

**CITY OF SAMMAMISH
CITY COUNCIL AGENDA
REGULAR MEETING
February 7, 2001**

Wednesday, February 7, 2001, 7:30 p.m., 486 228th Ave. N.E., City Hall Chambers

	<i>Approximate Time</i>
<u>CALL TO ORDER</u>	7:30 pm
<u>ROLL CALL/PLEDGE</u>	
<u>INTRODUCTIONS OF SPECIAL GUESTS/PRESENTATIONS</u>	7:35 pm
1. Approval of Agenda	7:40 pm
2. Executive Session – If necessary	
3. Mayor/Council/Committee Reports	7:55 pm
4. Public Comment (For members of the public to speak to the Council regarding items <u>NOT</u> on the agenda. Please limit remarks to three minute. Additional comments will be permitted before each ordinance is voted on)	8:05 pm
5. Consent Calendar	8:15 pm
a) Claims for period ending February 7, 2001 in the amount of \$824,185.05	
b) Payroll for pay period/pay date January 20, 2001 totaling \$83,978.34 and for pay period/pay date February 5, 2001 totaling \$85,676.52.	
c) Minutes for January 17, 2001 Regular Meeting	
d) Minutes for January 24, 2001 Special Meeting	
e) Eastside Transportation Partnership Annual Dues	
6. Public Hearing	8:20 pm
a. Extension of land use moratorium	
7. Unfinished Business	
a. Discussion – Final Design Decision for 228 th Street SE Transportation Improvement Project	8:35 pm

- b) **Resolution: Call for the Vote on Formation of the Beaver Lake Management District** 8:55 pm
- 8. **New Business**
 - a) **Ordinance: Land Use Moratorium Extension** 9:05 pm
 - b) **Ordinance: Granting authority to City Manager to execute contracts for easements and rights-of-way purchases without Council approval** 9:15 pm
 - c) **Resolution: Final Plat Approval/Willamette @ Sammamish Highlands** 9:30 pm
 - d) **Resolution: Final Plat Approval/Beaver Crest**
 - e) **Contract: Public Works Director** 9:40 pm
 - f) **Contract Supplement #2: Additional Design for 228th Avenue Phase 1b with Inca Engineering** 9:50 pm
- 9. **ADJOURN** 9:55 pm

CITY COUNCIL ROLL CALL

DATE: February 7, 2001

<u>NAME</u>	<u>PRESENT</u>	<u>EXCUSED</u>	<u>ABSENT</u>
Mayor Troy Romero	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Ken Kilroy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jack Barry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phil Dyer	<input checked="" type="checkbox"/>	<input 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"/>

From: Bill Baldwin <bbaldwin@baldwinrgi.com>
To: 'jack.barry3@gte.net' <jack.barry3@gte.net>
Date: Wednesday, February 07, 2001 5:31 PM
Subject: FW: Roundabouts

> -----Original Message-----

> From: Bill Baldwin

> Sent: Wednesday, February 07, 2001 5:29 PM

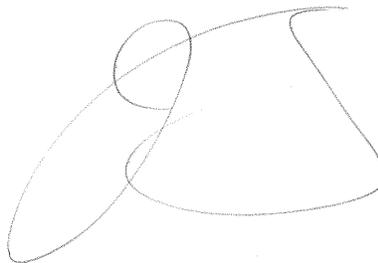
> To: 'jack.barry3@gte.net'

> Subject: Roundabouts

>

> Jack, Just a quick note on the above subject. While our PAB voted to
> recommend the one roundabout as an experiment I would caution the council
> to read the total recommendation. We are not so sold on the concept that
> it be put in place at any cost. If traffic engineering feels it is not
> feasible or if the emergency services are not sold on the concept for life
> safety reasons, then let's not do it. The reason we want the wide
> intersections is so we can modify them to roundabouts at a later date once
> we know what the entire overall traffic plan is for our city. We will have
> more information at a later date as to the effectiveness of roundabouts in
> our area, based on known facts, not predictions. The main thing is, we
> want to have the flexibility to change as our community changes. Everyone
> wants to alleviate traffic as much as possible, but no one seems to want
> to try something different to accomplish that goal. We know one thing for
> sure, standard traffic designs and small, signaled intersections do not
> relieve traffic. I hope this helps the council on their vote tonight. Bill
> Baldwin, PAB Chairman

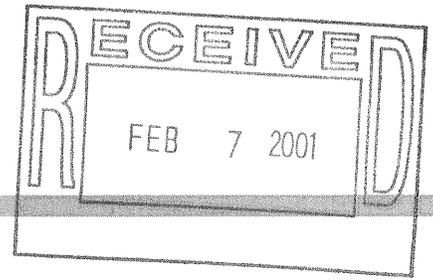
For the Record

A handwritten signature in black ink, appearing to be the initials 'JB' or similar, written in a cursive style.



SAMMAMISH PLATEAU

WATER AND SEWER DISTRICT



February 7, 2001

Mayor Troy Romero
City of Sammamish
704 - 228th Ave NE
PMB 491
Sammamish, WA 98074

RE: Consideration regarding Water Certificates

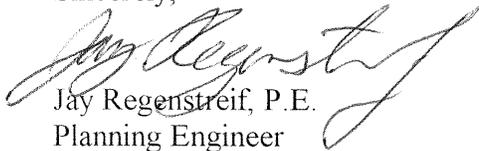
Dear Mayor Romero:

The Sammamish Plateau Water & Sewer District Board of Commissioners is considering your request regarding Certificates of Water Availability issued for developments located within the City of Sammamish. The District originally scheduled a discussion on the subject for their meeting of February 5, 2001. As you were unable to attend that meeting, the subject was tabled for discussion at the Board Meeting of February 12, 2001. The meeting starts at 3 PM, and is held at the District office.

The Board would like to hear input from the City as part of the discussion. If you or another City representative will not be able to attend the February 12th meeting, the subject can be rescheduled to a time that is better suited for a full discussion.

District staff has provided information to the District Board for use in the discussion. A copy of this information is enclosed for your review prior to the meeting. If you have additional material, and can provide it to District staff by Friday morning, it can be included in the packet the Board will have for consideration prior to the meeting.

Sincerely,



Jay Regenstreif, P.E.
Planning Engineer

Encl.

c: Ben Yazici
Ray Gilmore
City Councilpersons (w/o enclosures)

01-02-40City cert.doc

February 1, 2001

To: Board of Commissioners

From: Jay Regenstreif, P.E.

Subject: Certificates of Availability for Projects within the City of Sammamish

The District recently received a letter from Mayor Romero requesting the District consider:
Granting certain applicants for Water Certificates an indefinite extension so long as the City's building moratorium is in place.

The letter goes on to explain the City's building moratorium and their "hardship exception." Several applicants have appeared before the City Council and requested a hardship exception because the Water Certificates of Availability would have expired before the building moratorium was lifted. The City Council has granted these exception requests in almost all cases.

The District Board of Commissioners considered this subject at their August 9, 1999 meeting. Property owners applying for development within the City of Sammamish had raised this subject. At the August 9, 1999 meeting, the Board of Commissioners determined to continue the water allocation policy as it had been implemented in June 1998. The primary reason was to not create a preference for a certain type of property owner.

Several pieces of information are attached as background for your re-consideration of this issue.

- Letter from City of Sammamish Mayor Romero dated January 9, 2001
- City of Sammamish Ordinance No. 02000-68 extending their Moratorium
- District Staff memo dated August 4, 1999 regarding Certificates for projects within the City.
- Confidential Memo from Dan Mallove dated August 6, 1999 regarding the issue.
- Minutes from Board meeting of August 2, 1999 (subject first presented)
- Minutes from Board meeting of August 9, 1999
- Notice of City Moratorium sent with Allocation Opportunity letters to developers proposing projects located within the City of Sammamish.
- Map of District Boundaries with City Boundaries and current projects imposed.
- List of development projects with Certificates issued after August 25, 1999.
- District Resolution No. 2298 setting policies and procedures for Allocation.
- Allocation Plan Flow Chart and Information.

The Board is requested to review the information presented in August 1999. The information presented then continues to be valid, with the exception that the specific projects mentioned in that memo are not being considered at this time.

As in August 1999 in general terms there are three choices available for the Board

1. Provide Certificate Updates for projects within the City of Sammamish (City Request)
2. Continue to consider requests for Certificate Updates (beyond 1 year) on a case by case basis, with no special consideration given if the project is within the City of Sammamish.
3. Provide Certificate Updates for all projects within the District upon request.

February 1, 2001

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Board of Commissioners

District staff is aware of the City's moratorium. A copy of the City's Ordinance No. 02000-68 is attached. This Ordinance contains the current moratorium on filing applications for development permits in the City of Sammamish. Part h of Section 3. Categorical Exemptions specifically states that projects with Certificates of Water Availability dated prior to August 25, 1999 would be considered for exemption from the City's moratorium. (reprinted here)

Ordinance 02000-68

Section 3. Categorical Exemptions.

h. Permits and approvals for any land use permitted by ISDC when all of the following conditions are met:

- (1) The property owner(s) applied for the right to connect to a public water supply before August 25, 1999;
- (2) The property owner(s) were granted the right to connect to a public water supply; and
- (3) The property owner(s) right to connect to a public water supply will lapse unless exercised by a completed development permit application to the City of Sammamish during the term of this moratorium.

District staff attempted to direct parties considering development within the City of Sammamish to consider the implications of the City's moratorium prior to entering into a Developer Extension Agreement. A notice (attached) was sent out with letters informing developers they had an opportunity to obtain a Certificate of Water Availability. District staff was concerned that the parties be fully informed prior to paying fees that are only partially refundable for a Certificate that has a limited time during which it can be used.

However, some developers proposing projects within the City of Sammamish continued to execute the Developer Extension Agreements and pay the fees required to obtain the Certificates. Because the projects did not meet the City Ordinance Section 3 exception requirements, applicants have been requesting a Hardship Exception provided in Section 5.

Ordinance 02000-68

Section 5: Hardship Exceptions:

In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exception from the provisions of the moratorium. The City Council may grant an exception upon a showing of such unusual or unreasonable hardship.

As District staff understands, one "hardship" claimed has been the Certificate of Water Availability expiration and due to the current limited water supply situation there would be no guarantee that another Certificate could be obtained after the City's moratorium is lifted.

A list of projects within the City of Sammamish requesting Certificates of Availability for subdivision of property after August 25, 1999 is attached.



704 - 228th AVENUE NE PMB 491 SAMMAMISH, WASHINGTON 98074 PHONE 425-898-0660 FAX 425-898-0669

January 9, 2001

Sammamish Plateau Water & Sewer District
Board President W.F. Stevligson
1510 228th Avenue SE
Sammamish, WA 98074

RECEIVED JAN 17 2001

Re: Request for Consideration regarding Water Certificates

Dear President Steve Stevligson:

Per Mr. Harmon's request from our City Council meeting, I wanted to send you a letter confirming the City Council's request that you consider granting certain applicants for Water Certificates an indefinite extension so long as the City's building moratorium is in place.

As you know, since approximately the second week that the City Council was sworn in back in 1999, we have had in place a building moratorium. The moratorium is approaching two years old. There is a significant possibility it will continue for some additional period of time.

Under the City's moratorium, there are certain exceptions, including a "hardship exception" to the moratorium. Under the hardship exception, an applicant can come before the City Council and ask to be exempted from the moratorium so that they can apply for their land use permit. While there have probably only been a dozen or so exemption requests, they nonetheless are significant as some of them request the division of property into additional plats. In many instances, we have granted the exemptions because the applicants have had Water Certificates that would have expired before the moratorium was lifted. Given the difficulty in securing Water Certificates, and no promise that water will be granted in the future, we as a City Council have, in almost every instance, granted the exemption.

Under this backdrop, it is evident to us that if the water and sewer district were to give the applicants an indefinite extension on the expiration date for their Water Certificates until 30 days from the date the moratorium is lifted, that many of these applicants would no longer have a hardship (or at least, would unlikely be granted an exemption to the moratorium). We would appreciate your consideration granting these applicants an indefinite extension on their Water Certificates. Should you choose to do so, you will assist us in trying to keep new development to a bare minimum in the City while we go through the comprehensive plan process.

Sammamish Letter 1/9/2001 1/2

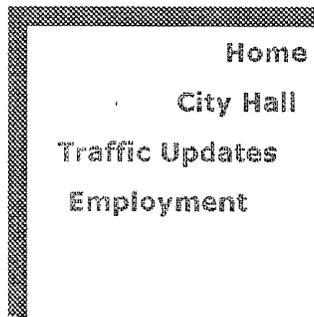
Thank you for your consideration of this request. Should you need any additional information, please feel free to contact our City's Director of Community Development, Ray Gilmore.

Very truly yours,

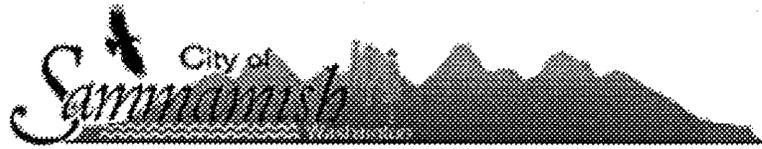
A handwritten signature in black ink, appearing to read 'H. Troy Romero', with a long horizontal flourish extending to the right.

H. Troy Romero
Mayor

Cc: Bob George, Board Commissioner
Tom Harman, Board Secretary
Ben Yazici, Interim City Manager
City Council



 [City Council](#) | [Departments](#) | [Community Links](#) | [Contact Us](#)



Ordinances

This information is provided for your convenience.
For official documents, please contact the [City Clerk](#).

CITY OF SAMMAMISH WASHINGTON

ORDINANCE NO. O2000-68

**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, RELATING TO
LAND USE AND ZONING, AND EXTENDING A MORATORIUM ON THE FILING OF
APPLICATIONS FOR DEVELOPMENT PERMITS AND APPROVALS WITHIN THE
CORPORATE LIMITS OF THE CITY OF SAMMAMISH**

WHEREAS, incorporation of the City of Sammamish was approved at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, the City of Sammamish officially incorporated on August 31, 1999; and

WHEREAS, there has been rapid and substantial growth in and around the City of Sammamish; and

WHEREAS, one of the concerns of the citizens of Sammamish which led to incorporation of the City was the impact of County land use decisions on the Sammamish community; and

WHEREAS, state law, RCW 35.02.137, authorizes the City Council of a newly incorporated city to adopt moratoriums during the interim transition period between the incorporation election and the date of official incorporation; and

WHEREAS, in accordance with state law, the City Council passed Resolution No. R99-04 on May 19, 1999, which adopted a moratorium during the interim transition period on the filing of applications with King County for development permits and approvals including, but not limited to, subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, state law, RCW 35A.63.220, authorizes the City Council to adopt moratoriums following incorporation; and

WHEREAS, a public hearing was conducted on July 28, 1999 to receive comment on the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to continue and/or modify the moratorium following the date of incorporation; and

WHEREAS, based upon the public testimony and other evidence presented at the July 28, 1999 public hearing, the City Council passed Ordinance No. O99-28, on August 25, 1999, to extend the moratorium from the date of incorporation until February 18, 2000; and

WHEREAS, a public hearing was conducted on February 9, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence presented at the February 9, 2000, public hearing, the City Council passed Ordinance No. 2000-51, on February 16, 2000, to extend the moratorium from February 18, 2000 until August 16, 2000; and

WHEREAS, a public hearing was conducted on August 16, 2000 to receive comment on the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and extended by Ordinance 2000-51 and the need to continue and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the August 16, 2000 public hearing, the City Council finds that there is a substantial basis and public support for extension of the moratorium; and

WHEREAS, in accordance with the State Growth Management Act, the City is diligently pursuing a planning process that will result in the adoption of the City's first comprehensive plan; and

WHEREAS, the City Council needs sufficient time to carefully consider the appropriate land use designations and development regulations of property within the City limits; and

WHEREAS, the City Council desires to prevent further overburdening of the existing municipal infrastructure pending completion of the City's Growth Management Act planning process; and

WHEREAS, absent an extension of the moratorium, property owners could obtain vested rights to develop their property contrary to the City's planning process; and

WHEREAS, at the time of the February 9, 2000 extension, the Council established a categorical exemption from the terms of the moratorium for property owners who applied for water certificates prior to the August 25, 1999 extension, and whose water certificates will lapse unless exercised during the term of this moratorium; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports extending the moratorium on applications for development permits

and approvals for property within the corporate limits of the City of Sammamish;

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

Section 1. Findings of Fact. The "Whereas" clauses above shall constitute findings of fact in support of the moratorium hereafter set forth and are incorporated herein.

Section 2. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;
- c. Site plan approvals;
- d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);
- e. Rezones;
- f. Building permits;
- g. Conditional use or special use permits;
- h. Communication facilities;
- i. Commercial construction in business and office zones; and
- j. Shoreline substantial development permits.

Section 3. Categorical Exemptions. Except as hereafter set forth, the terms "development permits and approvals" do not include the following:

- a. Permits and approvals for churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; park and recreational uses; and day care facilities I and II (all as defined per ISDC 21A.06);
- b. Permits and approvals for additions or alterations to existing multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;
- c. Permits and approvals for government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- d. Permits and approvals for construction of single family residences;
- e. Permits and approvals for signs;

f. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;

g. Permits and approvals for lot line adjustments;

h. Permits and approvals for any land use permitted by ISDC when all of the following conditions are met: (1) The property owner(s) applied for the right to connect to a public water supply before August 25, 1999; (2) The property owner(s) were granted the right to connect to a public water supply; and (3) The property owner(s) right to connect to a public water supply will lapse unless exercised by a completed development permit application to the City of Sammamish during the term of this moratorium.

Provided, an exemption shall not be granted if it includes the division of land; and, this moratorium shall not affect vested rights established prior to the imposition of the moratorium.

Section 4. Effective Period of Moratorium. This moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon termination of the moratorium imposed by Ordinance No. 099-51 (August 16, 2000) and shall continue in effect until February 16, 2001 unless earlier repealed, renewed or modified by the City Council as provided by state law.

Section 5. Hardship Exceptions. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exception from the provisions of the moratorium. The City Council may grant an exception upon a showing of such unusual or unreasonable hardship.

Section 6. Severability. If any section, sentence, or phrase of this ordinance should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, ON THIS 16th DAY OF AUGUST, 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:
Date of Publication:
Effective Date:

City of Sammamish 704 - 228th Avenue NE, PMB 491 Sammamish, WA 98074
Phone: 425-898-0660 Fax: 425-898-0669

August 4, 1999

To: Board of Commissioners

From: Jay Regenstreif

Subject: Certificates of Availability for Projects within the City of Sammamish

Existing Certificate of Availability Policy

The District has issued King County Certificates of Water Availability for many projects within the District boundaries. The general District policy regarding these Certificates validity follows.

LENGTH OF CERTIFICATE VALIDITY (existing District policy)

Development Type	Developer Extension Agreement Required	Length of Certificates Validity (until used with a complete application.)
1 ERU Single Family Residential	NO	1 year
1 ERU Single Family Residential (new facility construction required)	YES	6 months* (1 year)
Short Plat (SF residential - 2 to 4 lots)	YES	6 months* (1 year)
Plat (SF residential - > 4 lots)	YES	6 months* (1 year)
Multi-Family	YES	6 months* (1 year)
Commercial/Industrial	YES	6 months* (1 year)
Public-Institutional – not Tax Supported	YES	6 months* (1 year)
Public-Institutional – Tax Supported	YES	6 months # (1 year)

* The Board considers requests for a six-month extension on a case by case basis.

The Board considers requests for extensions on a case by case basis, but has exempted Tax Supported Public Agency projects from the Water Allocation.

Once a Certificate has been presented to and accepted by King County as part of a complete project application, the Developer has satisfied those conditions of the Certificate and Developer Extension Agreement, and the water remains allocated. As long as the project remains an active project with the County, the Certificate is active with the District.

District policy for Certificates is the same across the District. The only difference is the ability to acquire a Certificate, which is much easier in the Cascade View Zone of the District.

Certificates issued for projects requiring a Developer Extension Agreement require payment of a portion of the General Facility Charges. If a project is terminated the District considers refunding up to one half of the General Facility Charges. The un-refunded General Facility Charges remain associated with the property as a credit in dollars against future General Facility Charges. These policies were established to: 1) discourage "speculation" of more water and sewer than would reasonably be required for a project; and 2) collect the funds to support construction of capital projects required to serve the developments.

Since the Water Allocation procedure has been implemented the Board has generally denied requests to Update Certificates beyond 1 year from the Certificates original issuance.

August 4, 1999

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Board of Commissioners

Projects within the City of Sammamish boundary Requests to Maintain Certificates of Availability Validity Beyond One Year from Original Issuance

District staff have received inquiries from a handful of projects on whether the District will maintain a Certificate of Availability's validity beyond one year of the Certificate's original issuance. One written request, Cantor 208th SP, is included in the Developer Extension Agreement portion of this Commissioner Packet.

{Requests for maintaining Certificates beyond one year have previously been termed "Certificate Updates" by District Staff. The King County Certificate of Availability form has a "one year" limit on the form. In cases where the District approved a Certificate Update request a new Certificate would be written and the "updated" Certificate provided to the Developer.]

In the following staff has listed some issues that may be considered by the Board in determining whether projects within the City of Sammamish Boundaries should be given special consideration with respect to Certificate Update requests. These issues are provided as a basis of discussion and do not necessarily represent all opinions or issues.

Issues Favoring Special Consideration of Projects within the City of Sammamish Boundary

1. The Developers have paid some portion of the General Facility Charges associated with a project. The District only considers refunding of up to one-half of the prepaid General Facility Charges, with the remainder to be applied to a future project on the same property.
2. By allowing the City Moratorium to compel a developer of a project within the City of Sammamish to terminate a Developer Extension Agreement the District will be favoring Out-of-City developments and In-City developments not affected by the moratorium. This could be construed as a land use decision.

If the Board decides to consider Special Consideration for projects within the City of Sammamish Boundary there are some associated issues that will also need to be decided.

- A. Would Certificates be provided for all projects, or only those that could demonstrate their ability to proceed if the City's moratorium were not in place.
- B. Length of Certificate update – 6 months, 1 year or until such time as the City of Sammamish releases the moratorium on accepting permit applications.

Issues Opposed to Special Consideration of Projects within the City of Sammamish Boundary

1. The District has not provided special consideration to projects that have not been able to obtain other government approvals necessary for King County to accept a project. (Such as Traffic Concurrence.)
2. There is no guarantee that the County would accept all projects. There is most likely a mixture of projects that can obtain all County or City required approvals required for application. An example is the Traffic Concurrence Certificate.

August 4, 1999

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Board of Commissioners

3. Water ERUs that can not be used in a "timely" fashion can be made available to those projects that can potentially use the water. The projects that can make application for project approvals include;
Churches, Schools, Parks, Government projects, Re-models, Short plats, Individual single family homes on existing tax lots created before the City's moratorium, and all projects outside the City of Sammamish.

Changes may be forthcoming. In addition the "use" of the certificates issued for these projects is based on each project's ability to meet King County and/or the City of Sammamish application and approval requirements for traffic concurrency, storm drainage requirements, SEPA, etc.

4. The City of Sammamish policies are still being formulated and can be changed at any time. The time limit on any moratorium has not been determined.
5. This would create different policies for otherwise similar projects within the District. Policies for projects In the City of Sammamish and Out-of the City of Sammamish.
6. If the City of Issaquah is successful in annexing a portion of the District the Board might be requested to consider different policies for each City and County area.
7. The District would be giving priority to projects within a certain area of the District. This could be construed as a land use decision.
8. The District's limited water situation is still considered temporary. The District is attempting to obtain more water. When additional water is obtained the ability to hold onto certificates will not be an issue.

DISCUSSION

The Board may discuss these issues and others to determine the District's policy. There is obviously data on how many projects are in the City that could benefit from allowing Certificate Extensions. You may want to consider the policy without regard for how many or which projects are included. However, limited project information is provided on the next page.

In general terms there are three choices.

1. Provide Certificate Updates for projects within the City of Sammamish
2. Continue to consider requests for Certificate Updates on a case by case basis, with no special consideration given if the project is within the City of Sammamish.
3. Project Certificate Updates for all projects within the District upon request.

The first two choices are discussed above.

The third choice would not discriminate on a project's location within the District, but would have the potential for allowing water to be held by projects indefinitely. Project's that are not able or do not want to proceed at this time could sit on the water. This could keep others from using the water.

certificates within city of sammamish.doc/

RECEIVED AUG 10 1999

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1201 THIRD AVENUE

SEATTLE, WA 98101-3071

(206) 340-1000

(800) 423-1950

FACSIMILE

(206) 621-8783

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WEST CONSHOHOCKEN, PA

WESTMONT, NJ

DANIEL P. MALLOVE
E-MAIL: DMALLOVE@COZEN.COM

August 6, 1999

PRIVILEGE AND CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION

VIA FACSIMILE AND REGULAR MAIL

Jay Regenstrief
Sammamish Plateau Water District
1510 228th Ave SE
Issaquah, WA 98029

Re: City of Sammamish Moratorium/ Impact on District Certificates of Availability

Dear Jay:

The District has asked me to respond to various issues created by City of Sammamish Resolution No. R99-004, establishing a moratorium on the filing of applications with King County for development permits and approvals within the corporate limits of the City of Sammamish. Specifically, the District is concerned about inquiries and/or written requests it has received for issuance of "Certificate Updates" by the District for projects located within the City of Sammamish and affected by the City of Sammamish's moratorium.

You have provided me with your memorandum dated August 3, 1999 to the District Board of Commissioners, along with a copy of City of Sammamish Resolution No. R99-004. I also have reviewed our research and earlier correspondence to the District concerning other matters dated April 17, 1998, May 11, 1998, and January 15, 1999.

My understanding is that inquiries and/or written requests have been received from a number of projects located within the City of Sammamish for issuance of what the District refers to as "Certificate Updates." The "Certificate Updates" in essence are extensions issued by the District of the validity of the Certificate of Availability beyond the one year period of the Certificate of Availability's original issuance.

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It also is my understanding that since the institution of the temporary water moratorium and the establishment of the water allocation procedure, the District generally has refused to issue "Certificate Updates" beyond the one year period established in the Certificate of Availability's original issuance. If in fact this has been the District's policy, extreme caution must be exercised in establishing any exceptions or deviations from this practice or policy. If the District establishes a policy or procedure to deal with inquiries and/or written requests received from project owners within the City of Sammamish, the District may be seen as creating a preference for a certain type of property owner. As I have advised you in my previous correspondence with the District, it is unlawful for the District to create a preference for a certain type of property owner as opposed to any other property owners within the District. Such preferences may violate the prohibition of RCW 80.28.090 against any "water company" making or granting any "undue or unreasonable preference or advantage to any person. . . or to any particular description of service in any respect whatsoever." In addition, if the District establishes a preferential policy for dealing with projects within the City of Sammamish, the District might be improperly engaging in land use management which might be inconsistent with the provisions of the King County Growth Management Act. Finally, if the District institutes a policy or procedure which treats unequally two similarly situated classes of people, such action might constitute a violation of the guarantees of equal protection under the laws provided by the Washington and United States constitutions.

My concerns about establishing a special policy or procedure for dealing with project owners within the City of Sammamish also is heightened by the uncertain nature of the moratorium established by the City of Sammamish. As you are aware, the moratorium was established specifically for the "interim transition period" while the City of Sammamish city counsel studies the impact of King County land use decisions on the City of Sammamish community. My understanding is that considerable uncertainty exists that the substance of any subsequent moratorium enacted by the City of Sammamish on a more long term basis may be materially different than the temporary moratorium currently in place. Moreover, there also appears to be significant uncertainty as to the various types of developments and projects that ultimately will be allowed or disallowed when the City of Sammamish finalizes its land use planning decisions.

While I am aware that there are some factors which favor creating special consideration for projects within the City of Sammamish, I believe that any such special consideration will create more negative consequences for the District than favorable ones. Historically, the District has refused to provide special consideration to projects that have not been able to obtain other governmental approvals necessary for a project to be accepted by King County. Consequently, special consideration for projects within the City of Sammamish may not be legally defensible. Moreover, as you have pointed out the District's limited water situation still is considered to be temporary. Thus, creating special considerations for limited property owners within the District is not advisable.

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In summary, it is my recommendation that the District not create any special policies or procedures concerning Certificates of Availability issued for projects located within the City of Sammamish. If the District wishes to discuss these issues further or to have me attend the Board Meeting, I am available and willing to attend.

As always, I thank you for your inquiry and encourage you to contact me if you have any questions concerning this or any other matter.

Very truly yours,

COZEN AND O'CONNOR



Daniel P. Mallove

DPM/sed

cc: John Milne (via facsimile)

SEATTLE\256960\1 072588.000

Attorney Memo 8/6/99 3/3

* **HOLDING CERTIFICATES/CITY OF SAMMAMISH MORATORIUM**

Regenstreif reported on her understanding of the City of Sammamish's moratorium and its affect on property owners currently holding a certificate of water availability. She reported on the number of calls she had been receiving inquiring if the District would extend the validity of certificates of water availability due to the city's moratorium. She advised that the Board has generally denied requests to update certificates beyond 1 year from the original issuance. She presented the pros and cons on extension requests and advised what would have to be done with the County and the City. Kelly inquired if there were an easy way to accomplish this task. Regenstreif suggested several scenarios but she had no idea what the City would require.

Milne stated that he saw several legal issues and suggested further study on this topic. He suggested that Dan Mallove, the attorney who had advised the District on its ERU allocation procedure, look at the information included in Regenstreif's memo to the Board dated July 29, 1999. George stated that extending certificates for those within the City of limits would be unfair to those living outside of the city limits and any changes made would be considered land use actions. Following further discussion, Stice made a motion to continue further discussion on this issue until Mallove had had a chance to review the information provided in Regenstreif's memo. George seconded the motion which was carried unanimously.

USE OF SECOND FLOOR

Little advised that he wished to update the Board on the use of the District's 2nd Floor. He advised that he had not heard back from the City regarding the rental of approximately 450 square feet of space and in the meantime through personnel changes and additions, office space on the 1st floor was at a premium. He reported that after discussions with the Crew and Engineering Department he felt it would be more feasible to have the Engineering Department make use of the 2nd floor. The Crew could then expand into the area currently in use by the Engineering Department and both departments would have the space they required. He stated that both departments currently did not have enough space for added personnel.

Stice advised that she wanted the Board to be aware of the status of District staffing and space planning. She inquired about the hiring of Mike Forgey and asked about liability insurance for his work at other Districts as needed. Little advised that he would discuss the liability insurance issue with the Insurance Pool. Following further discussion, George made a motion authorizing the 2nd floor of the District office to be converted into office space for the engineering department, and that it would no longer be available to the City of Sammamish for additional office space. Stice seconded the motion which was carried unanimously.

SEPA CHECKLIST – 228TH ROAD WIDENING PROJECT

Wong inquired if the Board had questions on the SEPA Checklist submitted for their review. Stice inquired about including mountain beaver on future Checklists and advised that at some point mountain beaver would be placed on the endangered species list. Following further discussion, George made a motion to accept the SEPA Checklist as submitted by District staff and directed District staff to proceed with the publication of the Notice of Action. Stice seconded the motion which was carried unanimously.

CERTIFICATE UPDATES WITHIN THE CITY OF SAMMAMISH

Regenstreif advised that this was a revisit of the issues discussed at the August 2, 1999 Board meeting. She reported that Dan Mallove, special legal counsel, had provided an opinion letter regarding the District's legal position in updating certificates for those properties located within the City of Sammamish relative to the City's current moratorium. Milne advised on Mallove's letter and concurred with Mallove's recommendation that the District not change its allocation policy due to the City's moratorium. Stice advised of problems that could result if the District were to allow certificate updates for those properties located within the City of Sammamish and not properties located outside of the City of Sammamish.

Regenstreif reviewed the District's allocation process and advised that since the allocation process started in June of 1998 the Board had only granted a few updates for extenuating circumstances. Following further discussion, Stice made a motion to continue with the current allocation policy. George seconded the motion which was carried unanimously.

SUNNY HILLS NORTH INTERCEPTOR – EASEMENT ACQUISITION

Craig LaBrie, a property owner involved in the easement acquisition process, advised that he had been working with Sid Porter in order to bring the easement acquisition and the system together. He further advised that he and the District were close to an agreement on the sewer fees he would be responsible for.

DEVELOPER EXTENSION AGREEMENT/CERTIFICATES

Regenstreif reported that Beaverdam 1 Tract R was requesting an assignment of their developer extension agreement to Puget Sound Investment Group. She advised of the location of the project and the number of ERUs involved. Following discussion, George made a motion to approve the assignment and assumption of the Beaverdam 1 Tract R Project. Stice seconded the motion which was carried unanimously.

Regenstreif reported on the Jenkins certificate update request stating that the property involved was located in the City of Sammamish. She further reported on the circumstances involved with the project causing the request for an extension.



SAMMAMISH PLATEAU

WATER AND SEWER DISTRICT

IMPORTANT NOTE REGARDING POTENTIAL DEVELOPMENT OF PROPERTY WITHIN THE CITY OF SAMMAMISH

Under the District's current policy and procedure, Certificate(s) of Water and Sewer Availability issued with a Developer Extension Agreement are valid for 6 months. A 6-month extension can be requested, and may be considered by the District Board of Commissioners on a case by case basis, that would extend the Certificate(s) validity to a full year. Generally the Board has been granting the initial 6-month extension. However, the Board has generally **not** been granting requests for extensions beyond the one-year time frame.

The property covered by the attached Developer Extension Agreement is located within the City of Sammamish. The City has had and may still have in effect a development moratorium. The District strongly suggests you contact the City of Sammamish to discuss the current development potential of the property included in the Developer Extension Agreement.

If the City does not accept the Certificates as part of a valid, complete project application during the period when the Certificates are valid, the water and sewer allocation associated with the project will be taken back by the District for re-allocation. [Once the City has accepted a Certificate as part of a valid, complete project application, the Certificate remains active with that application.]

Per the enclosed Developer Extension Agreement there are fees and charges due to the District in conjunction with obtaining a Certificate of Water Availability. (See pages A-10 and A-14 of the Developer Extension Agreement.) These fees and charges are **not** fully refundable. (See Section WS-55 DEVELOPER EXTENSION AGREEMENT TERMINATION on page WS-12 of the Developer Extension Agreement.)

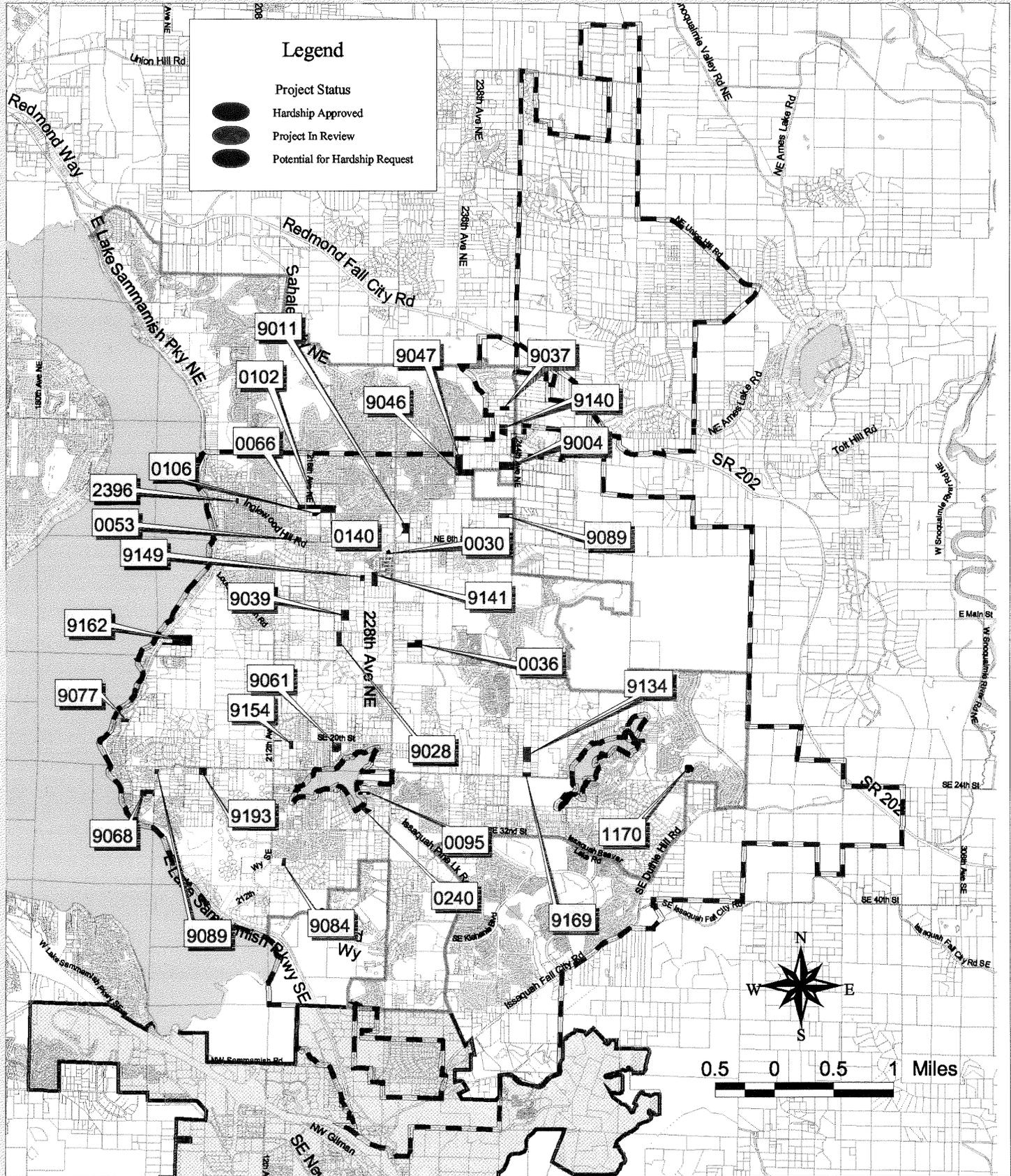
District Staff suggests you fully consider the implications of the City of Sammamish's Development Moratorium before entering into the Developer Extension Agreement.

The City of Sammamish staff can be contacted at 425-898-0660.
District staff can be contacted at 425-392-6256.

NOTE with DEAS INSIDE CITY OF SAMMAMISH.doc

Notice of City Moratorium

Sammamish Plateau Water and Sewer District



SAMMAMISH PLATEAU
 WATER & SEWER DISTRICT
 Providing Infrastructure Solutions

**Subdivision Projects with
 Water Certificates issued Between
 8/25/99 and 12/31/00
 in the City of Sammamish**



**Do your part,
 be water smart.**

CERTIFICATES OF WATER AVAILABILITY
AUGUST 25, 1999 TO DECEMBER 31, 2000
CITY OF SAMMAMISH, REQUIRING A WATER DEVELOPER EXTENSION AGREEMENT

DATE	NAME	DEVELOPMENT	TAX PARCEL	ADDRESS	Water ERUs	Sewer ERUS	SEC 5 HARDSHIP	City #
9/21/99	Richard Rue	Rue 246th SE SP	022406-9134	2004-246th SE	3	0		2000-046
9/21/99	Peter & Deanna Howell	Howell 244th NE SP	272506-9089	1131-244th NE	3	0		2000-044
2/11/00	Bob Nichols	Nichols SP	062406-9077	18xx E. Lk. Samm SE	4	4		2000-036
2/11/00	Larry & Merrie Franks	Franks 216th SP	124010-0066	1225-216th NE	2	0		2000-030
4/21/00	The Trossachs Group	Trossachs Div 9 SF	012406-9013, 9014, 9015	Trossachs Div 9 SF	12	12		
5/3/00	L.J. Mattson	Mattson SE 24th Way Plat	072406-9068	195th & SE 27th	12	12	9/6/00	
5/3/00	Ali Ghambari	Ghambari SE 24th Way SP	082406-9089	19680 SE 24th Way	2	2	9/6/00	2000-053
5/3/00	Pam Thomas	Thomas 212th SE SP	092406-9084	SE 36th & 214th	4	4	1/3/01	
5/3/00	John O. Hansen	Pet's Pond	124110-0036	230th SE & SE 6th	4	4		
5/3/00	Gerald Noelke	Noelke 244th NE Plat	272506-9004	1801 - 244th NE	5	0	11/1/00	
5/3/00	Robert W. Steadman	Dewy & Stafford NE 2nd SP	332506-9141	22510 NE 2nd	4	4		
5/3/00	Joy A. Goode	Ing-Goode Residences	357530-2396	Lts 27-35, Bl 31 Ing,	4	4		
5/9/00	Owen Jacobsen	Wesely Cove	272506-9140	242nd NE & NE 24th	12.5	12.5	4/19/00	2000-045
7/28/00	Dennis Fallow	Fallow 223rd NE SP	332506-9149	226 - 223rd PI NE	2	0		
7/31/00	Darren Nolan	Nolan NE 11th SP	124010-0406	Por Lt 21 B&F Kirk Dvi 17, 21630 NE	2	0		
8/14/00	Ed & Kay Whims	Whims 244th NE SP	222506-9037	2607 - 244th NE	2	0		
8/17/00	Judy LaCourse	LaCourse SE 24th SP	082406-9193	20203 SE 24th	2	0	9/6/00	
8/17/00	Guse & Associates	Sammamish Plateau Estates	124010-0140	NE 12th & 220th	10	0	11/1/00	
8/18/00	Bruce Morgan/Cary Frates	E Bvr Lk Morgan SP	012406-9030	E. Bvr. Lk Dr & SE 30th	3	0		
8/18/00	Ian & Irene Hepburn	Hepburn SE 24th SP	022406-9169	24630 SE 24th	2	0	11/15/00	
8/18/00	Cindy Taylor	Paganelli Project	042406-9059	21407 SE 20th	2	0		
8/18/00	Peter Fung	Fung SE 20th Plat	042406-9061	SE 20th & 220th	5	0		
8/18/00	John Moreland	Moreland NE 8th SP	124010-0053	NE 8th & 215th	2	0		
8/18/00	William & Shannon Adams	Adams 216th NE SP	124010-0102	1230-216th NE	3	0		
8/18/00	Cobalt Creek LLC	Cobalt Cr. NE 20th SP	272506-9047	NE 20th & 236th NE	4	0		
			322506-9162, 9163, 9167, 9230, 9235, 9248	Labrador E. Lk. Samm. Plat	35.5	33		
8/18/00	Labrador Ventures, LLC	Labrador E. Lk. Samm. Plat	322506-9039	121-222nd SE	2	0		
8/18/00	Dennis & Valerie Hennessy	Hennessy 222nd SE SP	272506-9011	NE 10th & 230th NE	40	40		
8/21/00	Arthur Bjorkelo	Bjorkelo NE 8th Property	272506-9046	236th NE & NE 18th	10	0		
8/21/00	Hooper Construction	Hooper 236th NE Plat	332506-9028	22021 SE 4th St.	3	0	1/17/01	
8/21/00	Harold D. Fowler	Fowler SE 4th SP	358230-0030	Lt 3 Inglewood Plaza	1	1		
11/6/00	Zdenek Urbanek & Geoff Jarman	Lt 3 Inglewood Plaza	679510-0240, 0241, ,0242	Hamley S Pine Lk SP	6	6		
12/12/00	Allen Hamley	Hamley S Pine Lk SP	679510-0095	2635-226th SE	2	2		
12/19/00	Robert Harris	Pinecrest Harris SP						

MAP KEY - The last four digits of the Tax Parcel number are used on the map to identify the project locations.

SAMMAMISH PLATEAU WATER & SEWER DISTRICT
KING COUNTY, WASHINGTON

RESOLUTION NO. 2298

RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAMMAMISH PLATEAU WATER AND SEWER DISTRICT, KING
COUNTY, WASHINGTON, RESCINDING RESOLUTIONS NOS. 2236,
2241, 2257, 2258 AND 2286 IMPOSING, AMENDING AND EXTENDING A
MORATORIUM ON THE ISSUANCE OF CERTAIN KING COUNTY
CERTIFICATES OF WATER AVAILABILITY; AND ESTABLISHING
POLICIES AND PROCEDURES RELATING TO THE ISSUANCE OF
CERTAIN CERTIFICATES OF WATER AND SEWER AVAILABILITY
BY THE DISTRICT

WHEREAS, King County requires parties undertaking certain land use actions such as the subdivision of, development of, and construction upon real property to obtain certificates of water and/or sewer availability from a public purveyor of such utility services as a condition of King County's consideration and approval of various permits and approvals relating to such land use actions; and

WHEREAS, the Sammamish Plateau Water & Sewer District ("District"), as a purveyor of water and sewer utility service, receives such requests to certify to King County the availability of water and sewer utility service for certain land use actions; and

WHEREAS, parties desiring to undertake certain land use actions as referenced above within the District requiring the extension of the District's water and/or sewer utility systems have done so by developer extension agreement with the District; and

WHEREAS, the District has experienced extraordinary growth during the last ten years and, because its ability to provide water supply from its aquifers is limited by its water rights, the District imposed a moratorium on the issuance of Certificates of Water Availability in 1989 which was lifted in 1990, but reimposed in 1991 and retained until 1994 when additional water supply became available; and

WHEREAS, the District presently has available water supply allowing the District to serve a total of 22,975 Equivalent Residential Units ("ERU"); and

WHEREAS, the District has allocated water supply to certain properties identified by the District through service applications, previously approved/issued Certificates of Water Availability, Developer Extension Agreements and other service agreements; and

WHEREAS, the District, by the adoption of Resolution No. 2236, established a temporary moratorium on the issuance of new King County Certificates of Water Availability, except for requests for Certificates of Water Availability for ERUs previously allocated by the District, such temporary moratorium to expire at midnight on May 4, 1998 unless otherwise terminated, modified or extended by the Board of Commissioners; and

Resolution No. 2298

WHEREAS, the District, by the adoption of Resolution No. 2241, exempted Public Tax Supported Agencies for the development of public projects from the District's temporary moratorium as their development will promote the public health, welfare and safety of the District and its customers and provide essential governmental services within the District; and

WHEREAS, the District, by the adoption of Resolution No. 2257, excluded the area known as the Cascade View Zone from the District's temporary moratorium as the Cascade View Zone is not physically connected to the Plateau Area Zone's water supply system and has independent sufficient water supply; and

WHEREAS, the District, by the adoption of Resolution No. 2258, exempted requests for the issuance of Certificates of Water Availability for one ERU per tax lot existing as of January 5, 1998 from the temporary moratorium; and

WHEREAS, the District, by the adoption of Resolution No. 2286, extended the temporary moratorium; and

WHEREAS, the District has solicited and received input regarding the District's water supply and methods for allocating available ERUs through a Public Hearing on February 23, 1998, a Public Hearing on May 27, 1998, public input at the regular Board of Commissioner Meetings, and a Policy Report Overview of Water Supply Opportunities dated April 1, 1998 by Dames and Moore, a consulting engineering firm; and

WHEREAS, District staff has recommended that a reserve of 300 ERUs be established for continued provision of water service to new developments by Public Tax Supported Agencies and to provide for emergency needs as further identified by the District; and

WHEREAS, District staff has now recommended that the District terminate the temporary moratorium on the issuance of King County Certificates of Water Availability for the District's water supply that has not been previously allocated or identified to be held in reserve ("Available ERUs") on certain terms and conditions; and

WHEREAS, the District Board of Commissioners desires to set forth the policies and procedures under which the Available ERUs may be made available for allocation to parties desiring to obtain such water supply from the District; now, therefore,

BE IT RESOLVED, by the Board of Commissioners of Sammamish Plateau Water & Sewer District, King County, Washington, as follows:

1. Resolution Nos. 2236, 2241, 2257 and 2286 previously adopted by the District Board of Commissioners are hereby rescinded as of the date of the adoption of this Resolution.
2. Resolution No. 2258 previously adopted by the District Board of Commissioners is hereby rescinded as of June 11, 1998 at 4:30 PM.
3. Certificates of Water Availability shall be made available for issuance by the District on the following terms and conditions:
 - A. The District will determine the number of ERUs available for allocation, after reviewing the water supply available, previously allocated ERUs, and reserve requirements ("Available ERUs"). For the Water Allocation to be held June 15, 1998, as further provided for herein a reserve requirement of 300 ERUs is hereby established.
 - B. The District shall hold periodic Water Allocations ("Allocation") to determine parties ("Applicants") that will have an **opportunity** to have water service allocated through the issuance of Certificates of Water Availability and/or the approval of water service requests. For water service to be considered allocated to an Applicant, the issuance of a

Resolution No. 2298

Certificate of Water Availability or provision of water service to the Applicant, shall comply with all District policies and procedures for such actions.

- C. Application for Allocation shall be made on a District Water Allocation Application ("Application") form. The forms shall be available at the District Offices during normal District office hours. There shall be separate application forms for each periodic Allocation. (i.e. an application form for the June 15, 1998 Allocation shall not be valid for the October 1998 Allocation.) Only one application shall be considered for a specific parcel/tax lot in each periodic Allocation, and should include all ERUs requested for the specific parcel/tax lot. For an application to be considered by the District for an Allocation, it must be determined to be complete by the District and shall include, at a minimum:

- i) Project Description.
- ii) Number of ERUs requested for a project.
- iii) Minimum number of ERUs acceptable to the Applicant for consideration if there are insufficient ERUs to satisfy the full number of ERUs requested for a project; if no minimum number has been provided the minimum will be considered the same as the number requested for the project.
- iv) Identification of the Applicant – including name, address and authorized signature(s).
- v) Identification of the Property Owner, at the time of the Allocation, - including name, address and signature(s).
- vi) Identification of the Property for which an application is being made, including tax lot numbers and legal description.
- vii) Property information, including property size and current zoning.
- viii) The type of Certificate of Availability that would be required for a project land use action, such as short plat, plat, or building permit applications.
- ix) Identification of whether a project would include sewer service, in addition to the water service requested.
- x) Identification of whether the District currently provides water and/or sewer service to the property.

Applications will be made available to interested parties for the June 15, 1998 Allocation on June 3, 1998. Applications for each subsequent Allocation will be made available immediately following completion of the previous Allocation.

- D. Allocations shall be held approximately every 4 months, with the drawings occurring in February, June, and October, if there are Available ERUs. The specific date of each Allocation shall be established by the Board of Commissioners prior to applications for that Allocation being made available and accepted by the District. Each Allocation shall be considered a separate event, with a specific separate application as prepared by the District required for each Allocation.

The initial Allocation shall be held on June 15, 1998 at 9:00 AM at the District Offices located at 1510 – 228th Avenue SE, Issaquah, WA 98029. Applications for the initial Allocation shall be received by the District and must be delivered to the District Offices no later than 4:30 PM on June 11, 1998. Applications for the June 15, 1998 Allocation received by the District after that time will not be accepted.

If there are available ERUs, the second Allocation shall be held on October 12, 1998 at 9:00 AM at the District Offices located at 1510 – 228th Avenue SE, Issaquah, WA 98029. Applications for the second Allocation shall be received by the District and must be delivered to the District Offices no later than 4:30 PM on October 8, 1998. Applications for the October 12, 1998 Allocation received by the District after that time will not be accepted.

- E. When an application is received it shall be reviewed by District staff to determine if it appears to be complete and correct. If an application appears to be complete and correct, as determined by the District, District staff shall identify the application as complete. If the District determines that an application is deficient because it fails to include all required information or contains incorrect information, District staff may request an Applicant to provide additional information. The District reserves the right to determine or seek an advisory opinion from King County regarding land uses allowed by current zoning. However, Certificate of Availability requests for rezones will be considered for inclusion in the Allocation. If an application is determined by the District to be deficient and the deficiency is not remedied prior to the Allocation, it shall be considered incomplete and shall not be included in the Allocation.
- F. Following the closure of the application period by the District for each Allocation, and prior to the time established for the Allocation, the District shall determine the total number of ERUs requested by all Applicants with complete applications for the Allocation. If the total number of ERUs requested is less than the Available ERUs, all Applicants with complete applications shall be identified as successful Applicants.
- G. Each Allocation, where there are more ERUs requested than there are Available ERUs, shall be held in the following manner:
 - i. All complete applications shall be drawn in a random order by an independent third party designated by the District. As each application is drawn, such application shall be assigned a number in sequence with the first application drawn assigned number one and subsequent applications each assigned a sequential number.
 - ii. Each complete application, in the order established by the drawing beginning with number one, shall be considered relative to the number of Available ERUs, until all complete applications have been considered and identified as either successful or placed on an Allocation Waiting List. The following steps shall be undertaken for each individual Application.
 - a. If there are sufficient Available ERUs to satisfy the request, the application shall be determined to be successful.
 - b. If there are insufficient Available ERUs to satisfy the request, the minimum number of ERUs acceptable to the Applicant, as indicated on the application, shall be reviewed. If there are sufficient Available ERUs to satisfy the minimum request, the application shall be determined to be successful for obtaining ERUs up to the maximum number of Available ERUs requested.
 - c. If there are insufficient Available ERUs to satisfy the minimum number of ERUs acceptable to the Applicant, as indicated on the application, the application shall be held on a Waiting List for that specific Allocation. The applications held on the Waiting List shall be held in the order established by the drawing. [Consideration of

applications shall continue and subsequent applications may be identified as successful, even following placement of certain applications on the Waiting List.] (See 3.J. below.)

- d. The number of Available ERUs shall be reduced by the number of ERUs that are made available to the successful Applicants under 3.E.ii.a. or 3.E.ii.b. above.

- H. Successful Applicants shall be notified by certified mail sent to the address designated on the application. The date of the mailing of the notice by the District shall constitute the date of notice, not the date of receipt. The notice shall advise the Applicants of their opportunity to obtain Certificates of Water Availability or water service for the project identified on the application. The District shall provide written notification of policies and procedures associated with and required to be completed and complied with to obtain the Certificate and/or service requested on the application. These policies and procedures may include, but are not limited to, the successful Applicant entering into a Developer Extension Agreement with the District. The policies and procedures required for each successful Applicant shall be further determined by the District.

Each successful Applicant shall have 60 calendar days from the date of District notification, to complete the required procedures including execution of any required documents and payment of any required fees, as identified by the District.

- i. Applicants for projects identified by the District as requiring a Developer Extension Agreement shall be required to execute a Developer Extension Agreement for the project, and pay the associated fees.

If the project will also require sewer service from the District, the Developer Extension Agreement shall include both the water and sewer service sections.

Requirements and fees shall be determined by District policies and procedures in effect at the time of request.

- ii. Applicants for projects identified by the District as not requiring a Developer Extension Agreement, which are requesting a Certificate of Water Availability shall be required to pay for the Certificate of Availability in accordance with District policies and procedures.

If Sewer Certificates of Availability and/or Agreements for Future Sewer Connections are required they may be requested as well.

Fees shall be determined by District policies and procedures in effect at the time Certificates of Availability are request.

- iii. Applicants for projects identified by the District as not requiring a Developer Extension Agreement, and which do not require a Certificate of Water Availability shall be required to pay for the service requested at the time of such request.

Cost and requirements for service shall be determined by District policies and procedures in effect at the time of request.

- iv. If the District does not receive the required documents and fees from a successful Applicant within the 60 day time limit, the District shall cancel the identification of an application as successful, terminate the ability of the Applicant to obtain a Certificate of Water Availability and/or water service for the project under the specific Allocation, and identify the ERUs

associated with the Application as "Unused ERUs." Requests for extensions to the 60 day time limit shall not be considered. The Unused ERUs may be used by the District to satisfy applications on the Waiting List for the same Allocation in which such ERUs were made available. (See 3.G.ii.c. above and 3.J. below.)

- I. Certificates of Availability shall be issued, following District policies and procedures in effect at the time of the request, if the District receives the required documents and fees within the 60 day period established above.
 - i. Projects identified by the District as requiring a Developer Extension Agreement shall have Certificates issued in accordance with the Developer Extension Agreement policies and procedures. (Currently these are issued to be valid for 6 months.)
 - ii. Projects identified by the District as not requiring a Developer Extension Agreement shall have Certificates issued in accordance with applicable District policies and procedures. (Currently these are issued to be valid for 1 year.)
 - iii. Once a Certificate of Availability has been provided to and accepted by King County as part of a valid, complete project/land use or permit application, the Certificate of Availability shall remain valid as long as the land use application for which King County required the Certificate is active and pending with King County.
 - iv. If a Certificate is not provided to King County when required as provided above, and no extension is provided by the District, the Certificates shall be cancelled and invalid. The ERUs associated with the Certificates of Availability that are not used, and cease to be valid shall no longer be considered allocated by the District, and may be included with Available ERUs for future Allocations.
- J. Applications that are not successful in a specific Allocation shall be held on a Waiting List, in the order drawn for that specific Allocation (see 3.E.ii.c. above). Unused ERUs shall be identified to provide an opportunity for applications on the Waiting List to obtain Certificates of Water Availability and/or water service.

Unused ERUs shall include, and are limited to:

- i. Available ERUs identified at the time of the Allocation that were not made available to an Applicant as part of that Allocation.
- ii. ERUs made available to an Applicant as part of a successful application under a specific Allocation, where the Applicant did not provide the required documents and fees to the District within the 60 day time limit. (See 3.H.iv. above.)
- iii. ERUs made available to an Applicant as part of a successful application under a specific Allocation, where the Applicant provided the required documents and fees to the District within the 60 day time limit, but reduced their requested number of ERUs.

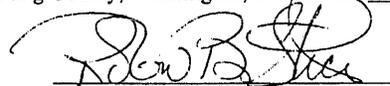
Unused ERUs shall be available for allocation to applications on the Waiting List until the time the District closes the application acceptance period for a subsequent Allocation.

If and when an application on the Waiting List can be satisfied by the Unused ERUs available, the District shall identify the application as successful and shall proceed in the same manner as with those initially identified as successful in a specific Allocation. (See 3.H. and 3.I. above.)

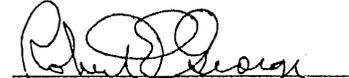
At the time the application period for a subsequent Allocation is closed by the District, the Waiting List shall be terminated and all applications for the previous Allocation that were **not** successful shall be null and void. Applications held on the waiting list for a specific Allocation shall **not** be placed into a subsequent Allocation. Separate applications shall be required for each subsequent and new Allocation.

4. Any party applying to the District for the issuance of a Certificate of Water Availability for (a) uses previously allocated by the District as determined by the District, (b) Public Tax Supported Agencies for the development of public projects, and (c) use within the Cascade View Zone area of the District, are exempt from the water allocation process described above.
5. This resolution shall be effective on the date of its adoption and shall supersede all prior District resolutions, policies and procedures to the extent they are inconsistent with this resolution.

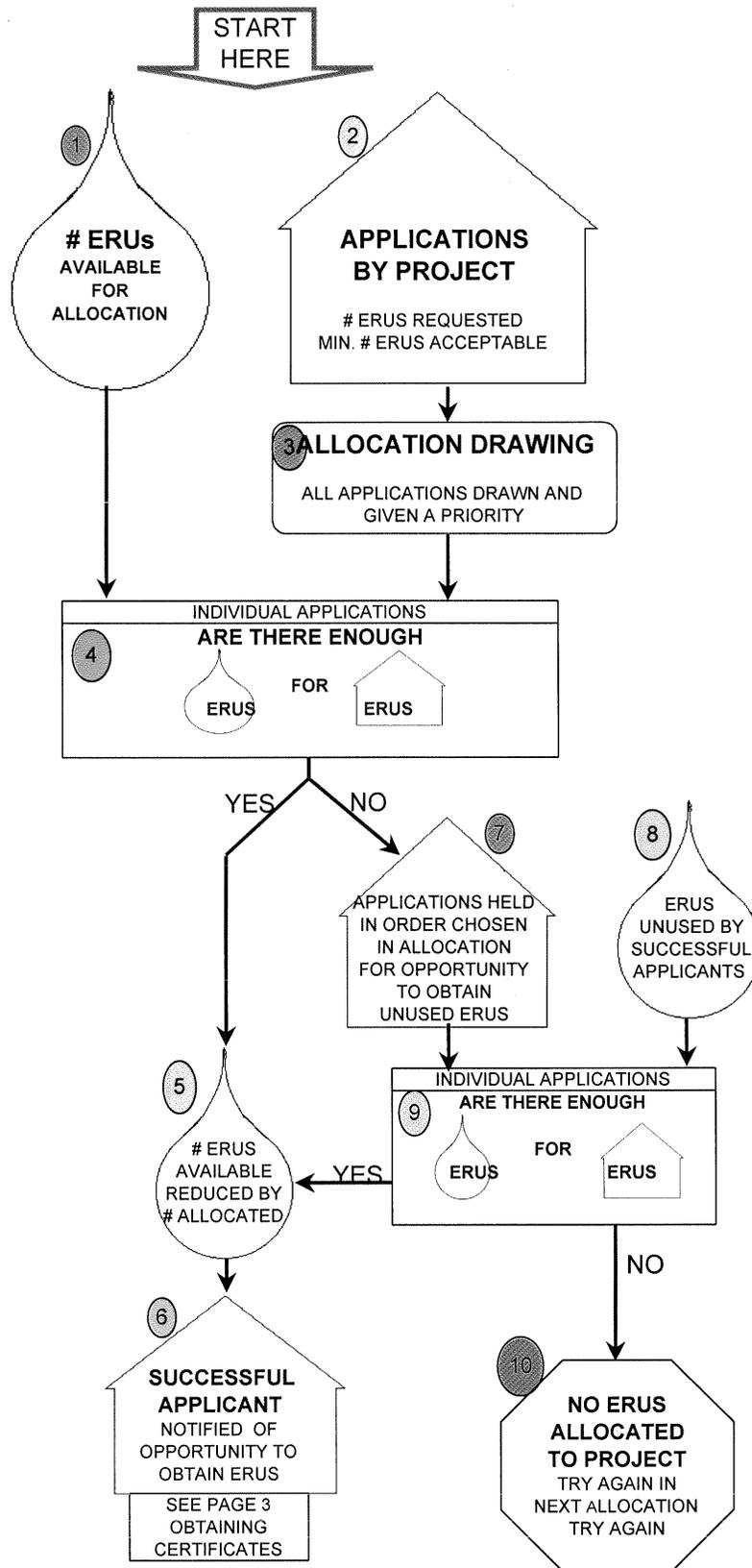
ADOPTED at a regular open public meeting of the Board of Commissioners, Sammamish Plateau Water & Sewer District, King County, Washington, held on the 2nd day of June, 1998.


Robin B. Stice, President

Gifford W. Miller, Secretary

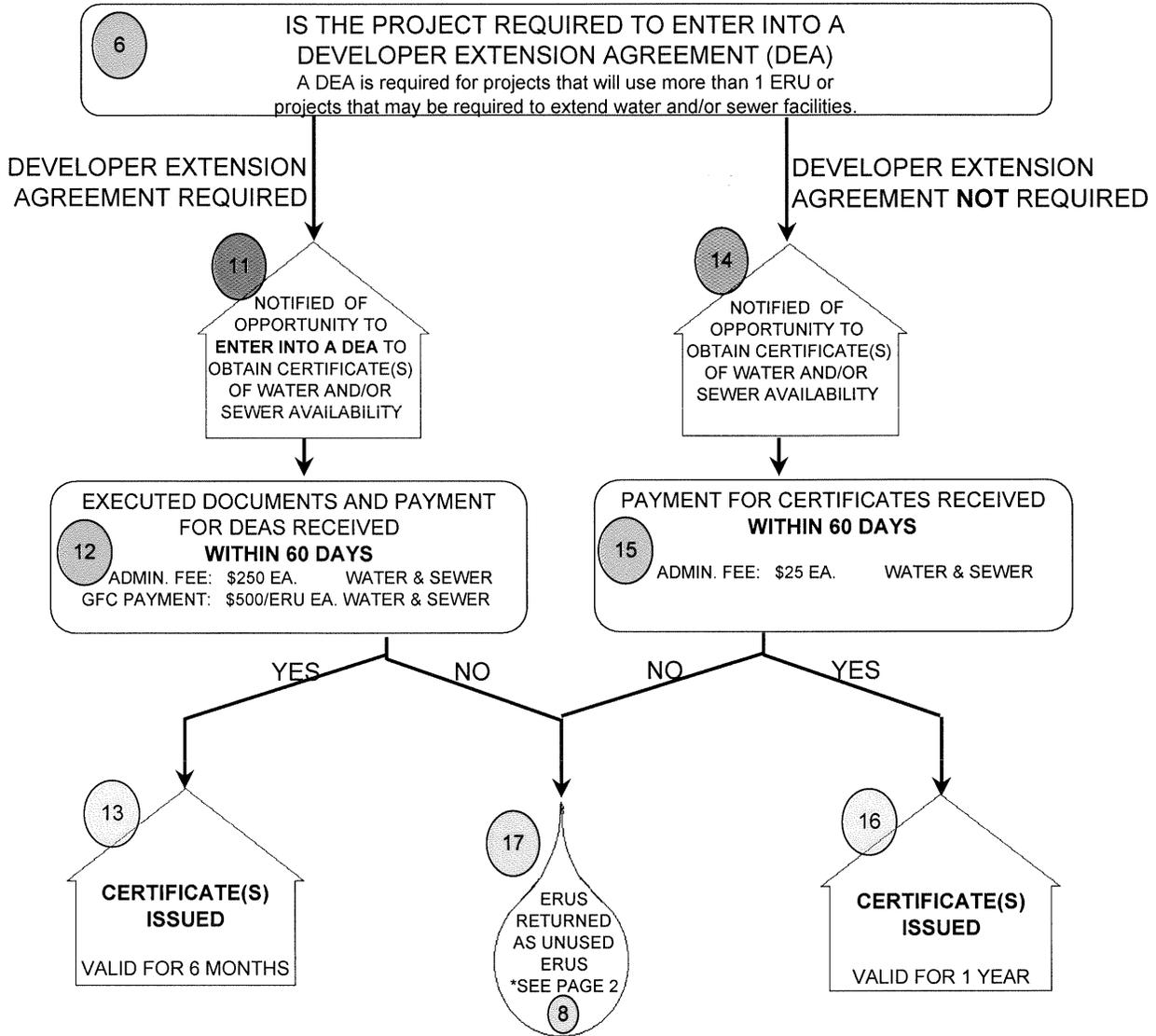

Robert E. George, Commissioner

ALLOCATION PLAN



ALLOCATION PLAN

SUCCESSFUL APPLICANTS - OBTAINING CERTIFICATES



ABBREVIATIONS & DEFINITIONS USED:

ERU = Equivalent Residential Unit
(measured as a ¾" water meter)

Meter	¾"	1"	1-1/2"	2"	3"	4"
ERU	1	2.5	5	8	16	25



= Water for Allocation



= Projects

DEA = Developer Extension Agreement

GFC = General Facility Charge



= See Pages 4 - 6 for Detailed Information

Certificate(s) = King County Certificate of Water Availability and Sewer Availability

WATER ALLOCATION PLAN

INFORMATION ON STEPS IN ALLOCATION PLAN

Allocation Plan – General Information

The first Allocation, after adoption by the Board of Commissioners, was held June 15, 1998. The use of an Allocation System to disburse ERUs may continue until the District obtains a significant additional water supply, or indefinitely.

Following the first Allocation, the District holds Allocations at regular intervals. The Board has chosen to hold these 3 times a year, approximately every 4 months. The Allocations are generally held in early February, June and October.

1 **# ERUs Available for Allocation:** The District determines the number of ERUs available for disbursement through an Allocation based on the District’s water rights, existing customers, previously allocated water commitments and reserve requirements.

2 **Applications by Project:** The District has application forms for the each individual Allocation. Applications, on District forms, are accepted by the District during a designated application period. Each application should provide information for the proposed project including:

Project Description	Number of ERUs Requested
Applicant Information	Minimum Number of ERUs Acceptable
Property Information (The application will only be valid on the property specified.)	Property Owner Information (If the Applicant is not the Owner, the Owner’s signature will be required.)

Each application is reviewed to determine if it appears to be in compliance with current zoning and the information provided is correct and complete, and modifications requested if any information does not appear to be correct.

3 **Allocation Drawing:** The Allocation Drawings are performed by an independent agent. Each application receives an Allocation ID number and all ID numbers are combined and chosen in a random order to determine successful applicants. All applications will be placed in their chosen order for the allocation of available water supply, prior to identifying the successful applicants.

4 **Comparison of ERUs Requested on Individual Applications & Available ERUs:** Starting with the first application chosen through the Allocation Drawing, the number of ERUs requested by the individual application would be compared to the number of ERUs available for allocation.

- ✓ If there are sufficient ERUs available to satisfy the request, the applicant is identified as successful. (Continue with Step 5.)
 - ✓ If there are not sufficient ERUs available to satisfy the request, the minimum number of ERUs the applicant indicated they would accept is checked. If there are sufficient ERUs available to satisfy the minimum request, the applicant is identified as successful (for the maximum number available). (Continue with Step 5.)
 - ✓ If there are not sufficient ERUs available to satisfy even the minimum number of ERUs the applicant would accept, the application is held on a waiting list. The order in the waiting list is the same as the order in the Allocation. (Wait at Step 7.)
- Repeat Step 4 if other applications remain to be considered. The District tries to allocate as many ERUs as possible to Allocation applicants.

WATER ALLOCATION PLAN

- 5 **# ERUs Available Reduced by the # Allocated** After ERUs have been allocated to a successful application in step 4 or step 9, the number of ERUs available for allocation is decreased, and Step 4 or 9 is repeated
- 6 **Successful Applicants Notified of Opportunity to Obtain ERUs/Certificates of Availability:** The District determines if a proposed project that has successfully applied for ERUs requires a Developer Extension Agreement (“DEA”) to obtain Certificates of Water and/or Sewer Availability. The criteria regarding this determination is set forth in resolutions pertaining to DEAs. Generally, if a project is proposed with more than 1 ERU, or if the project would require improvements to or extension of the District’s water and/or sewer facilities, a DEA is required.
- 7 **Applications Held in Order Chosen for Opportunity to Obtain Unused ERUs** Applications that do not successfully obtain ERUs during the initial Allocation drawing are held on a waiting list, during the period following the Allocation, for an opportunity to obtain ERUs allocated in the Allocation but unused. (See Steps 11 – 17 for description of how the ERUs may become “unused”) The waiting list order is the order in which the applications were drawn in the Allocation.
- 8 **ERUs Unused by Successful Applicants:** The ERUs awarded to successful applicants in a Allocation, but not obtained by the applicants, are returned to a pool to be awarded to those on the Allocation waiting list, or used in future Allocations. (See Steps 11 – 17 for description of how the ERUs may become “unused”)
- 9 **Comparison of Individual Applications Requested ERUs & Available Unused ERUs:** Unused ERUs are accumulated until there are enough to satisfy the number of ERUs requested on the application at the top of the waiting list. However, on the last day the District accepts applications for the next Allocation, all ERUs being held are moved to the next Allocation pool and included in the District’s determination of ERUs Available for Allocation (step 1).
- 10 **No ERUs Allocated to Project:** On the last day the District accepts applications for the next Allocation drawing, if Unused ERUs have not become available in sufficient number to satisfy the requests of those on the waiting list, the waiting list is terminated. Those applicants on the waiting list need to provide new applications to the District for consideration in the next Allocation. Each Allocation is held using new applications. The waiting list is not allowed to continue indefinitely so a project with ERU requests higher than the District’s capabilities does not block all allocation for a long period.

WATER ALLOCATION PLAN

- 11 Successful Applicant Notified of Opportunity to Enter Into a DEA and Obtain Certificates:** DEA documents are prepared using information provided on the Allocation application, and provided to the applicants with instructions for execution. Execution includes required signatures and fees. The documents and fees must be provided back to the District within 60 days. **[note: this step and the following steps 12 and 13 are the District's current procedure for obtaining Certificates for projects requiring DEAs.]**
- 12 Executed Documents and Payment for DEAs Received:** District waits for 60 days for receipt of executed documents and payment required for DEA.
- The fees would include, at a minimum,
Administrative fees: \$250.00 each Water and/or Sewer
Partial Payment of GFCs: \$500 per ERU each for Water and/or Sewer.
(For a project with both water and sewer service this is \$1000/ERU plus \$500.)
- The notarized signatures required include the Applicants/Developer and the Property Owner (if different than the Applicant).
- 13 Applicant provides Executed Documents and Fees within 60 days:** The District Board considers the DEA for approval, by Resolution. If approved the District executes the DEA and provides a fully executed DEA and Certificates of Availability to the Applicant.
- The Certificates of Availability are valid for 6 months to be provided to King County as part of a complete application for the associated project. If not used the Certificate(s) lose validity. The District can consider requests for one 6 month extension to the Certificates.
- 14 Successful Applicant Notified of Opportunity to Obtain Certificates:** A letter is sent notifying the successful applicant of the fee requirements to obtain Certificates, and of the 60 day limit within which the fees must be paid. **[note: the following steps 15 and 16 are the District's current procedure for obtaining Certificates for projects that do not require DEAs.]**
- 15 Payment for Certificates Received:** District waits for receipt of payment required for Certificates for the project within 60 days of the District providing notice of the opportunity to obtain the Certificates.
- The fees would include, at a minimum:
\$25 per ERU each for Water and/or Sewer Certificates.
- If the project is in an urban area, but is not proposed to be served by District sewer at this time, a Sewer Certificate of Availability and Agreement for Future Connection to Sewer may be required. The Agreement fee is \$25 and requires the Property Owner's notarized signature.
- 16 Applicant provides Fees within 60 days:** District Staff prepares and provides the Certificates of Availability for the project.
- The Certificates of Availability are valid for 1 year to be provided to King County as part of a complete application for the associated project. If not used the Certificates lose validity and will not be renewed.
- 17 Applicant does not provide Fees and/or Executed DEA within 60 days:** If required payments and/or Executed documents are not received within 60 days, the District cancels the application and includes the ERUs with "Unused ERUs" to be made available to other unsuccessful applicants (step 8), or in subsequent Allocations.

FEBRUARY 2001

City Hall Meeting Schedule

Updated: 2/1/01

SUN MON TUE WED THU FRI SAT

SUN	MON	TUE	WED	THU	FRI	SAT
				1 7:00 pm Planning Advisory Board (at City Hall)	2	3
4	5	6	7 5:30 pm Finance Comm. 7:30 pm Council Meeting (at City Hall)	8 7 am-9 pm Amedson Plat Appeal (at City Hall)	9	19
11	12 6:30 pm Park & Recreation Commission (at City Hall)	13	14 7:30 pm Council Study Session (at City Hall)	15 10am-11am Sign Code Appeals (at Fire Dist 82) 7 am-10 pm P&R Land Use Committee (at City Hall)	16	17
18	19 President's Day (City offices Closed)	20	21 5:00 pm Public Works Committee 6:30 pm Com. Dev. Comm. 7:30 pm Council Meeting (at City Hall)	22 7:00 pm Planning Advisory Board (at City Hall)	23	24
25	26	27 10am-4pm Norris Estates Appeal (at Fire Dist 82)	28 7:30 pm Council Study Session (at City Hall)			



All hearings are at City Hall unless otherwise noted...

City Hall Location:

486 228th Avenue NE
Sammamish, Washington

Mailing Address:

704 228th Ave. NE, PMB 491
Sammamish, WA 98074

Ph: 425-836-7904
(City Clerk's Office)

Fx: 425-898-0669

Off Site Location:

East Side Fire Dist. #82
1851 228th Avenue NE
Sammamish, Washington

Meeting dates are
Subject to change.

MARCH 2001

Meeting Schedule

Updated: 02/01/01

SUN MON TUE WED THU FRI SAT

SUN	MON	TUE	WED	THU	FRI	SAT
				1 7:00 pm Planning Advisory Board (at City Hall)	2	3
4	5	6	7 5:30 pm Finance Comm. 7:30 pm Regular Council Meeting (at City Hall)	8	9	10
11	12	13	14 7:30 pm Council Study Session-Cancelled 5:30 pm Suburban Cities Dinner (at Plateau G & CQ)	15 7:00 pm Planning Advisory Board (Land Use Subcommittee) (at City Hall)	16	17
18	19 6:30 pm Park & Rec Commission (at City Hall)	29	21 5:00 pm Public Works Committee 6:30 pm Com. Dev. Comm. 7:30 pm Regular Council Meeting (at City Hall)	22	23	24
25	26	27	28 5:30 pm Public Works Comm. 7:30 pm Council Study Session (at City Hall)	29	30	31



CITY HALL LOCATION:
486- 228th Avenue NE
Sammamish, Washington

MAILING ADDRESS:
704 - 228th Ave. NE, PMB 491
Sammamish, WA 98074

PH: 425-836-7904
(City Clerk)
FX: 425-898-0669

OFF SITE LOCATIONS:
East Side Fire Dist. #82
1851 - 228th Avenue NE
Sammamish Plateau Water & Sewer
1510—228th Avenue SE
Sammamish Library
825 - 228th Avenue NE

Meeting dates are subject to change.

SAMMAMISH CITY COUNCIL AGENDA CALENDAR

All Meetings Are Held At 7:30 pm In The City Hall Council Chambers. Unless Otherwise Noted
*This document changes frequently, and is for planning purposes only.
 Refer to the City Council agenda for definite times and issues.*

FEBRUARY 14, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME
	Parks & Rec Draft Comprehensive Plan	Parks/Rec Commission 1/15		1:30

FEBRUARY 21, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME
	Regular Meeting			
Ordinance	Street Dig Up		Public Works	
Ordinance	Travel/Credit/Purchasing Policies		Finance	
Resolution	Final Plat/Cedar Park			

FEBRUARY 28, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME
	Regular Meeting			
Ordinance	First Reading: Parks & Rec Comprehensive Plan			

MARCH 7, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular

	Cascadia Community College/Jack Bautsch Vice President-Student Success			

MARCH 14, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

	Suburban Cities Association Dinner/Plateau Club			

MARCH 21, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Regular Meeting

	Ordinance		Public Safety	
	Emergency Preparedness Program			

MARCH 28, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**
Study Session

APRIL 4, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

APRIL 4, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME

APRIL 11, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

APRIL 11, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME

APRIL 18, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Regular Meeting

APRIL 18, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME
	Surface Water Comprehensive Plan		Public Works	

APRIL 25, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

Study Session

APRIL 25, 2001	ITEM	COMMITTEE DATE	LIAISON	TIME

MAY 2, 2001 **ITEM** **COMMITTEE DATE** **LIAISON** **TIME**

2/1/01

Regular Meeting

ITEM	COMMITTEE DATE	LIAISON	TIME

MAY 9, 2001

Study Session

ITEM	COMMITTEE DATE	LIAISON	TIME

MAY 16, 2001

Regular Meeting

ITEM	COMMITTEE DATE	LIAISON	TIME

MAY 23, 2001

Study Session

ITEM	COMMITTEE DATE	LIAISON	TIME

7

ITEMS TO BE SCHEDULED - COUNCIL REQUESTED

TYPE	ITEM	COMMITTEE DATE	LIAISON	TIME
	National Day of Prayer (May3rd)			
	Restrictions on Parking Cars at Intersections		Haworth	

ITEMS TO BE SCHEDULED - STAFF

TYPE	ITEM	COMMITTEE DATE	LIAISON	TIME
Interlocal	Shared Use Agreement-Issaquah/LW School District		Parks	
Ordinance	Second Reading: Amendment to Chapter 16.82 Requirements for Clearing and Grading	1/17	Community Development	:15
Ordinance	Second Reading: Civil Penalties for Clearing/Grading Violations	1/17	Community Development	:15
Public Hearing	Building Meratorium Extension		Community Development	
	Storm Water Comprehensive Plan	9/20	Public Works	

CHECK NO	CHECK DATE	VENDOR NO	VENDOR NAME	PAYMENT AMOUNT
3139	02/07/2001	BOFACC	Bank Of America Credit Card	176.99
3140	02/07/2001	CRYST	Crystal Springs Water Company	178.81
3141	02/07/2001	GENUITY	Genuity Solutions, Inc.	111.50
3142	02/07/2001	INCA	Inca Engineers, Inc.	84,677.81
3143	02/07/2001	INFORM	Inform Inc.	1,496.61
3144	02/07/2001	KENYON	Kenyon Dornay Marshall PLLC	18,963.81
3145	02/07/2001	KINGFI	King County Finance A/R	210,529.85
3146	02/07/2001	PSE	Puget Sound Energy	2,155.48
3147	02/07/2001	REEVE	Carter Reeve	92.95
3148	02/07/2001	SAM	Sammamish Plateau Water Sewer	3,136.71
3149	02/07/2001	SB&MAC	Stewart Beall & MacNichols	1,680.00
3150	02/07/2001	VERIZNW	Verizon Northwest	18.75
3151	02/07/2001	WAAUDIT	Wa State Auditor's Office	610.78

CHECK TOTAL: \$323,830.05

①

Fy 2000 CHECKS

\$ 323,830.05

149,560.09

16,869.90

256,500.00

110.00

7366.79

69948.22

\$ 824,185.05

<u>CHECK NO</u>	<u>CHECK DATE</u>	<u>VENDOR NO</u>	<u>VENDOR NAME</u>	<u>PAYMENT AMOUNT</u>
3159	02/07/2001	BOFACC	Bank Of America Credit Card	2,187.50
3160	02/07/2001	BOTKIN	Botkin Communications	4,379.40
3161	02/07/2001	CH2MHI	CH2MHill	21,767.80
3162	02/07/2001	COMPAPP	Computer Computers & Applications	5,918.70
3163	02/07/2001	CONENG	Concept Engineering, Inc.	2,000.00
3164	02/07/2001	CONSUP	Cascade Contractors Supply	155.52
3165	02/07/2001	CORPEX	Corporate Express	1,044.62
3166	02/07/2001	CWA	CWA Consultants	6,971.31
3167	02/07/2001	DAVIS	Davis Door Service, Inc.	1,080.58
3168	02/07/2001	FISERV	Fiserv Document Solutions	45.92
3169	02/07/2001	FORD	Ford Graphics, Inc.	162.58
3170	02/07/2001	GENUITY	Genuity Solutions, Inc.	111.50
3171	02/07/2001	GTEERS	GTE Electronic Repair Services	69.78
3172	02/07/2001	ICBO	Int Conf of Bldg Officials	281.00
3173	02/07/2001	ICMA	ICMA	250.00
3174	02/07/2001	IOS	IOS Capital	563.67
3175	02/07/2001	KENNEDY	David Kennedy	94.25
3176	02/07/2001	KROLL	Kroll Map Company	28.43
3177	02/07/2001	KUSTOM	Kustom Signals, Inc.	5,387.03
3178	02/07/2001	LAVA	Lava	225.00
3179	02/07/2001	MAILPO	Mail Post	3,243.27
3180	02/07/2001	MATHES	Matthew Mathes	29.36
3181	02/07/2001	McAulif	McAuliffe & McMahan	750.00
3182	02/07/2001	MRT	Mr. T's Trophies	272.89
3183	02/07/2001	NAPA	Napa Auto Parts Inc.	477.67
3184	02/07/2001	NEWPORT	Newport Mfg Laser Cutting Ctr	86.88
3185	02/07/2001	NWCASC	Northwest Cascade, Inc.	125.00
3186	02/07/2001	OILCAN	Oil Can Henry's	106.94
3187	02/07/2001	PG&P	Palmer Groth & Pietka, Inc.	4,500.00
3188	02/07/2001	QWEST	QWEST	294.01
3189	02/07/2001	REEVE	Carter Reeve	67.16
3190	02/07/2001	SEATIM	Seattle Times	4,151.41
3191	02/07/2001	SHILO	Shilo Inn, Ocean Shores	436.00
3192	02/07/2001	SPRING	Springbrook Software, Inc.	1,868.69
3193	02/07/2001	TRANSAM	Trans America Intellitech	2,261.30
3194	02/07/2001	UNIFIRST	UniFirst Corp	192.24
3195	02/07/2001	UPS	United Parcel Service	72.40
3196	02/07/2001	VERIZON	Verizon Wireless	140.74
3197	02/07/2001	VERIZSER	Verizon Equipment Sales & Svc	62.74
3198	02/07/2001	WALDRO	Waldron Resources	5,240.00
3199	02/07/2001	WCPDA	Wa City Planning Dire Assoc	50.00
3200	02/07/2001	WESTBANK	Western Bank	3,055.12
3201	02/07/2001	WESTWAT	Westwater Construction Co	64,728.68
3202	02/07/2001	WILSON	Michael Wilson	4,328.00
3203	02/07/2001	WMCA	Wa Municipal Clerks Assoc	295.00

CHECK TOTAL: \$149,560.09 (1)

Check: 3158 02/07/2001
Vendor: PACE Pace Engineers, Inc.

<u>Amount</u>	<u>Invoice No</u>
3,363.90	15802
605.00	15805
1,800.00	15803
1,081.50	15804
10,019.50	15801

Total for Check Number 3158: -----
16,869.90

Total for Accounts Payable Check Run: -----
16,869.90 (1)

for 2/7 COUNCIL AGENDA —

Check: 3137	01/30/2001		
Vendor: KINGPR	King County Property Services	<u>Amount</u>	<u>Invoice No</u>
		256,500.00	
	Total for Check Number 3137:	----- 256,500.00	
	Total for Accounts Payable Check Run:	----- 256,500.00	(1)

- For 2/7 A/P Agenda -

Check: 3136	01/30/2001		
Vendor: WTS	Women's Transportation Seminar	<u>Amount</u>	<u>Invoice No</u>
		110.00	

	Total for Check Number 3136:	110.00	

	Total for Accounts Payable Check Run:	110.00	(1)

- For 2/7 Council Agenda -

Check: 3135	01/30/2001		
Vendor: WATREA	Wa State Dept of Treasury	<u>Amount</u>	<u>Invoice No</u>
		7,366.79	

	Total for Check Number 3135:	7,366.79	

	Total for Accounts Payable Check Run:	7,366.79	(1)

~~FOR~~
- FOR A/P AGENDA 2/7-01

Check: 3123	01/23/2001		
Vendor: APAWA	APA Washington Chapter	<u>Amount</u>	<u>Invoice No</u>
		18.00	

	Total for Check Number 3123:	18.00	
Check: 3124	01/23/2001		
Vendor: BOFAPC	Bank of America Petty Cash	<u>Amount</u>	<u>Invoice No</u>
		52.11	
		18.45	
		5.69	
		32.57	
		8.03	
		5.42	
		10.93	
		31.47	
		18.53	
		42.21	
		43.42	
		14.54	
		39.00	
		5.00	
		18.73	
		3.57	

	Total for Check Number 3124:	349.67	
Check: 3125	01/23/2001		
Vendor: CUPR	Ctr For Urban Policy Research	<u>Amount</u>	<u>Invoice No</u>
		119.85	

	Total for Check Number 3125:	119.85	
Check: 3126	01/23/2001		
Vendor: IIMC	Int Inst of Municipal Clerks	<u>Amount</u>	<u>Invoice No</u>
		105.00	

	Total for Check Number 3126:	105.00	
Check: 3127	01/23/2001		
Vendor: KINGPET	King County Pet Licenses	<u>Amount</u>	<u>Invoice No</u>
		45.00	

	Total for Check Number 3127:	45.00	
Check: 3128	01/23/2001		
Vendor: MOBILE	Mobile Mini, Inc	<u>Amount</u>	<u>Invoice No</u>
		314.94	42431205

	Total for Check Number 3128:	314.94	

NEEDED FOR Council Agenda -
2-7-01

Check: 3129	01/23/2001		
Vendor: PORTLA	Portland Precision Instruments	<u>Amount</u>	<u>Invoice No</u>
		275.00	

Total for Check Number 3129:	275.00	VOID
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Check: 3130	01/23/2001		
Vendor: REGENC	Regency Realty Corp.	<u>Amount</u>	<u>Invoice No</u>
		14,904.03	

Total for Check Number 3130:	14,904.03
------------------------------	-----------

Check: 3131	01/23/2001		
Vendor: SUBURB	Suburban Cities Association	<u>Amount</u>	<u>Invoice No</u>
		10,007.73	00388

Total for Check Number 3131:	10,007.73
------------------------------	-----------

Check: 3132	01/23/2001		
Vendor: WAINS	Wa Cities Insurance Authority	<u>Amount</u>	<u>Invoice No</u>
		43,914.00	0172

Total for Check Number 3132:	43,914.00
------------------------------	-----------

Check: 3133	01/23/2001		
Vendor: WFOA	Wa Finance Officers Assoc	<u>Amount</u>	<u>Invoice No</u>
		50.00	
		50.00	

Total for Check Number 3133:	100.00
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Check: 3134	01/23/2001		
Vendor: WMCA	Wa Municipal Clerks Assoc	<u>Amount</u>	<u>Invoice No</u>
		70.00	

Total for Check Number 3134:	70.00
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Total for Accounts Payable Check Run:	70,223.22
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- 275.00 VOID

69,948.22 (1)

**City of Sammamish
City Council Minutes
Regular Meeting
January 17, 2001**

Mayor Troy Romero called the regular meeting of the Sammamish City Council to order at 7:30 pm.

Councilmembers present: Mayor Troy Romero, Deputy Mayor Ken Kilroy, Councilmembers, Jack Barry, Phil Dyer, Don Gerend, Ron Haworth, and Kathleen Huckabay.

Staff present: Interim City Manager Ben Yazici, City Engineer Dick Thiel, Director of Community Development Ray Gilmore, Police Chief Richard Baranzini, Fire Administrator John K. Murphy, City Attorney Bruce Disend and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Gerend led the pledge.

Introduction of Special Guests/Presentations

Mayor Romero read the names of the 2000/2001 PSAT/NSMQ National Merit Semi Finalists from Eastlake High School: Lynn A. Chelander, Kristen Kitagawa, Rohit Malhotra, Whitney Seiberlich and Mika Uusanakki and from Skyline High School: Ryan Houck, Elliott Temkin and Margaret Lin. They were presented with certificates of achievement.

He also introduced the Coach of the Skyline Football Team Steve Jervis and team members. The Skyline Football team was the State Champions for Division 3A Football for 2000/2001. The Mayor presented them with a trophy and read a proclamation.

1. Approval of Agenda

MOTION: Councilmember Haworth moved to accept the agenda. Councilmember Gerend seconded.

AMENDMENT: Councilmember Kilroy moved to amend the agenda by removing Item 9e Contract: Parking & Access Authorization 228th Avenue SE and SE 8th from the agenda. Councilmember Gerend seconded. Motion passed unanimously 7-0.

Motion to accept the agenda as amended passed unanimously, 7-0.

2. Executive Session – Deleted

3. City Manager Selection

Greg Prothman, Waldron & Associates, gave the status report. The City Manager search was confined to interviewing local candidates only, in an effort to speed up the process. Waldron and Associates recommended hiring the interim City Manager, Ben Yazici.

MOTION: Councilmember Haworth moved to appoint Interim City Manager Ben Yazici as City Manager and directed the Mayor to negotiate a contract. Councilmember Gerend seconded. Motion passed unanimously 7-0.

4. Mayor/Council/Committee Reports

- **Public Works (Councilmember Haworth):** Councilmember Haworth introduced John K. Murphy who will be the Fire Administrator between the City and Eastside Fire & Rescue. Committee discussed 228th Street phase 1A. If Council is looking for more information on the Stormwater Comprehensive Plan, please let the Mayor know. Otherwise the next step will be a Public Hearing. Councilmember Gerend reported on the paving of 228th Street. In the near future an ordinance will be presented to Council, which will prohibit the digging up of streets within five years of repaving. The Planning Advisory Board has given their recommendations to Council on the final design of 228th Avenue Phase 1B. The Board is recommending only one roundabout. There will be a public hearing on this issue on January 24, 2001.
- **Community Development Committee (Councilmember Huckabay):** The sign kiosk program was not discussed, due to lack of time. The committee did recommend the formation of a subcommittee to study the Interim Development Code. This committee would be comprised of residents with professional knowledge regarding land use and development. The committee is also recommending the continuation of the land use moratorium
- Councilmember Dyer reported that Senator Rossi will be presenting legislation to the state requiring another public vote of approval for Sound Transit.
- Skyline High School Report (Student Mary Vinuelas): Youth Advisory Board has their first formation meeting last week.
- Mayor Report: Read a letter from Representative Kathy Lambert of the 43rd Legislative District complementing Eastside Fire & Rescue.

5. Public Comment

Beatha Baker, 169 221 Avenue NE, She was representing Sammamish Chamber of Commerce. She invited everyone to attend their first meeting of the year. City Manager Ben Yazici will be the featured speaker.

Mark Cross, 247 208th Avenue NE, He spoke about the importance of developing a good relationship between the Development Code and the Public Works code before the moratorium is lifted.

Tom Harman, 2302 W Beaver Lake Drive, feels there are omissions in the current Interim Development code. He feels there should be more opportunity for public input before subdivisions are granted final plat approval.

Glen Forbes, Sahalee Resident, Expressed agreement with the hiring of Mr. Yazici as City Manager.

Cindy Taylor, 21407 SE 20th Street, Encouraged Council to allow exceptions to the building moratorium for the subdivision of one lot into two.

John Lesch, 2053 East Beaver Lake Drive, Complemented Council on their sign enforcement efforts.

6. Consent Calendar

- a) **Claims for period ending January 17, 2001 in the amount of \$969,139.98**
- b) **Payroll for pay period/pay date January 5, 2001 totaling \$95,798.28**
- c) **Amended minutes for November 15, 2000 Regular Meeting**
- d) **Minutes for January 3, 2001 Regular Meeting**

MOTION: Councilmember Huckabay moved to approve the Consent Calendar. Councilmember Gerend seconded. Motion passed unanimously 7-0.

**7. Public Hearing
Formation of the Beaver Lake Management District**

Community Development Director Ray Gilmore gave the staff report. He explained that the purpose of the public hearing was to gather citizen input regarding Council continuing this process. He explained the formation of a lake management district is comprised of 13 steps. The Council does not make a decision on whether to form the management district, they only decide whether to proceed with putting the question to a public vote of the residents involved in the proposed district.

Mayor Romero declared the Public Hearing open at 8:25 pm.

Public Comment:

Al Sauerbry, 2214 W. Beaver Lake Drive SE. Urged continuation of the lake water quality monitoring because development around the lake puts stress on the lake.

Madeline Johnston, 2425 E. Beaver Lake Drive SE, She felt there has not been enough accountability in how the money collected has been spent. She feels residents have been

performing most of the work in monitoring the lake and does not see the need for the management district.

Bob White, 2033 E Beaver Lake Drive, Spoke in support of the management district.

Donna Carlson, 1627 E. Beaver Lake Drive, As a board member of the current lake management district, she explained what the district has accomplished in the past and how it distributes information to residents living within the district. She spoke in favor of the management district.

Joe McConnell, 1919 E. Beaver Lake Drive, He is president of Beaver Lake Community Club and Friends of Beaver Lake and a past member of the lake management board. He spoke in favor the continuing the management district.

Cory Wolfe, 1719 E. Beaver Lake Drive, Spoke in favor of the formation of the management district.

Sheldon Fisher, 1916 W. Beaver Lake Drive SE, Spoke in favor of the management district.

Tom Harman, 2302 W. Beaver Lake Drive, Spoke in favor of continuing the management district.

Bob Carlson, 1941 264th Place SE, He wanted to know how the boundaries for the management district were formed. What results have been achieved by the management district?

Mayor Romero closed the public hearing at 8:55 pm

Council recessed from 8:55 pm to 9:10 pm.

7. Unfinished Business

a) Formation of Beaver Lake Management District

Representatives from King County, the Beaver Lake Management Board and city staff were available to answer specific questions. Council directed staff to continue in the process of the lake management district and to prepare a resolution to be presented at the next meeting.

9. New Business

a) Moratorium Hardship Exception: Fowler/22021 SE 4th St

Mr. Fowler is requesting an exception to the building moratorium to be allowed to apply for a permit for a two lot short plat. His three acres are currently zoned R-1 and the lot will be used for family purposes.

Councilmember Huckabay felt that because water certificates would expire the exception should be granted. Councilmember Barry emphasized this short plat would be used for personal use and therefore should be granted the exception. Councilmember Gerend established that legally, the lot could be divided into three lots, but Mr. Fowler has only requested two lots.

MOTION: Councilmember Kilroy moved to grant the hardship exception to the building moratorium requested by Mr. Fowler. Councilmember Haworth seconded the motion. Motion passed unanimously, 7-0.

b) Resolution: Final Plat Approval/Highland Ridge

This development is a vested plat under King County. It is comprised of 60 lots on 20.52 acres proposed by J. Wright Development as represented by Conner Homes. (This plat has also been known as Edgemer, Edgemoor and Highland Creek Div. III). Special Projects Coordinator Matt Mathes explained that if the project has meet all the conditions set by King County for plat approval, Council must give final plat approval.

MOTION: Councilmember Kilroy moved to approve the final plat of Highland Ridge. Councilmember Dyer seconded. Motion passed unanimously, 7-0.

AMENDMENT: Councilmember Haworth moved to amend the motion to require the renumbering of streets to prohibit two or more streets that intersect to have the same street name. Councilmember Kilroy seconded. Amendment passed unanimously, 7-0.

c) Interlocal Agreement: Fire Services Distribution of Assets

Councilmember Haworth explained the distribution of fire assets. When the city incorporated it was decided that the distribution of assets would be divided up after the fire services agreement was completed. Per this agreement, District 10 owes the City a total of \$8,765,681. The district will give the City \$3,118,500 in equipment. They will owe the City \$1,788,803 in cash. The agreement allows the District to pay this money in monthly installments over the next 20 years, without interest. This money will be used for equipment replacement.

MOTION: Councilmember Haworth moved to authorize an interlocal agreement between Fire District 10 and the City of Sammamish for distribution of assets. Deputy Mayor Kilroy seconded. Motion passed unanimously 7-0.

d) Contract: Legal Services Kenyon, Dornay Marshall

City Manager Ben Yazici gave the staff report. This contract is a two-year extension of the current contract with Kenyon, Dornay, Marshall for legal services.

MOTION: Councilmember Dyer moved to authorize the City Manager to sign a contract with Kenyon, Dornay Marshall for legal services. Councilmember Huckabay seconded. Motion passed unanimously 7-0.

f) Council Committee Selections

MOTION: Deputy Mayor Kilroy moved to appoint Councilmember Gerend to head the Public Works Committee and Councilmember Haworth to Chair the Public Safety Committee and Councilmember Barry will assume the positions on all committees presently being held by

Mayor Romero. Mayor Romero will become the alternate on each committee. Councilmember Huckabay seconded. Motion passed unanimously 7-0.

MOTION: Councilmember Haworth moved to establish a Legislative Committee comprised of Mayor Romero, Deputy Mayor Kilroy and Councilmember Dyer

Councilmember Dyer announced the Community Development Committee would be forming a subcommittee to study the issues surrounding the proposed King County Eastlake Sammamish Trail and to monitor the interlocal agreement. The subcommittee will be comprised of Mayor Romero and Councilmembers Barry, Dyer and Gerend

8. Adjournment: Mayor Romero adjourned the meeting at 10:20 pm

Melonie Anderson, City Clerk

H. Troy Romero, Mayor

**City of Sammamish
City Council Minutes
Special Meeting
January 24, 2001**

Mayor Troy Romero called the regular meeting of the Sammamish City Council to order at 7:30 pm.

Councilmembers present: Mayor Troy Romero, Deputy Mayor Ken Kilroy, Councilmembers, Jack Barry, Phil Dyer, Don Gerend and Kathleen Huckabay.

Councilmembers absent: Councilmember Ron Haworth.

Staff present: City Manager Ben Yazici, City Engineer Dick Thiel, Transportation Manager Lee Haro, City Attorney Steven King and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Huckabay led the pledge.

**1. Public Hearing
Design Alternatives for 228th Avenue Phase 1B transportation capital improvement project.**

City Manager Ben Yazici gave a brief overview of the project. He introduced Gary Wheeler, Project Manager for INCA Engineering. Mr. Wheeler explained the design alternatives and answered questions posed by Council.

Planning Advisory Board Chairman, Bill Baldwin presented the Board's recommendations for the design to Council. The PAB is recommending the installation of one roundabout at SE 8th Street. Complete copies of the Planning Advisory Board's recommendations are available upon request by contacting the City Clerk.

Mayor Romero declared the Public Hearing open at 8:00 pm.

During the public hearing thirteen residents in and around the area of the Palomino development spoke for the need of having a light and/or left turn lane at SE 13th Street. The current design alternative does not have either a light or a left turn lane planned for that location.

Six residents expressed concerns about having roundabouts instead of signal lights.

One resident spoke in favor of the roundabouts.

Representatives of the Issaquah School district expressed support of the installation of one roundabout at SE 8th Street.

In all, twenty-two residents spoke at the public hearing.

Mayor Romero declared the public hearing closed at 8:45 pm

Council recessed from 8:45 pm until 9:00 pm.

Council posed a list of questions to staff regarding the design alternatives and addressed the concerns expressed by the residents who spoke during the public hearing. Council requested to staff to research the answers to their questions and discuss the issue at a special Public Works Committee Meeting scheduled for January 31, 2001. The design alternatives will be presented again at the February 7, 2001 Regular Council meeting. Council will decide on the final design at that meeting.

2. Adjournment: Mayor Romero adjourned the meeting at 9:40 pm

Melonie Anderson, City Clerk

H. Troy Romero, Mayor

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject:
Eastside Transportation Partnership 2001
Membership Dues

Meeting Date: February 7, 2001

Date Submitted: January 19, 2001

Originating Department: Administration

Action Required: Approve payment

Clearances:
_____ Administration _____ Police

_____ Public Works _____ Fire

_____ Building/Planning _____ Attorney

Exhibits: Invoice

Committee:

Budgeted Amount:

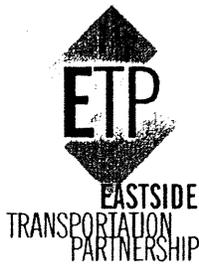
Summary Statement:

In the 2000 ETP Agreement, ETP member jurisdictions agreed to pay annual dues of \$250.00 per vote. The dues paid by member jurisdictions fund special events, public education or other expenses authorized by the Partnership. Membership dues are not used to administer the day to day operation of the Partnership. King County has agreed to fund the operation of the Partnership through the end of 2002.

Currently the City has two voting members, Councilmember Gerend and Councilmember Barry.

Recommended Motion:

Approve payment of Eastside Transportation Partnership 2001 Membership dues.



MS: KSC-TR-0813
201 South Jackson Street
Seattle, WA 98104-3856
Phone (206) 263-4700 Fax (206) 263-4750

RECEIVED BY *[Signature]*

JAN 19 2001

Jan 9, 2001

CITY OF SAMMAMISH

The Honorable Jack Barry
Mayor, City of Sammamish
704 - 228th Avenue NE, MPB 491
Sammamish, WA 98053

RE: Eastside Transportation Partnership 2001 Membership Dues

Dear Mayor Barry:

King County is enclosing the invoice for your City of Sammamish 2001 Eastside Transportation Partnership (ETP) membership dues. In the 2000 ETP Agreement, ETP member jurisdictions agreed to pay annual dues of \$250.00 per vote. The dues paid by member jurisdictions fund special events, public education or other expenses authorized by the Partnership. Membership dues are not used to administer the day to day operation of the Partnership. King County has agreed to fund the operation of the Partnership through the end of 2002.

Please send in your remittance payable to King County addressed to Sally Marks, Supervising Transportation Planner, Office of Regional Transportation Planning, 201 South Jackson Street, Mail Stop KSC-TR-0811, Seattle, WA 98104-3856.

If you have any questions regarding membership dues, please call Sally Marks at (206) 263-4710.

Sincerely,

Roy Francis

[Signature of Roy Francis]

Manager, Office of Regional Transportation Planning

RF:kh inv2001a-ltr



Eastside Transportation Partnership

201 South Jackson, MS KSC-TR-0813

Seattle, WA 98104-3856

Phone: (206)-263-4700 Fax: (206) 263-4750

INVOICE / STATEMENT

Invoice Date:	January 8, 2001
Invoice Number:	D-09
King County Tax ID No.	91-6001327
Due Date:	45 Days
Total Amount Due:	\$500

PLEASE MAKE CHECK PAYABLE TO: **KING COUNTY** TO: The Honorable Jack Barry
 Mayor, City of Sammamish
 704 - 228th Avenue NE, MPB

PLEASE REMIT TO:
 491
 Sally Marks, Supervising Transportation Planner
 Office of Regional Transportation Planning
 201 South Jackson Street, Mail Stop KSC-TR-0813
 Seattle, WA 98104-3856

Sammamish, WA 98053

MAIL THIS PORTION WITH YOUR PAYMENT

 Detach and Retain This Portion

Invoice No. D-09		Period: 1/1/2001 - 12/31/2001	
Description	Rate Per Voting Member	No. of Voting Members	Total Amount Due
2000 Eastside Transportation Partnership Annual Dues	\$250	2	\$500

G:\subareas\etp\dues2001\inva + inv2001

If questions, please call (206) 263-4710.

CITY OF SAMMAMISH
CITY COUNCIL

Subject:
Final design issues for
228th Ave. Phase 1-B

Meeting Date Feb. 7, 2001 Date Submitted Feb. 2, 2001

Department Originating Public Works

Clearances:

 Administration/Finance Police

 Public Works Fire

 Building/Planning Attorney

 Committee

Action Required:

Motion by Council resolving final two
remaining design issues on the 228th
Phase 1B transportation project

Exhibits: SE 13th Sketch & Answers to Council Questions Hearing

Amount

Required: Motion does not require budget action

Summary Statement:

Following a lengthy and extensive public input process and a January 24th Council public hearing, two design issues remained unresolved concerning the 228th Phase 1B project: 1) access controls at the intersection of SE 13th Way, and, 2) whether to install a traffic signal or a roundabout at the intersection of SE 8th Street. Following the public hearing, these issues and 13 related questions were referred to staff to bring to the Council Public Works committee on January 31st. The Public Works Committee, with two members present, voted 2-0 to accept the staff recommendation to provide channelization for northbound to westbound and eastbound to northbound left turns at SE 13th Way. Leaders and others from citizen groups living on SE 13th Way expressed support for the channelization proposal.

Left undecided by the Public Works Committee was whether to install a traffic signal or a roundabout at the intersection of SE 8th Street, with one member voting for a roundabout and the other member voting for a traffic signal.

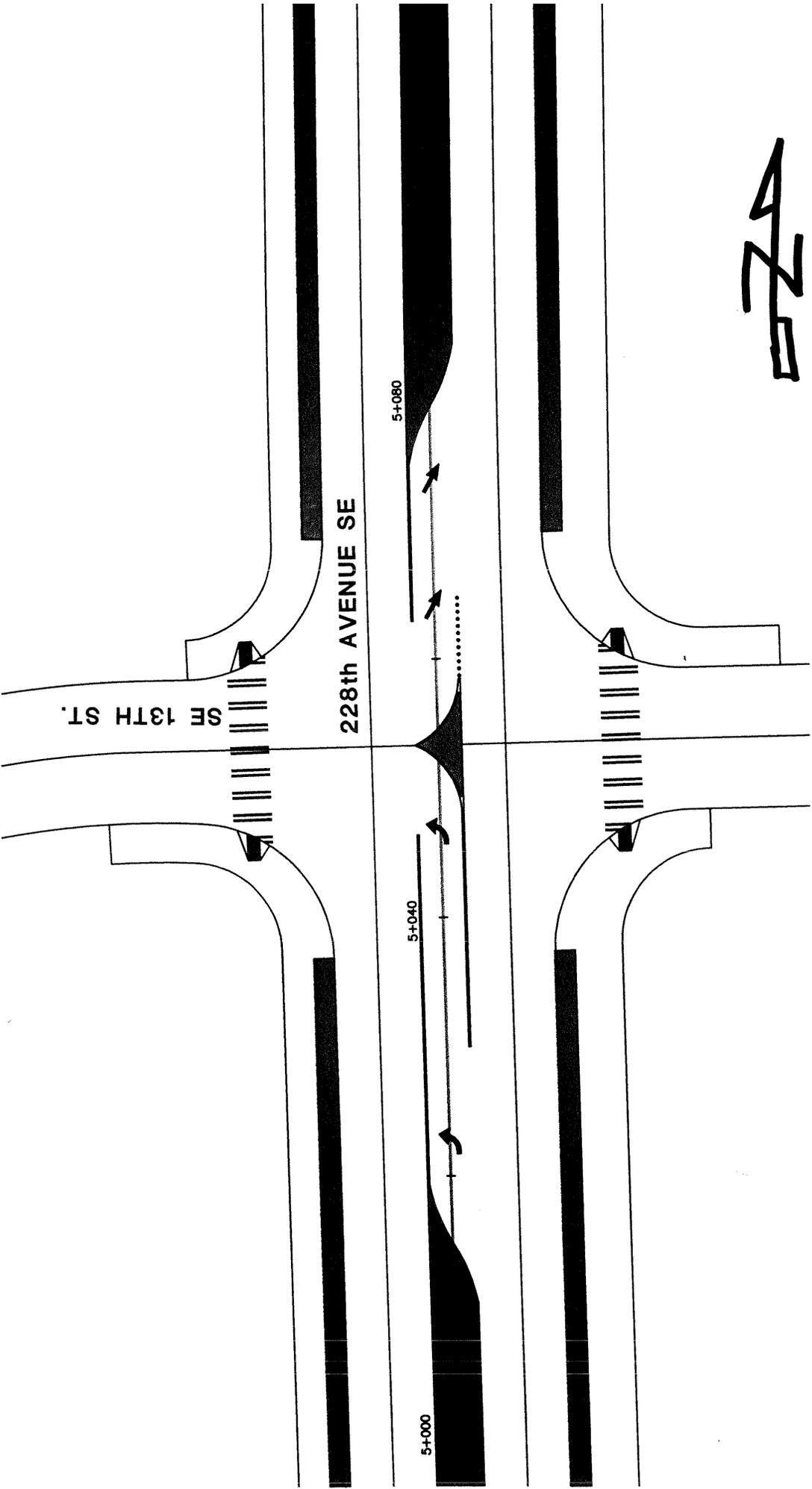
In order to avoid significant schedule problems and to improve the likelihood of advantageous construction bids, the Public Works Department needs a final decision on these design issues at the February 7th Council meeting.

Traffic analysis shows that this project provides acceptable levels of service with

either a signal or a roundabout at the SE 8th Street intersection. Although the roundabout provides a better level of service than a signal, however, the public input has been less than enthusiastic.

Recommended Motion:

Authorize the Public Works Department to proceed to final design of the 228th Avenue project by a motion which 1) directs the intersection of SE 13th/228th to be designed as approved by Public Works Committee; and, 2) specifies whether the intersection of SE 8th/228th should be designed with either a traffic signal or a roundabout.



Council Questions to Be Addressed By Staff/Public Works Committee

1) Alternatives for turning at SE 13th Street

- **A traffic signal** could only make warrants if we eliminated the signal at 16th, which would force more traffic to 13th and thereby warrant a signal. However, we cannot eliminate 16th because we need to provide a turn around location to provide access for the other properties along this portion of 228th. Therefore, a traffic signal at 13th is not legally warranted at this time. Future development – and how they are interconnected by other streets parallel to 228th – will be a major factor regarding where any potential additional future traffic signals should go on 228th.
- **A two-way left-turn lane** allowing turns to both the east and to the west onto SE 13th Street would be a serious contradiction to a primary directive from the community design workshops to not have two-way left-turn lanes. It would create a serious accident potential. There would be 24 points of conflict among vehicles traveling and turning in various directions.
- **Just open up the median.** This proposal, made by one of the citizens, has all of the problems of the two-way left-turn lane (24 points of conflict) and also adds a high potential for additional rear-end accidents because it doesn't add a refuge/acceleration/deceleration areas as would a two-way left-turn lane.
- **Add a westbound left-turn lane/eastbound acceleration treatment with a separating island.** This would serve the highest population area on SE 13th, the west side. There would be only six conflict points. This is a feasible alternative which would fall within acceptable safety parameters at this time. However, the residents would have to be made aware that as traffic volumes increase, this would be monitored and could become unacceptable under higher traffic volumes in the future.

2) Safety issues concerning roundabouts (all) – Kilroy asked that staff get confirmation in writing from WCIA concerning insurance of roundabouts.

-
- We have various national and international study information and an official Federal publication showing roundabouts having fewer accidents for single lane approaches and at multi-lane roundabouts at least no more accidents with a reduction in severity. For multi-lane roundabouts there is less study data and the circumstances

more complicated depending on conditions. It is fair to conclude that accidents are at least no worse in total number at multi-lane roundabouts and that the number of severe accidents should be less.

- The Washington Cities Insurance Authority would not give an direct opinion either for or against roundabouts. The email response was the following:

From: Robert Roscoe [mailto:robr@wciapool.org]
Sent: Monday, January 29, 2001 2:46 PM
To: 'Gail Davila'
Subject: RE: City Liability on Roundabout.

From a risk management perspective we favor using traffic control devices such as signs and pavement markings that are recommended in the MUTCD. If, in the engineering judgement of the City, traffic circles are determined to be an effective solution to a perceived problem than that study will assist the City in the defense of the claim.

It is ultimately the City's decision as to whether or not it decides to use traffic circles. I am concerned that the process for installing a traffic circle should be set forth in writing. If the City is required to defend a claim regarding the installation of these circles (or lack of one), then a written policy, akin to a "warrant" would be helpful.

Don't forget to talk with your emergency vehicle operators, particularly fire fighters, they tend to have a difficult time maneuvering around some traffic circles. Also if the circles are planted with vegetation including trees, as the trees grow they need to be monitored closely so they do not encroach into the driving path.

You had another inquiry on in-pavement flashing lights for pedestrians crossings where there is no other means of controlling traffic? Currently WCIA has no official guideline developed on this issue, however, having viewed these crosswalks in action, it is my personal opinion that they have the potential of increasing a pedestrian's false sense of security. There currently is no law that requires an on-coming motorist to stop if the lights are activated...only to stop when a pedestrian is within the crosswalk. I am concerned that pedestrians will not exercise due care before crossing the street and walk when it was not safe to do so.

Thanks again for the opportunity to be of service. If I may assist with this or any other risk management service please give me a call

- Although the roundabout design proposed for 228th does not have a problem with serving emergency vehicles, the following issues from WCIA still need to be addressed:
 - The MUTCD does not give specific regulations on roundabouts.
 - The City does not have its own written warrants and this would require a substantial study we do not have time or staff available to perform.

Ben Yazici

From: Sharar, Darlene [ShararD@WSDOT.WA.GOV]
nt: Monday, January 29, 2001 1:41 PM
o: 'Ben Yazici'
Subject: RE: My email address

Ben -

The roundabout study is from the "Insurance Institute for Highway Safety" in Arlington VA. The title is: Crash Reductions Following Installation of Roundabouts in the United States, March 2000. Here is the abstract to the study:

ABSTRACT

Modern roundabouts are designed to control traffic flow at intersections without the use of stop signs or traffic signals. U.S. experience with modern roundabouts is rather limited to date, but in recent years there has been growing interest in their potential benefits and a relatively large increase in roundabout construction. The present study evaluated changes in motor vehicle crashes following conversion of 24 intersections from stop sign and traffic signal control to modern roundabouts. The settings, located in 8 states, were a mix of urban, suburban, and rural environments. A before-after study was conducted using the empirical Bayes approach, which accounts for regression to the mean. Overall, the empirical Bayes procedure estimated highly significant reductions of 39 percent for all crash severities combined and 76 percent for all injury crashes. Reductions in the numbers of fatal and incapacitating injury crashes were estimated to be about 90 percent. Overall, results are consistent with numerous international studies and suggest that roundabout installation should be strongly promoted as an effective safety treatment for intersections.

-----Original Message-----

From: Ben Yazici [mailto:BYazici@ci.sammamish.wa.us]
Sent: Monday, January 29, 2001 1:27 PM
To: 'sharard@wsdot.wa.gov'
Subject: My email address

Darlene,

Thank you for your help!

Ben Yazici
City Manager
City of Sammamish
486 228th Ave. NE
Sammamish, WA 98074
Phone: 425-836-7902
Fax: 425-898-0669

- It is possible to get special Federal approval to install runway lights, however, the “false sense of security” would still be a City liability until, or unless, there is eventual MUTCD approval. One traffic engineer offered his confidential opinion that MUTCD approval may never occur. On the other hand, an engineering report could be prepared making a strong case that runway lights at these locations are not substantially different than other types of pedestrian actuated warning lights which have been used for years.
- We have told the public if we install a roundabout, we will install runway lights. Therefore, we need to address the caution from WCIA so that we can install runway lights or not install runway lights and contradict an expectation by the public.
- To resolve the WCIA issues of liability for the roundabout and runway lights we need an engineering report prepared. Estimated cost: \$12,000 to \$20,000.

3) Does design study show that a roundabout at SE 8th is the best alternative? (Barry)

The following summary of traffic study data shows there is not a clearly significant quantifiable engineering advantage to installing a roundabout rather than a traffic signal at SE 8th Street:

- SE 8th Street does not have the kinds of geometric/operational constrictions, high percentage of turning movements and more balanced traffic volumes on intersecting streets which often make a roundabout a preferred alternative.
- Both a signal and a roundabout will operate at a very good level of service at SE 8th Street. However, standard engineering calculations predict less overall delay averaged over all entering traffic during peak hour traffic conditions for a roundabout compared with a standard traffic signal.
- Interpretation of available statistics show that overall severity of traffic accidents should be less at a roundabout than at a traffic signal and that, after perhaps a increase in minor accidents immediately after installation, the total number of accidents may decrease at a multi-lane roundabout.
- Although roundabouts provide pedestrian safety by being designed to slow traffic as it approaches pedestrian crossings, traffic signals have an advantage by actually stopping traffic for pedestrian crossings.

Non-engineering factors that might be considered in evaluating a roundabout versus a traffic signal include the following:

Pro-roundabout

- Many people think roundabouts are more aesthetically pleasing and would give the street a unique character.
- Less overall delay time averaged over all entering vehicles during peak hour traffic conditions.
- Roundabouts can have a traffic calming effect by reducing speeding.

Anti-roundabout

- There appears to be a number of people strongly opposed to roundabouts, at least some of whom have not lessened their opposition despite being given substantial information
- There does not seem to be any citizen opposition to installation of a traffic signal
- The City has limited staff to undertake the public education campaign that should take place before implementing a roundabout
- Dissatisfaction and complaints about roundabouts could continue for several years

4) How will the improvements affect the environment, especially in light of the 4d Rule? (Barry)

- Our consultants, who are experts in this field, have determined that for Phase 1B there is no Endangered Species Act (ESA)/4d Rule nexus.

5) Requested residents of Palomino be give a written report on why Council made the decisions they did.

- This will be done after the Council makes its decisions. The Public Works Department staff recommended change to allow eastbound and northbound left turns at SE 13th, plus the previously proposed signalized intersection at SE 16th Street addresses all of the access concerns we have heard expressed by these residents.

6) Is the elevation at SE 8th appropriate for a roundabout. (Barry)

- The grade is appropriate. The grade at SE 8th Street is 3% and roundabout can be installed on a grade of up to 4%.

7) Check on synchronization of the lights. Is it necessary to wait until Phase 1A is complete? ((Kilroy))

- There are no interconnect/communication cables installed at this time between the signals on Phase 1A, so it is not possible to coordinate/synchronize the signals at this time. Also, traffic detection loops – which would at least make it possible for the signals to operate much better individually -- cannot be installed until the paving of the street is completed further.
- Once signal equipment is in place on 228th, it will still require additional engineering to synchronize the signals together. The Public Works Department is pursuing grant funds so that this can be done.
- Under current conditions, which lack full vehicle detection equipment, the signals can only be adjusted by having a technician come out in the field and try to determine an average “fixed time” type of operation that will not work horribly bad for any given time of the day, but also will not work as best as possible for any given time of the day. City staff has had King County come out a number of times to readjust the signal in response to citizen complaints.

8) Asked for information on having an pedestrian overpass instead of an underpass (Kilroy)

- The discussion of a pedestrian overpass or underpass came up primarily during discussions of installing a roundabout at SE 10th. With a traffic signal now proposed, most of the people who raised this issue should be appeased.
- The traffic signal at Skyline High School will provide for a high level of pedestrian access and safety with full pedestrian-actuated signal controlled pedestrian crossings. It is the Public Works Department’s recommended solution to pedestrian crossing treatment at this location.
- Signalized pedestrian crossings are also preferable at this location because there would need to be fencing installed to force people to use an overpass or underpass. Otherwise, experience at other locations have shown that many people – and particularly the high school kids – can be expected to simply choose to run across the road.
- Also, comments from Issaquah School District indicate that pedestrian volumes at this location are not significantly high enough to justify an overpass or an underpass even if that were a desirable application at this location.
- A pedestrian overpass would cost at least \$200,000 to design and build plus right-of-way. An undercrossing would require site specific engineering work to

determine a cost due to the intricacies of dealing with the many utilities, but would also cost at least \$200,000.

9) Get statistics from other cities regarding the safety of U-turns on divided streets. (Gerend)

- NE 8th Street in Bellevue is an excellent comparison to 228th Avenue. Here is a statement from their traffic engineering department:
 - “COB (City of Bellevue) completed a u-turn project on NE 8th St. between 118th Ave NE and 120th Avenue NE in August of 1998. We were having many approach and right angle TA’s (traffic accidents) that have since been eliminated. C-curb was installed on centerline, and a u-turn area built at the east end of the project.”
- The City of Bellevue provided a full three years of accident data for the five u-turn locations on 148th Avenue NE, which is also designed similarly to the proposed design for 228th.
 - Only two accidents, over three years at five locations, were specifically called out as involving u-turns with one of those accidents described as “over steered and hit a tree.”
 - Even if every accident that involved vehicles not traveling in the same direction is assumed to at least potentially be related to a u-turn, there were only four such accidents at the five locations over three years out of a corridor total from Main St. to NE 16th Street of 120 accidents.
- Bellevue Way in Bellevue has three u-turn locations, over a three year period there are no accidents attributed to u-turn movements. Total accidents have included:
 - At NE 15th, which has a southbound u-turn, one rear-end accident.
 - At NE 17th, which has both a south-bound and north-bound u-turn, there have been three accidents with only one involving vehicles traveling in different directions.
 - At NE 21st, which has a northbound u-turn, there have been three accidents with only one involving vehicles traveling in different directions.
- The City of Seatac, which retrofitted International Boulevard (SR-99), to a design similar to the proposed 228th Avenue design, reported verbally that they have seen a significant accident reduction. (Unfortunately, they were not able to produce a before and after accident study due to the State’s accident computer system crashing.)

10) Possibility of openings on median between intersections (Gerend)

- See answer to question #1. Depends on how you treat it and where it is at.

- The speeds, sight distance, number and spacing of driveways and driver expectations (228th is not a built-up urban area at this time, it's closer to rural) make 228th vastly different than say, Gilman Blvd in Issaquah. Any of these conditions could lead to a decision not to open up the median, and in the case of 228th **all** of these conditions make opening up the median problematic.

11) **Wants written data on traffic projections for SE 8th. (Gerend)**

- The "Roundabouts" three-ring binders that were given to all members of the City Council and the Planning Advisory Board have very complete corridor traffic projection numbers. These projections assume that all pipeline development is built out by the year 2012 but did not make any further land use assumptions due to the Comprehensive Plan currently not completed.
- For SE 8th Street just east of 228th Avenue is for 3,500 vehicles a day if 244th Avenue is completed and for 9,200 vehicles a day if 244th Avenue is not completed.

12) **Cost breakdown between building a roundabout or putting in a signal at SE 8th Street including the cost to retrofit roundabout later if it doesn't work out. (Romero).**

- With curb radii on the project already designed to accommodate a roundabout, the estimate of net additional cost of putting in a signal now instead of a roundabout would be \$90,000 of construction cost and \$10,000 of design and construction engineering, for a total of \$100,000 (minus some small amount of not-designed landscaping cost. So total estimate is something just under \$100,000.)
- The estimated cost to come back in the future and retrofit to a traffic signal would be \$206,000 of construction cost plus \$28,000 for design and construction engineering for a total cost of \$234,000.

13) **Won't trucks hit the trees in landscape strips and medians.**

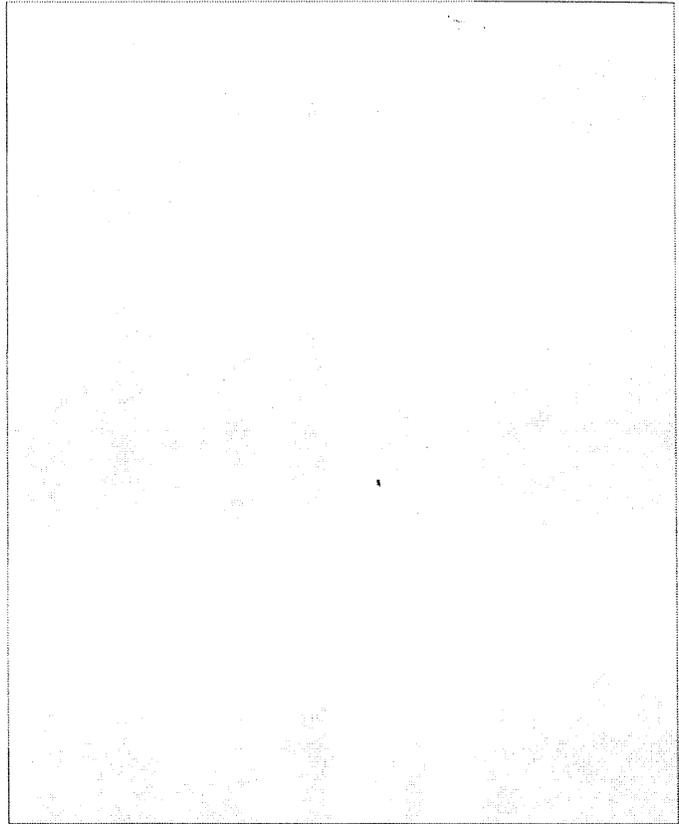
- No. Trees are selected for this project will not have canopies that spread into the traffic. If the trees do start spreading that way, then appropriate and timely pruning should and can be done.

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1005 N. GLEBE RD. ARLINGTON, VA 22201-4751

PHONE 703/247-1500 FAX 703/247-1678

email iihs@highwaysafety.org

website <http://www.highwaysafety.org>

**Crash Reductions Following Installation
of Roundabouts in the United States**

Bhagwant N. Persaud*
Richard A. Retting
Per E. Garder**
Dominique Lord*

March 2000

**Ryerson Polytechnic University
Toronto, Ontario*

***University of Maine
Orono, Maine*

ABSTRACT

Modern roundabouts are designed to control traffic flow at intersections without the use of stop signs or traffic signals. U.S. experience with modern roundabouts is rather limited to date, but in recent years there has been growing interest in their potential benefits and a relatively large increase in roundabout construction. The present study evaluated changes in motor vehicle crashes following conversion of 24 intersections from stop sign and traffic signal control to modern roundabouts. The settings, located in 8 states, were a mix of urban, suburban, and rural environments. A before-after study was conducted using the empirical Bayes approach, which accounts for regression to the mean. Overall, the empirical Bayes procedure estimated highly significant reductions of 39 percent for all crash severities combined and 76 percent for all injury crashes. Reductions in the numbers of fatal and incapacitating injury crashes were estimated to be about 90 percent. Overall, results are consistent with numerous international studies and suggest that roundabout installation should be strongly promoted as an effective safety treatment for intersections.

INTRODUCTION

The modern roundabout is a form of intersection traffic control that has become increasingly common around the world but is seldom used in the United States. Circular intersections are not a new idea and, in fact, predate the advent of the automobile. The first one-way rotary system for motor vehicle traffic in the United States was put into operation in 1905 at Columbus Circle in New York City (Todd, 1988).

The main difference between modern roundabouts and older circles/rotaries is the design speed. Older rotaries typically were built according to 1940s-era design standards or even older guidelines, which generally were intended for vehicle speeds of 25 mph or more. Drivers typically enter older traffic circles at speeds of 35 mph or more. In contrast, modern roundabouts are designed for very low traffic speeds, about 15 mph. The low design speed is accomplished through two primary design features: drivers must enter the roundabout facing a central island rather than tangentially (this feature is known as deflection), and the approaches to the roundabout are curved to promote low entry speeds. Common characteristics that define a modern roundabout and provide safety features are: drivers entering a roundabout must yield to vehicles within the circulatory roadway, keeping weaving to a minimum; roundabout entrances and exits are curved to promote low traffic speeds; traffic circulates counterclockwise, passing to the right of a central island; raised “splitter” islands dividing the roadway at entrances and exits provide refuge for pedestrians, ensure drivers travel in the intended path, and separate opposing traffic (Figure 1). In addition, pedestrian activities are prohibited on the central island, pedestrians are not intended to cross the circulatory roadway, and when pedestrian crossings are provided for approach roads they are placed approximately one car length back from the entry point.

Numerous studies, mostly in the international literature, indicate that modern roundabouts are safer than other methods of intersection traffic control, and that converting intersections from stop signs or traffic signals to roundabouts is associated with substantial reductions in motor vehicle crashes and injuries. For example, Schoon and van Minnen (1994) studied 181 Dutch intersections converted from conventional controls (traffic signals or stop signs) to modern roundabouts and reported that crashes and injuries were reduced by 47 and 71 percent, respectively; the more severe injury crashes (resulting in hospital admissions) were reduced by 81 percent. Troutbeck (1993) reported a 74 percent reduction in the rate of injury crashes following conversion of 73 roundabouts in Victoria, Australia. These and similar studies may overestimate the magnitude of crash reductions associated with conversion of intersections to roundabouts by failing to control for regression-to-the-mean effects — a major problem affecting the validity of many road safety improvement studies. A thorough review of the literature was

This work was supported by the Insurance Institute for Highway Safety. The opinions, findings, and conclusions expressed in

conducted by Elvik et al. (1997), who concluded that converting from yield, two-way stop, or traffic signal control to a roundabout reduces the total number of injury crashes by 30-40 percent. Reductions in the number of

Figure 1
Views of Roundabout in Cecil County, MD



pedestrian crashes were in the same range. Bicycle crashes were reduced by approximately 10-20 percent. It should be noted that the Elvik et al. study was a meta-analysis that included some circular

this publication are those of the author(s) and do not necessarily reflect the views of the Insurance Institute for Highway Safety.

intersections not meeting the typical definition of modern roundabouts. Regression to the mean was not controlled for.

U.S. experience with modern roundabouts is rather limited to date, but there has been growing interest in their potential benefits and, recently, a relatively large increase in roundabout construction. Garder (1997) conducted an extensive review of existing and planned U.S. installations and reported strong activity in several states including Colorado, Florida, Maine, Maryland, Michigan, Nevada, Vermont, and Washington. A recent, but limited, before-after crash study was conducted by Flannery and Elefteriadou (1999) based on 8 roundabouts, 3 in Florida and 5 in Maryland. Results were promising, suggesting consistent reductions in crashes and injuries, but the analyses were limited in scope.

The present before-after study was designed to better estimate the nature and magnitude of crash reductions following installation of modern roundabouts in the United States. It included a greater number of intersections and employed more powerful statistical analysis tools than the simple before-after comparisons used in prior studies.

METHOD

The empirical Bayes approach was employed to properly account for regression to the mean while normalizing for differences in traffic volume between the before and after periods. The change in safety at a converted intersection for a given crash type is given by:

$$B - A, \quad (1)$$

where B is the expected number of crashes that would have occurred in the after period without the conversion and A is the number of reported crashes in the after period.

To eliminate regression-to-the-mean effects and to reduce uncertainty in the results, B was, in general, estimated using an empirical Bayes procedure (Hauer, 1997) described more fully in the appendix. In essence, a regression model is used to first estimate the annual number of crashes (P) that would be expected at intersections with traffic volumes and other characteristics similar to the one being analyzed. The regression estimate is then combined with the count of crashes (x) in the n years before conversion to obtain an estimate of the expected *annual* number of crashes (m) at the intersection before conversion. This estimate of m is:

$$m = w_1(x) + w_2(P), \quad (2)$$

where the weights w_1 and w_2 are estimated from the mean and variance of the regression estimate as:

$$w_1 = P/(k + nP) \quad (3)$$

$$w_2 = k/(k + nP), \quad (4)$$

where

$$k = P^2 / \text{Var}(P) \quad (5)$$

is a constant for a given model and is estimated from the regression calibration process.

Factors then are applied to account for the length of the after period and differences in traffic volumes between the before and after periods. The result is an estimate of B . The procedure also produces an estimate of the variance of B . The significance of the difference ($B-A$) is established from this estimate of the variance of B and assuming, based on a Poisson distribution of counts, that:

$$\text{Var}(A) = A. \quad (6)$$

Uncertainty in the estimates of safety effects also can be described with the use of likelihood functions, which have been presented in the full project report (Persaud et al., 1999).

ASSEMBLY OF DATA AND REGRESSION MODELS

Data for converted intersections: The analyses were confined to 8 states — California, Colorado, Florida, Kansas, Maine, Maryland, South Carolina, and Vermont — where a total of 24 intersections were converted to modern roundabouts between 1992 and 1997. There are a few modern roundabouts in the United States that are not included in the present analysis because data were not available or the roundabouts were too new.

Of the 24 intersections studied, 21 were previously controlled by stop signs, and 3 were controlled by traffic signals. Fifteen of the roundabouts were single-lane circulation designs, and 9, all in Colorado, were multilane. Summary data for the study intersections are given in Table 1. For each intersection, crash data were obtained for periods before and after conversion. The construction period, as well as the first month after completion, were excluded from analysis. The lengths of the before and after periods varied in accordance with available crash data. In no case was a period shorter than 15 months. Data were extracted from printed police crash reports and, where not available, from report summaries. Information regarding injuries also was derived from police crash reports. Police reports convey the detection and apparent severity of injuries, either through the so-called KABCO scale (Killed, A injury, B injury, C injury, Only property damage) or by separating injuries into three categories: possible injury, non-incapacitating injury, and the more severe incapacitating injuries. In this study, “possible” injuries were not counted as injuries. Injury data based on police reports have known limitations, especially in regard to injury severity. During the study period, there were no known changes in reporting practices that would cause a change in the number of reported crashes.

Table 1
Details of the Sample of Roundabout Conversions

Jurisdiction	Year Opened	Control Before*	Single or Multilane	AADT		Months		Crash Count			
				Before	After	Before	After	Before		After	
								All	Injury	All	Injury
Anne Arundel County, MD	1995	1	Single	15,345	17,220	56	38	34	9	14	2

Avon, CO	1997	2	Multilane	18,942	30,418	22	19	12	0	3	0
Avon, CO	1997	2	Multilane	13,272	26,691	22	19	11	0	17	1
Avon, CO	1997	6	Multilane	22,030	31,525	22	19	44	4	44	1
Avon, CO	1997	1	Multilane	18,475	27,525	22	19	25	2	13	0
Avon, CO	1997	6	Multilane	18,795	31,476	22	19	48	4	18	0
Bradenton Beach, FL	1992	1	Single	17,000	17,000	36	63	5	0	1	0
Carroll County, MD	1996	1	Single	12,627	15,990	56	28	30	8	4	1
Cecil County, MD	1995	1	Single	7,654	9,293	56	40	20	12	10	1
Fort Walton Beach, FL	1994	2	Single	15,153	17,825	21	24	14	2	4	0
Gainesville, FL	1993	6	Single	5,322	5,322	48	60	4	1	11	3
Gorham, ME	1997	1	Single	11,934	12,205	40	15	20	2	4	0
Hilton Head, SC	1996	1	Single	13,300	16,900	36	46	48	15	9	0
Howard County, MD	1993	1	Single	7,650	8,500	56	68	40	10	14	1
Manchester, VT	1997	1	Single	13,972	15,500	66	31	2	0	1	1
Manhattan, KS	1997	1	Single	4,600	4,600	36	26	9	4	0	0
Montpelier, VT	1995	2	Single	12,627	11,010	29	40	3	1	1	1
Santa Barbara, CA	1992	3	Single	15,600	18,450	55	79	11	0	17	2
Vail, CO	1995	1	Multilane	15,300	17,000	36	47	16	n/a	14	2
Vail, CO	1995	4	Multilane	27,000	30,000	36	47	42	n/a	61	0
Vail, CO	1997	4	Multilane	18,000	20,000	36	21	18	n/a	8	0
Vail, CO	1997	4	Multilane	15,300	17,000	36	21	23	n/a	15	0
Washington County, MD	1996	1	Single	7,185	9,840	56	35	18	6	2	0
West Boca Raton, FL	1994	1	Single	13,469	13,469	31	49	4	1	7	0

*1 = four-legged, one street stopped; 2 = three-legged, one street stopped; 3 = all-way stop; 4 = other unsignalized; 6 = signal

Regression models: From data about intersections not converted and a consideration of existing models, the regression models required for the empirical Bayes estimates of safety effect (Equations 2-5) were assembled. New models were calibrated for stop controlled urban intersections, whereas other models were adopted from Lord (2000) for signalized intersections and Bonneson and McCoy (1993) for rural stop controlled intersections. For urban stop controlled intersections, two levels of models were calibrated:

$$\text{level 1: } \text{crashes/year} = (\alpha) (\text{total entering AADT})^\beta \quad (7)$$

$$\text{level 2: } \text{crashes/year} = (\alpha) (\text{total entering AADT})^{\beta^1} (\text{minor road proportion of AADT})^{\beta^2} \quad (8)$$

Two levels of models were required because in a few instances, estimates of annual average daily traffic (AADT) were available only for the intersection as a whole. In most cases, entering AADTs were available for each approach, and level 2 models, which produce better estimates, could be applied. The data set used for the calibration was from a sample of urban intersections in Florida, Maryland, and Toronto, Ontario. These data confirmed the stability of crash reporting over the time period of the conversion data in two states that accounted for 9 of the 24 intersections. The models adopted from previous research were of the same forms as Equations 7-8.

Following recent works by Persaud et al. (1997) and Bonneson and McCoy (1993), the Generalized Linear Interactive Modelling (GLIM) software package (Baker and Nelder 1978) was used for estimating the parameters α (actually $\ln(\alpha)$ since a linear model is fitted) and the β s for Equations 7-8 for all crashes combined and for injury crashes only. GLIM allows the specification of a negative binomial distribution, which now is regarded as being more appropriate to describe the count of crashes in a population of entities than the Poisson or normal distributions assumed in conventional regression modelling. In specifying a

negative binomial error structure, the parameter k (Equation 5), which relates the mean and variance, had to be iteratively estimated from the model and the data as part of the calibration process.

Typical model calibration results are illustrated in Table 2, which shows the level 2 coefficient estimates for four-legged, one-street stopped intersections. Models were also estimated for three-legged stop controlled intersections. Full details of both the new and existing models are given in the project report (Persaud et al., 1999).

Table 2
Level 2 Reference Population Models for One Street Stopped, Four-Legged Urban Intersections Considering Distribution of AADT Between Major and Minor Road
crashes/year = (α) (total entering AADT) $^{\beta 1}$ (minor road proportion of AADT) $^{\beta 2}$

Crash Severity	Jurisdiction	$\ln(\alpha)$ (Standard Error)	$\beta 1$ (Standard Error)	$\beta 2$ (Standard Error)	k
All combined	Maryland	-9.900 (2.04)	1.198 (0.210)	0.370 (0.125)	3.10
	Florida	-9.868 (2.07)			
	Combined	-9.886 (2.01)			
Injury	Maryland	-8.271 (2.33)	0.861 (0.249)	0.173 (0.127)	3.34
	Florida	-8.015 (2.37)			
	Combined	-8.613 (2.31)			

Because of major operational differences between various roundabout designs and settings, results were analyzed and reported for several groups of conversions for which there were sufficient crash data to provide meaningful results. These include 9 urban single-lane roundabouts that prior to construction were stop controlled, 5 rural single-lane roundabouts that prior to construction were stop controlled, 7 urban multilane roundabouts that prior to construction were stop controlled, and 3 urban intersections converted to roundabouts from traffic signal control.

RESULTS

Table 3 summarizes the estimated crash reductions and provides two measures of safety effects. The first is “index of safety effectiveness” (θ), which is approximately equal to the ratio of the number of crashes occurring after conversion to the number expected had conversion not taken place. The second is the more conventional percent reduction in crashes, which is equal to $100(1-\theta)$. Overall, the empirical Bayes procedure estimated a highly significant 39 percent reduction for all crash severities combined for the 24 converted intersections. Because injury data were not available for the period before construction of the 4 roundabouts in Vail, overall estimates for changes in injury crashes are based on the other 20 intersections. The empirical Bayes procedure estimated a highly significant 76 percent reduction for injury crashes for these 20 converted intersections.

Table 3 also summarizes estimated crash reductions for selected groups of conversions. For the group of 9 urban single-lane roundabouts converted from stop control, the empirical Bayes procedure estimated a highly significant 61 percent reduction for all crash severities combined and a 77 percent reduction for injury crashes. For the group of 5 rural single-lane roundabouts converted from stop control, similar effects were estimated — a 58 percent reduction for all crash severities combined and an 82 percent for injury crashes. For the group of 7 urban multilane roundabouts, however, the estimated effect on all crash severities combined was smaller — a 15 percent reduction. Because injury data were not available for the period before construction of 4 of these roundabouts, overall estimates for changes in injury crashes were not computed for this group of intersections. For the 3 roundabouts converted from traffic signal control, estimated reductions were 32 percent for all crash severities combined and 68 percent for injury crashes. Two of these roundabouts had multilane circulation designs.

For completeness, partial results also are given for individual conversions in a group. Readers are cautioned about drawing conclusions from these results because there is a significant likelihood that the change in safety for individual conversions is due to chance. In some cases, however, there may be logical explanations for an apparent deterioration in safety following roundabout conversion. At the Gainesville site, for example, transportation officials were unable to secure adequate right of way to construct a roundabout to design specifications that would accomplish the desired deflection and speed reduction. This may explain the apparent absence of crash reduction at this site.

Table 3
Estimates of Safety Effect for Groups of Conversions

Group Characteristic Before	Count of Crashes During Period After Conversion		Crashes Expected During After Period Without Conversion (Standard Deviation)		Index of Effectiveness (Standard Deviation)		Percent Reduction in Crashes	
	All	Injury	All	Injury	All	Injury	All	Injury
Single Lane, Urban, Stop Controlled								
Bradenton Beach, FL	1	0	9.9 (3.6)	0 (0)				
Fort Walton Beach, FL	4	0	16.9 (3.9)	2.7 (1.1)				
Gorham, ME	4	0	6.8 (1.4)	0.9 (0.4)				
Hilton Head, SC	9	0	42.8 (6.0)	8.2 (1.9)				
Manchester, VT	1	1	1.7 (0.7)	0 (0)				
Manhattan, KS	0	0	4.2 (1.2)	1.2 (0.5)				
Montpelier, VT	1	1	4.3 (1.8)	1.1 (0.6)				
Santa Barbara, CA	17	2	17.97 (4.9)	0 (0)				
West Boca Raton, FL	7	0	8.1 (3.0)	2.6 (1.3)				
Entire group (9)	44	4	112.6 (10.2)	16.6 (2.6)	0.39 (0.07)	0.23 (0.12)	61	77
Single Lane, Rural, Stop Controlled								
Anne Arundel County, MD	14	2	24.6 (4.0)	6.2 (1.7)				
Carroll County, MD	4	1	15.2 (2.6)	3.2 (0.9)				
Cecil County, MD	10	1	14.3 (2.9)	5.6 (1.4)				
Howard County, MD	14	1	36.7 (5.5)	7.7 (2.1)				
Washington County, MD	2	0	14.4 (3.1)	4.2 (1.3)				
Entire group (5)	44	5	105.2 (8.4)	26.9 (3.4)	0.42 (0.07)	0.18 (0.09)	58	82
Multilane, Urban, Stop Controlled								
Avon, CO	3	0	19.9 (4.9)	0 (0)				
Avon, CO	17	1	12.2 (3.1)	0 (0)				
Avon, CO	13	0	30.1 (5.7)	2.3 (1.0)				
Vail, CO	14	—	19.1 (4.4)	—				
Vail, CO	61	—	50.9 (7.6)	—				
Vail, CO	8	—	9.8 (2.1)	—				
Vail, CO	15	—	11.8 (2.3)	—				
Entire group (7)	131		153.8 (12.4)	n/a	0.85 (0.10)	n/a	15	n/a
Urban, Signalized								
Avon, CO	44	1	49.8 (7.0)	5.4 (1.7)				
Avon, CO	18	0	52.1 (7.0)	5.3 (1.7)				
Gainesville, FL	11	3	4.8 (1.5)	1.3 (0.5)				
Entire group (3)	73	4	106.7 (10.0)	12.0 (2.5)	0.68 (0.10)	0.32 (0.17)	32	68
All conversions	292	14	478.2 (20.7)	57.8 (5.1)	0.61 (0.04)	0.24 (0.07)	39	76

— Data not available

Effects on fatal crashes and those causing incapacitating injuries are more difficult to measure due to the small samples, but indications are that such crashes were substantially reduced. For the 20 converted intersections with injury data, there were 3 fatal crashes during the before period and none during the after period. The fatal crashes may have contributed to the fact that the roundabouts were constructed and may therefore contribute to the regression-to-the-mean phenomenon. There were 27 incapacitating injury crashes during the before period and only 3 during the after period. Taking

into account the durations of the before and after periods and increases in traffic volume, and adjusting for regression to the mean (estimated to be roughly 22 percent), the observed value of 3 incapacitating or fatal injury crashes during the after period is substantially and significantly less than the 26.6 expected. The estimated reduction in fatal and incapacitating injury crashes is 89 percent ($p < 0.001$).

There were 3 reported pedestrian crashes during the before period and 1 (with minimal injuries) during the after period. Four bicyclists were injured during the before period and 3 during the after period. However, these samples are too small to be meaningful.

DISCUSSION

Results of this study indicate that converting conventional intersections from stop sign or traffic signal control to modern roundabouts can produce substantial reductions in motor vehicle crashes. Of particular note are the large reductions found in the number of injury crashes, especially those involving incapacitating and fatal injuries. These findings generally are consistent with results of numerous international studies. The accumulated knowledge suggests that roundabout construction should be strongly promoted as an effective safety treatment for intersections. Given the large numbers of injury (700,000) and property damage (1.3 million) crashes that occur each year at traffic signals and stop signs in the United States (National Highway Traffic Safety Administration, 1999), widespread construction of roundabouts can produce substantial reductions in crash losses associated with motor vehicle use on public roads.

It is possible that the smaller safety effect observed for the group of urban intersections that previously were multilane and stop controlled may be due to differences in safety performance of single- versus multilane roundabout designs. However, a firm conclusion cannot be made because of other important differences between conversions in Colorado and those in other states. For example, 3 of the 4 roundabouts in Colorado are part of freeway interchanges that also include nearby intersections that were previously four-way stop controlled. The multilane roundabouts do seem to be effective in eliminating most incapacitating injury crashes.

Crash reductions resulting from conversion of conventional intersections to modern roundabouts can be attributed primarily to two factors: reduced traffic speeds and elimination of specific types of motor vehicle conflicts that frequently occur at angular intersections. These conflicts include left turns against opposing/oncoming traffic, front-to-rear conflicts (often involving the lead vehicle stopping or preparing to stop for a traffic signal or stop sign), and right-angle conflicts at traffic signals and stop signs. Retting et al. (2000) reported that crashes associated with these three intersection traffic conflicts account for two-thirds of police-reported crashes on urban arterials. Red light running crashes, which

involve side impacts at relatively high speeds, are especially injury producing (Retting et al., 1995) and can be eliminated through roundabouts conversion.

Although the sample was too small to estimate effects on pedestrian crashes, Scandinavian evaluations of roundabouts conclude that single-lane roundabouts are very safe for pedestrians (Ulf and Jörgen, 1999). Data from this study give no reason to doubt that those experiences can be translated to North America. And none of the multilane roundabouts have had a single pedestrian crash so far, even though there were two crashes during the before period at these sites. Likewise, Scandinavian experience shows that single-lane roundabouts with one-lane entries are very safe for bicyclists.

Some have expressed concern that older drivers may have difficulties adjusting to roundabouts. However, in this study, the average age of crash-involved drivers did not increase following the installation of roundabouts, suggesting that roundabouts do not pose a problem for older drivers.

In addition to reducing the risk of motor vehicle crashes and injuries, conversion to roundabouts can produce other important societal benefits including reductions in vehicle emissions, noise, fuel consumption, and traffic delays (Hyden and Varhelyi, 1999; Jacquemart, 1998). Roundabouts also can improve the aesthetic appearance of intersections by providing opportunities for landscaping and architectural treatments. Roundabouts in place of traffic signals can provide cost savings for local governments by avoiding the expense of new traffic signal construction and maintenance.

Roundabouts are not feasible, nor appropriate, at all intersections. Sufficient right of way must be available for construction of the circular intersection. Typically, a modern roundabout has an outer diameter of approximately 100 feet (30 m). This allows for large enough deflections to reduce speeds to an appropriate level. However, land can be saved compared with signalization because approach roads can be kept narrower. Capacity constraints and limited rights of way eliminate from consideration many busy urban intersections, especially those located in central business districts. Also, intersections with high volumes of both bicycle and motor vehicle traffic may not be good candidates for roundabouts. There remains a need to develop a procedure for estimating the likely safety consequences of a contemplated installation. In the meantime, it is suggested that future installations be patterned after the ones found in this study to have had a very positive safety experience.

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APPENDIX
Empirical Bayes Estimation

The theory is covered in detail elsewhere (Hauer, 1997), so what is presented here is merely an illustration. Consider the Anne Arundel County, Maryland, intersection converted in 1994 for which the crash counts and AADTs on the approaches were as follows.

	Before Conversion	After Conversion
Months (years) of crash data	56 (4.67)	38 (3.17)
Count of total crashes	34	14
Major approaches AADT	10,654	11,956
Minor approaches AADT	4,691	5,264

Estimating B: The Crashes That Would Have Occurred in the After Period without the Conversion

First, using the model from Bonneson and McCoy (1993), the regression estimate (Y) of the number of *total* crashes/year during the before period is:

$$P(\text{crashes/year}) = 0.000379 \times (\text{major road AADT})^{0.256} \times (\text{minor road AADT})^{0.831}$$

$$= 0.000379 \times (10,654)^{0.256} \times (4,691)^{0.831} = 4.58.$$

Then, the expected annual number of crashes during the before period is estimated as:

$$m_b = (k + x_b) / (k/P + y_b),$$

where x_b is the count of crashes during the before period of length y_b years and $k = 4.0$ is a parameter estimated in the regression model. Thus, the expected annual number of crashes during the before period is:

$$m_b = (4.0 + 34) / [(4/4.58) + 4.67] = 6.860.$$

To estimate B , the length of the after period and differences in the AADTs between the before and after period must be considered. This is accomplished by first multiplying the expected annual number of crashes in the before period by R , the ratio of the annual regression predictions for the after and before periods. In the after period:

$$\text{crashes/year} = 0.000379 \times (11,956)^{0.256} \times (5,264)^{0.831} = 5.19.$$

The ratio R of the after period to the before period regression predictions is:

$$R = 5.19/4.58 = 1.133,$$

which gives:

$$m_a = R \times m_b = 1.133 \times 6.860 = 7.772 \text{ crashes/year.}$$

Finally, to the estimate of B , the number of crashes that would have occurred in the after period had the conversion not taken place, m_a is multiplied by y_a , the length of the after period in years. Thus:

$$B = 7.772 \times 3.17 = 24.61.$$

Recall that 14 crashes actually occurred. The variance of B is given by:

$$Var(B) = B \times R \times y_a / (p + y_b) = 24.61 \times 1.133 \times 3.17 / (0.873 + 4.333) = 16.93$$

Estimation of Safety Effect

In the estimation of changes in crashes, the estimate of B is summed over all intersections in the converted group and compared with the count of crashes during the after period in that group (Hauer 1997). For the 5 conversions in Maryland, the table below gives the estimates of B , variance of these estimates, and the count of crashes in the after period.

After Period Count (A)	Empirical Bayes Estimate (B)	$Var(B)$
14	36.71	30.63
14	24.62	15.95
2	14.38	9.40
10	14.33	8.55
4	15.16	6.76
Sum = $\lambda = 44$	Sum = $\pi = 105.19$	Sum = 71.29

The variance of B is summed over all conversions. The variance of the after period counts, A , assuming that these are Poisson distributed, is equal to the sum of the counts. There are two ways to estimate safety effect as shown below. For each, the estimation of the variance is illustrated.

Method 1: Reduction in Expected Number of Crashes (δ)

This is the difference between the sums of the B s and A s over all sites in a conversion group.
Let:

$$\pi = \sum B$$

$$\lambda = \sum A;$$

thus:

$$\delta = \pi - \lambda.$$

For the Maryland conversion data in the table above:

$$\delta = 105.19 - 44 = 61.19.$$

The variance of δ is given by:

$$Var(\delta) = \Sigma Var(B) + \Sigma Var(A).$$

For the Maryland conversion data in the table above:

$$Var(\delta) = 71.29 + 44 = 115.29.$$

Method 2: Index of Effectiveness (θ)

A biased estimate of θ is given by:

$$\theta = \lambda / \pi.$$

The percent change in crashes is in fact $100(1-\theta)$; thus a value of $\theta = 0.7$ indicates a 30 percent reduction in crashes. From Hauer (1997), an approximate unbiased estimate of θ is given by:

$$\theta = (\lambda/\pi) / \{1 + [Var(\pi)/\pi^2]\}.$$

For the Maryland conversion data in the table above:

$$\theta = (44/105.19)/[1 + (71.29/105.19^2)] = 0.416.$$

The variance of θ is given by:

$$Var(\theta) = \theta^2 \{ [Var(\lambda) / \lambda^2] + [Var(\pi) / \pi^2] \} / [1 + Var(\pi) / \pi^2]^2.$$

For the Maryland conversion data in the table above:

$$Var(\theta) = 0.416^2 [(44/44^2) + (71.29/105.19^2)] / [1 + (71.29/105.19^2)]^2 = 0.0050.$$

Received at Meeting
February 7, 2001
Public Hearing 69
M. Anderson

PROPOSAL TO CITY OF SAMMAMISH

We have had our property for sale for a number of years and, with the new city being voted in, all of our prospective buyers wanted to wait and see what the City did before they purchased our property. Then the new City of Sammamish put a moratorium on certain types of commercial building. The medical-dental building-only moratorium put on our properties made our property unfeasible for a builder to build on and just rent out as medical-dental office space only. They need to be able to rent out part of the complex as general office space because the all-medical-dental-buildings requirement would be impossible to rent out as such. We would like to appeal to the City Council of Sammamish to take the medical-dental moratorium off our properties and let us use the office zoning which our property is currently zoned for.

By removing the moratorium on our two properties, we think it would help the traffic on and off the plateau by letting small businesses and their clients stay on the plateau to take care of their business rather than everyone making trips off the plateau.

We have spent a lot of money with attorneys, engineers and with the water district to get our properties to a point where we could put together a project and sell our property. The City incorporating and then the moratorium being put on the plateau has stopped us cold in our tracks. The buyers and potential buyers we have had are all waiting for the moratorium to be lifted before they proceed any further towards finalizing their offers because of the unfeasibility of building medical-dental buildings only. We are not big businesses with deep pockets and these properties are the main source of retirement for all of us. We do not have a great deal of money to keep putting into this project. We are also in danger of losing our ERU'S if we can't go ahead with our office project. Losing our ERU'S would be disastrous for us, as it could take years to get water rights with the lottery in effect. We two property owners have been counting on the moratorium being lifted the first of the year in 2001. A builder cannot build and rent out a complex on our property solely as a medical-dental structure. They need to have a combination medical-dental and general office structure which is what our property is zoned for.

Our two properties lie just south of where SR Development is building a new Starbuck's. We are two of the few office-zoned properties left in the Inglewood Hill and 228th shopping center area, and we have been unable to market our properties because of this moratorium. If this moratorium is extended any further out, it will virtually stop us from being able to secure buyers on our two pieces. It is imperative that our two properties be excluded from the medical-dental moratorium; we have lost buyers because of this moratorium; we cannot afford to lose any more.

Ronald E. Kenyon

Ronald E. Kenyon

Ardath S. Kenyon

Ardath S. Kenyon

Linda Schampera

Linda M. Schampera

February 7, 2001

We have had our property for sale for a number of years and with the new city being voted in all of our prospective buyers wanted to wait and see what the City did before they purchased our property. Then the new City of Sammamish put a moratorium on certain types of commercial building. The medical-dental building moratorium put out our prospectus made our property unfeasible for a bidder to build on and just rent out as medical-dental office space only. They need to be able to rent out part of the complex as general office space because the vil-medical-dental-building requirement would be impossible to rent out as such. We would like to appeal to the City Council of Sammamish to take the medical-dental moratorium off our properties and let us use the office zoning which our property is currently zoned for.

By removing the moratorium on our two properties, we think it would help the traffic go and off the business by letting small businesses and their clients stay on the plaza to take care of their business rather than everyone making trips off the plaza.

We have spent a lot of money with attorneys, engineers and with the water district to get our properties in a point where we could put together a project and sell our property. The City incorporating and then the moratorium being put on the plaza has stopped us cold in our tracks. The buyers and potential buyers we have had are all waiting for the moratorium to be lifted before they proceed any further towards financing their offers because of the unfeasibility of building medical-dental buildings only. We are not big businesses with deep pockets and these properties are the main source of retirement for all of us. We do not have a great deal of money to keep putting into this project. We are also in danger of losing our ERU's if we can't go ahead with our office project. Losing our ERU's would be disastrous for us, as it could take years to get water rights with the voters in effect. We two property owners have been counting on the moratorium being lifted the first of the year in 2001. A bidder cannot build and rent out a complex on our property solely as a medical-dental structure. They need to have a combination medical-dental and general office structure which is what our property is zoned for.

Our two properties lie just south of where SR Development is building a new Starbucks. We are one of the few office-zoned properties left in the Inglewood Hill and SR Development center area, and we have been unable to market our properties because of this moratorium. If this moratorium is extended any further out, it will virtually stop us from being able to seek to buyers on our two pieces. It is imperative that our two properties be excluded from the medical-dental moratorium, we have lost buyers because of this moratorium; we cannot afford to lose any more.

Ronald E. Kenyon

Andith E. Kenyon

Linda Schrampe

February 7, 2001

CENTEX HOMES

Wednesday, February 07, 2001

2320 - 130th Avenue NE
Suite 200
Bellevue, WA 98005

Honorable City Council
City of Sammamish
704- 228th Ave SE
Sammamish, WA 98074

Phone: 425 882-3611
Fax: 425 883-3448

Subject: Moratorium Extension – Proposed Additional Exemptions

Dear Council Members,

As you debate and deliberate the extension of the existing moratorium at your February 07, 2001 meeting, I request that your review address two proposed additional categories for exemptions – 1) Senior Housing & 2) Moderate Priced Housing.

Both categories facilitate compliance with the Housing Element of Growth Management and encourage also existing residents, who might be considering moving out of the city, to stay, by offering an alternative to similar housing outside the City of Sammamish.

Senior Housing Exemption

Senior housing is proposed as an exemption for projects that are specifically targeted only for seniors, projects that offer independent living or assisted living, both rental and for sale and that include services and or amenities specifically for the senior citizen.

Projects such as this are clearly targeted toward a smaller segment of the current market and because of their nature, creating an operational specialty, would not be expected to precipitate a building boom. One property we are specifically interested in is located within the core area of 228th and NE 8th and would support about 40 to 50, active senior, condominiums.

Moderate Priced Housing Exemption

Moderate priced housing is proposed as an exemption. As all of you are aware, the cost of housing has soared in your community and even though the market has softened a bit, housing prices will continue to rise, especially in light of the slowing of new project approvals. Your staff has indicated that the average residential city building permit is a 4,000 SF size home, beyond reach to many. If it is feasible to establish some thresholds for home pricing that would encourage development and building of ownership housing for the median income families in your vicinity, it seems to me that you are responsive, again, to GMA, facilitating housing development for diverse economic sectors of our community.

Reasons To Consider

In both of these categories, the limitations of existing zoning and water availability automatically limits the size of any proposals made during the moratorium by these two proposed exemptions. Very few sites/proposals would be eligible. Also, traffic conditions in Sammamish are favorable toward senior housing because the recognized standard for auto trips is lower for senior housing than single family housing. Parking requirements are less for senior housing than the unrestricted multifamily project. Finally, your city staff now has some processing experience with multi-family units reviews as a result of one transfer/vesting decision (Wesley Cove) and other upcoming reviews required under the Interlocal Agreement King County.

*Received at Meeting
February 7, 2001 #6A
Public Hearing in Paddock*

At past public meetings, members of the City Council have stated in those deliberations that “turning the valve open slowly” might help keep the moratorium viable while the comprehensive plan is prepared as well as avoiding a rush at the gate for new development when moratorium is eventually removed.

Finally, Senior housing and moderate priced housing exemptions are responsive to GMA goals for housing diversity. The resultant development can be managed in such a way as to minimize the impacts on traffic and other services. We are prepared to help meet the objective of supplying some moderate priced housing in your community and also move the city toward satisfying the anticipated goals of the new housing element under the Growth Management Act, provided the moratorium renewal addresses these two proposed exemption categories.

Sincerely,

Centex Homes Washington
Fred Armstrong, Project Manager

CC: Ray Gilmore, Community Dev. Director

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject:

Formation of the Beaver Lake Management District

Meeting Date:

February 7, 2001

Date Submitted:

February 1,, 2001

Originating Department:

Community Development

Clearances:

 Administration

 Police

 Public Works

 Fire

 X Comm. Development

 Attorney

Committee:

Action Required:

Adoption of Resolution submitting the question of creating a Lake Management District to a vote of the property owners within the district.

Exhibits:

Resolution

- a) BLMD Proposal (2001-2005)
 - b) BLMD Boundary Map
-

Budgeted Amount:

Summary Statement:

At its regular meeting of January 17, and following the conclusion of the public hearing on the intent to form a Beaver Lake Management district, Council directed staff to prepare a resolution calling for a district vote on the formation of the management district.

In consideration of RCW 36.61.070, a resolution which submits the question of creating a Beaver Lake Management District is prepared for the Council's consideration. The vote is limited to those properties within the defined management district boundary. If adopted, the ballots will be submitted to the property owners within the district in April.

Staff Recommendation

Staff recommends adoption of the resolution.

**CITY OF SAMMAMISH
WASHINGTON
Resolution No. R2001-__**

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, TO FORM LAKE MANAGEMENT DISTRICT
NO. 1 IN THE BEAVER LAKE WATERSHED AND CALLING
FOR A VOTE BY AFFECTED PROPERTY OWNERS ON THE
FORMATION OF THE MANAGEMENT DISTRICT**

Section 1. WHEREAS, King County completed and adopted, by ordinance, the first lake-specific management plan, the Beaver Lake Management Plan in August of 1995; and

WHEREAS, the Plan was initiated because of citizen interest in the long-term protection of Beaver Lake; and

WHEREAS, Beaver Lake Watershed contains many significant resources including three number one-rated wetlands, streams, and lakes; and

WHEREAS, the existing lake quality supports fishing, wildlife habitat, swimming, boating, visual aesthetics, waterfront property values, and other beneficial uses; and

WHEREAS, pursuant to RCW 35.21.403 and RCW Chapter 36.61, a lake management district can be formed to generate funds for financing lake improvement and maintenance projects recommended in the Beaver Lake Management Plan; and

WHEREAS, the City of Sammamish is committed to a good faith effort of continuing these activities; and

WHEREAS, the Beaver Lake community has demonstrated support for the formation of a lake management district through unanimous adoption of a Beaver Lake Community Club resolution and by requesting King County Council to initiate the formation of a Beaver Lake Management District; and

WHEREAS, a public hearing was conducted on January 17, 2001, on the formation of the district; and,

WHEREAS, consistent with Chapter 36.61 RCW, public notice of the hearing was provided to all of the affected property owners on December 18, 2000; and

WHEREAS, testimony was provided by members of the Board of the Beaver Lake Management District and interested citizens; and

WHEREAS, the City of Sammamish City Council, considered the testimony received at the public hearing; and

WHEREAS, the City of Sammamish City Council declares that submitting the question of formation of the lake management district to a vote by the affected property owners is within the public's interest; and

WHEREAS, proposed financing for the district is considered feasible.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FINDINGS, THE CITY OF SAMMAMISH CITY COUNCIL HEREBY DECLARES THE FOLLOWING:

1. The formation of the Beaver Lake Management District shall be referred to a vote of the property owners within the proposed management district.
2. The Beaver Lake Management Plan Proposal is incorporated by reference as Exhibit "A", attached.
3. The City Clerk shall prepare the appropriate ballot, based upon the criteria in Chapter 36.61.080, calling for a vote on the formation of the Beaver Lake Management District.
4. The ballot shall be submitted to the affected residents by no later than April 1, 2001 and shall be returned to the City of Sammamish by no later than, May 1, 2001 (30 days from the date of submittal.)
5. If approved by the voters within the proposed district, the Management District will be effective for a period of five (5) years and shall expire on December 31, 2005.

**PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, ON THIS _____ DAY OF _____ 2001.**

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: February 1, 2001

Passed by the City Council:

Resolution No.:

Beaver Lake Management District Proposal (2001-2005)

As currently proposed, the Beaver Lake Management District will raise \$200,000 between 2001 and 2005 to fund a series of lake management actions. This revenue will be raised through annual assessments of waterfront and non-waterfront property owners in the proposed district boundary.

Waterfront property owners (117 accounts) will pay \$188 per year while non-waterfront properties (879 accounts) will assessed \$21 per year. Through these assessments, the district will raise \$40,000 each year for five years total.

This revenue will fund the following activities:

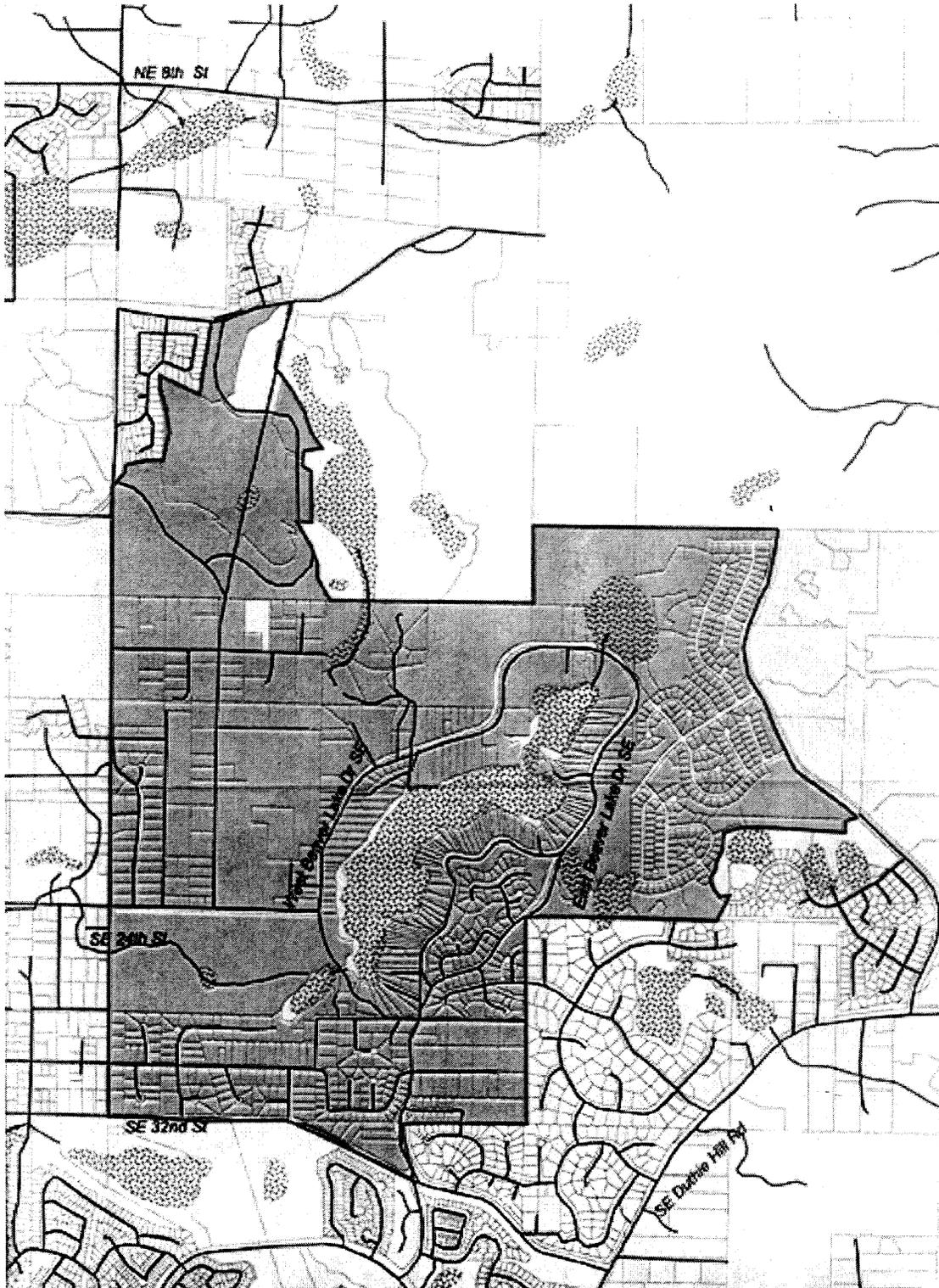
- (1) biweekly stream monitoring; regular stormwater quality sampling to assess new development impacts; and comprehensive lake monitoring in 2005 to evaluate whole-lake water quality;
- (2) semi-annual newsletters and webpage maintenance; and
- (3) administrative support including facilitation of quarterly board meetings and management of work program.

Below is a breakdown of the LMD budget by task with annual revenue.

TASK	2001	2002	2003	2004	2005	Totals
(1) Stream/Lake/ Stormwater Monitoring						
Labor	\$15,759	\$16,675	\$17,653	\$20,354	\$58,864	\$129,304
Lab	\$2,857	\$2,915	\$2,973	\$6,666	\$14,724	\$30,135
Materials	\$1,000		\$1,000		\$1,000	\$3,000
(2) Community Outreach						
Labor	\$4,384	\$4,675	\$4,986	\$5,321	\$5,681	\$25,047
Materials	\$750	\$750	\$750	\$750	\$750	\$3,750
(3) Admin. support						
Labor	\$2,114	\$2,177	\$2,242	\$2,310	\$2,379	\$11,222
Total Costs	\$26,864	\$27,191	\$29,605	\$35,400	\$83,398	\$202,457
Total Revenue	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$200,000*

*Interest on LMD account should support collection costs plus \$2,457 difference between projected budget and revenue.

2000 PROPOSED BEAVE LAKE MANAGEMENT DISTRICT



AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject: Extension of Development Moratorium

Meeting Date: February 7, 2001

Date Submitted: February 1, 2001

Originating Department: Community Development

Action Required: Adopt Ordinance on First Reading

Clearances:

 Administration Police

 Public Works Fire

 X Building/Planning Attorney

Exhibits: Ordinance

Committee: Community Development Committee

Budgeted Amount: N/A

Summary Statement:

The City is currently operating under a moratorium for certain types of development permit applications. The moratorium was initially established in August of 1999 and extended for 6-month periods in February of 2000 and in August of 2000. The moratorium expires on February 16, 2001. The City is currently processing development applications that were vested with King County prior to incorporation, in addition to processing building permits for all new residential construction on existing plats and vested commercial development permit applications. The City of Sammamish Planning Advisory Board, formed in July of 2000, has conducted numerous public meetings related to the development of the City's Comprehensive Plan. The PAB is on schedule with the development of a comprehensive plan and development regulations for the City. It is expected that this process (comprehensive plan and development regulations) will be completed within 24 months (by the end of 2002).

Pursuant to RCW 36.70A.390, a moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a

subsequent public hearing is held and findings of fact are made prior to each renewal. An extension of the current development moratorium is appropriate as the City is adhering to an adopted work plan (City of Sammamish Biennial Budget, 2001-2002), which is consistent with the work plan adopted by the Planning Advisory Board.

There has been discussion between staff and the Community Development Committee on relaxing some of the development application restrictions. It is recommended that the staff continue to work with the CDC and submit a recommendation to the Council within three months on potential amendments to the moratorium on certain development applications.

A notice of public hearing on the proposed ordinance was published in the East Side Journal on January 23, 2001.

Recommended Motion:

Staff recommends approval of the extension on the moratorium for a period not to exceed six-months from the date of adoption of this ordinance. The attached ordinance bears the findings of fact supporting the moratorium extension.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2001- _____**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, RELATING TO LAND USE AND ZONING,
AND EXTENDING A MORATORIUM ON THE FILING OF
APPLICATIONS FOR DEVELOPMENT PERMITS AND
APPROVALS WITHIN THE CORPORATE LIMITS OF
THE CITY OF SAMMAMISH**

WHEREAS, incorporation of the City of Sammamish was approved at an election held on November 8, 1998; and

WHEREAS, the City Council was elected on April 27, 1999, and sworn in on May 8, 1999; and

WHEREAS, the City of Sammamish officially incorporated on August 31, 1999; and

WHEREAS, there has been rapid and substantial growth in and around the City of Sammamish; and

WHEREAS, one of the concerns of the citizens of Sammamish which led to incorporation of the City was the impact of County land use decisions on the Sammamish community; and

WHEREAS, in accordance with state law, the City Council passed Resolution No. R99-04, on May 19, 1999, which adopted a moratorium during the transition period on the filing of applications with King County for development permits and approvals within the city limits of the City of Sammamish including, but not limited to, subdivision approvals, short subdivision approvals, and building permits; and

WHEREAS, state law, RCW 35A.63.220, authorizes the City Council to adopt moratoriums following incorporation; and

WHEREAS, a public hearing was conducted on July 28, 1999 to receive comment upon the impacts and effectiveness of the moratorium imposed by Resolution No. R99-04 and the need to extend and/or modify the moratorium following the date of incorporation; and

WHEREAS, based upon the public testimony and other evidence presented at the July 28, 1999 public hearing, the City Council passed Ordinance No. O99-28, on August 25, 1999, to extend the moratorium from the date of incorporation until February 18, 2000; and

WHEREAS, a second public hearing was conducted on February 9, 2000 to receive comment upon the impacts and effectiveness of the moratorium imposed by Ordinance No. O99-28 and the need to extend and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the February 9, 2000 public hearing, the City Council found that there was a substantial basis and public support for extension of the moratorium; and

WHEREAS, the City Council passed Ordinance No. 2000-51, on February 16, 2000, to extend the moratorium from February 18, 2000 until August 16, 2000; and

WHEREAS, a public hearing was conducted on August 16, 2000 to receive comment on the impacts and effectiveness of the moratorium and the need to extend and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the August 16, 2000 public hearing, the City Council found that extending the moratorium is in the public interest; and

WHEREAS, the City Council passed Ordinance No. 2000-68, on August 16, 2000, to extend the moratorium from August 16, 2000 until February 16, 2001; and

WHEREAS, the City Council passed Ordinance No. 2000-74, on December 6, 2000, to amend Ordinance No. 2000-68 by the addition of a categorical exemption for certain wireless communications facilities; and

WHEREAS, a public hearing was conducted on February 7, 2001 to receive comment on the impacts and effectiveness of the moratorium and the need to extend and/or modify the moratorium; and

WHEREAS, based upon the public testimony and other evidence submitted at the February 7, 2001 public hearing, the City Council finds that extending the moratorium is in the public interest; and

WHEREAS, The City is currently processing development applications that vested with King County prior to incorporation, in addition to processing building permits for all new residential construction on existing plats and vested commercial development permit applications; and

WHEREAS, in accordance with the State Growth Management Act, the City is diligently pursuing a planning process that will result in the adoption of the City's first comprehensive plan; and

WHEREAS, an extension of the current development moratorium is appropriate as the City is adhering to an adopted work plan under the City of Sammamish Biennial Budget, 2001-2002, for the adoption of a comprehensive plan; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports extending the moratorium on applications for development permits and approvals

for property located within the corporate limits of the City of Sammamish;

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

Section 1. Findings of Fact. The "Whereas" clauses above shall constitute findings of fact in support of the moratorium hereafter set forth and are incorporated herein.

Section 2. Moratorium Established. Except as hereinafter set forth, a moratorium is imposed upon the filing of applications for development permits and approvals for property located within the corporate limits of the City of Sammamish. For purposes of this moratorium, the terms "development permits and approvals" include:

- a. Subdivision approvals;
- b. Short subdivision approvals;
- c. Site plan approvals;
- d. Multi-family dwelling unit approvals (apartments, townhouses, condominiums, mobile home parks, group residences);
- e. Rezones;
- f. Building permits;
- g. Conditional use or special use permits;
- h. Communications facilities;
- i. Commercial construction in business and office zones; and
- j. Shoreline substantial development permits.

Section 3. Categorical Exemptions. The terms "development permits and approvals" shall not include the following:

- a. Permits and approvals for churches, synagogues, and temples (SIC Code 866); health service uses; educational service uses; park and recreational uses; and day care facilities I and II (all as defined in ISDC 21A.06);
- b. Permits and approvals for additions or alterations to existing multi-family residential and commercial structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing structures destroyed by fire or other unintentional casualty;

- c. Permits and approvals for government facilities and structures including, but not limited to, streets, utilities, and surface water improvements;
- d. Permits and approvals for construction of single family residences;
- e. Permits and approvals for signs;
- f. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- g. Permits and approvals for lot line adjustments;
- h. Permits and approvals for any land use permitted by ISDC when all of the following conditions are met: (1) The property owner(s) applied for the right to connect to a public water supply before August 25, 1999; (2) The property owner(s) were granted the right to connect to a public water supply; and (3) The property owner(s) right to connect to a public water supply will lapse unless exercised by a completed development permit application to the City of Sammamish during the term of this moratorium.
- i. Permits and approvals for construction of the following wireless communications facilities, which shall be reviewed under the criteria set forth in ISDC Chapter 20.20 for a Type 1 Decision:
 - (1) Wireless communications facilities located within the public rights-of-way of 228th Avenue SE/Sahalee Way NE, Inglewood Hill Road, East Lake Sammamish Parkway SE, SE 43rd Street, 212th Avenue SE, NE 20th Street, and Lewis-Thompson Road. These communications facilities may be attached to utility poles, light standards, or other support structures with the ancillary equipment cabinets placed on the ground. An existing utility pole or light standard may be replaced with a new pole or light standard to accommodate the wireless communications facilities. The height of the new pole may be increased up to twenty-five feet above the existing pole height to accommodate the signal quality and coverage of the proposed antenna(s). If the wireless communications facility is fifteen cubic inches or less in volume, it may be located within any public right-of-way.
 - (2) Applications to maintain, repair or replace existing wireless communications facilities, including those approved and installed prior to incorporation.
 - (3) Wireless communications facilities collocated on existing antenna support structures, such as monopoles or lattice towers.
 - (4) Wireless communications facilities collected on existing buildings in non-residential zoning districts so long as each wireless communications facility is screened from view from adjacent public rights-of-way.

This moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 4. Effective Period of Moratorium. This moratorium, as a public emergency measure necessary for the protection of the public health, safety, and welfare, shall be effective immediately upon termination of the moratorium imposed by Ordinance No. O2000-68 (February 16, 2001) and shall continue in effect until August 16, 2001 unless earlier repealed, renewed or modified by the City Council as provided by state law.

Section 5. Hardship Exceptions. In the event of unusual or unreasonable hardships caused by this moratorium, appeal may be made to the City Council for an exception from the provisions of the moratorium. The City Council may grant an exception upon a showing of such unusual or unreasonable hardship.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE ____ DAY OF _____, 2001.**

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: February 1, 2001

Passed by the City Council:

Date of Publication:

Effective Date:

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject: Ordinance amending ordinance No. O2000-50 to authorize the City Manager to sign contracts to purchase easements or rights-of-way without prior approval by the City Council

Meeting Date: February 7, 2001

Date Submitted: January 31, 2001

Originating Department: Public works

Action Required: Approve ordinance

Clearances:

_____ **Administration** _____ **Police**

_____ **Public Works** _____ **Fire**

_____ **Building/Planning** _____ **Attorney**

**Exhibits: A) Ordinance
 B) Ordinance O2000-50**

Committee:

Budgeted Amount: N/A

Summary Statement:

Construction, improvement, and expansion of City streets often requires the City to enter into numerous contracts for the purchase of easements and right-of-way. The ability of the City Manager to enter into these agreements without prior approval of the City Council will improve the efficiency of City operations.

Ordinance O2000-50 gives authority to the City Manager to enter into contracts, without City Council approval, for amounts under \$15,000. This ordinance will amend O2000-50 by adding a section providing for the City Manager to approve contracts to purchase easements or rights-of-way in support of a construction project approved by the City Council; provided, the funds to purchase the easements or rights-of-way have been budgeted for that purpose and the purchase price of the given easement or right-of-way is within ten percent of its appraised value.

Recommended Motion:

Approve ordinance of the City of Sammamish, Washington, amending O2000-50 to authorize the City Manager to sign contracts to purchase easements or rights-of-way without prior approval by the City Council.

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2001-**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NUMBER 2000-
50 TO AUTHORIZE THE CITY MANAGER TO SIGN
CONTRACTS TO PURCHASE EASEMENTS OR RIGHTS-
OF-WAY WITHOUT PRIOR APPROVAL BY THE CITY
COUNCIL**

WHEREAS, RCW 35A.11.010 provides that the City of Sammamish, through its City Council, may enter into contract; and

WHEREAS, the construction, improvement, and expansion of City streets often requires the City to enter into numerous contracts for the purchase of easements and rights-of-way; and

WHEREAS, allowing the City Manager to enter into contracts for the purchase of easements and rights-of-way without prior approval by the City Council will improve the efficiency of City operations;

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

Section 1. Ordinance No. 2000-50 Amended. Ordinance No. 2000-50 of the City of Sammamish, a copy of which is attached hereto and incorporated by reference, is hereby amended by the addition of a new section (A)(12) to read as follows:

12. Contracts to purchase easements or rights-of-way in support of a construction project approved by the City Council; provided, the funds to purchase the easements or rights-of-way have been budgeted for that purpose and the purchase price of the given easement or right-of-way is within ten percent of its appraised value.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF _____, 2001.**

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: January 31, 2001

Passed by the City Council:

Date of Publication:

Effective Date:

**CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO.:O2000-50**

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ESTABLISHING A PROCEDURE
RELATING TO CONTRACT APPROVALS AND
AUTHORIZING THE CITY MANAGER TO EXECUTE
CERTAIN CONTRACTS WITHOUT PRIOR
INDIVIDUAL APPROVAL BY THE CITY COUNCIL**

WHEREAS, RCW 35A.11.010 provides that the City of Sammamish, through its legislative body, may contract and be contracted with; and

WHEREAS, the City enters into a large number of minor and routine contracts for which it is burdensome to individually have City Council approval; and

WHEREAS, the City Council determines that the practical needs of the City require that the City Manager enter into certain contracts without prior individual approval by the City Council in order to allow the City to function in an orderly manner;

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

Section 1. Contract Approval Authorization. The following procedure is hereby established for the approval of certain contracts and granting the City Manager authority with respect to such contracts:

A. The City Council authorizes the City Manager to enter into and execute on behalf of the City the following contracts without individual approval of each contract by the City Council, so long as the contract is consistent with the approved annual budget for the City, and the City's liability under the contract does not exceed available fund balances:

1. Contracts for purchase of goods, supplies, materials, or equipment involving a cost or fee (excluding sales tax) of less than Fifteen Thousand Dollars (\$15,000).

2. Professional service contracts, including contracts for architectural, engineering, legal, and consulting services involving a cost or fee (excluding sales tax) of less than Fifteen Thousand Dollars (\$15,000).

3. Maintenance contracts involving a cost or fee (excluding sales tax) of less than Ten Thousand Dollars (\$10,000) per year.

4. Public Works projects involving a cost or fee of less than Thirty-five

Thousand Dollars (\$35,000) involving multiple trades, and Twenty Thousand Dollars (\$20,000) involving a single trade.

5. Settlement agreements involving a cost or fee of less than Twenty Thousand Dollars (\$20,000), and retention of legal counsel and expert consultants, involving risk management claims or suits.

6. Other routine agreements where no expenditure is involved, or the cost, expenditure, or fee (excluding sales tax) does not exceed Ten Thousand Dollars (\$ 10,000).

7. Lease agreements for materials, supplies, and equipment where the expenditure or fee does not exceed Ten Thousand Dollars (\$ 10,000) per year.

8. Sale of unneeded surplus personal property with an estimated cumulative value of Ten Thousand Dollars (\$10,000) or less, which has been certified for disposition, such sale or disposition to be made by the City Manager in accordance with informal procedures and in the best interest of the City.

9. Contracts that carry out or implement a provision of the Sammamish Municipal Code or established City policy, e.g., maintenance or performance bonds for plat improvements.

10. Emergency contracts. "Emergency" means a set of unforeseen circumstances that either:

a. Presents a real, immediate threat to the proper performance of essential functions; or

b. May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; or

c. For public works projects, may result in a substantial loss to the City if the contract is not immediately entered into.

11. Employment and personnel matters. Unless otherwise provided by statute or ordinance, e.g., salaries and compensation are subject to City ordinance.

B. The breaking down of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited. The amount of a contract includes all amendments; provided, however, that amendments that do not exceed in total ten percent (10%) of the contract amount may be entered into without prior City Council approval.

C. The City Manager may present any contract to the City Council for prior approval, even if the contract is allowed to be approved without prior City Council approval.

D. All interlocal agreements shall be presented to the City Council for prior approval.

E. The City Manager shall promptly, within ten (10) days, provide to the City Council a copy (or summary) of any contract (or amendment) that has not received prior approval by the City Council.

F. "Contract" means any agreement creating a legal relationship between the City and another person or entity, or any amendment thereto.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 16th DAY OF FEBRUARY, 2000.**

CITY OF SAMMAMISH

Mayor Jack Barry

ATTEST/AUTHENTICATED

Ruth Muller, Interim City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk:	February 11, 2000
Passed by the City Council:	February 16, 2000
Ordinance No.:	O2000-50
Date of Publication:	February 23, 2000

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject:
Willamette at Sammamish Highlands Subdivision

Meeting Date: February 7, 2001

Date Submitted: January 31, 2001

Originating Department: Community Development

Action Required:
Motion to approve subdivision

Clearances:
 Administration Police

 X Public Works Fire

 X Building/Planning Attorney

Exhibits/Attachments:
a) Map of Final Plat
b) Transmittal Letter
c) Hearing Examiner Decision June 17, 1999

d) Road Variance L00V0019
e) Drainage Variance L99SR315
f) LWSD Letter RE: Access to school Jan. 27, 2000

Budgeted Amount: N/A Legislative Approval

Summary Statement:

The proposed plat is 46 lots on 9.8 acres, proposed by Cam West Development, Inc. The proposal was reviewed and approved by King County DDES, and the required infrastructure (drainage, roads, sidewalks, etc) improvements have been under construction, under King County DDES staff inspection. Here are the key points:

Roads are built to King County Road Standards, except for one variance. Drainage meets 1998 KCSWDM by a drainage variance. Access to Samantha Smith School is provided.

The MPS transportation impact fees are at the current rate of \$2,575 per unit is \$118,450 for 46 lots for Zone # 403, unless impact fee rates are revised prior to building permit issuance, in addition to the required frontage and internal streets in the plat conditions.

Recommended Motion:

Approve 46-lot Willamette at Sammamish Highlands Subdivision and authorize the Mayor to sign mylars of the final plat.

February 1, 2001

TO: Melonie Anderson, City Clerk
From: Matt Mathes, Special Project Planner

**RE: Willamette at Sammamish Highlands (AKA Vansell) Final Plat
City Council Regular Meeting Feb. 7, 2001**

The materials under this cover memo have been selected from the full file as the agenda packet materials for review by City Council. The enclosed materials are:

Ex. A - Map of Plat (Reduced to 8-1/2 x 11)	1 page
Ex. B - Transmittal letter - Jan. 31, 2001	1 page
Ex. C - Hearing Examiner Decision – June 17, 2001	16 pages
Ex. D - Road Variance	7 pages
Ex. E - Drainage Variance	3 pages
Ex. F - LWSD letter	1 page
Total	29 pages

Background on Proposed Plat

The name of the proposal has changed recently from “Vansell” to “Willamette at Sammamish Highlands”. Staff learned of the name change on January 31, 2001, so the agenda and file materials will appear as either (or both) plat name(s).

The proposed plat is 46 lots on 9.8 acres, proposed by Cam West Development. The proposal was reviewed and approved by KC DDES, and the required infrastructure (drainage, roads, sidewalks, etc.) improvements is under construction under KC DDES staff inspection. Here are several key points:

Pedestrian access to Samantha Smith Elementary School has been made a condition of approval.

The MPS transportation impact fees that the applicant will pay are the current rate of \$2,575 per unit (\$118,450 for 46 lots) for Zone #403, unless impact fee rates are revised prior to building permit issuance. The impact fees are required in addition to required frontage and internal streets mentioned in the plat conditions.

The right of way width has been reduced to 48 feet width at 233rd Ave NE and NE 10th Place through a Road Variance. Currently, the adopted city standard right of way is 57 feet width.

**CITY OF SAMMAMISH
WASHINGTON
Resolution No. R2001-__**

**A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON,
GRANTING FINAL PLAT APPROVAL TO THE PLAT OF WILLAMETTE AT
SAMMAMISH HIGHLANDS SUBDIVISION**

WHEREAS, the City Council has received King County's recommendation of approval for the final plat of Willamette at Sammamish Highlands (AKA Vansell) Subdivision designated King County File No.L97P0005; 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; and

WHEREAS, the City Council desires to grant final approval to the plat of Willamette at Sammamish Highlands;

**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 17, 1999 decision for the preliminary plat of Willamette at Sammamish Highlands, King County File No. #L97P0005, attached hereto and incorporated herein as Exhibit C.

Section 2. Grant of Approval. The City Council hereby grants final approval to the plat of Willamette at Sammamish Highlands Subdivision, King County File No. #L97P0005

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF FEBRUARY 2001.**

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: February 1, 2001

Passed by the City Council:

Resolution No.:



DDES

**King County
Department of Development
and Environmental Services**

900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

January 31, 2001

Matt Mathes, Special Project Planner
City of Sammamish
704 228th Ave. NE, PMB 491
Sammamish, WA 98053

RE: Willamette at Sammamish Highlands

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 (File L97P0005). 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 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 \$196,500 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 bond in the amount of \$30,000 has also been furnished to King County for site restoration, and a landscape performance bond and street trees in the amount of \$52,779. These financial guarantees are transferable to the City. Also a plat recording fee in the amount of \$74.00 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 Assessors Office for processing. For information call Nimpa Gueco 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 Mike Meins at 206-296-7201.

Sincerely,

James H. Sanders, P.E.
Development Engineer

ATTACHMENT "B"

Enclosures:

cc: Applicant: Sara Slatten, Cam West Development, Inc.
Steve Townsend, Supervising Engineer, Land Use Inspection Section
Pete Dye, P.E., Interim Supervising Engineer, Engineering Review Section
Raymond E. Florent, P.L.S., Senior Engineer, Engineering Review Section
ATTN: Mike Meins, Engineer, Engineering Review Section

June 17, 1999

**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

SECOND REPORT AND DECISION ON PROPOSED PRELIMINARY PLAT APPROVAL.

SUBJECT: Department of Development and Environmental Services File No. L97P0005

VANSELL PROPERTY
Preliminary Plat Application

Location: Lying on the east side of 233rd Ave. NE between NE 8th St. and NE 12th St.
(if constructed)

Applicant: CamWest Development
P.O. Box 676
Kirkland, WA 98083
(425) 637-9747

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner's First Report:	Approve, subject to conditions
Examiner's Second Report:	Approve, subject to modified conditions

PRELIMINARY MATTERS:

Application or petition submitted:	February 9, 1997
Complete application:	March 19, 1997

EXAMINER PROCEEDINGS:

Hearing Opened:	April 8, 1999
Hearing Closed:	April 8, 1999
Examiner's First Report:	April 23, 1999
Appealed by Applicant:	May 12, 1999
Deadline for Party Responses to Appeal:	June 1, 1999

ATTACHMENT "C"

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.

1/16

ISSUES/TOPICS ADDRESSED:

- Intersection standards
- Pedestrian safety
- Recreation areas
- Road standards
- School walking conditions
- Student walking conditions
- Walkways
- Notice of Hearing

FIRST SUMMARY:

KCC 21A.14.190 addresses the use and improvement of required recreational space, but does not address *whether* such space should be required or a fee-in-lieu accepted in lieu thereof.

A walkway easement extending from a cul-de-sac terminus to a school playground will be required pursuant to RCW 58.17.110 (safe student walking conditions) and by KCRS Section 2.08 (connecting activity generators). This does not provide a basis to circumvent the recreational space allocation language contained in KCC 21A.14.190.

Failure to communicate among neighboring applicants provides no basis for disregarding the intersection alignment and spacing standards contained in the KCRS.

Pursuant to KCC 20.20.060.G.6, mailed notification to 500 foot radius property owners is supplementary to the posted and published notice requirements. Thus, it provides no basis for finding published notice inadequate.

Appropriate provision of safe walking conditions means that a student walkway should not be allowed to cross residential driveways and private yards by easement encumbrance.

Safe walking conditions for students who walk to school is a minimum threshold established by RCW 58.17.110. The expense of satisfying the minimum threshold need not be disproportionately borne by any particular development applicant. However, a project cannot go forward in the absence of the minimum threshold having been satisfied.

SECOND SUMMARY:

When a school district assumes the RCW 58.17.110 minimum standard for safe walking conditions, the applicant may be relieved of that burden.

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

FINDINGS:

1. **General Information.**

Developer: Cam West Development, Inc.
P.O. Box 676
Kirkland, WA 98083
Phone: (425) 637-9747

Engineer: Dodds Engineers, Inc.
4205 – 148th Ave. NE, Suite 200
Bellevue, WA 98007
Phone: (425) 885-7877

Location: Lying on the east side of 233rd Avenue NE between NE 8th Street and NE 12th Street (if constructed).

STR: 27-25-6

Zoning: R-6-P

Acreage: 9.80

Number of Lots: 46

Density: Approximately 4.91 dwelling units per acre

Lot Size: Ranges from approximately 4,350 to 20,755 square feet

Proposed Use: Detached single family residences

Sewage Disposal: Sammamish Plateau Water and Sewer District

Water Supply: Sammamish Plateau Water and Sewer District

Fire District: #90

School District: Lake Washington

Complete Application
(Vesting) Date: February 19, 1997

2. Applicant's Proposal.

CamWest Development Inc. (the "applicant") proposes to subdivide a 9.8 acre parcel into 46 single family residential building lots. The proposed lot sizes range from 4,350 to 20,755, achieving a proposed density of approximately 4.91 dwelling units per acre. These numbers are consistent with the minimum and maximum density standards for R-6 zoning classification. The applicant's preliminary plat drawing is entered in this hearing record as Exhibit No. 6. A reduced copy is attached to the preliminary report to the Hearing Examiner dated April 8, 1999 presented by the Department of Development and Environmental Services ("DDES" or the "Department"), entered in this hearing record as Exhibit No. 2.

3. Issues.

The issues/topics/concerns to which the parties directed this review are these:

- A. Adequacy of notice to neighboring developer Cheswick Lane.
- B. Adequacy of applicant's proposed recreation space;
- C. Appropriate provision for safe walking conditions for students who walk to school;
- D. Intersection spacing or alignment.

4. Department Recommendation.

The Department recommends granting preliminary approval to the proposed plat of Vansell property; *subject* to the nineteen conditions of final plat approval contained on pages 12-16 of the Department's preliminary report to the Examiner (Exhibit No.2); *and subject further* to proposed new Condition No. 20 as stated in Exhibit No. 18. This additional proposed condition of final plat approval would require some redesign of the proposed development in order to obtain access from 233rd Avenue NE consistent with King County Road Standards (KCRS). This issue and the Department's recommendation are described further in Finding No.8, below.

5. Applicant Response.

The applicant *accepts* the Department's recommendation; *except* for the following issues:

- A. **Recreation Space.** The applicant opposes recommended Condition No.15 insofar as it precludes the option of paying a "fee-in-lieu" for recreational space. See Finding No.6, below.
- B. **Student Walking Conditions.** The applicant opposes recommended Condition No.10-K which requires that, "...the north side of NE 8th Street shall be improved with an eight-foot-wide gravel shoulder from Inglewood Junior High to 228th Avenue NE." See Finding No. 7, below.
- C. **Intersection Spacing.** The applicant opposes any substantial redesign which might result from new recommended Condition #20 which requires that *either* the proposed NE 9th Place access to 233rd Avenue NE be realigned to coincide with the Cheswick Lane access on the opposite side of 233rd Avenue NE, *or* that proposed NE 9th Place be terminated as a cul-de-sac street. See Finding No. 8, below.

6. Recreation Space.

Calculations based upon KCC 21A.14 show that the proposed development requires 17,940 square feet of on site recreational space. The applicant's preliminary plat drawing (Exhibit No. 6) provides only slightly less than 900 square feet of recreational open space (Tract H, abutting the proposed cul-de-sac turnaround bulb at the north end of proposed 234th Avenue NE).

The applicant argues that a walkway upon a ten-foot-wide trail easement will provide access to the northerly abutting Samantha Smith Elementary School, thereby providing appropriate access to recreation opportunity consistent with KCC 21A.14.185 and KCC 21A.14.190. Further, the applicant argues that a nearby junior high school (albeit across an arterial street) provides community wide recreational opportunity. Finally, the applicant observes, the King County Parks Department has submitted a letter which supports the applicant's position. That letter (Exhibit # 12) states, in part:

The Parks Department supports a reduced on-site recreation tract (12,940 square feet total), including the play area. Our support of a reduced on-site recreation tract is contingent on preserving and delineating the ten-foot trail link to the adjacent elementary as described above.

The applicant emphasizes KCC 21A.14.190 language which provides the following exception for providing "children play areas within the recreation space on site":

.....except when facilities are available to the public within one-quarter mile that are developed as parks or playgrounds and are accessible without crossing arterial streets.

The Department, on the other hand, emphasizes language contained in KCC 21A.14.185 which discusses the discretionary nature of King County acceptance of offered fee-in-lieu recreational space payments and provides the following criteria for allowing such payment:

.....the recreation space provided within a county park in the vicinity will be of greater benefit to the prospective residents of the development.

The applicant argues that the Department's interpretation of KCC 21A.14 is too restrictive.

7. Walkway Easement.

The Department recommends requiring a walkway extending northward from the proposed north 234th Avenue NE turnaround bulb to Samantha Smith Elementary School. The Department bases this recommended condition on RCW 58.17.110, which requires safe walking conditions for students who walk to school; and, on KCRS Section 2.08 which authorizes the Department to require an "off street walk" to connect a cul-de-sac at its terminus with (among other things) schools. Thus, this requirement is unrelated to the preceding recreational space discussion. That is, it would be required *regardless* of whether a fee-in-lieu for recreation space is accepted.

The applicant proposes to provide the walkway in an easement in two segments. First, a portion of the walkway easement would encumber a joint access driveway tract shared by two different property owners (proposed lot numbers 19 and 20). Second, the ten-foot-wide easement would encumber a privately owned residential lot (slot number 20). The recommended Condition 10-F, language at issue would require a ten-foot-wide tract to be owned either by the homeowners' association or, if the Lake Washington School District will accept it, to be deeded to that entity. The condition further requires improvement of the tract with a five-foot-wide paved surface consistent with KCRS.

The Department suggests that the proposed easement is not appropriate because it creates pedestrian/student/driveway conflicts and because it installs a permanent liability problem for the two residential lot purchasers effected. The applicant did not strenuously argue against the Department's position, but provided a preliminary lot line not in conformance to it. Presumably, the applicant is concerned about providing maximum livable space to property owners. The applicant's proposal provides approximately 400 square feet¹ more private yard area than the Department's separate tract recommendation.

8. Safe Walking Conditions.

a. Examiner's First Report.

Recommended Condition No.10-K states:

In order to provide a safe walking facility for students from the subject plat to walk to school, the north side of NE 8th Street shall be improved with an eight-foot-wide gravel shoulder from Inglewood Junior High to 228th NE. These improvements may be waived in those locations where, on the north side of NE 8th Street, such a facility or its equivalent already exists.

The applicant opposes this recommendation as being unreasonably onerous, unfair to be imposed upon a single applicant and contrary to case law which requires mitigation measures to be *proportional* to the impact expected from the proposed development.

The Department responds by observing that other pending developments along the same NE 8th Street segment will have the same identical condition placed upon them. The Department agrees that, ideally, a "latecomers" recompense system should be in place, thereby assuring the proportionality that the applicant seeks. Unfortunately, King County has no such system. Therefore, the approach used by the Department in this case is routinely used by the Department in many cases throughout the county. This alternative, perhaps *ad hoc*, system essentially leaves it to

1. Determined by multiplying the width of the tract or easement (10 feet) by the approximate length of the driveway segment of the proposed easement (40 feet).

the private developers to work out among themselves an equitable distribution of the required improvement costs. The applicant argues further that, regardless of whether RCW 58.17.110 establishes a *minimum threshold*, the proportionality rule of Washington State case law must prevail.

The walkway requirement for students who walk to school clearly advances a legitimate state interest articulated by the Washington State Legislature, codified as RCW 58.17.110 (2). The County, considering the case law presented by the applicant, should not attempt to require the applicant to take measures which generate costs disproportional to the impact created by the proposed development.

Condition No. 20, below, does not do that. Rather, it puts the developer on notice that a development which fails to meet the minimum health, safety and public interest standards of the State (RCW 58.17.110) cannot be granted final plat approval. The minimum threshold set by DDES in this case generously benefits the applicant because it is only a gravel walkway—less costly than a paved one and certainly less costly than the sidewalk, curb and gutter standard required by KCRS Section 3.02.A. Thus, even if the applicant provides the entire funding for the necessary walkway, the expense incurred by the applicant will be substantially less than would be incurred if full KCRS compliance were imposed.

b. Examiner's Second Report.

The safe walking conditions argument in this review concerns access to Inglewood Middle School. Although the applicant argues that the school is 1 ½ miles from the subject property, it actually scales a distance of 0.37 miles east of the Vansell property on NE 8th Street. Both Vansell Inglewood are located on the same (north) side of the street. The hearing record shows that the walking corridor along that segment of NE 8th Street is a 3-foot wide, sometimes up to 4-foot wide, paved shoulder extension of the arterial roadway surface. Contrary to the applicant's appeal argument that "there is no evidence in the record of any unsafe walking conditions along NE 8th Street," the Department's engineers determined--based upon the narrow paved shoulder, arterial traffic conditions and King County Road Standards--that the walking conditions along the north side of NE 8th Street were unsafe. Further, the school district finds the walking condition so unsafe that the district will bus the students even though they are located less than a half-mile from Inglewood.

Contrary to the applicant's assertions, the Department of Development and Environmental Services indeed determined that the 46 lot Cam West project's resident children would need a safe walkway. The Department stated at page 10 of its report to the examiner (Exhibit 2):

With the development of the subject plat containing 46 lots and the development of Llam Landing containing 86 lots and two future development tracts, and Cheswick Lane containing 71 townhouse units, it appears there will be a *significantly increased number of students* who potentially could walk along the north side of NE 8th Street to reach Inglewood Junior High. ...

The Department further found that, at least in part, the safe walking conditions were impact related:

Such a condition [to provide safe walking conditions] would also be consistent with King County Road Standards Section 1.03A which requires that development projects improve "serving roads" when the projects will impact the safety of those roads. *By adding both pedestrian traffic and vehicular traffic to NE 8th Street, the subject plat [Vansell] will impact the safe functioning of NE 8th Street.*

6/1

Weighing against the above findings of fact, the Department indicates in the hearing record that school district officials have stated that *if the developers along NE 8th Street fail to make appropriate provision pursuant to the statutory subdivision mandate contained in RCW 58.17.110*, the school district will provide busing for the 1/3-mile distance. It is difficult to ascertain how many 8th graders will elect to wait for the bus rather than walk along the unsafe shoulder 1/3 mile. In the absence of such information, the examiner must assume that the school district has accepted the RCW 58.17.110 minimum standard burden, thereby relieving the applicant of that burden.

9. **Intersection Spacing.**

Recommended Condition No.20, above, states:

As determined by DDES during final engineering review, the location of the intersection for NE 9th Place at 233rd Avenue NE shall be revised to align with the entrance for the Cheswick Lane project. As an alternative, the NE 9th Place intersection shall be eliminated and on the on site roadway within Vansell shall be designed as a permanent cul-de-sac street.

The Department bases this recommendation on KCRS section 2.10.B which establishes 100 feet as the minimum distance for the space between intersections accessing a street that is functionally classified as a "neighborhood collector". In this case, 233rd Avenue NE is assigned the functional classification of neighborhood collector in order to establish a neighborhood circulation pattern serving Vansell, Cheswick Lane (abutting to the north), Llama Farm (abutting to the south) and other neighboring emerging developments. The applicant argues that it has already made significant adjustments to the proposed preliminary plat drawing in order to achieve alignment with the access street to Cheswick Lane on the opposite (west) side of 233rd Avenue NE. Any further changes to bring about intersection alignment should be accomplished by Cheswick Lane, the applicant suggests. Responding, Cheswick Lane argues that it has made bona fide efforts to achieve alignment that have been undermined by uncommunicated changes in the preliminary plat drawing, particularly regarding the location/alignment of access to 233rd Avenue NE. Further, argues Cheswick Lane, the Examiner has no authority in this proceeding over Cheswick Lane and must therefore limit his review to what is achievable by applicant CamWest and Vansell property.

This unfortunate situation appears to have resulted from incomplete communications among all three players, DDES, Cheswick Lane and CamWest (Vansell property).

10. **Adequate Notice.**

The Cheswick Lane developer contends that it received no timely notice of this public hearing review. The property was posted and newspaper notice published as required by KCC 20.20.060. Notices were mailed to all known property owners of record (as contained in King County Department of Assessments records). Apparently, CamWest has recently acquired the Cheswick Lane property and the Department of Assessments had no record of the new ownership at the time DDES requested the 500 foot radius mailing list. KCC 20.20.060 indicates that the mailed list is *supplementary* to the posted and published notices.

The requirements for radius ownership notification contained in KCC 20.20.060 and RCW 58.17.090 are similar. KCC 20.20.060 requires an additional 200-foot radius notification not required by the statute. Records retained by DDES indicate compliance with both.

11. **Department Report Adopted**

Except as noted above, the facts and analysis contained in the DDES Preliminary Report dated April 8, 1999 (Exhibit No. 2) are correct and are incorporated here by reference. A copy of the

Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

12. Conclusions Adopted.

Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. Regarding safe walking conditions along NE 8th Street the applicant correctly argues that RCW 58.17.110 does not confer upon the county any authority to exact impact related improvements having costs that are disproportional to the impact created by the proposed development. That, however, is not the issue here. The issue is whether *appropriate provision* for safe walking condition exists. In the absence of such appropriate provision, the proposed development must be denied. Case law regarding development fee/exaction/mitigation proportionality to impacts has never addressed *minimum standards* requirements for public health and safety.

The facts contained in Findings 8.a. and 8.b. certainly justify requiring safe walking conditions for the students of Inglewood Middle School. In this unusual case, however, the school district has indicated to departmental staff that the District is willing to assume the developer's burden for making appropriate provision for safe walking conditions. When meeting a minimum standard, the issues of cause, impact and impact proportionality are not relevant. The only relevant question is: Is the minimum standard satisfied? In this case it is. The school district has assured the Department that the District will bus students past the unsafe walking conditions. For this reason, the RCW 58.17.110 minimum "safe walking conditions" standard must be deemed to be satisfied. Therefore, any condition that limits the ability of this proposed subdivision to move forward on that basis must be removed from conditions of final plat approval.

2. Regarding intersection spacing and alignment on 233rd Avenue NE, the neighboring Cheswick Lane developer is correct: the Examiner has no jurisdictional authority regarding Cheswick Lane design. It is unfortunate that the two neighboring developers (and perhaps DDES, as well) have not better communicated among themselves over the past eighteen months regarding this issue. Miscommunication, however, provides no basis for disregarding the KCRS.

Condition No. 20, below, assures KCRS compliance with intersection spacing/alignment standards while at the same time providing design flexibility. It has not been convincingly demonstrated that terminating proposed NE 9th Place as a cul-de-sac with turnaround bulb would place a hardship upon this applicant. Moving the NE 9th Place entrance northward approximately 175 feet (to the presently proposed Tract E location) apparently would satisfy the KCRS and would, in addition, provide the applicant the added marketing benefit of a cul-de-sac serving approximately thirteen lots (south of the new entry street). Viewed in this way, it is difficult to ascertain what all the debate is about.

3. Regarding allegations about adequacy of notice to neighboring property owners, the record contains no evidence of failure to comply with the public notice specifications contained in either RCW or KCC.
4. Regarding recreational space, DDES must prevail. KCC 21A.14.190—emphasized by the applicant—does not address the provision or allocation of recreation space or fees-in-lieu thereof.

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Rather, KCC 21A.14.190 addresses the *design* of recreational space when it is required. It establishes criteria for when required recreation space must also contain children's play areas and/or play apparatus. It is not relevant to this review.

Rather, KCC 21A.14.185 controls the issue here: whether to allow payment of fees-in-lieu of recreation space allocation. The criteria is clear. The recreation space provided within a county park in the vicinity of the proposed development, which is deemed to be of greater benefit to the prospective residents of the development, may (it is discretionary) be used as a basis to permit fee-in-lieu payment. In this case, there is no such county park in the vicinity and the applicant's arguments must be rejected. The insistence on county-park proximity is not a "too restrictive" interpretation or "hairsplitting". It is what KCC 21A.14.185 actually says. The proximity of playgrounds may be used to make decisions about the *design* of required on site recreation (KCC 21A.14.190) but is wholly irrelevant regarding *whether* recreation space or fees-in-lieu thereof should be required (KCC 21A.14.185).

The Department of Parks recommendation provides useful reasoning to understand the importance of the KCRS Section 2.08 requirement for connections from cul-de-sac termini to "pedestrian traffic generators" and the RCW 58.17.110 admonition to assure safe walking conditions for students who walk to school. As noted above, however, the Department of Parks suggestion to reduce on-site recreation area fails to comport with KCC 21A.14.185.

- 5. 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.
- 6. 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.
- 7. Any portion of Finding numbers 1 through 10, which may be construed as a conclusion is incorporated here by this reference.

DECISION:

It is recommended that the subject subdivision, revised and received March 11, 1999, be granted preliminary approval 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/or minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, 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.
- 4. The applicant must obtain final approval from the King County Health Department.

WE SAWN SEW & WATER ANAL. CERTS.

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NEED

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.

JMM OK

6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

BOOF0244 4/16/00 APPROVED

JMM OK
P#2706

Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

a. OK

Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.

b. OK

Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.

c. OK

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 Drawing No. _____ on file with DDES and/or the 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."

d. OK

The East Lake Sammamish Basin Plan identifies the subject property as lying within the Wetland No. 9 management area. For this area, infiltration of storm water is required to minimize surface water runoff. As reflected in the applicant's downstream drainage analysis, the subject plat shall infiltrate runoff up through the 100-year, 24-hour storm event. The design of the infiltration facility and the soil testing procedures shall be in accordance with the requirements of the surface Water Design Manual. The runoff control facilities shall be located in a separate tract and dedicated to King County, unless portion of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

JMM OK

8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.

JMM OK
NOTE #13
AT ELDA PERMIT

9. 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 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 of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75,

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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.

10. OK

The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

OK a. During preliminary review, the applicant submitted a road variance application regarding a proposed reduction of right-of-way and road width along 233rd Avenue NE and NE 10th PLACE (File No. L99V0019). Unless otherwise determined by the road variance decision, 233rd Avenue NE shall be improved along the frontage of the property as an urban neighborhood collector street and NE 10th Place shall be improved as a full width urban neighborhood collector. As specified in KCRS 2.03, the roadway width for a neighborhood collector intersecting an arterial shall be 36-feet wide for the first 150 feet. (Note that if the road variance is not approved, additional right-of-way will be required to be dedicated consistent with the Road Standards, which will affect the adjoining proposed lots.)

OK b. NE 8th Street shall be improved along the frontage of the property as an urban minor arterial street, including 22 feet of pavement from centerline with curb, gutter and sidewalk. Twelve feet of right-of-way shall be dedicated to King County along the frontage of the property to provide 42 feet of right-of-way from centerline.

OK c. Two-hundred-thirty-fourth (234th) Avenue NE (both north and south of NE 10th Place) and NE 9th Place shall be improved as public roadways using the urban sub-access street design.

OK d. Tracts B, C, D and E shall be designed and improved as private access tracts. Improvements shall conform to KCRS 2.03 for urban minor access roads, which include 22 feet of paving. The minimum tract width shall be 26 feet, with a maximum length of 150 feet. The lots served by each tract shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans. Note that Tract D shall serve Lots 34, 36, and 37, and may also serve Lot 35.

OK
NOTE 3
NOTE 8

10 + 19 324
e. Tracts A and F shall be improved as private joint use driveways which serve a maximum of two lots. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side. The lots served by each tract shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.

OK
NOTE 11

f. A pedestrian walkway shall be provided for access to the school located north of the site. The preliminary plat shall be revised to show a separate, 10-foot wide tract extending from the cul-de-sac bulb to the north property line. The tract shall be owned and maintained by the homeowners' association. As an alternative, the tract may be deeded to the Lake Washington School District, following recording of the subject plat, if the District is willing to accept ownership and maintenance of the tract.

The purpose of the tract (to provide a pedestrian walkway) shall be stated on the final plat and engineering plans. The tract shall be improved with a 5-foot wide paved surface, consistent with the Road Standards. The existing fence at the north property line shall be

///

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modified to allow access to the school site, if permission for such modification is granted by the school district. A public access easement shall be shown on the final plat, granting public pedestrian access to and through the tract.

NEED

g. As required by KCRS 5.03, street trees shall be included in the design of all public road improvements. *NEED BONDING OR APPROVAL*

h. *OK* Street illumination shall be provided at intersections with arterials in accordance with KCRS 5.03.

i. *OK* Road improvements along NE 8th Street and 233rd Avenue NE may require designs for bus zones and turnouts. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.

j. *OK* The grading, alignment and road improvements for NE 10th Place shall be designed to accommodate the future extension of this road to the east of the subject property. The final design for NE 10th place shall be reviewed and approved by the LUSD Engineering Review Section.

k. *OK* Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

NEED

11. The existing 30-foot access/utility easements shown on the preliminary plat shall be vacated at the time of final plat recording. *(WILL BE ON UPDATED TITLE REPORT)*

NOTE 12

NOTE 12

12. *OK* Lots within this subdivision are subject to KCC 21A.43 and Ordinance 13338 which imposed impact fees to fund school system improvements needed to served 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 receives 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.

NOTE 13

13. *OK* There shall be no direct vehicular access to or from 233rd Avenue NE or NE 10th Place from those lots which abut these streets, with the exception of Lot 32. The driveway access to Lot 32 shall be placed at the southwest corner of the lot, consistent with the driveway setback requirements of the Road Standards. A note to this effect shall appear on the final plat and engineering plans.

NOTE 14

14. *OK* A planter island, if provided within the 234th Avenue NE turnaround bulb, shall be maintained by the abutting lot owners or the homeowners' association. This shall be stated on the face of the final plat.

NEED

15. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e. sport court[s], children's play equipment, picnic table[s], benches, etc.).

NEED

LETTER NEEDED & BOND

a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the conceptual plan.

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b. ✓ A detailed recreation space (i.e. landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item "a" above, shall be submitted for review and approval by LUSD and KING County Parks, prior to or concurrently with the submittal of the final plat documents.

c. ✓ A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three year period, shall be posted prior to recording of the plat.

16. NEED LETTER A homeowners' association or other workable organization shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the recreation and open space areas.

NEED 17. Along the frontage of the property and within the site, street trees shall be provided on NE 8th Street, 233rd Avenue NE and 10th Place NE as follows:

a. NEED APPROVAL OF PLAN Trees shall be planted at a rate of one tree for every 40 feet of street frontage. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

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.

OK NOTE 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. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.

OK g. The applicant shall contact Metro Service Planning at 684-1622 to determine if NE 8th Street is on a bus route. If NE 8th Street is a bus route, the street tree plan shall also be reviewed by Metro.

h. 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

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- i. 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.

NEED REPORT FOR PAYMENT

- 18. The Washington State Department of Transportation (WSDOT) has indicated that the subject plat will pose a probable significant adverse environmental impact to the intersection of SR 202/Sahalee Way, and the other intersections along the SR 202 corridor. To mitigate this impact, WSDOT has requested the applicant contribute a mitigation payment in the amount of \$1,378.00 per lot, to help fund the cost of planned improvements to SR 202. This payment shall be paid in full to WSDOT, prior to final plat recording.

JAN 19 OK

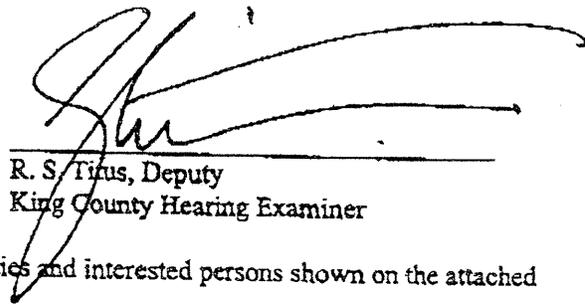
- 19. The developer shall, individually or with others, construct an eastbound left turn lane on NE 8th Street at 233rd Avenue NE. The construction of this turn lane shall be coordinated with the engineering plans for the NE 8th Street improvements associated with Cheswick Lane (Building Permit B97C0208). Channelization and illumination plans shall be approved by King County Traffic Engineering, prior to engineering plan approval for the subject plat.

JAN 20 OK

As determined by DDES during final engineering review:

- OK* a. The location of the intersection for NE 9th Place at 233rd Avenue NE shall be revised to align with the opposite entrance for the Cheswick Lane project; or,
- OK* b. Alternatively, the NE 9th Place intersection shall be eliminated; the roadway within Vansell shall be designed as a permanent cul-de-sac street; and, the principal entrance to Vansell along 233rd Avenue NE shall be relocated consistent with KCRS intersection spacing standards.

ORDERED this 17th day of June, 1999.



R. S. Tirus, Deputy
King County Hearing Examiner

TRANSMITTED this 17th day of June, 1999 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 July 1, 1999* 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 3, 1999*. If the applicant wishes to reinstate its appeal of the first (April 23, 1999) report and decision, it should do so within this same schedule. 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.

MINUTES OF THE APRIL 8, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L97P0005- VANSSELL:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Eric Campbell, John McCullough, Jim Olsen, Roger A. Pearce, Steve Thomas, Pete Dye, Lanny Henoch and Aileen McManus.

The following exhibits were offered and entered into the record on April 8, 1999:

- Exhibit No. 1 LUSD File NO. L97P0005
- Exhibit No. 2 LUSD staff report prepared for the April 8, 1999 public hearing
- Exhibit No. 3 SEPA Environmental Checklist, signed by the applicant on February 19, 1997 and annotated by L. Henoch, LUSD, on February 18, 1999
- Exhibit No. 4 SEPA Mitigated Determination of Nonsignificance, issued February 24, 1999
- Exhibit No. 5 Affidavit of Posting indicating a notice was posted on the property on March 5, 1999, giving notice of the April 8, 1999 public hearing
- Exhibit No. 6 Revised preliminary plat drawing, received March 11, 1999
- Exhibit No. 7 Land use map – Kroll Maps 951 E & W, and 955 E& W
- Exhibit No. 8 King County Assessor Map – SW ¼ of 27 – 25 – 6
- Exhibit No. 9 "Traffic Impact Analysis for Vansell Property", dated February 25, 1997 and prepared by William Popp & Associates
- Exhibit No.10 June 12, 1997 memo from Gary A. Norris, P.E., William Popp & Associates, containing traffic information
- Exhibit No.11 "Alternative Route Access Study" dated February 24, 1998, prepared by Gary Struthers Associates, Inc..
- Exhibit No.12 April 1, 1999 letter from Lori Hoover, King County Parks
- Exhibit No.13 Letter from Thomas McDonald/DDES to Steve Thomas/KTH Architects, dated November 7, 1997
- Exhibit No.14 Letter to the King County Hearing Examiner's Office from attorney John (Jack) McCullough, dated April 8, 1999, with statutory warranty deeds attached
- Exhibit No.15 Site Distance Map, showing 233rd Ave. NE and NE 8th St, untitled and undated
- Exhibit No.16 Site Distance Map, with handwritten notation, showing 233rd Ave. NE and NE 8th St, faxed to Steve Thomas on December 17, 1998, 12:30 p.m., from Dodds Engineers, Inc.
- Exhibit No.17 Letter to Steve Thomas from Pamela Dhanapal/DDES, dated February 16, 1999
- Exhibit No.18 New Condition #20 of DDES staff report, re: NE 9th and 223rd Ave. NE.
- Exhibit No.19 Revised Preliminary Plat of Vansell property, dated June 26, 1997, and stamped received by DDES on June 30, 1997.

Bob and Jan Ball
Michelle Beame
Eric Campbell
Roger Dorstad
Vali Eberhardt
John J. and Doris Engebretson
Sharon Freechtler
Ian and Linda Gleadle
Tom and Jeanne Harman
Thomas Jackson
Rich and Barbara Jayne
John L. Scott Land Department
James Jordan
Teresa Lemay
Francis J. Lill
Julie Long
Linda Matlock
John McCullough
Eleanor Moon
New Home Trends
Jim Olsen
Roger A. Pearce
Mark Pease
Nancy Raymond
Roxanne Riley
Nancy Ryan
Alfred and Vivian Sauerbrey
Donna and Bill Schiefelbein
Don and Elizabeth Steyer
Steve Thomas
Jim Tompkins
Kevin Vanderzanden
Marian Vansell
Chris and Caroline Young
Greg Borba
Steve Bottheim
Laura Casey
Kim Claussen
Pete Dye
Lanny Henoeh
Aileen McManus
Carol Rogers
Steven C. Townsend

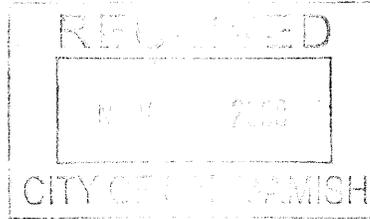


**King County
Road Services Division**

Department of Transportation
Yesler Building
400 Yesler Way, Room 400
Seattle, WA 98104-2637

April 13, 1999

Eric Clarke
Camwest Development
Post Office Box 676
Kirkland, WA 98083



RE: Plat of Vansell - L99V0019

Dear Mr. Clarke:

Thank you for your application for road variances from Sections 2.03 (I) and (J) of the King County Road Standards concerning the pavement width and rights-of-way for 233rd Avenue Northeast and Northeast 10th Place in the plat of Vansell.

The request to narrow the pavement width to 32 feet at the intersection of 233rd Avenue Northeast at Northeast 8th Street is denied. A left turn lane at the intersection may not be required at this time, but there is area to provide the extra pavement width for the extra lane when needed.

The request to reduce the right-of-way width from the standard 56 feet to 48 feet for Northeast 10th Street is approved provided it is expanded at the intersection to accommodate the widened sidewalk at the ramps. The right-of-way width for the half street widening of 233rd Avenue Northeast may also be reduced to a width that is one foot behind the sidewalk plus the area necessary for the ramps. The width will vary as it widens for the 36-foot pavement width at the intersection. The streets are being constructed to the ultimate standard width, and it is expected that the utilities will be served by easements on the adjacent lots.

If you have any questions, please call Lydia Reynolds, Manager, Project Support Services, at (206) 296-6520.

Sincerely,

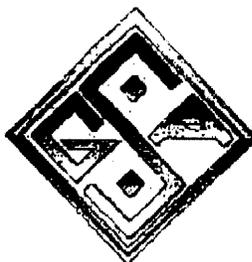
Ronald J. Paananen, P.E.
County Road Engineer

RJP:TAB:mfg

cc: Harold S. Taniguchi, Manager, Road Services Division
Lydia Reynolds, Manager, Project Support Services



2/7



GARRY STRUTHERS ASSOCIATES, INC.

ENGINEERING
PROGRAM MANAGEMENT
ENVIRONMENTAL SCIENCES

March 5, 1999

Mr. Peter Dye
King County Department of Development and Environmental Services
Land Use Services Division
900 Oakesdale Avenue SW
Renton, WA 98055-1219

Subject: Vansell Preliminary Plat
ODES File No. L97P0005

Re: Road Variance

Dear Pete,

The purpose of this letter is to request variances from Chapter 2.03 of the *King County Road Standards - 1993*. These variances would apply to the design of 233rd Avenue NE from NE 8th Street to NE 10th Place and NE 10th Place from 233rd Avenue NE to the east property line. 233rd Avenue NE and NE 10th Place have been classified as an urban neighborhood collector by virtue of the traffic volumes using these roadways.

Under the Urban Neighborhood Collector classification, these roadways are required to provide a minimum right-of-way of 56 feet (Section 2.03J), and a 32 foot roadway cross-section (Section 2.03I) with curb, gutter, (Section 2.03K) and sidewalk on both sides (Section 3.02 A1). In addition, 233rd Avenue NE as a neighborhood collector is required to provide a 36 foot wide roadway cross-section for 150 feet north of NE 8th Street (Section 2.03I-Note 9).

Vansell is requesting variances to the following sections:

Section 2.03I-Note 9

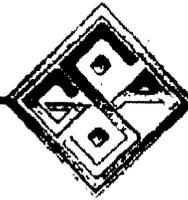
Request

Vansell is requesting a cross-section that would include a minimum pavement width of 32 feet for the entire length of 233rd Avenue as opposed to providing a 36-foot cross-section for the first 150 feet. See the attached sketch.

Justification

Typically the 36-foot section for 150 feet is provided to allow striping for a left turn pocket. Since a left turn pocket is not required as part of this design it is unnecessary to provide the 36 foot cross-section. Furthermore, the current traffic volumes are not expected to increase beyond current future forecasts that were used as the design volume for the roadway.





Mr. Peter Dye
 March 4, 1999
 Page 2

Secondly, a major concern for the county and the developer is that 233rd Avenue NE/NE 10 Place et al could become a major bypass route for traffic bound or coming from 228th Avenue NE north of NE 14th Street. A recent traffic analysis prepared for the Vansell and Llama Landing plats indicated that congestion at the NE 8th Street/228th Avenue NE intersection would encourage motorists to seek alternative routes. The route through Llama Landing and Vansell offers a viable and faster alternative to the arterial streets. Therefore, the developer has expressed an interest in creating a road design that would not encourage neighborhood pass-through traffic. One element of such an approach would be to reduce the width of the 233rd Avenue NE cross-section at NE 8th Street thereby minimizing the appearance of the route as a major roadway through the neighborhood.

Section 2.03J

Request

Vansell is requesting a 48-foot right-of-way for 233rd Avenue NE and NE 10 Place as opposed to the 56-foot right-of-way section required under the KCRS. See the attached sketches.

Justification

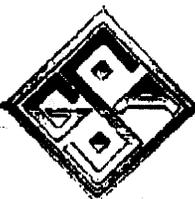
Although the standards do not specify a right of way reduction for the Urban Neighborhood Collector classification, it does allow such an adjustment for Local Access Streets. See Section 2.03-Note 12:

"Right-of-way (or easement) may be reduced to minimum roadway width, plus sidewalks, provided that all potential serving utilities and necessary drainage are otherwise accommodated on permanent easements within the development".

Based on this rationale, a 44-foot right-of-way would meet that requirement, as utilities are included within the right-of-way or on easements. However, Cheswick Lane, a multi-family project located on the northwest corner of the 233rd Avenue NE/NE 8th Street intersection, is constructing a 20 foot roadway along the Vansell property line thereby necessitating a 48 foot right-of-way width. See attached sketch for 233rd Avenue NE.

Again such a right-of-way width is justified, as there is no expectation that either 233rd Avenue or NE 10th Place will require widening in the foreseeable future. Furthermore, in an attempt to discourage pass through traffic on 233rd Avenue NE and NE 10th Place the developer would like to minimize the appearance of these roadways as major neighborhood routes. This can be accomplished through a reduction in the right-of-way width.

In each case, the variance is requested in an attempt to best serve the public interest. Minimizing the roadway cross-section and right-of-way will discourage pass through traffic. This is a vital concern to there residential community in this area. Furthermore, requirements for safety, function and fire protection are met as the proposed standard exceeds minimum standards of



Mr. Peter Dye
March 4, 1999
Page 3

residential roadway design and emergency vehicle access. The appearance of the roadway as a major route will be reduced through the construction and maintenance of a reduced right-of-way and roadway cross-section. Finally, with the reduced right-of-way, a greater responsibility for maintenance will be placed on the adjacent residents and relieved from the county.

For these reasons, we respectfully request that the variance request be approved. Please call me at (425)519-0300 ext. 228 if you have any questions regarding our request.

Sincerely,

Gary A. Norris
Gary A. Norris, P.E.
Garry Struthers Associates

cc: Eric Campbell
Eric Clark

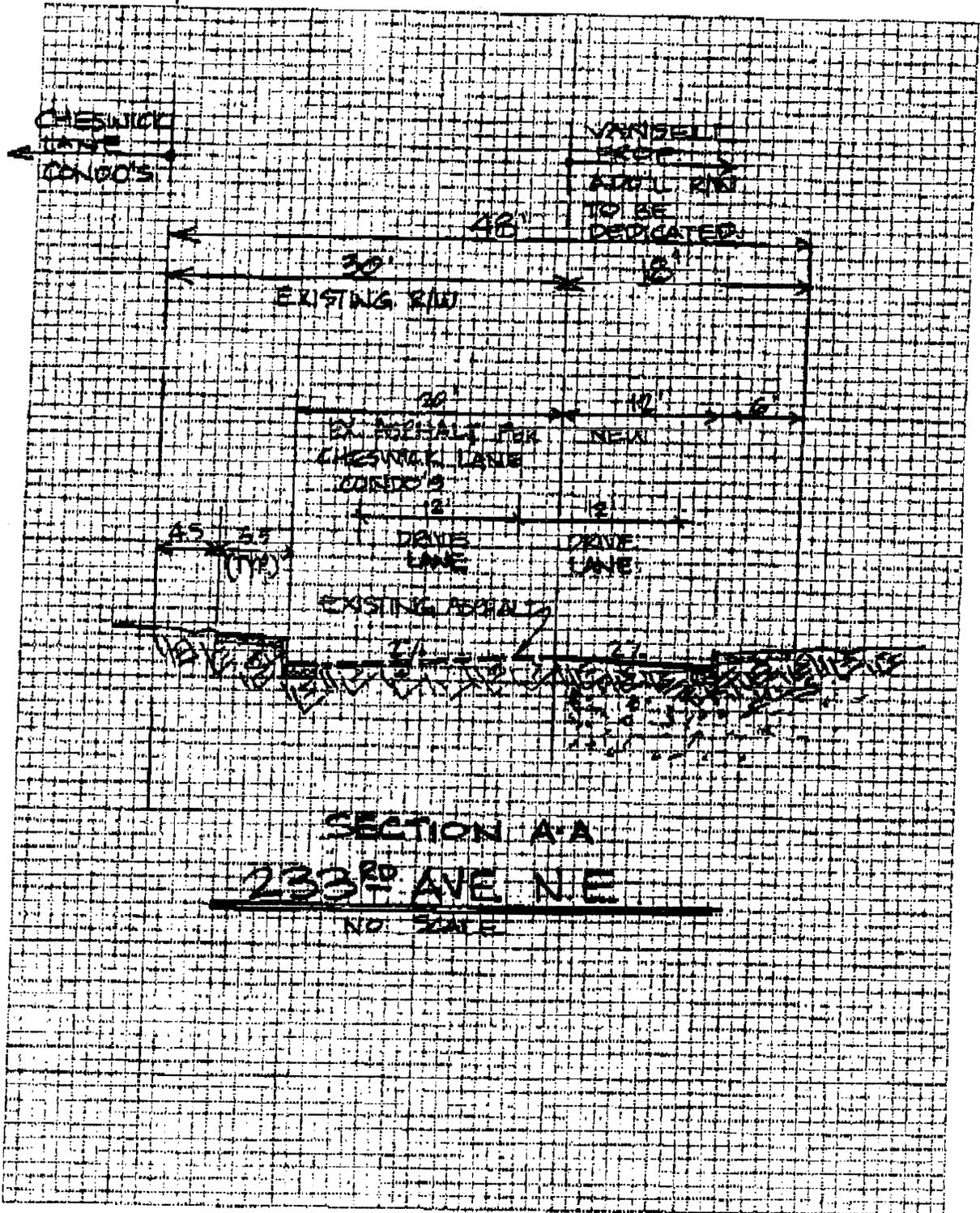
5/

DODDS ENGINEERS INC



Planning • Engineering • Surveying
4105-148th Avenue NE Suite 200
Bellevue, Washington 98007
Tel. 425-885-7877 Fax. 425-885-7963
E-Mail: Office@DEIinc.com

JOB NO. 96100
DATE 3-4-99
BY JAO



SHEET _____ OF _____

DODDS ENGINEERS INC.

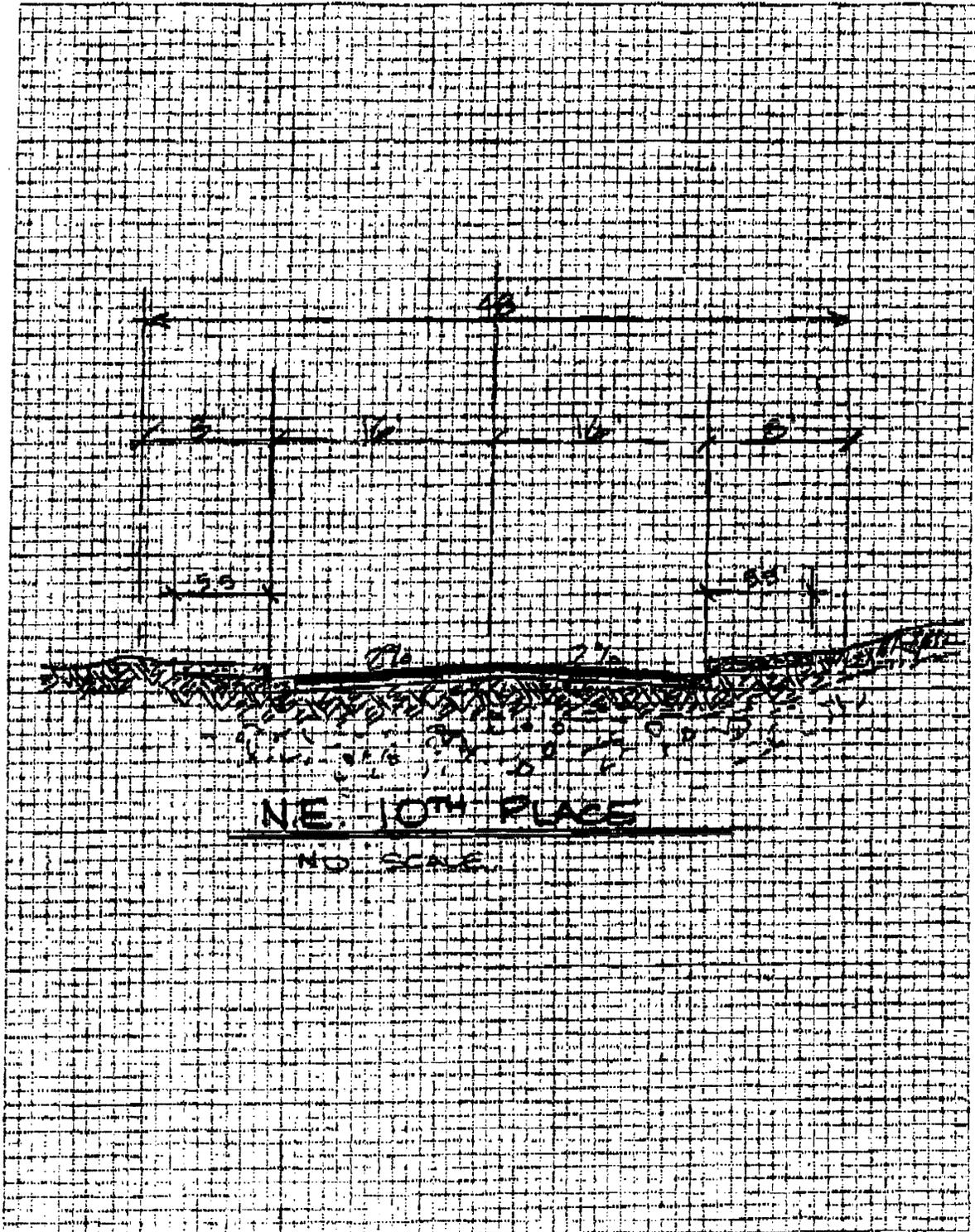


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JOB NO. 96100

DATE 3.4.99

BY JAO



SHEET _____ OF _____



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



1 OF 3

FEB 08 2000

**SURFACE WATER DESIGN MANUAL
REQUIREMENTS / STANDARDS
ADJUSTMENT REQUEST**

L00V0019

Project Name: VANSELL PROPERTY	DDES File No. L99SR315	DDES Engineer/Planner Name: Planner: Lanny Henoch
Project Address: NE CORNER OF NE 8th street & 233rd AVE NE Sammamish.	Design Engineer: JIM OLSEN	
Applicant: CAMWEST DEVELOPMENT, INC.	Signature: 	Date: 2.07.00
Signature: 	Date: 2-7-00	Engineering Firm Name: DODDS ENGINEERS
Address: 9720 NE 120th PL, SUITE 100 KIRKLAND WA 98034	City, State, Zip: KIRKLAND WA 98034	Address: 4205 148th AVE NE BELLEVUE, WA 98007

INSTRUCTIONS TO APPLICANT/DESIGN ENGINEER:

Please be sure to include all plans, sketches, photos, and maps which may assist in complete review and consideration of this adjustment request. Failure to provide all pertinent information may result in delayed processing or denial of your request. Please submit this request and all applicable fee to the Intake Counter at DDES, 900 Oakesdale Avenue Southwest, Renton, WA 98055-1219. For additional information, phone 296-6600.

REFER TO SECTION 1.4 IN CHAPTER 1 OF THE SURFACE WATER DESIGN MANUAL FOR ADJUSTMENTS

DESCRIPTION OF ADJUSTMENT REQUEST: Standard Complex Experimental Blanket Pre-application
CONVERSION TO THE 1998 SWD manual.

APPLICABLE SECTION(S) OF STANDARDS:

JUSTIFICATION (see attachments, pages ____ to ____):

CRITERIA BASED ON THE ATTACHED KING COUNTY CONDITIONS.

AUTHORIZATION SIGNATURES: **AS RECOMMENDED TO THE CITY OF SAMMAMISH.**

DDES Director/Designee Determination: <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditional Approval (see below) <input type="checkbox"/> Denial <input checked="" type="checkbox"/> DNR-WLR Approval Signed: Date: 2/22/00 (Experimental & Blanket adjustments only)	
CONDITIONS OF APPROVAL: Preliminary Plat conditions to be d. remain effective as shown on Attachment "A" from Hearing Report dated 6/17/99. <input checked="" type="checkbox"/> See attached memo dated:	
DDES, Land Use Services Division, Engineering Review Supervisor: Signed: Date: 2.22.00	DDES, Bldg. Serv. Div., Site Engineering & Planning Supervisor: Signed: J. O'Neill Date: 2/22/00

ORIGINAL: DDES File-White [] COPIES TO: DNR-WLR Division-Pink [] DDES Inspection-Canary [] Applicant-Goldenrod [] Design-Engineer-Green []



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

DDES

October 8, 1998

TO: DDES Staff

FM: Robert S. Derrick, Director

RE: Voluntary Application of the September 1998 Surface Water Design Manual

The use of the September 1998 Surface Water Design Manual for land use and building permit applications vested prior to September 1, 1998, will be allowed for most situations. To make the transition easier, an abbreviated variance procedure will be used. To qualify, the application must satisfy the following criteria:

1. The applicant must request the use of the new manual on a form supplied by DDES.
2. An application fee equal to two work hours (currently \$95/hr) is paid at the time of application. This represents a waiver to the normal variance fee schedule.
3. The applicant must agree to transfer completely to the new manual. No portion of the previous manual could be used after the transition. Once granted, the request cannot be reversed.
4. The request must precede the SEPA determination, any public hearings, and any administrative approvals that would be affected by the transition to the new manual.
5. The project must not exceed the thresholds for a Master Drainage Plan (Special Requirements Nos. 2 and 3 located in the 1990 Design Manual Sections 1.3.2 and 1.3.3).
6. The applicant must agree to stop the review clock on the permit application while this request is being considered. This would not prevent review of the permit application from continuing on unrelated issues.

The request to transfer to the new Manual will be a Variance Process as provided in Section 1.4 of the 1990 Surface Water Design Manual, except that the criteria for granting the variance will be based on the above conditions.

2 of 3

2/3

7 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.

PL 6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of 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 the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.

a. Drainage plans and analysis shall comply with the ¹⁹⁹⁸ ~~1996~~ King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.

b. Current standard plan notes and ESC notes, as established by DDES 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 Drawing No. _____ on file with DDES and/or the 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."

d. The East Lake Sammamish Basin Plan identifies the subject property as lying within the Wetland No. 9 management area.. For this area, infiltration of storm water is required to minimize surface water runoff. As reflected in the applicant's downstream drainage analysis, the subject plat shall infiltrate runoff up through the 100-year, ~~24-hour storm event~~ ¹⁹⁹⁸ ~~24-hour storm event~~. The design of the infiltration facility and the soil testing procedures shall be in accordance with the requirements of the ¹⁹⁹⁸ ~~1996~~ Surface Water Design Manual. The runoff control facilities shall be located in a separate tract and dedicated to King County, unless portion of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180. ^{Lanny}

infiltration

utilizing the KCRFB methodology of the September 1998 KC SWDM.

PL 8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.

PL 9. 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 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 of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75,



Lake Washington
School District No 414

Support Services Center

15212 N.E. 95^h Street
Redmond, Washington 98052-2536
Office: (425) 882-5100
Fax: (425) 882-5146

Thursday, January 27, 2000

Sara Slatten
CamWest Development Inc.
9720 NE 120th Place, Suite 100
Kirkland, WA 98034

RE: Vansell Property and Fence at Smith Elementary

Dear Sara:

As I understand it your Hearing Examiner for your project has required you to provide a 5 foot pedestrian trail within your development to provide access to Samantha Smith Elementary School.

This is your permission to modify the fence along our South property line to allow for the access. In reviewing this with our school principal it is her desire to install bollard or some other diversion so as to discourage motorcycles and bicycles from being ridden through the access easement

At the time you intend to do this work contact our office so we can reconfirm the precise location and method of installation.

Sincerely yours,

Steven L. Cole
Facility Planner / Construction Manager
(425)882-5101
scole@lkwash.wednet.edu

SLC:slc

CC: Judy Johnson, Richard Ellison, Bob Collard, File

ATTACHMENT "F"

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject:
Greens at Beaver Crest Subdivision

Meeting Date: February 1, 2001

Date Submitted: February 7, 2001

Originating Department: Community Development

Action Required:
Motion to approve subdivision

Clearances:
 Administration Police
 Public Works Fire
 Building/Planning Attorney

Exhibits:
a) Map of Final Plat
b) Transmittal Letter Jan. 31, 1999
c) Hearing Examiner Decision May 31, 1999

d) Final Plat Review Procedure Sheet Jan. 31, 2001

Budgeted Amount: N/A Legislative Approval

Summary Statement: The proposed plat is 88 lots (originally 100 lots, 154 apartments) with reserve tracts for 132 apartment units on 54.6 acres, proposed by Pacific Properties, Inc. (Murray-Franklyn Companies). The proposal was reviewed and approved by KC DDES, and the required infrastructure (drainage, roads, sidewalks, etc.). The improvements are under construction under KC DDES staff inspection. There was a lengthy SEPA appeal hearing process in 1998.

The MPS transportation impact fees applicant has paid are the KC DDES rate of \$4,035 per unit (\$355,080 for 88 lots) for Zone #405. The fees for the 132 apartment units were paid to King County. The impact fees are required in addition to required frontage and internal streets mentioned in the plat conditions. One half of school fees have been paid already and the balance of \$156,156 will be paid at building permit. The project pays \$117,556 to WSDOT for SR 202 and \$18,511 to KCDOT for 228th Ave SE & SE 8th Street improvements.

Recommended Motion:

Approve 88-lot Greens at Beaver Crest Subdivision and authorize the Mayor to sign mylars of the final plat.

**CITY OF SAMMAMISH
WASHINGTON
Resolution No. R2001-__**

**A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON,
GRANTING FINAL PLAT APPROVAL TO THE PLAT OF GREENS AT
BEAVER CREST SUBDIVISION**

WHEREAS, the City Council has received King County's recommendation of approval for the final plat of Greens at Beaver Crest Subdivision designated King County File No.L97P0011; 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; and

WHEREAS, the City Council desires to grant final approval to the plat of Greens at Beaver Crest;

**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 May 31, 1999 decision for the preliminary plat of Greens at Beaver Crest, King County File No. #L97P0011, attached hereto and incorporated herein as Exhibit C.

Section 2. Grant of Approval. The City Council hereby grants final approval to the plat of Greens at Beaver Crest Subdivision, King County File No. #L97P0011

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF FEBRUARY 2001.**

CITY OF SAMMAMISH

Mayor H. Troy Romero

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: February 1, 2001

Passed by the City Council:

Resolution No.:

February 1, 2001

TO: City Council
Melonie Anderson, City Clerk

From: Matt Mathes, Special Project Planner

**RE: Greens at Beaver Crest Final Plat
City Council Regular Meeting Feb. 7, 2001**

The materials under this cover memo have been selected from the full file as the agenda packet materials for review by City Council. The enclosed materials are:

Ex. A - Map of Plat (Reduced to 8-1/2 x 11)	1 page
Ex. B - Transmittal letter - Jan. 31, 2001	1 page
Ex. C - Hearing Examiner Decision - May 11, 1997	14 pages
Ex. D - Final Plat Procedure form	1 page
Total	17 pages

Background on Proposed Plat

The proposed plat is 88 lots (originally 100 lots, 154 apartments) with reserve tracts for 132 apartment units on 54.6 acres, proposed by Pacific Properties, Inc. (Murray-Franklyn Companies). The proposal was reviewed and approved by KC DDES, and the required infrastructure (drainage, roads, sidewalks, etc.). The improvements are under construction under KC DDES staff inspection.

The MPS transportation impact fees applicant has paid are the KC DDES rate of \$4,035 per unit (\$355,080 for 88 lots) for Zone #405. The fees for the 132 apartment units were paid to King County. The impact fees are required in addition to required frontage and internal streets mentioned in the plat conditions. One half of school fees have been paid already and the balance of \$156,156 will be paid at building permit. The project pays \$117,556 to WSDOT for SR 202 and \$18,511 to KCDOT for 228th Ave SE & SE 8th Street improvements.

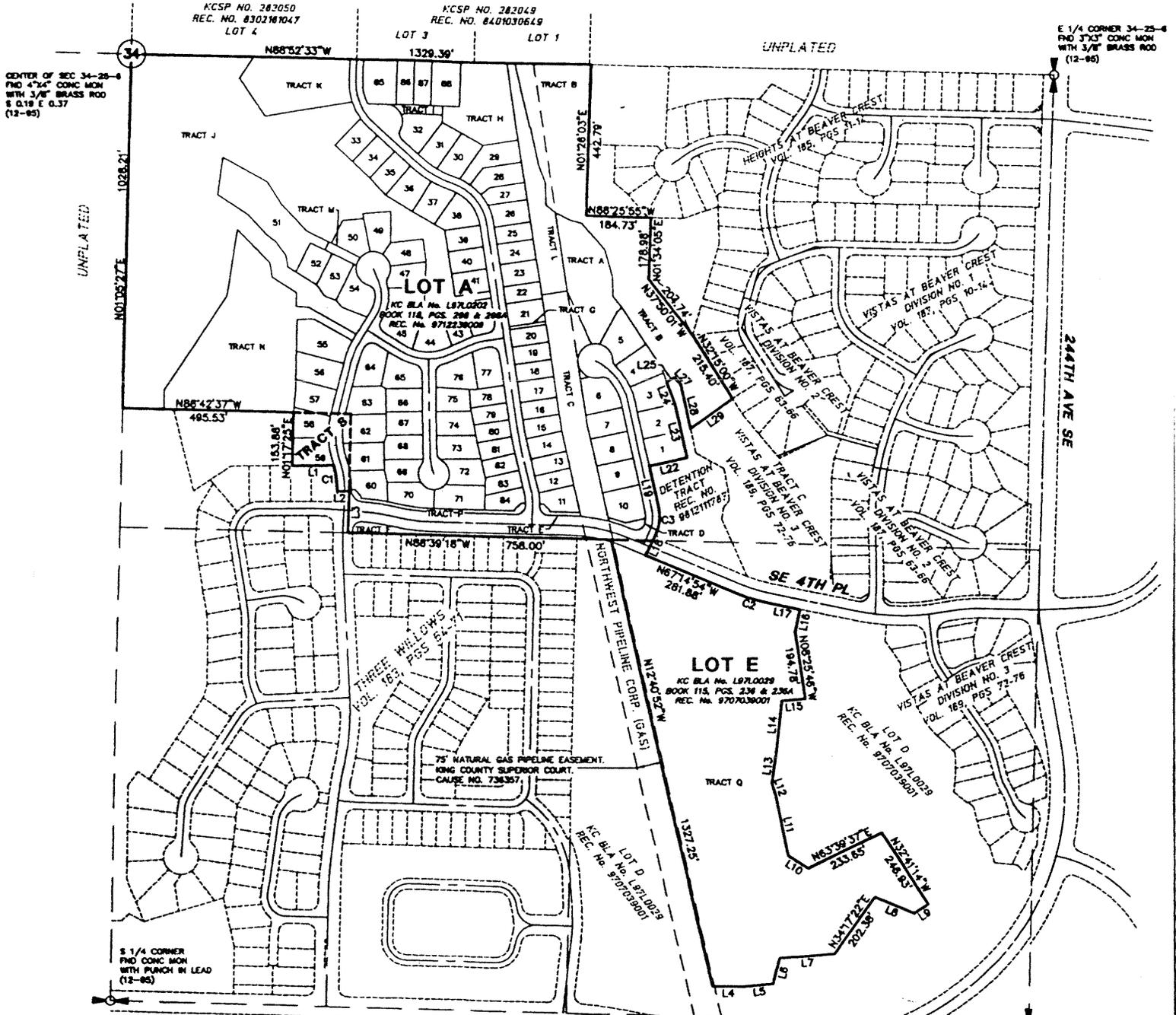
There was a lengthy SEPA appeal hearing resulting in changes to the traffic concurrency modeling as applied by King County. Staff has included only an excerpt of Hearing Examiner's decision with basic information and plat conditions (14 pages). However, a full copy the decision is available for your review at city hall. The excluded sections are background, analysis and a complete list of 189 exhibits entered at the 1998 hearings.

Looking Ahead - Issues of Concern

The 132 multi-family units located far from any commercial and community facilities with no bus service or pedestrian network has been raised. The Planning Advisory Board will likely discuss what (if any) appropriate future multi-family residential locations exist citywide. Also, the budget and staffing needed to initiate, operate and defend a "bullet-proof" city traffic concurrency/fee collection system is a topic in need of attention. Staff anticipates the above listed issues from this project will be addressed in the land use and transportation elements of comprehensive plan discussions.

THE GREENS AT BEAVER CREST

PORTION SE 1/4 SECTION 34, TOWNSHIP 25 NORTH, RANGE 6 EAST, W.M.
CITY OF SAMMAMISH, KING COUNTY, WASHINGTON



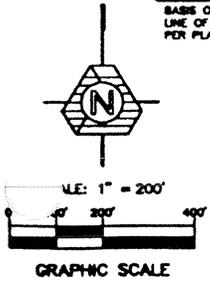
BASIS OF BEARINGS

BASES OF BEARINGS: HELD N89°30'00"W ALONG THE NORTH LINE OF THE NW 1/4, SEC. 34, T. 25 N., R. 6 E., W.M., PER PLAT OF OMBARRON DIV. 1, V. 123, PGS. 66 & 67

SE 8TH ST

FIND CONG MON AT CLOSING CORNER (4-88)

SE CORNER 34-25-6 FIND 4"X4" CONG MON WITH 3/8" BRASS ROD (12-88)



LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	118.24'	N89°31'47"E	L16	86.78'	N11°31'06"E
L2	34.84'	N89°34'17"W	L17	82.86'	N78°21'36"W
L3	118.41'	N01°10'44"E	L18	87.06'	N23°16'13"E
L4	81.85'	N89°21'28"W	L19	123.86'	N1°36'07"W
L5	81.85'	N89°30'12"E	L20	28.86'	S83°56'20"E
L6	72.43'	N14°30'03"E	L21	3.82'	N72°34'22"E
L7	157.87'	N89°30'12"E	L22	118.00'	N72°34'22"E
L8	122.13'	N87°38'10"W	L23	180.00'	N13°36'22"E
L9	48.30'	N87°18'46"E	L24	88.84'	N21°16'46"W
L10	87.18'	N87°22'30"W	L25	28.00'	N88°46'30"E
L11	128.86'	N11°06'10"W	L26	84.18'	N01°16'26"E
L12	26.84'	N17°27'30"W	L27	27.79'	N44°34'28"W
L13	88.17'	N87°41'06"E	L28	120.86'	N1°36'07"W
L14	142.27'	N89°30'12"E	L29	147.80'	N44°34'28"E
L15	87.11'	N89°24'38"E			

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	75.64'	280.00'	A=182°28'28"
C2	86.06'	488.00'	A=117°18'42"
C3	78.84'	120.00'	A=37°51'20"
C4	72.87'	200.00'	A=20°17'28"

TRIAD ASSOCIATES
11814 118th AVENUE NE • BURNLAND, WA 98034
(425) 821-8448 • (425) 821-3481 FAX

JOB NO 97-012
SHEET 13 OF 13



VOL/PG



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

January 31, 2001

Matt Mathes, Special Project Planner
City of Sammamish
704 228th Ave. NE, PMB 491
Sammamish, WA 98053

RE: The Greens at Beaver Crest

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 (File L97P0011). 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 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 \$439,590 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 furnished to King County is a bond in the amount of \$12,600 for the street trees, and a landscape performance bond in the amount of \$90,592 to guarantee the installation of the recreation facilities. These financial guarantees are transferable to the City. Also a plat recording fee in the amount of \$84.00 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 Assessors Office for processing. For information call Nimpa Guecco 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

Enclosures:

cc: Applicant: Lisa Baker, C/O Murray Franklyn
Steve Townsend, Supervising Engineer, Land Use Inspection Section
Pete Dye, Interim Supervising Engineer, Engineering Review Section
Raymond E. Florent, P.L.S., Senior Engineer, Engineering Review Section
ATTN: Steve Van Patten, P.L.S., Engineer, Engineering Review Section

May 11, 1999

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

REPORT AND DECISION ON
 PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services
 File No. **L97P0011**

GREENS AT BEAVER CREST
 Preliminary Plat Application

Location: Between Southeast 8th Street and Main Street (if extended), and 244th Avenue SE and 237th Avenue (if extended)

Applicant: Beaver Crest II, Inc., *Represented by*
Robert Johns, Esq.
 3600 Columbia Center
 701 Fifth Avenue
 Seattle, WA 98104

SUMMARY OF DECISION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	May 11, 1998
Hearing Closed:	August 20, 1998
Hearing Reopened:	March 19, 1999
Reopened Hearing Closed:	April 10, 1999

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:

- Flooding
- Road capacity and mitigation:
 - arterial roads and intersections
 - concurrency
 - SEPA authority
- Streams
- Wetlands

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

FINDINGS:

A. GENERAL INFORMATION

1. Owner/Developer: Beaver Crest II, Inc.
 Attn: Mike Miller
 14410 Bel-Red Road
 Bellevue, WA 98007
 Phone: (425) 644-2323
- Engineer: Triad Associates
 Attn: William Dunlap Jr., P.E.
 11814 115th Avenue Northeast
 Kirkland, WA 98034
 Phone: (425) 821-8448
- STR: 34 - 25 - 6
- Location: Lying approximately between SE 8th St. and Main St. (if extended), and 244th Ave. SE and 237th Ave. SE (if extended).
- Zoning: R-6-P
- Acreage: 54.6
- Number of Lots: 100 lots for detached, single-family residences, and a future development tract (aka Lot 101) for 154 apartment units in 25 buildings.
- Density: 4.71 dwelling units per acre (includes apartment units)
- Lot Size (Single-family): Generally 4,000 to 10,000 square feet with one lot at approx. 35,000 square feet.
- Proposed Use: Detached single-family residences and apartments
- Sewage Disposal: Sammamish Plateau Water and Sewer District
- Water Supply: Sammamish Plateau Water and Sewer District
- Fire District: King Fire District No. 10
- School District: Lake Washington School District No. 414
- Complete Application (Vesting) Date: April 16, 1997

2/1

than a 50-year frequency, there may be a small increase in flooding duration, a fact that due to its infrequency and context the staff does not regard to be significant.

CONCLUSIONS:

1. With the dismissal of the SEPA appeal and stipulation by the SEPA Appellants that, as re-tested by the Department of Transportation in January 1999, the Beaver Crest applications passed the County's TAM test, the major concurrency issues decided within the Examiner's October 23, 1998, SEPA appeal decision no longer retain their vitality. This circumstance does not guarantee that the Department's new 1995 base year model contains no flaws, but rather simply reflects the fact that the parties have agreed not to contest its adequacy within this proceeding. While on its face the Department's new 1995 base year model appears to embody a methodology superior to its predecessor, a serious critical examination of the new model's actual sufficiency will have to wait until a later date and a different review proceeding.
2. Since KCC 14.70.080.A provides that "issuance of a certificate creates a rebuttable presumption that the proposed development satisfies the concurrency requirements of this chapter", the absence of a challenge to the TAM re-test process and its underlying data assumptions, combined with our revised interpretation of the critical link test threshold requirement, leads to the conclusion that the presumption of validity stated within KCC 14.70.080.A is entitled to prevail.
3. It is also important to understand that a conclusion that a project complies with the County's traffic concurrency requirements does not guarantee in the short term any immediate relief from traffic congestion problems. With its generous allowance that required infrastructure improvements need only be made within six years of new development, in the short term the traffic concurrency process only places a cap on the degree of roadway facility shortfall. That is to say, in an area such as the Sammamish Plateau which is experiencing a development boom, the six-year gap between new development impacts and required infrastructure construction may become a chronic condition with needed facilities perpetually lagging six years behind the increase in demand. The promise of concurrency is, at bottom, merely that within six years of the end of the development boom, facility construction should finally catch up with the increase in demand.
4. 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.
5. 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.

2/11

DECISION:

The preliminary plat of the Greens at Beaver Crest, as revised and received on February 19, 1998, is APPROVED, subject to the following conditions of final approval:

SP

1. Compliance with all platting provisions of Title 19 of the King County Code.

SP

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.

SP

*per peer
written prelim*

3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall also meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, as modified by Conditions 34, 35, and 36. Other 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.

SP

Current Sewer & Water letter

4. The applicant must obtain final approval from the King County Health Department.

SP

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.

SP

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 reducing 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.

SP

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. The following conditions specifically address drainage issues for this particular plat:

Eng a. The retention/detention facilities on the site draining toward Lake Sammamish shall be designed using the Barker Modified S.B.U.H. Method, as required by the East Lake Sammamish Basin Plan BW-1 criteria. An equivalent or better alternate design can be used as approved by LUSD.

An exception to the above design method is proposed for the detention facility for Tract K, in the northwest corner of the site. This facility shall meet the King County Runoff Time Series (KCRTS) Level 3 flow control requirements, per approved Variance L97V0143. All conditions of approval for this variance shall be met and reflected in the engineering plans, upon their submittal.

Eng b. The applicant applied for and was granted a drainage variance (L97V0018) to use a shared detention facility with the adjoining plat of Three Willows. All conditions of approval for this variance shall be met and reflected in the engineering plans, upon their submittal.

Eng c. No dispersal of concentrated flows shall be allowed on or above erosion-prone slopes, as determined by LUSD. The outlets of all retention/detention facilities must be tightlined to the base of such slopes at non-erosive outlets. The slope tightlines must provide capacity for the 100-year developed flow. Erosion protection must be provided at the outfall points.

Eng d. The "Preliminary Geotechnical Report," prepared by the applicant's consultant, Terra Associates, Inc., indicates the lining of R/D ponds on the site may be necessary, if imported soils are used to construct the ponds. In this regard, a geotechnical report shall be submitted with the engineering plans, which provides recommendations on the need for the lining of the R/D ponds for this project. The geo-technical engineer's recommendations shall be reflected on the engineering plans, upon their submittal.

9. The following measures shall be taken for enhanced erosion control:

Eng a. Only that clearing necessary to install temporary sedimentation and erosion control measures shall occur prior to clearing for roadways and utilities.

Eng / Karp b. Prior to final plat approval, site clearing shall be limited to areas required for roadway and utility development. Clearing limits for roads, sewers, water, permanent stormwater utilities, and temporary erosion control facilities shall be marked in the field and approved by King County prior to any alteration of existing native vegetation.

*ok SP
NEED NOTE
ON PLAT*

c. Construction work related to clearing, grading, and filling shall be limited to the drier months of April 1st to September 30th, unless otherwise approved by King County. No soil disturbance (including individual residential or commercial building pad preparation) shall occur outside the specified time limits unless

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otherwise approved by King County. A note to this effect shall be placed on the final plat and engineering plans.

- d. A temporary erosion sedimentation control (TESC) supervisor shall be designated by the applicant, per Section 5.4.10 of the 1990 KCSWDM for highly sensitive sites. The supervisor shall have demonstrated expertise in erosion control per the above section. The site shall be reviewed as if construction is occurring in the wet season, at least weekly, and within 24 hours of significant storms. A written record of these reviews shall be kept on-site with copies submitted to DDES within 48 hours. A sign shall be posted at all primary entrances to the site, which clearly identifies the TESC supervisor and his/her phone number.

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10. The following conditions specify the required road improvements for this subdivision, to be constructed according to the 1993 King County Road Standards (KCRS):

- a. Beaver Crest Drive shall be improved to the urban neighborhood collector standard.
- b. The following roads shall be improved to the urban subaccess standard: 238th Ave. SE, 239th Pl. SE, 240th Pl. SE, SE 2nd Ln., and SE 2nd Pl.
- c. The following roads shall be improved to the urban minor access road standard: 238th Ave. SE lying north of SE 2nd Pl., 239th Court SE, and Tract I.
- d. Tract I may be developed as a private road. A turnaround bulb shall be provided at the terminus of Tract I, consistent with KCRS 2.08. The angle of the intersection of Tract I/SE 2nd Ln. shall comply with KCRS 2.10A.
- e. A temporary turnaround shall be provided at or near the terminus of SE 2nd Ln., consistent with KCRS 2.08.
- f. Modifications to the above road conditions may be considered by King County, pursuant to the variance procedures in KCRS 1.08.

SP
Verifys

11. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council, prior to final plat recording.

SP
Yes per Lisa Baker

12. 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 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 of plat vesting, 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.

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Need fees

13. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 12928 which impose 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

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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.

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UENFG

14. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision, or by others.

SP

15. Lots 1 - 4. Division 2 shall have undivided ownership of Tract I and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.

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16. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or the homeowners association. This shall be stated on the face of the final plat.

SP

17. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

SP

18. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 50-foot buffer from these slopes. The buffer may be reduced to 10 feet with the submittal of a satisfactory soils report, as determined by LUSD.

SP

19. The proposed subdivision shall comply with the sensitive areas requirements as outlined in KCC 21A.24. Permanent survey marking and signs, as specified in KCC 21A.24.160, shall also be addressed prior to final plat approval. Temporary marking of sensitive areas

Board permits work sheet or note to Insp.

and their buffers (e.g. with bright orange construction fencing) shall be placed on the site, and shall remain in place until all construction activities are completed.

20. Preliminary plat review has identified the following sensitive areas issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.

✓
VERIFY

a. Two Class 3 streams are present on the northwest portion of the site, within Tract J. A 25-foot-wide buffer shall be provided from these streams, per KCC 21A.24.360A4.

✓
VERIFY

b. Two Class 2 wetlands are located on the subject property (in Tracts B and J), and another Class 2 wetland lies off-site and adjoins the east boundary of the multi-family tract (Lot 101). A 50-foot-wide buffer shall be provided from these wetlands, per KCC 21A.24.320A.

✓
VERIFY

c. A Class 3 stream, flowing in the Bear Creek Basin, lies within the wetland in Tract B. A 50-foot-wide buffer shall be provided from this stream, per KCC 21A.24.360A7.

✓
VERIFY

d. The wetland and stream buffers noted above may be required by LUSD to be increased, to conform with the requirements of KCC 21A.24.320A5 and 21A.24.360A9 concerning slopes adjacent to streams and wetlands.

None
VERIFY

e. Buffer averaging has been proposed and may be permitted, subject to compliance with the provisions of KCC 21A.24.320B and 21A.24.360B, as determined by LUSD.

✓
VERIFY

f. The above-noted wetlands, streams, and wetland and stream buffers within the subject plat shall be placed in a sensitive area tract (SAT). Any steep slope areas and their buffers which are present on the site shall also be placed within an SAT (see Condition 18 above).

Eng. 3

At engineering review the hydrological requirements of the onsite wetlands shall be determined and supplementation provided, as needed.

SP

21. Tracts B and J shall be labeled as SAT's.

Need Copy of
Approved Rec.
Plan.
✓ if Carried
Need

22. Suitable recreation space shall be provided for Lots 1 - 100, consistent with the requirements of KCC 21A.14.180 and 21A.14.190. (Recreation space will be provided for the multi-family tract as part of the review and issuance of building permits for this tract.) A recreation space improvement plan shall be reviewed and approved by LUSD and the King County Parks Division prior to engineering plan approval. If the Northwest Pipeline Corporation does not permit the placement of recreation facilities within the portion of Tract C encumbered by the gas pipeline easement, alternative recreation space shall be provided in an amount equivalent to the acreage requirements of KCC 21A.14.180A.

SP

23. A five-foot-wide trail shall be improved in Tracts G and N, consistent with the KCRS trail standards (Sec. 3.08). The trail in Tract N shall be placed within a minimum 10-foot-wide pedestrian easement, for the benefit of the residents of the subject plat. The

TRACT G ok
Need esmt
in TR N

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easement shall be shown on the final plat and engineering plans. The trail in Tract N shall align with the pedestrian trail in the adjacent subdivision of Three Willows.

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Lisa will provide copy of Cert.

24. A homeowners' association or other workable organization shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the recreation and open space areas.

25. Street trees shall be provided as follows:

- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along Beaver Crest Drive. 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 LUSD 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.

SEP
Necy Note

✓
VERIFY

Bond

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.

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e if pay

26. The Applicant shall pay the Washington State Department of Transportation \$117,556 for mitigation of significant adverse environmental impacts to SR 202 as provided in its two-party agreement, or if mitigation has been rendered unnecessary by public funding of the

9/14

required facilities, the Applicant shall document that WSDOT has waived payment of such sum.

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.

- Eng. 27. The easterly portion of Greens at Beaver Crest is located in the Evans Creek Drainage Basin. Drainage from this site flows generally to an unnamed tributary to Wetland ELS9. Then the flow turns east through the wetland to cross the proposed 244th Avenue SE alignment, then passing through Allen Lake (Wetland EC38), then turning north to flow through portions of Wetland EC41.

Allen Lake has been identified by the King County Water and Land Resources Division (WLRD, formerly SWM) as a volume sensitive lake. To protect Allen Lake and the unnamed creek from drainage volume impacts, the following mitigating measures shall apply to those portions of the site draining to Allen Lake:

- a. The detention facility designs shall comply with King County Runoff Time Series (KCRTS) Level 3 methodology. The KCRTS Level 3 standard requires maintaining the duration of high flows at their predevelopment levels for all flows greater than 1/2 of the 2-year flow up to the 50-year flow, and controlling the 100-year peak flow rate to its predevelopment level. An appropriate volumetric factor of safety shall be added of between 10 percent and 20 percent at the design engineer's discretion.
- b. The unnamed creek receiving runoff from the easterly portion of the site shall be evaluated for capacity and potential erosive impacts. Cumulative impacts from the surrounding developments shall be included. Where erosive flows may result, mitigating measures such as a bypass pipeline to convey high flow peaks to the base of the steep slope and/or non-erosive stream channel reaches are required. Non-erosive detention facility outlets are also required. Final approval by DDES is required for any proposed discharge design.

- Eng. 28. The westerly portion of the Greens at Beaver Crest is located in the East Lake Sammamish Basin. Runoff from impervious surfaces subject to vehicle use or storage &/or transfer of chemicals, petroleum products or wastes must be treated to remove 50 percent of the annual average total phosphorus 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 Resource Division (WLRD). Other options that provide an equivalent level of pollutant removal are also acceptable, but must be approved by WLRD:

Option A: 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 B: 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 pre-settling pond or vault must be provided prior to the sand filter. The pre-settling pond must be sized to hold a volume of 0.75 times the runoff from the mean annual storm.

Option C: 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 percent of the annual average runoff volume as computed by the KCRTS time series.

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

- the flow generated by 64 percent of the 2-year 24-hour precipitation (SBUH model),
- the flow generated by 60 percent of the developed 2-year peak flow rate (KCRTS model), or
- the flow associated with 95 percent 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.

29. Unless the mitigations listed below are implemented, this proposal will have a significant adverse impact at the intersection of NE 8th Street/228th Avenue NE. In the horizon year of this development, this intersection is projected to operate at Level of service (LOS) "F" in the AM and PM peak hours. To mitigate the development's impact at NE 8 Street/228 Avenue NE, final plat approval shall not be granted unless:

- King County has a programmed intersection project for this intersection and the anticipated award of a construction contract for the intersection improvements is within 12 months; or
- The developer, individually or with others, bonds or constructs improvements that bring the LOS to "E" or better. Improvement plans for this intersection must be reviewed and approved by the Traffic Engineering Section prior to engineering plan approval for the subject plat.
- In lieu of the construction of the above-noted road improvements prior to the recording of the subject plat, bonding may be provided which assures the construction of the required improvements within one year of the recording of the plat.

30. The development of The Greens is one of four development applications that will cumulatively have a significant adverse impact at the intersection of SE 8th Street/228th Avenue SE unless mitigated. The 1998 adopted King County CIP includes the widening of 228 Avenue SE/NE from Issaquah Pine Lake Road to NE 8 Street. The tentative construction scheduled for this project is in the year 1999. However, with the traffic volume projections from pipeline development and without the 228th Avenue SE widening project, the intersection of SE 8th Street/228th Avenue SE will operate at LOS "F". With regard to the preliminary approved subdivisions of the Renaissance, Heights at

ok SP
 verify w Hilson
 by SAffron
 See E-Mail
 1-10-01

ok SP
 Built - bonded
 by Beaver Creek
 2.
 See E-mail
 fr. A. McManis
 1-10-01

11/14

Beaver Crest, Vistas at Beaver Crest and subject plat of the Greens, final plat approval shall be limited to no more than a total of 200 lots for the four plats (or an equivalent number of multi-family dwelling units based on the trip generation rates of the ITE Manual) unless:

- a. The 228th Avenue SE/NE 8th CIP widening project is within 12 months of the anticipated award of a construction contract; or
- b. The developer(s), either individually or cooperatively, widen 228th Avenue SE at SE 8th Street to provide a northbound right turn lane and lengthen the southbound left turn lane to provide an additional 150 feet of left turn storage length. As an alternative, bonding may be provided which assures the construction of these improvements within one year of the recording of the subject plat.

At the time of plat review, the applicant for the subject plat may elect to conduct traffic counts to determine if the traffic volume projections are lower than anticipated. Additional lots (dwelling units) may receive final approval if King County Traffic Engineering, Roads Services Division determines that:

- a. The assumptions used for traffic volume projections are, in fact, lower than projected at the time of application; and
- b. The LOS at SE 8th Street/228th Avenue SE is "E" or better, and the southbound left-turn lane storage length accommodates expected queues.

ok SP 31
~~Need~~
See Receipt.

In addition to the condition listed under item 30 above for mitigation of impacts to SE 8th Street/228th Avenue SE, the developer shall pay a pro-rata share of \$18,511 for the installation of a permanent signal at this location. The pro-rata share is based on the percentage of the development's side street traffic to the total projected side street traffic in the horizon year of the development.

ok-SP 32
letter fr.
Ailene fr.
Lisa Baker

See E-mail
fr. A. McMass

The pending proposals of The Greens and preliminary approved subdivisions of Renaissance, Height at Beaver Crest and Vista at Beaver Crest will have a cumulative impact on SE 8th Street and 244th Avenue SE. To address this impact, the development shall complete the following:

- a. Prior to recording, the applicant shall improve the west half of 244th Avenue SE from Beaver Crest Drive to SE 8th Street and the north half of SE 8th Street from 244th Avenue SE to 228th Avenue SE to Urban Collector Arterial Standards. The road profile alignment and cross-section shall be consistent with CIP Project #201397 and road variance for SE 8th Street, L96V0072 and CIP #200797.
- b. Modifications to the required road improvements may be requested and granted through a road variance application to address timing issues associated with the design of the CIP project for 228th Avenue Southeast.
- c. In lieu of the construction of the above-noted road improvements prior to the recording of the subject plat, bonding may be provided which assures the construction of the required improvements within one year of the recording of the plat.

SP
Verify - pro-rata share may be in new MPS fees.
See E-mail for A. McManus 1-29-01

33. In order to assure an equitable sharing of the costs associated with the ultimate planned road improvements for the SE 8th Street and 244th Avenue SE corridor between 228 Avenue NE and NE 8th Street, the applicant shall pay a pro-rata share towards the widening of the SE 8th Street and 244th Avenue SE corridor, consistent with the developer's portion of CIP projects # 201397 and #200797. (Note that the required road improvements to SE 8th Street and 244th Avenue SE stated in the condition above shall be considered for a pro-rata share credit.)

If at the time of final plat recording, a new MPS fee schedule that includes the SE 8th Street and 244th Avenue corridor is adopted, and if the applicant chooses to pay MPS fees at the time of building permit approval, a pro-rata share payment, as noted above, will no longer be required at the time of final plat approval.

SP

34. **Reduction in unit count.** The Applicant shall delete 28 multi-family units for the Greens project and 17 multi-family units from the Bordeaux project. The maximum number of units that will be constructed at the Greens shall be as follows:

- a. 100 single-family units (unchanged from the current application)
- b. 126 multi-family units

c. The units to be deleted shall be units currently proposed to be located at the southern end of the project.

SP
OFFSITE?
MULTIFAMILY
J w/ Dave Buegh

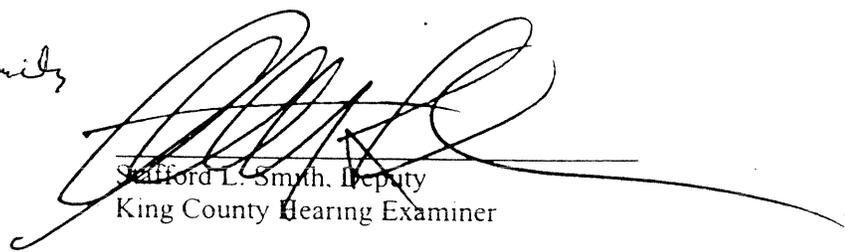
35. **Landscaping screen.** The Applicant has agreed to construct a Type 1 (opaque) landscaping screen within a 20-foot buffer located along the north side of Southeast 8th Street from the wetland to 240th Avenue Southeast and the east side of 240th Avenue Southeast from Southeast 8th Street to the entrance to Bordeaux in order to screen the southern portions of the Greens and Bordeaux project. Such landscaping screen shall meet the standards of KCC 21A.16.040. The precise location and extent of the landscaping screen shall be as shown on the site plan attached to Exhibit No. 185. No landscaping screen is required in the area adjacent to the existing wetland which lies north of Southeast 8th Street and south and east of the Greens.

ok - SP
multifamily
J w/ Dave Buegh

36. **Building setback line.** The Applicant has agreed to a building setback line on the southern end of the area between the landscaping screen described in the preceding condition and the southern edge of the multi-family units to be constructed in the Greens and Bordeaux. The precise location and extent of the building setback line shall be as shown on the site plan attached to Exhibit No. 185. The balance of the area between the Type 1 landscaping screen and the southern units in the Greens and Bordeaux projects shall remain undisturbed with the existing native vegetation retained.

ORDERED this 11th day of May, 1999.

Note:
Cond. 35 & 36 done under Multifamily


Stafford L. Smith, Deputy
King County Hearing Examiner

13/14

Kazoko & Bill Acar
Greg Allan
Ramon T Alvendia
Debra Anderson
Ronald Andresen
Richard Aramburu
Dave Bacon
Douglas & Leigh Barovsky
Jack & Jennifer Bauer
Patti Bayfield
Joseph Beer
Jo Bellflower
Victor Bishop
Mary Bonnofsky
Robert Brady
Michelle Briner
Les Brisbois
Cliff & Cherie Brooks
Gail Brown
Joanna Buehler
Stanley & Eleanor Bump
Anita Burkholder
Judith Cannan
Jon & Donna Carlson
Everett C. Carter
Evelyn Coffey
Kyle & Evelyn Coffey
Richard A. Cook
Cliff Cooper
Kevin Cosley
Jeanne Detlor
Bill DiBenedetto
Craig Dickson
William Dunlap, Jr
Vali Eberhardt
Kathy Edens
Becky Edwards
James Edwards
Joseph Elfelt
John J. & Doris Engebretson
Jeff Eustis
Michael Exendine
Mark Fefer
Evelyn Ferrier
Jennifer & David Fletcher
Patricia, Fred & Brad Forg
Sharon Frechtle
Kathy George
John & Debra Gibbons
Rick Gibbons
Mike Glover
David A. Gray
Phil & Sue Halloran
Scott Hamilton
Tom & Jeanne Harman
Gladys Harrington
Jana Haws
Nancy Herring
Lori Hill
Mark Hinthorne
Bill Hubbard

Alan Huijbregtse
David Irons
Di Irons
Janet Irons
John L Scott Land Department
Robert Johns
Al & Shirley Jokisch
James Jordan
Robert A. Josephson
John & Cathy Kaschko
Bob & Shannon Keller
John & Nancy Kimberly
James Kimbrough
Andrew Kindig
King Conservation District
Richard Klein
Brad Kleinfelder
Robert L Klewitz
Leslie Kralicek
John S. Kuhn
Daria Kurkij
Noela & Frank Lan
David Langrock
Bob Lanier
Claire Lein
Francis J Lill
Paula Lillevand
Ron Lindblad
Kent A. MacLacklan
Tim Mantion
Andrea & Paul Martin
Linda Matlock
Mike & Jane McCalmont
Greg McCormick
Kirk & Cristal Meidinger
Jane & Robert Meston
Michael Meston
Michael Miller
Dave & Leslie Miniken
Michael Monroe
Eleanor Moon
Brian Moore
Ben Muzzey
Robert Nason
Margaret Nathon
Errol Nelson
New Home Trends
Steve O'Donnell
Andy Olney
Dan & Audrey Oxley
Pacific Motion Group
Dorothy & Ed Parker
Tom Perricone
Kingston Peters
Raymond & Joan Petit
Doug & Andrea Phillips
Charlene & Larry Plympton
Michael Poling
Liese Rajesh
Rebecca Rayko
Kevin & Angela Regan

Jan Reinking
Nick & Suzy Repanich
Steven Repanich
Lee Revelle
Mara Rigel
Mr. & Mrs. J. Roberge
Helen & Jesse Rondestvedt
Dwight & Mary Roof
Jill Routt
Robert & Margaret Rowe
Nancy Ryan
Alfred & Vivian Sauerbrey
Joe Savage
Deb Schaefer
Ted Schepper
Janis Seil
Lisa & David Shank
Ted & Erin Skipper
Lori Smith
Brian & Sharon Steinbis
Wayne Stewart
Ann Stone
Kathleen Stroger
Sandra Stull
Tracy Sullivan
Lorna Taylor
Erica & Nick Tiliacos
Eric Tingstad
Jim & Eileen Vigil
D.L. Vittetoe
Marla Volwiler
Janet Wall & Ruth Morgan
Victoria Ward
Clinton Webb
Richard Wheeler & Janet Irons-
Wheeler
Richard Wilson
Mary Lou & Cory Wolfe
Bruce and Kelly Wotherspoon
Nadine Zackrisson
Greg Borba
Laura Casey
Arlene Chan
Fereshteh Dehkordi
Don Ding
Paul Eichhorn
Dick Etherington
Steve Foley
Lanny Henoch
Louise Kulzer
Michaelene Manion
David Mark
Michele McFadden
Dennis McMahan
Gary Samek
Steven C. Townsend
Sean Wellander
Bruce Whittaker
Kevin Wright



FINAL PLATTING PROCEDURE (Interoffice Use Only)		PLAT NAME <i>THE GREENS AT BEAVER CREST</i>		
PLAT REVIEW COMPLETE <i>Steve VanHatten</i>	DATE <i>1-31-01</i>	PROJECT NUMBER <i>L97P0011</i>	ACTIVITY NUMBER <i>L00FROG4</i>	
SENIOR ENGINEER APPROVAL <i>Ronald Florent</i>	DATE <i>1-31-01</i>	NUMBER OF SHEETS <i>13</i>	RECORDING FEE <i>\$84.00</i>	COUNCIL DISTRICT <i>N/A</i>

The Platting Unit will complete Final Plat review by ensuring each plat condition has been satisfied or bonded and all fees that are due have been paid. Each recommendation of the adopted plat conditions shall be initialed and dated by the reviewer when that condition is satisfied. Following Final Plat review, this form shall be completed by the reviewer and attached to the Final Plat mylars with other appropriate documents (see 3 below). Since this step represents the culmination of the subdivision process, the procedures listed below are intended to assist staff in processing the final plat as completely and expeditiously as possible.

PROCEDURE

- When all conditions have been satisfied and all fees are paid, the Plat Reviewer will fill out this form and place it in the Word Processing Unit with pink slip attached. Update and approve SIERRA routing and base screens for the FINAL-* activity.
- Word Processors shall prioritize this form and type the Assessor's (AM) and Clerk of the Council (COMPLIES.COC) plats only transmittal memos. Typed memo(s) shall be returned to Plat Reviewer.
- Plat Reviewer will paper clip to the Final Plat mylars this form and one copy of the following:
 - COC memo
 - AM memo
 - Recording Fee Receipt
 - Final Health Department Approval form
 - Lot area (segregation) calc sheet
 - List of SIERRA project activities (Keyword LACT)
 - Verification that all fees are paid (Keyword SPROJ)
- Plat Reviewer shall combine mylar package with KEY DOCUMENTS file and submit to Platting Unit Senior Engineer for review and initialing. Then the package and file shall be routed to the Development Engineer for approval and signature. Office Tech shall assist in organizing the package and KEY DOCUMENTS file. Make sure file has adopted conditions report recommendations initialed and dated by the review(s).
- The Development Engineer shall sign the map and initial transmittal memos when satisfied review is complete for recording. Mylar package and KEY DOCUMENTS file shall be forwarded to Manager's Office.
- Manager shall sign the map and initial transmittal letters when satisfied review is complete for recording. All documents shall be returned to Office Tech or Plat Reviewer.
- Office Tech shall make 4 sets of prints from the mylars and make 2 copies of the transmittal memos, 1 copy of fee receipt and Health approval form. One set of the prints shall be routed to the Building Services Division (Addressing), 1 set to Residential, 1 set to the KEY DOCUMENTS file, and 1 set shall be attached to the original mylar and Assessor's Office transmittal memo along with memo copy and lot area calcs. A copy of the fee receipt and Health form are attached to the Clerk's memo. One set of prints, copies of memos, original fee receipt, Health approval and this form shall be placed in the KEY DOCUMENTS file. Update SIERRA base screen.
- Memos, attachments, and mylars shall be routed to the Engineer Tech for delivery to Seattle. Engineer Tech shall drop off the Assessor's transmittal and mylars to the Assessor's Office (7th floor, Administration Building). For plats, deliver the Clerk's transmittal memo (Room 452 Courthouse). The copied Clerk's transmittal memo shall be date stamped (by the Clerk) and placed in the division's KEY DOCUMENTS file upon return.

AGENDA BILL

CITY OF SAMMAMISH
CITY COUNCIL

Subject:
Recommendation for filling the vacant
Director of Public Works position

Meeting Date: February 7, 2001

Date Submitted: February 2, 2001

Originating Department: Administration

Action Required:
Council approval to hire and signature
Completion of Employment Agreement

Clearances: ^{BBY}
X Administration _____ Police
_____ Public Works _____ Fire
_____ Building/Planning X Attorney
Committee

Exhibits: Employment Agreement between the
City of Sammamish and John Cunningham

Budgeted Amount:

Summary Statement: After a National Search to select a new Director Of Public Works and an in-depth interview process, staff is pleased to recommend John Cunningham, currently deputy Public Works Director from the City of Olympia, as the City's new Public Works Director. Mr. Cunningham is the clear choice to hire and have on board, directing our Public Works Department. He would be available to begin employment with the City on February 16, 2001.

Attached is the proposed employment agreement with salary listed as \$7,250.00 per month. Due to Mr. Cunningham's pre-arranged vacation plans, 21 days of banked vacation is being offered, as well as 12 days of banked sick leave in case of illness. The contract also provides for \$250.00 per month into a 457 deferred compensation plan as employer paid benefit.

Recommended Motion: Mr. Cunningham is the person we need to do this job. It is strongly recommended that council approve the hiring so he may begin working in and continuing the direction of the Public Works Department for the City of Sammamish

EMPLOYMENT AGREEMENT

THIS AGREEMENT entered into as of the 2nd day of February, 2001, by and between the **CITY OF SAMMAMISH, WASHINGTON**, a non-charter optional municipal code city, hereinafter referred to as "City", and **JOHN CUNNINGHAM**, hereinafter referred to as "Employee," for the mutual benefits to be derived, hereby agree as follows:

W I T N E S S E T H

WHEREAS, the City Manager has evaluated potential candidates to fill the position of Director of Public Works for the City of Sammamish and has selected Employee as the best candidate to fill this position; and

WHEREAS, it is beneficial for the City and Employee to establish and delineate the conditions of employment,

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED, THE PARTIES HEREBY AGREE AS FOLLOWS:

Section 1. Commencement of Employment. The City hereby agrees to employ Employee as Director of Public Works, and Employee hereby agrees to accept employment in accordance with the terms and provisions of this agreement hereinafter set forth. Employee agrees to commence employment with the City on February 16, 2001.

Section 2. Duties. Employee shall perform all duties of the Director of Public Works as set forth in the job description, City's personnel rules and procedures, and other duties as may be assigned from time to time by the City Manager.

Section 3. Term. Although nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City to terminate the services of Employee any time for

just cause. It is the intent of both parties, that the initial term of this agreement be limited to three (3) years. After that, employee and the City agree to have the option to renegotiate the terms and conditions of this agreement. Employee shall be permitted to perform other work, such as teaching, writing or related activities, as long as they do not conflict, interfere, or adversely affect his employment with the City.

Section 4. Salary - Performance Review. The starting salary for Employee shall be a monthly salary of Seven Thousand Two Hundred and Fifty Dollars (\$7,250.00) which salary shall be paid in accordance with the normal and usual procedure for payment of employees of the City. Employee shall be entitled to receive annual cost-of-living increases based on the percentage of increase provided to other exempt employees. Employee's performance shall be reviewed and a written evaluation conducted jointly by the Employee and City Manager after 6 months of employment with eligibility for a 5% salary increase at that time. Thereafter, a written evaluation will be conducted jointly by the Employee and City Manager, at least annually and more frequently if required by the City Manager or if requested by Employee. Employee will be eligible for up to a 5% salary increase annually.

Section 5. Hours of Work. Employee's work schedule shall be a minimum of forty (40) hours per week. Employee is an exempt employee under the terms of the Fair Labor Standards Act and shall not be compensated for overtime work. In recognition of the additional time and work performed by the Employee during the year, the City Manager may grant additional days off to Employee not to exceed five (5) days per year based on employee's additional work and performance.

Section 6. Benefits. The following benefits shall be provided to Employee:

A. Employee shall start with twelve (12) days of banked sick leave. After one year of continuous employment, employee shall be provided one day of sick leave per month as provided for employees of the City in accordance with the Personnel Policies and Procedures and all other related documents. Upon separation/termination of employment in good standing with the City, Employee shall be paid accrued sick leave in accordance with the City's personnel policies.

B. Employee shall be entitled to take such paid holidays as are established by the City for exempt employees (currently eleven days) as identified within the City's personnel policies.

C. Employee shall start with twenty-one (21) days of vacation time to accommodate prearranged vacation plans. Employee shall be entitled to vacation accruals at the following rate: twenty-one (21) vacation days per year after the first year of employment.'

D. The City agrees to and shall put into force for Employee, his spouse, and dependent children and make required payments for medical, dental, vision, life, disability, and other insurance policies identical to those provided to exempt City employees.

Section 7. Retirement and Deferred Compensation. Employee shall be enrolled in the applicable retirement system available to Employee pursuant to the laws of the State of Washington. Both the City and Employee shall make the contributions that are required to be made in accordance with the applicable laws of the State of Washington. The City shall not pay Employee's federal social security benefits. The City shall contribute into a qualified retirement plan for Employee an amount equal to the amount the City would otherwise contribute in the federal social security system after deducting life and disability insurance. The City shall execute the necessary agreement allowing Employee to enroll in an eligible City deferred compensation

plan and the City shall contribute \$250 per month into such plan upon commencement of work with the City.

Section 8. Professional Development. In the event that the City and Employee agree that Employee should obtain additional education to enhance his professional development and thus directly benefit the City by Employee's expanded educational development, the City and Employee shall enter into a further contractual agreement to pursue the educational opportunity which shall specify what portion of the costs of such education shall be paid by the City, and shall further require Employee to guarantee that he will continue to work for the City for a minimum specified time to assure that the City receives the benefit of the enhanced education opportunity and shall provide for penalties in the event the commitment so specified is not adhered to. The City shall budget and pay professional dues and subscriptions of Employee necessary to his participating in employee's professional associations. The City agrees to budget and pay the expenses of Employee attending professional association meetings and conferences subject to scheduling and approval by the City Manager.

Section 9. Termination of Employment.

A. By City. It is recognized that this agreement is a contract for personal services, and Employee acknowledges and agrees that the City may terminate him for just cause. In the event that the City Manager elects to terminate Employee, said termination shall be subject to the following condition: Employee shall be given not less than ninety (90) days prior notice of the intent to terminate him, or ninety (90) days severance pay at the option of the Employer. However, in the event that the cause for termination is a violation of law, or a violation of City policy, no prior notice or severance pay shall be required.

C. By Employee. In the event Employee shall terminate his employment with the City subsequent to the expiration of his three-year commitment or by mutual agreement of the parties, or if permitted to terminate this agreement by law, Employee agrees that he shall provide the City not less than thirty (30) days prior notice of the effective date of such termination in order to afford the City a reasonable opportunity to find a replacement for Employee. In the event a replacement is found who is able to commence employment prior to the expiration of the 30-day notice, the parties agree that they shall in good faith negotiate an earlier termination date.

Section 10. Professional Liability. City agrees to defend, hold harmless and indemnify Employee from all demands, claims, suits, acts, errors or other omissions in legal proceedings brought against Employee in his individual capacity or in his official capacity, provided the incident arose while Employee was acting within the scope of his employment.

Section 11. General Provisions.

A. This agreement constitutes the entire agreement between the parties, and both parties acknowledge that there are no other agreements, oral or otherwise.

B. The parties hereby further agree that this agreement cannot be amended or modified without the written concurrence of both parties.

C. If any provision or portion of this agreement is held to be unconstitutional, invalid, or unenforceable, the City shall have the right, at its option, to declare the agreement void and enter into negotiations with the Employee for execution of a new personal services agreement.

D. **Notice.** Any notices required to be given by the City to Employee or by Employee to the City shall be delivered to the following parties at the following addresses:

1. City of Sammamish
City Manager's Office
704 - 228th Avenue NE, PMB 491
Sammamish, WA 98074

2. Employee: at either
704 - 228th Avenue NE, PMB 491
Sammamish, WA 98074

or

2400 Gold Creek Ct. SW
Tumwater WA 98512

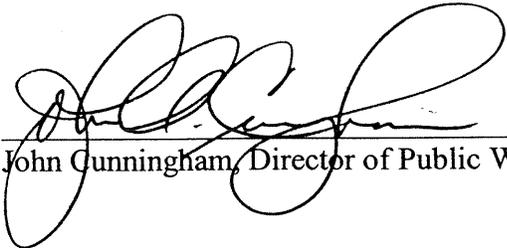
Any notices may be either delivered personally to the addressee of the notice or may be deposited in the United States mails, postage prepaid, to the address set forth above. Any notice so posted in the United States mails shall be deemed received three (3) days after the date of mailing.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed and executed as of this ___ day of February, 2001.

CITY OF SAMMAMISH

EMPLOYEE

H. Troy Romero, Mayor



John Cunningham, Director of Public Works

Ben Yazici, City Manager

Attest:

City Clerk

Approved as to form:

Bruce Disend, City Attorney

AGENDA BILL

**CITY OF SAMMAMISH
CITY COUNCIL**

Subject:
Supplement #2 to Consultant
Design Contract for 228th Ave. Phase 1-B
For \$100,403

Meeting Date Feb. 7, 2001 Date Submitted Feb. 2, 2001

Department Originating Public Works

Clearances:

 X Administration/Finance Police

 X Public Works Fire

 Building/Planning Attorney

 X Public Works Committee

Action Required:
Authorize execution of supplemental
agreement

Exhibits: Project Budget, Copy of Contract

Amount
Budgeted: \$550,000

Summary Statement:

This supplemental agreement adds \$100,403 of work to Inca Engineer's consulting contract for the 228th Phase 1B transportation improvement project. When added to Inca's original \$389,395 contract and to Supplement #1 for \$14,764 (for critical "early start" work needed to design underground electrical services), this brings Inca's total contract amount to \$504,562. This supplement involves a wide range of civil, traffic engineering, drainage and landscaping design and right-of-way work. Inca's original contract was tightly written based on a set of positive assumptions, including: that a significant portion of King County's roadway and drainage work would be reusable and that one alignment alternative would be pursued. Instead, King County's work had to be redone and the City has chosen to develop, analyze and seek additional public involvement on various design alternatives. Also, included in this supplemental agreement is additional work the City needs in regard to coordination and design of underground utilities.

At \$504,562, the Inca contract is still substantially below the \$600,000 to \$700,000 range of consulting fee that is typical for this type of project.

Recommended Motion:

Authorize the City Manager to execute Supplemental Agreement #2 to the contract with Inca Engineers Inc. in the amount of \$100,403 for the 228th Avenue Phase 1B project.

2/2/01

228TH PHASE 1B BUDGET

Council Approved 2001 Budget:		\$8,100,000
Design	\$550,000	
Design Contingency	\$74,500	
Right-of-way	\$700,000	
228 th Construction	\$5,705,000	
City Share Underground Power	\$300,000	
Construction Contingency	\$270,500	
Construction Services	<u>\$500,000</u>	
TOTAL		\$8,100,000

INCA Engineers Design Contract

Original Contract:	\$389,395
Supplement #1	\$14,764
Supplement #2	<u>\$100,403</u>
TOTAL NEW CONTRACT	\$504,562

Potential future additional items:

Design of traffic signal at SE 8 th	\$11,000
Design and right-of-way to Relocate driveway at SE 16 th	\$4,000



SUPPLEMENTAL AGREEMENT

City of Sammamish

Supplement: # 2	Date: 01/23/01
Project: 228th Avenue SE Phase 1B	City Project Number: # _____
Consultant: INCA Engineers, Inc.	Contract Number: # 00-033

The City of Sammamish desires to supplement the agreement with INCA Engineers, Inc. for the project of 228th Avenue SE, Phase 1B. All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to this agreement are described as follows:

The SCOPE OF WORK is hereby modified to include the following tasks:

Task 2A: Coordination of underground electrical services - \$3,724

- Incorporate required work into specifications.
- Prepare drawing showing typical details.
- Coordinate with power, cable and telephone services.
- Prepare sketches of trench line(s) from right-of-way line to home.
- Prepare cost estimates for work on spreadsheet breaking out costs per home.
- Coordinate this Temporary Construction Easement work with the work by the right-of-way agents.

Task 2B: Alignment Alternatives - \$34,928

- Coordination of alternative alignment designs.
- Development of roundabout designs for 10th, 13th, 17th and 20th.
- Development of U-turn designs for 13th, 16th and 17th.
- Development of U-turn design utilizing roundabout geometrics.
- This addendum includes all work associated with all design and right-of-way elements associated with development of alignment alternatives

Task 2C: Drainage Design – Additional Work - \$21,912

- At City request determined Pine Lake treatment volumes for both Level I and Level II KCRTS.
- Re-ran southern two treatment facilities due to adding grassed median in typical section.
- Re-running detention volume based on added roundabout at 20th Street.



- Re-calculating pre- vs. post areas due to round about added at 10th Street.
- Re-calculated pre- vs. post areas due to deletion of roundabout at 13th Street.
- Re-calculated storage requirements for north end of projects to incorporate existing tank capacity by High School.

Task 2D: Modification Due To Realignment - \$15,000

- Revise illumination plan for U-turn design and final alignment.
- Redesign signage and channelization plan for U-turn design and final alignment
- Signal analysis for level of service for signalized intersection alternative. Preparation for public meeting.

Task 2E: Landscape Design – Additional Work - \$1,804

- Modifications to redesign landscape from roundabout design to U-turn design

Task 2F: Right-of Way Negotiations – Additional Work - \$6,800

- Additional contacts for driveway construction – 13 parcels.
- Additional attendance at public meetings.
- Relocation assistance to Swan property.

Task 2G: Purchased Title Reports – \$3,127

- Purchase of title reports required for properties where right-of-way or easements are required.

Task 2H: Cross Walk Design with In-Pavement Lighting - \$5,108

- Design of in-pavement lighting systems for cross walks at 8th – 3 crossings.
- Design of in-pavement lighting systems for mid-block crosswalks - 1 crossing.

Task 2I: Signal Design 16th - \$8,000

- Signal design for protected left turns at 16th.

PAYMENT shall be amended in accordance with the consultant fee determination attached and as summarized as follows:

Original Contract Amount	Current Contract Amount	Estimated Net Change This Supplement	Estimated Contract Total After Change
\$389,394.63	\$404,158.63	\$100,403.00	\$504,561.63
<ul style="list-style-type: none"> • INCA Recommended 		<ul style="list-style-type: none"> • Approved 	
_____ INCA Engineers	_____ Date	_____ City of Sammamish	_____ Date

Council Questions to Be Addressed By Staff/Public Works Committee

1) **Alternatives for turning at SE 13th Street**

- **A traffic signal** could only make warrants if we eliminated the signal at 16th, which would force more traffic to 13th and thereby warrant a signal. However, we cannot eliminate 16th because we need to provide a turn around location to provide access for the other properties along this portion of 228th. Therefore, a traffic signal at 13th is not legally warranted at this time. Future development – and how they are interconnected by other streets parallel to 228th – will be a major factor regarding where any potential additional future traffic signals should go on 228th.
- **A two-way left-turn lane** allowing turns to both the east and to the west onto SE 13th Street would be a serious contradiction to a primary directive from the community design workshops to not have two-way left-turn lanes. It would create a serious accident potential. There would be 24 points of conflict among vehicles traveling and turning in various directions.
- **Just open up the median.** This proposal, made by one of the citizens, has all of the problems of the two-way left-turn lane (24 points of conflict) and also adds a high potential for additional rear-end accidents because it doesn't add a refuge/acceleration/deceleration areas as would a two-way left-turn lane.
- **Add a westbound left-turn lane/eastbound acceleration treatment with a separating island.** This would serve the highest population area on SE 13th, the west side. There would be only six conflict points. This is a feasible alternative which would fall within acceptable safety parameters at this time. However, the residents would have to be made aware that as traffic volumes increase, this would be monitored and could become unacceptable under higher traffic volumes in the future.

2) **Safety issues concerning roundabouts (all) – Kilroy asked that staff get confirmation in writing from WCIA concerning insurance of roundabouts.**

-
- We have various national and international study information and an official Federal publication showing roundabouts having fewer accidents for single lane approaches and at multi-lane roundabouts at least no more accidents with a reduction in severity. For multi-lane roundabouts there is less study data and the circumstances

more complicated depending on conditions. It is fair to conclude that accidents are at least no worse in total number at multi-lane roundabouts and that the number of severe accidents should be less.

- The Washington Cities Insurance Authority would not give an direct opinion either for or against roundabouts. The email response was the following:

From: Robert Roscoe [mailto:robr@wciapool.org]
Sent: Monday, January 29, 2001 2:46 PM
To: 'Gail Davila'
Subject: RE: City Liability on Roundabout.

From a risk management perspective we favor using traffic control devices such as signs and pavement markings that are recommended in the MUTCD. If, in the engineering judgement of the City, traffic circles are determined to be an effective solution to a perceived problem than that study will assist the City in the defense of the claim.

It is ultimately the City's decision as to whether or not it decides to use traffic circles. I am concerned that the process for installing a traffic circle should be set forth in writing. If the City is required to defend a claim regarding the installation of these circles (or lack of one), then a written policy, akin to a "warrant" would be helpful.

Don't forget to talk with your emergency vehicle operators, particularly fire fighters, they tend to have a difficult time maneuvering around some traffic circles. Also if the circles are planted with vegetation including trees, as the trees grow they need to be monitored closely so they do not encroach into the driving path.

You had another inquiry on in-pavement flashing lights for pedestrians crossings where there is no other means of controlling traffic? Currently WCIA has no official guideline developed on this issue, however, having viewed these crosswalks in action, it is my personal opinion that they have the potential of increasing a pedestrian's false sense of security. There currently is no law that requires an on-coming motorist to stop if the lights are activated...only to stop when a pedestrian is within the crosswalk. I am concerned that pedestrians will not exercise due care before crossing the street and walk when it was not safe to do so.

Thanks again for the opportunity to be of service. If I may assist with this or any other risk management service please give me a call

- Although the roundabout design proposed for 228th does not have a problem with serving emergency vehicles, the following issues from WCIA still need to be addressed:
 - The MUTCD does not give specific regulations on roundabouts.
 - The City does not have its own written warrants and this would require a substantial study we do not have time or staff available to perform.

Ben Yazici

From: Sharar, Darlene [ShararD@WSDOT.WA.GOV]
Sent: Monday, January 29, 2001 1:41 PM
To: 'Ben Yazici'
Subject: RE: My email address

Ben -

The roundabout study is from the "Insurance Institute for Highway Safety" in Arlington VA. The title is: Crash Reductions Following Installation of Roundabouts in the United States, March 2000. Here is the abstract to the study:

ABSTRACT

Modern roundabouts are designed to control traffic flow at intersections without the use of stop signs or traffic signals. U.S. experience with modern roundabouts is rather limited to date, but in recent years there has been growing interest in their potential benefits and a relatively large increase in roundabout construction. The present study evaluated changes in motor vehicle crashes following conversion of 24 intersections from stop sign and traffic signal control to modern roundabouts. The settings, located in 8 states, were a mix of urban, suburban, and rural environments. A before-after study was conducted using the empirical Bayes approach, which accounts for regression to the mean. Overall, the empirical Bayes procedure estimated highly significant reductions of 39 percent for all crash severities combined and 76 percent for all injury crashes. Reductions in the numbers of fatal and incapacitating injury crashes were estimated to be about 90 percent. Overall, results are consistent with numerous international studies and suggest that roundabout installation should be strongly promoted as an effective safety treatment for intersections.

-----Original Message-----

From: Ben Yazici [mailto:BYazici@ci.sammamish.wa.us]
Sent: Monday, January 29, 2001 1:27 PM
To: 'sharard@wsdot.wa.gov'
Subject: My email address

Darlene,

Thank you for your help!

Ben Yazici
City Manager
City of Sammamish
486 228th Ave. NE
Sammamish, WA 98074
Phone: 425-836-7902
Fax: 425-898-0669

- It is possible to get special Federal approval to install runway lights, however, the “false sense of security” would still be a City liability until, or unless, there is eventual MUTCD approval. One traffic engineer offered his confidential opinion that MUTCD approval may never occur. On the other hand, an engineering report could be prepared making a strong case that runway lights at these locations are not substantially different than other types of pedestrian actuated warning lights which have been used for years.
- We have told the public if we install a roundabout, we will install runway lights. Therefore, we need to address the caution from WCIA so that we can install runway lights or not install runway lights and contradict an expectation by the public.
- To resolve the WCIA issues of liability for the roundabout and runway lights we need an engineering report prepared. Estimated cost: \$12,000 to \$20,000.

3) Does design study show that a roundabout at SE 8th is the best alternative? (Barry)

The following summary of traffic study data shows there is not a clearly significant quantifiable engineering advantage to installing a roundabout rather than a traffic signal at SE 8th Street:

- SE 8th Street does not have the kinds of geometric/operational constrictions, high percentage of turning movements and more balanced traffic volumes on intersecting streets which often make a roundabout a preferred alternative.
- Both a signal and a roundabout will operate at a very good level of service at SE 8th Street. However, standard engineering calculations predict less overall delay averaged over all entering traffic during peak hour traffic conditions for a roundabout compared with a standard traffic signal.
- Interpretation of available statistics show that overall severity of traffic accidents should be less at a roundabout than at a traffic signal and that, after perhaps a increase in minor accidents immediately after installation, the total number of accidents may decrease at a multi-lane roundabout.
- Although roundabouts provide pedestrian safety by being designed to slow traffic as it approaches pedestrian crossings, traffic signals have an advantage by actually stopping traffic for pedestrian crossings.

Non-engineering factors that might be considered in evaluating a roundabout versus a traffic signal include the following:

Pro-roundabout

- Many people think roundabouts are more aesthetically pleasing and would give the street a unique character.
- Less overall delay time averaged over all entering vehicles during peak hour traffic conditions.
- Roundabouts can have a traffic calming effect by reducing speeding.

Anti-roundabout

- There appears to be a number of people strongly opposed to roundabouts, at least some of whom have not lessened their opposition despite being given substantial information
- There does not seem to be any opposition to installation of a traffic signal
- The City has limited staff to undertake the public education campaign that should take place before implementing a roundabout
- Dissatisfaction and complaints about roundabouts could continue for several years

4) How will the improvements affect the environment, especially in light of the 4d Rule? (Barry)

- Our consultants, who are experts in this field, have determined that for Phase 1B there is no Endangered Species Act (ESA)/4d Rule nexus.
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5) Requested residents of Palomino be give a written report on why Council made the decisions they did.

- This will be done after the Council makes its decisions. The Public Works Department staff recommended change to allow eastbound and northbound left turns at SE 13th, plus the previously proposed signalized intersection at SE 16th Street addresses all of the access concerns we have heard expressed by these residents.

6) Is the elevation at SE 8th appropriate for a roundabout. (Barry)

- The grade is appropriate. The grade at SE 8th Street is 3% and roundabout can be installed on a grade of up to 4%.

7) Check on synchronization of the lights. Is it necessary to wait until Phase 1A is complete? ((Kilroy)

- There are no interconnect/communication cables installed at this time between the signals on Phase 1A, so it is not possible to coordinate/synchronize the signals at this time. Also, traffic detection loops – which would at least make it possible for the signals to operate much better individually -- cannot be installed until the paving of the street is completed further.
- Once signal equipment is in place on 228th, it will still require additional engineering to synchronize the signals together. The Public Works Department is pursuing grant funds so that this can be done.
- Under current conditions, which lack full vehicle detection equipment, the signals can only be adjusted by having a technician come out in the field and try to determine an average “fixed time” type of operation that will not work horribly bad for any given time of the day, but also will not work as best as possible for any given time of the day. City staff has had King County come out a number of times to readjust the signal in response to citizen complaints.

8) Asked for information on having an pedestrian overpass instead of an underpass (Kilroy)

- The discussion of a pedestrian overpass or underpass came up primarily during discussions of installing a roundabout at SE 10th. With a traffic signal now proposed, most of the people who raised this issue should be appeased.
- The traffic signal at Skyline High School will provide for a high level of pedestrian access and safety with full pedestrian-actuated signal controlled pedestrian crossings. It is the Public Works Department’s recommended solution to pedestrian crossing treatment at this location.
- Signalized pedestrian crossings are also preferable at this location because there would need to be fencing installed to force people to use an overpass or underpass. Otherwise, experience at other locations have shown that many people – and particularly the high school kids – can be expected to simply choose to run across the road.
- Also, comments from Issaquah School District indicate that pedestrian volumes at this location are not significantly high enough to justify an overpass or an underpass even if that were a desirable application at this location.

- A pedestrian overpass would cost at least \$200,000 to design and build plus right-of-way. An undercrossing would require site specific engineering work to determine a cost due to the intricacies of dealing with the many utilities, but would also cost at least \$200,000.

9) Get statistics from other cities regarding the safety of U-turns on divided streets. (Gerend)

- NE 8th Street in Bellevue is an excellent comparison to 228th Avenue. Here is a statement from their traffic engineering department:
 - “COB (City of Bellevue) completed a u-turn project on NE 8th St. between 118th Ave NE and 120th Avenue NE in August of 1998. We were having many approach and right angle TA’s (traffic accidents) that have since been eliminated. C-curb was installed on centerline, and a u-turn area built at the east end of the project.”
- The City of Bellevue provided a full three years of accident data for the five u-turn locations on 148th Avenue NE, which is also designed similarly to the proposed design for 228th.
 - Only two accidents, over three years at five locations, were specifically called out as involving u-turns with one of those accidents described as “over steered and hit a tree.”
 - Even if every accident that involved vehicles not traveling in the same direction is assumed to at least potentially be related to a u-turn, there were only four such accidents at the five locations over three years out of a corridor total from Main St. to NE 16th Street of 120 accidents.
- Bellevue Way in Bellevue has three u-turn locations, over a three year period there are no accidents attributed to u-turn movements. Total accidents have included:
 - At NE 15th, which has a southbound u-turn, one rear-end accident.
 - At NE 17th, which has both a south-bound and north-bound u-turn, there have been three accidents with only one involving vehicles traveling in different directions.
 - At NE 21st, which has a northbound u-turn, there have been three accidents with only one involving vehicles traveling in different directions.

10) Possibility of openings on median between intersections (Gerend)

- See answer to question #1. Depends on how you treat it and where it is at.
- The speeds, sight distance, number and spacing of driveways and driver expectations (228th is not a built-up urban area at this time, it’s closer to rural) make 228th vastly different than say, Gilman Blvd in Issaquah. Any of these

conditions could lead to a decision not to open up the median, and in the case of 228th **all** of these conditions make opening up the median problematic.

11) **Wants written data on traffic projections for SE 8th. (Gerend)**

- The “Roundabouts” three-ring binders that were given to all members of the City Council and the Planning Advisory Board have very complete corridor traffic projection numbers. These projections assume that all pipeline development is built out by the year 2012 but did not make any further land use assumptions due to the Comprehensive Plan currently not completed.
- For SE 8th Street just east of 228th Avenue is for 3,500 vehicles a day if 244th Avenue is completed and for 9,200 vehicles a day if 244th Avenue is not completed.

12) **Cost breakdown between building a roundabout or putting in a signal at SE 8th Street including the cost to retrofit roundabout later if it doesn’t work out. (Romero).**

- With curb radii on the project already designed to accommodate a roundabout, the estimate of net additional cost of putting in a signal now instead of a roundabout would be \$90,000 of construction cost and \$10,000 of design and construction engineering, for a total of \$100,000 (minus some small amount of not-designed landscaping cost. So total estimate is something just under \$100,000.)
- The estimated cost to come back in the future and retrofit to a traffic signal would be \$206,000 of construction cost plus \$28,000 for design and construction engineering for a total cost of \$234,000.

13) **Won’t trucks hit the trees in landscape strips and medians.**

- No. Trees are selected for this project will not have canopies that spread into the traffic. If the trees do start spreading that way, then appropriate and timely pruning should and can be done.

14) **Can staff help Council answer the question: Should Council do what is best to move traffic, or do what the citizens want done?**

- Assuming that this question is, basically: “Is there a traffic flow benefit to installing a roundabout at SE 8th which is significant enough to justify the apparent degree of public opposition to installing that roundabout,” then answer

would probably be “no” for this particular location, if traffic flow were the only consideration.

- The overall traffic flow benefits compared with a fully coordinated system of traffic signals are probably not sufficient to go against strong community opposition based on traffic flow, alone.
- However, there are others in the community who like roundabouts for the aesthetic, traffic calming and unique qualities that they bring to the community street design and would like to see roundabouts used.

