**

Open Study Session

- 1. AT&T Presentation on Televised Council Meetings (Janet Turpen, AT & T Representative)**
- 2. Stormwater Management Comprehensive Plan Overview and Interim System of Developer Charges/Public Works (CH2M Hill & EES Consultants)**

CITY COUNCIL ROLL CALL

DATE: July 12, 2020 Special Meeting

<u>NAME</u>	<u>PRESENT</u>	<u>EXCUSED</u>	<u>ABSENT</u>
Mayor Jack Barry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Troy Romero	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Phil Dyer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Don Gerend	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Haworth	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathleen Huckabay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kenneth Kilroy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Red Hawk Plat
Council Request for Verification of Compliance/Concerns

Condition 5 – Road variance and slope easement

Condition 12d - 228th Frontage; interim improvement and installation of curbing; what is interim

Condition 19 – a and b; what was waived by King County, if at all

Condition 20 – Three options for storm drainage; which option was chosen?

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject: Meeting Date July 5, 2000 Date Submitted June 30, 2000

Redhawk Subdivision Final Plat Map Department Originating Community Development

Clearances:

_____ Administration/Finance	_____ Police
_____ Public Works	_____ Fire
<u>X</u> Building/Planning	_____ Attorney
_____	_____ Committee

Action Required:

Adopt resolution granting approval.

Exhibits: A – Plat Map, B - King Co. Letter of Recommendation, C – Preliminary Plat Approval.

Amount

Budgeted: NA

Summary Statement:

The Redhawk Subdivision Plat (King County #L97P0013) is a 7.57 acre subdivision that creates 45 residential lots. It is generally located between 228th Avenue SE and 233rd Avenue SE, and SE 13th Street and proposed SE 14th Street. The plat was submitted to King County in March of 1997 and received preliminary approval on June 16, 1998. During the preliminary approval stage, a public hearing and environmental review was conducted by King County.

Under the City's Interlocal Agreement, King County reviews the final plat submittal for compliance with all conditions of approval and compliance with state and local regulations in effect at the time of preliminary approval. The County then provides the City a recommendation based on its review of the file. At this time, the County has completed its review and is recommending approval of the final plat based on compliance with the conditions and regulations vested for the project. Included in your packet is a copy of the Final Plat Map, the County's Preliminary Plat approval, and recommendation of final plat approval.

The addition of 45 residential lots increases the City's overall tax base. Financial guarantees for the installation of required improvements have been submitted to King County and will be maintained per the requirements of the City's Interim Development Code.

Recommended Motion:

The Department of Community Development recommends the City Council adopt the attached resolution granting final approval of Redhawk Subdivision (King County #L97P0013).

**CITY OF SAMMAMISH
WASHINGTON
Resolution No. R2000-__**

**A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON,
GRANTING FINAL PLAT APPROVAL TO THE PLAT OF REDHAWK
SUBDIVISION**

WHEREAS, the City Council has received King County's recommendation of approval for the final plat of Redhawk Subdivision - King County #L97P0013 (Final Plat attached as Exhibit A and Letter of Recommendation attached as Exhibit B); and

WHEREAS, the City Council has reviewed said plat and finds that it conforms to all terms of the preliminary plat approval and applicable land use laws and regulations (Preliminary Plat Approval attached as Exhibit C); and

WHEREAS, the City Council desires to grant final approval to the plat of Redhawk Subdivision - King County #L97P0013;

WHEREAS, the Interim Sammamish Development Code, Section 20.24.030, authorizes the City Council to adopt King County's findings and conclusions in regard to plats;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO RESOLVE AS FOLLOWS:

Section 1. Adoption of Hearing Examiner's Findings and Conclusions.
The City Council hereby adopts the findings and conclusions included in the King County Hearing Examiner's June 16, 1998 decision for the preliminary plat of Redhawk Subdivision - King County #L97P0013 (Exhibit C).

Section 2. Grant of Approval. The City Council hereby grants final approval to the plat of Redhawk Subdivision - King County #L97P0013 (Exhibit A).

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
_____ DAY OF _____ 2000.

CITY OF SAMMAMISH

Mayor Jack Barry

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:

LEGAL DESCRIP^T
PARCEL A:
THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M.:

SW1/4, NW1/4 SEC. 3, T. 24 N., R. 6 E., W.M.
CITY OF SAMMAMISH
KING COUNTY, WASHINGTON

EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 228TH AVE. S.E. RIGHT-OF-WAY BY INSTRUMENT RECORDED UNDER RECORDING NO. 5626450;
AND EXCEPT THE EAST 400.31 FEET THEREOF.
SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON.

ACKNOWLEDGMENTS
STATE OF Washington)
COUNTY OF King)
I, CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JAMES T. REDHAWK IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE LEGAL HEIR OF REDFAWK DEVELOPMENT, LLC, A LLC TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATE: June 14, 2000
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RANDALL BRANNAN
(NOTARY NAME TO BE PRINTED)
RESIDING AT Seattle
MY APPOINTMENT EXPIRES: 3/24/02

EXCEPT THE SOUTHERLY 482 FEET THEREOF;
AND EXCEPT THE WEST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 228TH AVE. S.E. RIGHT-OF-WAY BY INSTRUMENT RECORDED UNDER RECORDING NO. 5615490;
(PARCELS A AND B, TAKEN AS A WHOLE, ARE ALSO KNOWN AS LOT X OF KING COUNTY BOUNDARY LINE ADJUSTMENT NO. L98L0180 RECORDED UNDER RECORDING NO. 20000306900018)
SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON.

ACKNOWLEDGMENTS
STATE OF Washington)
COUNTY OF King)
I, CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JOSE M. AVILA AND DELORIS M. AVILA, HUSBAND AND WIFE ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATE: June 15, 2000
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
JOSE M. AVILA
(NOTARY NAME TO BE PRINTED)
RESIDING AT Woodinville
MY APPOINTMENT EXPIRES: 3/10/02

APPROVALS
KING COUNTY DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES
EXAMINED AND RECOMMENDED FOR APPROVAL THIS 21 DAY OF June, 2000.
[Signature]
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT
CITY OF SAMMAMISH
EXAMINED AND RECOMMENDED THIS 30 DAY OF June, 2000.
[Signature]
CITY ENGINEER,
CITY OF SAMMAMISH
APPROVED FOR RECORDING BY THE CITY COUNCIL THIS ___ DAY OF _____, 20__.

ACKNOWLEDGMENTS
STATE OF Washington)
COUNTY OF King)
I, CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JOSE M. AVILA AND DELORIS M. AVILA, HUSBAND AND WIFE ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATE: June 14, 2000
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
JOSE M. AVILA
(NOTARY NAME TO BE PRINTED)
RESIDING AT Woodinville
MY APPOINTMENT EXPIRES: 3/10/02

RECORDING CERTIFICATE
RECORDED FOR THE CITY OF SAMMAMISH
THIS DAY OF _____, 20__.
PAST _____ OF PLATS, PAGE _____
DIVISION OF RECORDS AND ELECTIONS

ACKNOWLEDGMENTS
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INDEXING DATA:
SW1/4, NW1/4 SEC. 3, T. 24 N., R. 6 E., W.M.
GROUP FOUR, Inc.
16030 TUANITA - WOODINVILLE WAY NE
BOYTBELL WASHINGTON 98011
(425)770-6981 • (206)968-4844 • FAX(206)968-3819



LAND SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT REDHAWK IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 3, T. 24 N., R. 6 E., W.M. THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS STAKED CORRECTLY ON THE GROUND AS PROVIDED FOR IN THE INSTRUMENT AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.
[Signature]
30450
6-13-2000

MANAGER, KING COUNTY FINANCE DEPUTY
D.D.E.S. FILE NO.: L97P0013
RECORDING CERTIFICATE
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REDHAWK
SW1/4, NW1/4 SEC. 3, T. 24 N., R. 6 E., W.M.
CITY OF SAMMAMISH
KING COUNTY, WASHINGTON

VOLUME/PAGE

VOLUME/PAGE

GI GROUP FOUR, Inc.
 16030 JUANITA-WOODINVILLE WAY NE
 BOTHELL, WASHINGTON 98001
 (425) 775-4581 • (206) 362-4844 • FAX (206) 362-3819

JOB NO.: 98-8020 DATE: 12-10-98 SHEET: 2 OF 3

SEC. 3, T. 24 N., R. 6 E., W.M.

BASIS OF BEARING & SUBDIVISION: PLAT OF CLAREMONT RECORDED IN VOLUME 140, PAGES 88-90, RECORDS OF KING COUNTY, WASHINGTON.

INSTRUMENT DATA: LEITZ SET 4A (5° DIRECT READING THEODOLOITE)

PRECISION OF CONTROL TRAVERSE IS AT HIGHER LEVEL THAN MINIMUM STANDARDS REQUIRED BY WAC 332-150-080.

17. FIFTY PERCENT OF SCHOOL IMPACT FEES WERE PAID AT THE TIME OF FINAL PLAT APPROVAL IN ACCORDANCE WITH KING COUNTY CODE ZIA.43.050. THE BALANCE OF THE ASSESSED FEE, **238.50** PER LOT, TOGETHER WITH THE CURRENT ADMINISTRATION FEE, MUST BE PAID AT THE TIME OF BUILDING PERMIT ISSUANCE.

18. THE STREET TREES SHALL BE OWNED AND MAINTAINED BY THE REDHAWK HOMEOWNERS ASSOCIATION UNLESS AND UNTIL KING COUNTY OR ITS SUCCESSOR AGENCY HAS ADOPTED A MAINTENANCE PROGRAM.

19. TRACTS A AND B ARE RECREATION TRACTS AND EACH ARE CONSIDERED A "TRACT" PURSUANT TO KCC 19.04.460.

20. A "TRACT" OF LAND RESERVED FOR SPECIAL USES SUCH AS OPEN SPACE, SURFACE WATER RETENTION, UTILITIES, OR ACCESS. TRACTS ARE NOT COUNTED AS LOTS NOR CONSIDERED A RESIDENTIAL BUILDING SITE EXCEPT AS ALLOWED UNDER THE LOT CLUSTERING PROVISIONS OF KCC TITLE 21A.

21. DRAINAGE EASEMENT RESTRICTIONS:
 STRUCTURES, FILL OR OBSTRUCTIONS (INCLUDING BUT NOT LIMITED TO DECKS, PATIOS, OUTBUILDINGS OR COVERINGS) SHALL NOT BE PERMITTED BEYOND THE BUILDING SETBACK LINE OR WITHIN DRAINAGE EASEMENTS. ADDITIONALLY, GRADING AND CONSTRUCTION OF FENCING SHALL NOT BE ALLOWED WITHIN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT MAP UNLESS OTHERWISE APPROVED BY KING COUNTY D.D.E.S. OR ITS SUCCESSOR AGENCY.

22. THIS PLAT IS SUBJECT TO KING COUNTY CODE NO. 14.75, KING COUNTY ROAD MITIGATION PAYMENT SYSTEM (MPS). THE MPS FEES PLUS THE MPS ADMINISTRATIVE FEE SHALL BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION AT THE RATE IN EFFECT AT THAT TIME.

23. THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLAN AND PROFILE, PLAN NO. P2632, A-J ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (D.D.E.S.). ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY D.D.E.S.

24. THE HOUSE ADDRESS SYSTEM FOR THIS PLAT SHALL BE AS FOLLOWS: ADDRESSES SHALL BE ASSIGNED FOR THE NORTH-SOUTH ROADS WITHIN THE RANGE OF 1300 TO 1351 AND WITHIN THE RANGE OF 22800 TO 23099 FOR THE EAST-WEST ROADS. INDIVIDUAL ADDRESSES WILL BE ASSIGNED TO THE PRINCIPLE ENTRANCE OF EACH RESIDENCE OR BUILDING IN ACCORDANCE WITH KING COUNTY CODE 16.08.

25. TRACTS A AND B, COMMON OPEN SPACE/PARK, ARE HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS TO THE REDHAWK HOMEOWNERS ASSOCIATION.

26. TRACT C, PUBLIC STORMWATER DETENTION FACILITIES, IS HEREBY GRANTED AND CONVEYED TO KING COUNTY OR ITS SUCCESSOR AGENCY FOR DRAINAGE PURPOSES.

27. THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO OR FROM 228TH AVE. STREET FROM PROSE LOTS IN THE SUBJECT PLAT WHICH ABUT RESIDENCE UNLESS AS PROVIDED AS FOLLOWS: THE EXISTING DRIVE ON 228TH AVE. S.E.T. AT SUCH TIMES THIS DRIVE ACCESS FROM EITHER REPLACED OR SIGNIFICANTLY REMODELED AS DETERMINED BY CODES PERMITTED.

28. ALL BUILDING DOWNSPOUTS, FOOTING DRAINS AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS NO. P2632, A-J.

29. ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (DES) AND/OR THE KING COUNTY DEPARTMENT OF TRANSPORTATION, THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED AND APPROVED PRIOR TO THE FINAL BUILDING INSPECTION APPROVAL. ALL INDIVIDUAL SUB-BUILDINGS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE LOT HOME OWNER.

30. SUBJECT TO POWER EASEMENT RECORDED UNDER RECORDING NUMBER 5699715.

31. SUBJECT TO POWER EASEMENT RECORDED UNDER RECORDING NUMBER 9405182115.

32. SUBJECT TO GAS EASEMENT RECORDED UNDER RECORDING NUMBER 9405182116.

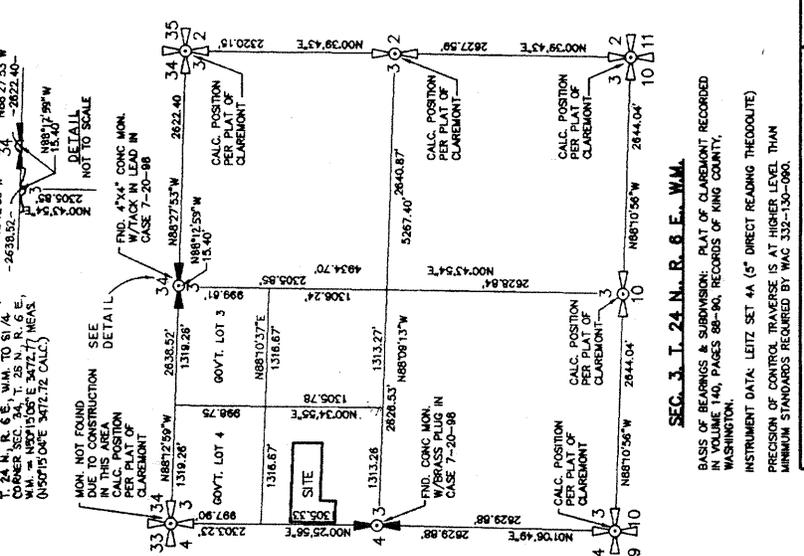
33. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, OR OTHER SERVICITUDES, IF ANY, DISCLOSED BY BOUNDARY LINE ADJUSTMENTS RECORDED UNDER RECORDING NUMBERS 9405311767 AND 20000306900018.

34. SUBJECT TO RESERVATIONS AND EXCEPTIONS CONTAINED IN DEED FROM NORTHERN PACIFIC RAILROAD COMPANY RECORDED UNDER RECORDING NUMBER 136477.

35. SUBJECT TO DEVELOPER EXTENSION AGREEMENT RECORDED UNDER RECORDING NUMBER 9704161058.

36. SUBJECT TO RIGHT TO MAKE NECESSARY SLOPES, FOR CUTS AND FILLS BY KING COUNTY DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBERS 5615490 AND 5526450.

37. ANY SUBSEQUENT SUBDIVISION OF LOT 13, 29 AND 30 WITHIN THE DETENTION AND WATER QUALITY STANDARDS EFFECT AT THAT TIME, EXCEPTIONS TO THE DRAINAGE EASEMENTS BASED ON THRESHOLDS WILL NOT BE ALLOWED WITH ANY FUTURE SUBDIVISION OF LOT 13.



1. DRAINAGE EASEMENT RESTRICTIONS:
 STRUCTURES, FILL OR OBSTRUCTIONS (INCLUDING BUT NOT LIMITED TO DECKS, PATIOS, OUTBUILDINGS OR COVERINGS) SHALL NOT BE PERMITTED BEYOND THE BUILDING SETBACK LINE OR WITHIN DRAINAGE EASEMENTS. ADDITIONALLY, GRADING AND CONSTRUCTION OF FENCING SHALL NOT BE ALLOWED WITHIN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT MAP UNLESS OTHERWISE APPROVED BY KING COUNTY D.D.E.S. OR ITS SUCCESSOR AGENCY.

2. THIS PLAT IS SUBJECT TO KING COUNTY CODE NO. 14.75, KING COUNTY ROAD MITIGATION PAYMENT SYSTEM (MPS). THE MPS FEES PLUS THE MPS ADMINISTRATIVE FEE SHALL BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION AT THE RATE IN EFFECT AT THAT TIME.

3. THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLAN AND PROFILE, PLAN NO. P2632, A-J ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (D.D.E.S.). ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY D.D.E.S.

4. THE HOUSE ADDRESS SYSTEM FOR THIS PLAT SHALL BE AS FOLLOWS: ADDRESSES SHALL BE ASSIGNED FOR THE NORTH-SOUTH ROADS WITHIN THE RANGE OF 1300 TO 1351 AND WITHIN THE RANGE OF 22800 TO 23099 FOR THE EAST-WEST ROADS. INDIVIDUAL ADDRESSES WILL BE ASSIGNED TO THE PRINCIPLE ENTRANCE OF EACH RESIDENCE OR BUILDING IN ACCORDANCE WITH KING COUNTY CODE 16.08.

5. TRACTS A AND B, COMMON OPEN SPACE/PARK, ARE HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS TO THE REDHAWK HOMEOWNERS ASSOCIATION.

6. TRACT C, PUBLIC STORMWATER DETENTION FACILITIES, IS HEREBY GRANTED AND CONVEYED TO KING COUNTY OR ITS SUCCESSOR AGENCY FOR DRAINAGE PURPOSES.

7. THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO OR FROM 228TH AVE. STREET FROM PROSE LOTS IN THE SUBJECT PLAT WHICH ABUT RESIDENCE UNLESS AS PROVIDED AS FOLLOWS: THE EXISTING DRIVE ON 228TH AVE. S.E.T. AT SUCH TIMES THIS DRIVE ACCESS FROM EITHER REPLACED OR SIGNIFICANTLY REMODELED AS DETERMINED BY CODES PERMITTED.

8. ALL BUILDING DOWNSPOUTS, FOOTING DRAINS AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS NO. P2632, A-J.

9. ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (DES) AND/OR THE KING COUNTY DEPARTMENT OF TRANSPORTATION, THIS PLAN SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED AND APPROVED PRIOR TO THE FINAL BUILDING INSPECTION APPROVAL. ALL INDIVIDUAL SUB-BUILDINGS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE LOT HOME OWNER.

10. SUBJECT TO POWER EASEMENT RECORDED UNDER RECORDING NUMBER 5699715.

11. SUBJECT TO POWER EASEMENT RECORDED UNDER RECORDING NUMBER 9405182115.

12. SUBJECT TO GAS EASEMENT RECORDED UNDER RECORDING NUMBER 9405182116.

13. SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, OR OTHER SERVICITUDES, IF ANY, DISCLOSED BY BOUNDARY LINE ADJUSTMENTS RECORDED UNDER RECORDING NUMBERS 9405311767 AND 20000306900018.

14. SUBJECT TO RESERVATIONS AND EXCEPTIONS CONTAINED IN DEED FROM NORTHERN PACIFIC RAILROAD COMPANY RECORDED UNDER RECORDING NUMBER 136477.

15. SUBJECT TO DEVELOPER EXTENSION AGREEMENT RECORDED UNDER RECORDING NUMBER 9704161058.

16. SUBJECT TO RIGHT TO MAKE NECESSARY SLOPES, FOR CUTS AND FILLS BY KING COUNTY DESCRIBED IN DEED RECORDED UNDER RECORDING NUMBERS 5615490 AND 5526450.

17. ANY SUBSEQUENT SUBDIVISION OF LOT 13, 29 AND 30 WITHIN THE DETENTION AND WATER QUALITY STANDARDS EFFECT AT THAT TIME, EXCEPTIONS TO THE DRAINAGE EASEMENTS BASED ON THRESHOLDS WILL NOT BE ALLOWED WITH ANY FUTURE SUBDIVISION OF LOT 13.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, U.S. WEST, AT&T CABLE, SAMMAMISH PLATEAU SEWER AND WATER DISTRICT, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND, CONDUITS, CABLES, PIPE, AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, AND UTILITY SERVICE TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT OR FOR TELEPHONE USE, CATV, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES, SHALL BE PLACED OR PERMITTED TO BE PLACED UPON ANY LOT OUTSIDE THE BUILDINGS THEREON UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO THE BUILDING.

PRIVATE DRAINAGE EASEMENT PROVISIONS

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 24, 25 AND 26 IS FOR THE BENEFIT OF LOTS 22 AND 23. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 24, 25 AND 26 IS FOR THE BENEFIT OF LOTS 22 AND 23. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 29 AND 30 IS FOR THE BENEFIT OF LOTS 27, 28 AND 31. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 33 AND 34 IS FOR THE BENEFIT OF LOTS 31, 32 AND 35. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 35, 36 AND 37 IS FOR THE BENEFIT OF LOTS 33, 34 AND 38. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 39, 40 AND 41 IS FOR THE BENEFIT OF LOTS 37, 38, 40 AND 41. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

THE 10' PRIVATE DRAINAGE EASEMENT WITHIN LOTS 43, 44, 45 AND 46 IS FOR THE BENEFIT OF LOTS 41, 42, 44 AND 45. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE, AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES USED IN COMMON.

NOTE: BASIS OF BEARING W/4 CORNER (IND. MON.) SEC. 3, T. 24 N., R. 6 E., W.M. = N88°12'58\"/>



D.D.E.S. FILE NO.: L97P0013

A2



DDES

**King County
Department of Development
and Environmental Services**
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

RECEIVED

JUN 21 2000

F.S.D.C.D.
P.E.T.
PS

June 21, 2000

Matt Mathes, Special Project Planner
City of Sammamish
704 - 228th Avenue NE; PMB 491
Sammamish, WA 98053

RE: Redhawk

Dear Mr. Mathes:

The Land Use Services Division has completed the review of the final map page and supporting documents for recording the above plat (King County DDES File No. L97P0013). This review has determined that the plat has met all applicable regulations and conditions of approval. This agency's review was performed pursuant to the interlocal agreement between the City of Sammamish and King County.

Based on that review, the County recommends that the final map page mylars be approved and signed by the City, then forwarded to the King County Records and Elections Office to be recorded. To assist in your discretionary decision, we are forwarding a copy of the key file documents to you at this time.

A performance bond in the amount of \$189,690 has been furnished to King County to guarantee all required road and storm drainage improvements are completed within two years of the date of recording. Also a surety in the amount of \$21,725 has been furnished to King County to guarantee that the recreation facilities and landscaping are completed. These financial guarantees are transferable to the City. Also a plat recording fee in the amount of \$56 has been paid. It is our understanding that King County will continue to provide on-site inspections of road and drainage work on behalf of the City under the terms of the agreement.

After obtaining the city approvals, please deliver the plat mylars together with one copy and a copy of this letter to the King County Assessor's Office for processing. For information, call Nimpa Gucco with the Assessor's Office at (206) 296-5140.

At the time of recording, please send a copy of the recorded plat to Shirley Goll in care of King County at the address above. If you have any questions on this letter, please contact Steve Van Patten at (206) 296-7197.

Sincerely,

James H. Sanders, P.E., Development Engineer
Land Use Services Division

Enclosures

- cc: Applicant: Jim Tosti, 7981 - 168th Avenue NE, Redmond, WA 98052
- Joe Miles, P.E., Supervising Engineer, Engineering Review Section, Land Use Services Division
- Raymond E. Florent, P.L.S., Senior Engineer, Engineering Review Section, LUSD
- Steve Van Patten, P.L.S., Engineer, Engineering Review Section, Land Use Services Division
- Steve Townsend, Supervising Engineer, Land Use Inspection Section, Land Use Services Division

B

June 16, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
850 Union Bank of California Building
900 Fourth Avenue
Seattle, Washington 98164
Telephone (206) 296-4660
Facsimile (206) 296-1654

From SDCD
FILE
DP

REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION.

SUBJECT: Department of Development and Environmental Services File No. L97P0013

REDHAWK

Application for Preliminary Plat Approval

Location: Generally between 228th Avenue SE and 233rd Avenue SE, and SE 13th Street and SE 14th Street (if constructed)

Applicant: Greg Sahar
Wellington-Morris Corporation
10335 Main Street, #8
Bellevue, WA 98004

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	March 21, 1997
Notice of complete application:	August 6, 1997

EXAMINER PROCEEDINGS:

Pre-Hearing Conference:	May 4, 1998
Hearing Opened:	June 8, 1998
Hearing Closed:	June 8, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Road design
- Surface water conveyance

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer:	Wellington-Morris Corporation 10335 Main Street, Suite 8 Bellevue, WA 98004 (425) 455-2929
Engineer:	Group Four, Inc. 16030 Juanita-Woodinville Way NE Bothell, WA 98011 (206) 362-4244
Location:	Generally between 228 th Avenue SE and 233 rd Avenue SE, and SE 13 th Street and SE 14 th Street (if constructed)
STR:	03-24-06
Zoning:	R-8-P
Acreage:	7.57
Number of Lots:	45
Density:	6.13 dwelling units per acre
Typical Lot Size:	Approximately 3,000 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Sammamish Plateau Water & Sewer District
Water Supply:	Sammamish Plateau Water & Sewer District
Fire District:	#10
School District:	Issaquah School District No. 411
Complete Application Date:	August 6, 1997

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 8, 1998 public hearing are found to be correct and are incorporated herein by reference. The LUSD Staff recommends approval of the application, subject to conditions.
3. A preliminary plat application was filed by the Wellington-Morris Corporation with a vesting date of August 6, 1997 to subdivide 7.57 acres into 45 lots for single-family residential development. The property is zoned R-8-P and is located within the rapidly developing area of the Sammamish Plateau which adjoins 228th Avenue SE, and lies south of SE 8th Street.

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4. A Mitigated Determination of Nonsignificance was issued March 3, 1998 for the Redhawk proposal. The MDNS conditions require construction of an interim southbound left-turn lane and northbound right-turn radius on 228th Avenue SE at the project entrance, as well as treatment of project surface water run-off for phosphorous removal. A timely appeal of the MDNS was filed by D.A. Alexander, raising issues relating to the proposal's traffic impacts and the effects of surface water drainage on the downstream system. This appeal was withdrawn on May 14, 1998.
5. Although this project will contribute traffic to already-congested arterial corridors serving the Sammamish Plateau, due to its relatively small size it will meet the County Intersection Standards threshold of 30 peak hour trips only at the project's entrance onto 228th Avenue SE. The MDNS traffic condition deals with turning issues at this location and will mitigate project impacts to a satisfactory level of service. The project has also been issued a road variance authorizing less than 1,000 feet of spacing between intersections, an action which will facilitate a four-way intersection (created in conjunction with the Redford plats on the west side of 228th Avenue SE) at a location where sight distance requirements can be met. In addition, the applicant has agreed to dedicate a slope easement adjacent to the 228th Avenue SE right-of-way to accommodate future construction of the County's lane-widening CIP project.
6. Finally, the project has been granted a surface water diversion variance permitting flows from the easternmost one acre of the site to be redirected to the 228th Avenue SE ditch system after detention and treatment on-site. This will allow consolidation of drainage facilities and the avoidance of increased flooding within the Claremont subdivision and other downstream properties off-site to the east.

*check or
intersect
distance*

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval recommended herein, including dedications and easements, will provide improvements which promote legitimate public purposes; are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of REDHAWK, as revised and received on April 3, 1998, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall also meet the minimum dimensional requirements of the R-8 zone

classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services (DDES).

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. The applicant must obtain the approval of the King County Fire Protection Engineer, regarding compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Water and Land Resources Division. Compliance may result in altering the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements which apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. LUSD approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by LUSD Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
8. A surface water diversion variance (L97V0155) was applied for and approved for this subdivision. All conditions of approval for this variance shall be met, and reflected in the subdivision engineering plans at the time of their submittal.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat

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recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time the plat application vested (August 6, 1997) and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.

11. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 12532 which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. The following road improvements are required for this subdivision, and shall be consistent with the 1993 King County Road Standards (KCRS):
 - a. Road A shall be improved to the urban subcollector standard, as permitted by KCRS Sec. 2.21. The westerly 150 feet of the driving surface of Road A shall be 36 feet wide, in accordance with KCRS 2.03, Footnote #9. Per KCRS 2.21, street trees shall be provided along Road A, and along Road C south of Road A (see Condition 18 below).
 - b. Roads B and D shall be improved to the urban subaccess standard.
 - c. Road C shall be improved to the urban half-street standard.
 - d. The frontage of the property along 228th Ave. SE shall be improved to the urban principal arterial standard, including provision for a bike lane. These road improvements may be reduced to an interim improvement standard, as determined by LUSD, if the County's Capital Improvement Project for 228th Ave. is within one year of construction. If an interim improvement is permitted, LUSD may require the installation of curbing to separate the driving surface from the shoulder, in order to provide safe walking conditions for students walking to school.
 - e. The subject plat shall conform with Road Variance L97V0006. The intersection of Road A/228th Ave. SE shall align with the access serving the Redford Ranch developments (File Nos. B97C0073, L97P0012 and L97P0014), unless modified by the Engineering Review Section, LUSD.
 - f. Modifications to the above road conditions may be considered, per KCRS Section 1.08.
13. The access easement which crosses the subject property and adjoins the north boundary of the site (Recording No. 9405182119) shall be vacated.
14. There shall be no direct vehicular access to or from 228th Ave. SE from those lots in the subject plat which abut this street, except as provided as follows. The existing residence on Lot 1 may continue to have direct access from 228th Ave. SE. At such time as this residence is either replaced, or significantly remodeled as determined by DDES, direct access to 228th Ave. shall no longer be permitted. A note to this effect shall appear on the final plat and engineering plans.

Was this requirement waived?

- 15. Twenty feet of additional right-of-way for 228th Ave. SE shall be dedicated to King County along the west property line of the site, allowing for 50 feet of right-of-way from centerline. In addition, a slope easement shall be dedicated to King County, consistent with Exhibit No. 19, for the construction of planned road improvements on 228th Avenue SE associated with the County's Capital Improvement Program; provided that, this requirement may be waived by the King County Department of Transportation.
- 16. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180 and 21A.14.190. A recreation space improvement plan shall be reviewed and approved by LUSD and the King County Parks Division, prior to engineering plan approval.
- 17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation areas.
- 18. Street trees shall be provided along Road A and the portion of Road C which lies south of Road A, as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
 - c. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization, unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES, and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

The following conditions have been established under SEPA authority as necessary to mitigate the adverse environmental impacts of this development. The applicant shall demonstrate compliance with these items prior to final approval.

- 19. The developer shall construct an interim southbound left-turn lane and northbound right-turn radius on 228th Avenue SE at the project entrance. Channelization and illumination plans shall be coordinated with construction plans for access to the Redford Development directly across from the Redhawk access.

At final plat recording, construction of the southbound left-turn lane may be waived if:

- a. King County's Capital Improvement Project to widen 228th Avenue SE, along Redhawk's frontage is within 12 months of construction; and
- b. An opposing northbound left-turn lane on 228th Avenue SE has not been constructed by the Redford development.

- 20. Runoff from impervious surfaces subject to vehicle use or storage and/or transfer of chemicals, petroleum products or wastes must be treated to remove 50% of the annual average total phosphorous concentration before discharge to Lake Sammamish or its tributaries (either natural or engineered). This goal may be met by treating the water quality flow (defined below) with one of the following three on-site treatment options. The design of the facilities shall be approved by King County Water and Land Resources Division (WLRD). Other options that provide an equivalent level of pollutant removal are also acceptable, but must be approved by WLRD.

Option 1: A large wetpond having a dead storage volume of at least 4.5 times the runoff from the mean annual storm. The mean annual storm is determined by dividing the annual rainfall (in inches) by the number of storms in a typical year. In the Lake Sammamish area, the mean annual storm ranges from about 0.47 to 0.56 inches.

Option 2: A large sand filter treating 95% of the annual average runoff volume as computed by the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond or vault must be provided prior to the sand filter. The presettling pond must be sized to hold a volume of 0.75 times the runoff from the mean annual storm.

Option 3: A two-facility treatment train, with the first facility sized to treat the water quality flow (see below), and the second facility a sand filter sized to treat the flow from the first facility, or 90% of the annual average runoff volume as computed by the KCRTS time series.

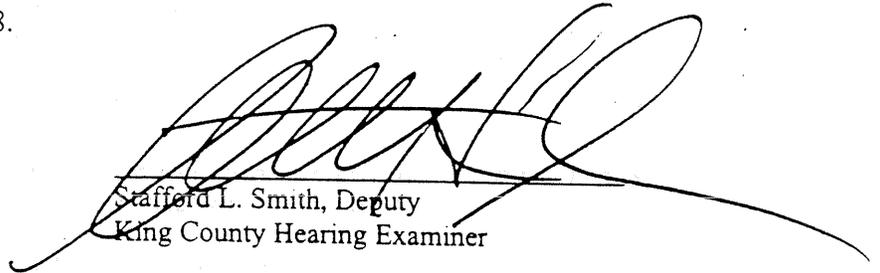
Which option is chosen?

The water quality flow is defined as one of the following:

- the flow generated by 64% of the 2-year 24-hour precipitation (SBUH model).
- the flow generated by 60% of the developed 2-year peak flow rate (KCRTS model), or
- the flow associated with 95% of the annual average runoff volume in the KCRTS time series (typically restricted to sand filter sizing).

This condition is in lieu of the biofiltration required under Core Requirement #3 in the King County Surface Water Design Manual.

ORDERED this 16th day of June, 1998.



Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 16th day of June, 1998 to the parties and interested persons shown on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before June 30, 1998. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before July 7, 1998. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

FACSIMILE TRANSMISSION FORM

KENYON DORNAY MARSHALL, P.S.

Attorneys at Law

11 Front Street South
Issaquah, Washington 98027-3820
Telephone: 425 392 7090
Fax: 425 392 7071

**TO: Ruth Muller
David Sawyer**

FAX NO.: 425 898 0669

FROM: Bruce Disend

RE: Redhawk Plat Approval

DATE SENT: July 12, 2000

NUMBER OF PAGES (including cover sheet): 7

COMMENTS: Ruth, would you please distribute copies of the enclosed memo to Council (and Mike Wilson) and ask them to review it prior to the discussion on the Redhawk plat. Thank you.

NOTICE: The information contained in this facsimile may be confidential and/or privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, distribution, or copying of this facsimile is prohibited. If you have received this facsimile in error, please notify us immediately by a collect telephone call and return the facsimile to the above address via U.S. postal service. Any costs incurred in returning the facsimile will be reimbursed. Thank you.

KENYON DORNAY MARSHALL, P.S.
Attorneys at Law

11 Front Street South
Issaquah, Washington 98027-3820
Telephone: 425 392 7090
Fax: 425 392 7071

TO: Sammamish City Council
Michael Wilson, City Manager

FROM: Bruce Disend

DATE: July 12, 2000

RE: Preliminary Plat Approvals

At the City Council meeting held on July 5th, Council considered approval of the Redhawk preliminary plat. Approval of the plat was postponed so that staff could respond to questions raised by members of the Council.

I will be unable to attend the special meeting scheduled for this evening. Consequently, I wanted to provide you with some additional information concerning the scope of Council's authority to approve or deny the plat.

State law governs the plat approval process and requires Council to inquire into the public use and interest proposed to be served by the establishment of the subdivision. RCW 58.17.110 (1). Approval shall not be granted unless Council finds that appropriate provisions are made for the public health, safety and general welfare and for such things as open spaces, drainage, streets, etc. RCW 58.17.110 (2).

Although the language of the state statute is rather broad, the scope of Council's authority to approve or disapprove plats has been limited by the decisions of our courts. The courts have generally ruled that, so long as a proposed plat conforms to the applicable land use laws and regulations, the plat must be approved. It is my understanding that the Redhawk plat does meet the requirements of all applicable land use laws and regulations.

Attached are two opinions issued by Municipal Research Services that may assist you in understanding the scope of your authority. The first opinion (labeled No. 1) discusses Council's ability to deny a preliminary plat based upon public interest factors. Although the issues affecting the subdivision discussed in the opinion are not applicable to the Redhawk plat, the principles discussed are relevant to Redhawk. As the opinion notes, the authority of the Council to deny a plat must rest upon the specific standards set out in state law and local ordinance.

The second opinion is provided simply to illustrate how the principles discussed in the first opinion may be carried out. The second opinion raises the question of whether a city could approve a preliminary plat when there was a discrepancy concerning the survey of the plat. The answer is contained in the first sentence of the opinion: "If the subdivision meets all of the legal requirements, the council is required to approve the plat."

The consequences of not approving a plat that meets all legal requirements can be serious. If Council's disapproval was determined to be unlawful, or arbitrary and capricious, the City might well face substantial damage claims.

It is my hope that the foregoing information will be of assistance to you.

INQUIRY NO.: 97-3036
 DATE: 7/10/97
 CONSULTANT: Pamela James, Legal Consultant
 LIBRARY CODE: PL 2.1125
 INQUIRY: What authority does the council have to deny a preliminary plat application based upon public interest factors?

You have asked for our review of an application for a preliminary plat. As I understand the facts, the application for preliminary plat approval would involve the division of 4.9 acres into 19 lots and public streets. After planning commission review and a public hearing, the commission recommended approval subject to several conditions. Planning staff also recommended approval with modification of conditions. Noted in the Planning Commission's Findings of Fact is the concern of three lot owners with property adjoining the proposed subdivision. They presented information regarding earnest money agreements which they entered into with the applicant which give them the right to exercise an option to purchase land within the proposed subdivision, conditioned on final approval of the plat. These adjacent owners are concerned because the agreements they have entered into with the applicant are not reflected in the preliminary plat application. The city planning staff has determined that the boundary line adjustments which would be required after sale of property to adjoining owners would be complex and possibly involve multiple lots in order to insure that the remaining parcels complied with city standards. Planning staff suggested that the applicant revise the existing design of the proposed preliminary plat to provide a lot layout which would easily accommodate the future land transactions noted in the earnest money agreements. However, the applicant decided to continue with his present design.

You specifically question the extent of council authority to deny a preliminary plat application based upon "public interest" factors. In this case, the "public interest" factors are not related to specific city ordinances or statutory regulations. Rather, they involve the council's concern regarding the private agreements between the applicant and several adjacent property owners. The real question then is whether the council has the discretion to deny this application based on council's conclusion that the public interest would be best served by requiring the applicant to resolve all private disputes with the adjoining property owners before resubmitting his application. As you will note from the following analysis, there is no definitive answer to this question, but I see no firm legal basis for the city council to deny the proposed plat.

State law mandates that subdivision regulation be administered uniformly by local jurisdictions in accordance with the requirements of chapter 58.17 RCW. The statutory process requires the local planning agency or commission to review all preliminary plats and make recommendations to the city council

to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted

by the city.

RCW 58.17.100. Planning commission reports are advisory only, and the sole authority for subdivision approval resides with the city council. RCW 58.17.110 requires the council to inquire into the public use and interest proposed to be served by the establishment of the subdivision; and (a) determine if appropriate provisions are made for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites

for schools and school grounds, and (b) determine whether the public interest will be served by the subdivision and dedication. The subdivision statutes grant discretionary power to the city council to consider all facts deemed to be relevant and designed to further the public interest in the adoption or rejection of a plat. It is the council's duty to weigh the evidence and then exercise its discretion.

As you can see, the statute itself does not define the limits of the discretion which the council may exercise. However, there is a body of land use expertise and caselaw in this state which affords some guidance in making this determination. Professor Richard Settle has stated in his book, *Washington Land Use and Environmental Law and Practice*, at page 89, that

Discretionary regulation ideally is tailored to the specific proposal providing maximum protection to public interests without unnecessarily burdening the developer.

In his treatise, *The Law of Zoning and Planning*, Professor Rathkopf acknowledges that cities and towns have been granted broad authority by the state to control the development of areas in and adjacent to them. However,

public policy requires that this authority be exercised in a standardized and clearly defined manner so as to enable both the landowner and the municipality to act with assurance and authority regarding the development of such areas.

Chapter 66, §66.07[2].

State law, chapter 58.17 RCW, grants discretionary power to the city council to consider all facts deemed by it relevant and designed to further the public interest in the adoption or rejection of a plat. *Jones v. Town of Woodway*, 70 Wn.2d 978, 983. However, the authority of a city council to deny a landowner the right to develop his property by refusing to approve a plat must rest upon the specific standards set out in state law and or local ordinance. In *Norco Construction v. King County*, 97 Wn.2d 680, 688 (1982), the state supreme court stated that to interpret terms such as public health, safety and welfare,

... as conferring unlimited discretion upon the council would make the other sections of the platting statute meaningless and place plat applicants in the untenable position of having no basis for determining how they could comply with the law.

In another case in which a court was asked to review a denial of a subdivision application, *Carlson v. Beaux Arts Village*, 41 Wn.App. 402, 408 (1986), the court of appeals observed that although the applicant had complied with all applicable enacted ordinances in submitting its application for a subdivision, the application was nevertheless denied based upon "the best interests of the town's citizens." In overturning the denial, the court stated that

To allow the Town Council to deny the application based on the "best interests of the Town's Citizens" would put the Carlsons, like the applicants in *Norco*, in the predicament of having no basis for determining how they could comply with the law.

It is impossible for me to predict the outcome of a challenge to the council's action if it denies this plat application based on private agreements outside of the application process. In light of the caselaw and land use principles that I have reviewed in my research, it seems very possible that our Washington courts could find that the the City Council abused its discretion by denying the subdivision application on this basis. As both the planning staff and the planning commission have pointed out in their reports and in the findings of fact, the preliminary plat and street dedication are consistent with the comprehensive plan and the city planning standards and specifications. Furthermore, it appears that all of the requirements of RCW 58.17.110 have been met. In my opinion, the basis for rejection is a type of limited "public interest" which is outside of the council's authority. In other words, the agreements into which the applicant has entered

are private agreements which have no direct bearing on the merits of the proposed subdivision in light of pertinent state and local subdivision standards. As the court said in the *Norco* case, an applicant has the right to have a decision based upon relevant factors.

I recognize the sensitive position in which the council finds itself, especially in light of the applicant's past actions and behavior. Unfortunately, the council has no authority to mitigate private disputes, or enforce private agreements. These matters must either be resolved by the contracting parties or by the court.

The above analysis and opinion is based on my understanding of the facts in this case and relevant state law. This is my opinion only, and consequently, I urge you to share this analysis with your own city attorney. He is in the best position to advise on this matter.

I hope this has been helpful for you. Please feel free to contact me if you'd like discuss this further.

INQUIRY NO.: 96-2973

DATE: 5/20/96

CONSULTANT: Jim Doherty, Legal Consultant

LIBRARY CODE: PL 7.1100 (LAND USE PLANNING, ZONING, SUBDIVISION - Plat application and approval, conditions)PL 7.6000 (LAND USE PLANNING, ZONING, SUBDIVISION - Rights and liabilities of subdividers and property owners)

INQUIRY: Should the city approve the preliminary plat of a subdivision if the city is aware that there is a discrepancy concerning the survey of the plat due to confusion concerning the section corner?

If the subdivision meets all of the legal requirements, the council is required to approve the plat. The survey discrepancy must be noted on the face of the plat, so that all potential purchasers of lots are aware of the survey conflict. See RCW 58.09.090. The city cannot require that the survey conflict be resolved as a condition of granting subdivision approval. Because the section corner discrepancy involves dozens of parcels, litigation to resolve the survey problem may be protracted. The city is absolved of its liability for the survey discrepancy as long as the face of the plat clearly indicates the survey conflict. Purchasers of lots can obtain extended title insurance coverage if they wish to protect themselves from the costs or consequences of such litigation. Purchasers of lots may not be able to obtain extended title coverage at a reasonable cost, in which case they can either decide to not purchase, or they can go ahead and purchase, and deal with the survey discrepancy when litigation is finally commenced. I also reviewed this issue with the city attorney, who agreed with my conclusion.

Dick Thiel

*July 12, Study
Session*

From: Shawn Koorn [skoorn@grpwise.ees-1.com]
Sent: Wednesday, July 12, 2000 3:13 PM
To: tplatin@ch2m.com
Cc: Dthiel@ci.sammamish.wa.us
Subject: SDC charges (update)



sammamis.xls

There was an update to the list which moves the charge to \$600. I have included the file for you, with the updates on it. There is still no ordinance because there has been no contact with the City Attorney. Here is a little background on SDC's that may help you.

Purpose:

- To charge new customers an equitable share of the cost of infrastructure to serve their needs.
- Charge includes only that part of the cost of capital improvements which provide for new capacity - not renewals and replacements.

Criteria in the determination of SDC's:

Easy to Understand-

- Charge based on consistently applied methodology
- Charge set on usage characteristics
 - Land use codes - Follow existing approach

(per ERU).

System Planning Criteria-

- Charge Should be based on system planning criteria.
- Charges for future construction of infrastructure should be based on an approved planning document

System Financing Criteria-

- Charge should reflect time value of money
 - Existing capacity
 - Future capacity
- Charge should reflect financing practices
 - Bonds / Loans
 - Grants
 - Contributed capital

State Law-

- Pro-rated share of facilities
- Contributed capital
- Interest Charges (not to exceed 10 years)

Customer Acceptance-

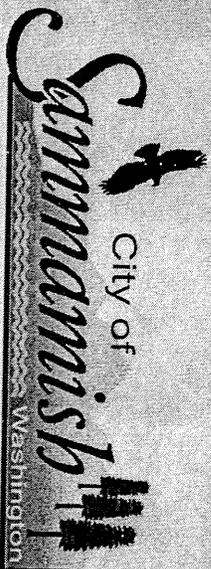
- Fair and equitable
- Public Hearing Process
- Notification Period

SDC Methodology-

- Determination of equivalent units
- Calculation of average and future capacity costs
- Calculation of buy-in costs (growth related costs)

- Calculation of Credits
- Determination of net SDC

I hope this helps. This was from a different project but the guidelines are still the same.
Thanks
Shawn.



July 12 Study Session

Stormwater Management Comprehensive Plan

Public Involvement Meeting #1

June 20, 2000

Dick Thiel, City Engineer

Teresa Platin, CH2M HILL Project Manager

John Hoey, CH2M HILL Policy Specialist

CH2MHILL / EES Team

Task 1:
**System Inventory and
Drainage Network Basemap**

- To be created by the Sammamish Plateau Water and Sewer District
- Document drainage network and quantify facility information

Task 2:
**Evaluate Specific Surface
Water Storage and/or
Conveyance Systems**

- Identify areas requiring detailed analysis
- Devise strategy to efficiently complete analyses

Project Implementation



