

## 9.0 PARKS, OPEN SPACE AND TRAIL STANDARDS

### 9.1 OVERALL OPEN SPACE REQUIREMENT

Pursuant to BDMC 18.98.140 (Exhibit “E”) and the MPD Permit Approval, The Villages MPD is required to provide at least 481.4 acres of Open Space. The Black Diamond Urban Growth Area Agreement between King County, the City, Palmer Coking Coal Company, and Plum Creek Timber Company dated December 31, 1996 (“BDUGAA”) requires 145 acres of Open Space on those Development Parcels subject to the BDUGAA. ~~To satisfy~~The Master Developer shall provide the ~~MPD Ordinance, an~~ additional, approximate 336.4 acres ~~on~~for those properties not subject to the BDUGAA ~~is being provided within the Project Site.~~ Open Space meeting these requirements is shown on the MPD ~~Land Use Map~~Site Plan (Exhibit “A”) and in the following table.

**Table 9-1 Open Space Calculations**

	Gross Acres	BDUGAA/ Open Space requirement	MPD requirement (if applicable)	Required Open Space*
Parcel B	81.53	0	40.77	40.77
West Annexation Area		63.30	0	63.30
Parcel C	54.62			
Parcel D	225.99			
Parcel G	8.06			
Guidetti <del>Parcel</del>	20.38	0	10.19	10.19
Parcel E	151.15	0	75.58	75.58
Parcel F- <del>North</del>	258.90	81.70	**12.00	93.7
BDA	395.74	0	197.87	197.87
Total In City/UGA MPD Open Space	1196.40	145	336.4	<b>481.4</b>

\*Required Open Space to be met within the Project Site

\*\*Reflects 24 acres of property within City boundaries prior to BDUGAA

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~~Insert Figure 9.2~~  
Park and Trail Plan ▲

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## 9.2 PARK AND OPEN SPACE PLAN

The approximate location and type of Parks ~~to be provided by the Master Developer~~ are shown on the Park and Trail Plan (Figure 9.2) ~~above~~. The Master Developer shall design and construct the Parks shown on the Parks and ~~Open Space~~ Trail Plan, (Figure 9.2). The actual location and boundaries of Parks may vary (provided that the minimum Open Space requirement is met) and will be defined through Implementing Approvals and Projects (for example, adjacent subdivision or site plan). Parks within each Phase of ~~Development~~The Villages MPD shall be constructed or bonded prior to occupancy, final site plan or final plat approval of any portion of the Phase, whichever occurs first, to the extent necessary to meet park level of service standards for the Implementing Approval or Project. In the event a bond is in place, construction of all Parks within Phase 3 will be triggered when Certificates of Occupancy or final inspection have been issued for 40% of the ~~dwelling~~Dwelling Units on lots located within ¼ mile of a given Park ~~located in Phase 3~~. Parks must be completed when Certificates of Occupancy or final inspection has been issued for 60% of the Dwellings Units located within ¼ mile of a given ~~park. [In Phase 3, or~~Park in any Phase~~??]~~. Recreation facilities shall be constructed as required by Table 9-5.5. The Master Developer may elect to build Parks in advance of the triggers set forth in this subsection.

## 9.3 SENSITIVE AREAS AND BUFFERS

All sensitive areas and buffers will be protected consistent with the Sensitive Areas Ordinance ~~and~~ as ~~otherwise~~further described in this Agreement. Trails, crossings and encroachments may be allowed within sensitive areas and buffers, if such placement is consistent with the Sensitive Areas Ordinance and appropriate mitigation identified therein.

## 9.4 NON-SENSITIVE OPEN SPACE

Open Space outside of sensitive areas and buffers includes, but is not limited to, the plaza, Community Parks, trails, Neighborhood and Pocket Parks, natural areas and stormwater ponds and infiltration facilities. Additional Parks may be provided as individual Implementing Projects are developed.

Stormwater ponds and facilities shall be designed as either passive or active Open Space when practical. Passive Open Space facilities consisting of stormwater ponds shall be designed to appear as a natural wetland or pond and shall provide at least one location for public viewing.

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Vegetation shall consist of no less than 70% native plant material typically found in and around South King County. Any fencing required by BDMC regulations (Exhibit "E") shall be designed and located such that it does not detract from the natural character of the facility. If natural landscaping is intended to provide a long-term barrier to human intrusion, temporary fencing may be permitted until such time as the landscaping has matured to the point of providing the barrier. Stormwater facilities designed as active Parks shall accommodate at least one active use. This may include at least one of the following: a trail extending no less than 75% of the perimeter of the pond; play fields; play structures; and basketball and other sport courts within an infiltration gallery or maximum water elevation designed to accommodate occasional high water level events. ~~To~~Pursuant to Condition of Approval No. 69 of the MPD Permit Approval, to be considered as Open Space, active play areas shall be free of inundation for a minimum of three (3) months out of the year, preferably longer. The Designated Official shall make the final determination of whether the stormwater pond or facility proposed may qualify as active or passive recreation (and thus counting towards ~~the project open space~~The Villages MPD's Open Space requirement), or a portion of active recreation, based on submitted plans associated with an Implementing ~~Approval or [??]~~ Project.

## **9.5 RECREATION AND USEABLE OPEN SPACE STANDARDS**

**9.5.1** All Dwelling Units shall have access to and be located within ¼ mile walking distance of a Park. If an existing or planned Park is not accessible and is not located within ¼ mile (walking distance) of a proposed Implementing Project, then the Implementing Project shall include a new Park at a rate of 100 square feet per Dwelling Unit to be served by the Park. Parks must be at least 1,500 ~~square feet~~ in size to be counted against ~~the~~The Villages MPD's Park requirement~~requirements~~.

**9.5.2** Unless otherwise noted on Table 9-5, Recreational Facilities constructed by the Master Developer, may be located: (1) within The Villages MPD in Community Parks, community center or Neighborhood Parks; (2) on joint use school sites (if agreed to by the City and School District as provided in the School Agreement); (3) within off-site Regional Parks (subject to City agreement); or (4) on a mutually acceptable off-site location. The Recreational Facilities may be provided in combination with one another and other informal space or each facility may be provided as a standalone amenity. ~~#~~Pursuant to Condition of Approval No. 88 of the MPD Permit Approval, if a joint use facility is proposed on a school site or on an alternative site consistent with the School Agreement, the Master Developer shall provide for one or more

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youth/adult softball fields, soccer fields, tennis courts or basketball courts in ~~conjunction with the school site or at an alternative location~~ such joint use facility.

**9.5.3** The Master Developer shall have the option to request that the Designated Official accept a lump sum payment in lieu of constructing any of the individual Recreational Facilities in Table 9-5. The request shall be made prior to triggering the need for the next Recreation Facility. ~~The Pursuant to Condition of Approval No. 93 of the MPD Permit Approval, the~~ Designated Official retains sole discretion ~~concerning to determine~~ when and if a lump sum payment will be accepted in lieu of the Master Developer constructing a Recreational Facility. ~~The~~ The Designated Official's determination shall be based on the following three criteria: (i) availability of land; (ii) adequacy of funds to construct City-approved recreational facilities; and (iii) City's ability to maintain recreational facilities. Pursuant to Condition of Approval No. 91 of the MPD Permit Approval, the amount of the payment that may be provided in lieu of construction shall be set through the following process:

- A. Commencing upon the Designated Official's agreement to accept a lump sum amount for a specific Recreational Facility, the City shall publish a bid request for design and construction of the Recreational Facility. The bid request shall be based on reasonable standards agreed to by the Master Developer and City. The City reserves the right to include additional elements in the bid beyond what the Master Developer is required to construct for the facility. Such additional elements shall not be the responsibility for the Master Developer to fund. For instance, additional elements may include lighting, concession areas, or other elements as determined by the Designated Official.
- B. Upon acceptance of a bid, the Designated Official and Master Developer shall agree to set the lump sum amount in accordance with the accepted bid. Upon execution of a contract accepting the bid for design and construction, the Master Developer shall deposit with the City the agreed to lump sum amount.

In the event the Master Developer makes a lump sum payment, the City shall use the funds for the sole purpose of constructing the Recreational Facility. If the Master Developer provides off-site Recreational Facilities and/or Parks, it shall receive credit equivalent to the credit it would have received if that Recreational Facility and/or Park had been provided on the ~~MPD Project~~ Site.

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**9.5.4** ~~The~~Pursuant to Conditions of Approval Nos. 89 and 92, of the MPD Permit Approval, the Master Developer's obligation to provide the Recreational Facilities ~~as set forth~~outlined in Table 9-5 is based on the Level of Service standards set forth in the City's Park and Open Space Plan dated December 18, 2008, ~~(Exhibit "E")~~. To determine the number of Recreational Facilities required, the number of housing units was multiplied by the following population generation rates: 2.7 persons per ~~household for single-family housing units~~Single Family Dwelling Units and 1.85 persons ~~per household~~ for Multi-~~family housing units~~Family Dwelling Units.

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**9.5.5 Recreation Facilities**

**TABLE 9-5**

Facility Type	Level of Service	Required Facilities	Timing of Facilities	<del>Optional off-site construction or</del> Fee-in-Lieu
Basketball Court	1:2000	6	<del>Must</del> Master Developer shall provide a minimum of one (1) half-court basketball facility <u>per every 800 Dwelling Units constructed.</u> <u>One such facility must be Constructed (or, if applicable, a fee-in-lieu paid)</u> prior to <del>each</del> <u>the 800<sup>th</sup> Dwelling, 1600<sup>th</sup>, 2400<sup>th</sup>, 3000<sup>th</sup>, 3600<sup>th</sup>, and 4800<sup>th</sup> Unit</u> receiving a Certificate of Occupancy.	The Master Developer may elect to <del>pay</del> <u>request that the City accept</u> a fee-in lieu of constructing the required Basketball Courts. The fee shall be set per Section 9.5.3.
Soccer Field	1:2000	6	<del>Must</del> Master Developer shall provide a minimum of one (1) soccer field <u>per every 800 Dwelling Units constructed.</u> <u>One soccer field must be Constructed (or, if applicable, a fee-in-lieu paid)</u> prior to <del>each</del> <u>the 800<sup>th</sup> Dwelling, 1600<sup>th</sup>, 2400<sup>th</sup>, 3000<sup>th</sup>, 3600<sup>th</sup>, and 4800<sup>th</sup> Unit</u> receiving a Certificate of Occupancy. -Up to three (3) of the required soccer fields shall be designed as	The Master Developer may elect to <del>pay</del> <u>request that the City accept</u> a fee-in lieu of constructing the required soccer fields. The fee shall be set per Section 9.5.3.

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Facility Type	Level of Service	Required Facilities	Timing of Facilities	<del>Optional off-site construction or</del> Fee-in-Lieu
			Micro Soccer Fields.	
Tennis Court	1:2000	6	<del>Must</del> Master Developer shall provide a minimum of one (1) tennis court per every 800 Dwelling Units constructed. One tennis court must be Constructed (or, if applicable, a fee-in-lieu paid) prior to each the 800 <sup>th</sup> Dwelling, 1600 <sup>th</sup> , 2400 <sup>th</sup> , 3000 <sup>th</sup> , 3600 <sup>th</sup> , and 4800 <sup>th</sup> Unit receiving a Certificate of Occupancy.	The Master Developer may elect to <del>pay</del> request that the City accept a fee-in lieu of construction for up to 3 of the tennis courts. The fee shall be set per Section 9.5.3.
Youth Baseball/Adult Softball field	1:2000	6	<del>Must</del> Master Developer shall provide a minimum of one (1) Youth Baseball / Adult Softball field per every 800 Dwelling Units constructed. One such field must	The Master Developer may elect to <del>pay</del> request that the City accept a fee in lieu of constructing the necessary facility. The fee shall be set per Section 9.5.3.

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Facility Type	Level of Service	Required Facilities	Timing of Facilities	<del>Optional off-site construction or</del> Fee-in-Lieu
			<del>be Constructed (or, if applicable, a fee-in-lieu paid) prior to each the 800<sup>th</sup> Dwelling, 1600<sup>th</sup>, 2400<sup>th</sup>, 3000<sup>th</sup>, 3600<sup>th</sup>, and 4800<sup>th</sup> Unit receiving a Certificate of Occupancy.</del>	
Adult Baseball Diamond	1:5000	2	<del>Must</del> Master Developer shall provide a minimum of <del>one (1)</del> Adult Baseball Diamond <del>prior to each per every 2,400<sup>th</sup> 400</del> Dwelling Units constructed. One Adult Baseball Diamond must be Constructed (or, if applicable, a fee-in-lieu paid) prior to the 2400 <sup>th</sup> and 4800 <sup>th</sup> Unit receiving a Certificate of Occupancy.	The Master Developer may elect to <del>pay</del> request that the City accept a fee in lieu of constructing the necessary facility. The fee shall be set per Section 9.5.3.
Community Center	1:10,000	1	<del>A community center must be provided</del> Master Developer shall provide a Community Center prior to the 3,000 <sup>th</sup> Dwelling Unit receiving a Certificate of Occupancy. The <del>community center</del> Community Center may be co-located with other <del>recreational</del>	<del>In the event the</del> The Master Developer requests <del>may elect to</del> pay request that the City accept a fee in lieu of constructing a Community Center and the City accepts the request, the process set forth in Section 9.5.3 shall be followed to determine the fee. A Community Center may be a YMCA, Boys and Girls Club, or other similar

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Facility Type	Level of Service	Required Facilities	Timing of Facilities	<del>Optional off-site construction or</del> Fee-in-Lieu
			<del>amenities</del> <u>Recreational Facilities.</u>	facility as determined by the City: <u>in its reasonable discretion.</u>
Youth Football Field	1:10,000	1	<del>Must</del> <u>Master Developer shall provide a minimum of one (1) youth football field Youth Football Field</u> prior to the 3,000th Dwelling Unit receiving a Certificate of Occupancy.	The Master Developer may elect to <del>pay</del> <u>request that the City accept</u> a fee in lieu of construction of the <del>youth football field.</del> <u>Youth Football Field.</u> The fee shall be set per Section 9.5.3.
<u>Gymnasium</u>	<u>1:5,000</u>	<u>2</u>	<u>Will be provided if authorized by the Enumclaw School District, the Master Developer shall provide a minimum of two (2) gymnasium facilities in conjunction with the school facilities described in the School Agreement.</u>	<u>The Master Developer may elect to request that the City accept a fee in lieu of constructing a gymnasium. The fee shall be set per Section 9.5.3.</u>
<u>Track</u>	<u>1:10,000</u>	<u>1</u>	<u>Will be provided if authorized by the Enumclaw School District, the Master Developer shall provide a minimum of one (1) track in conjunction with the</u>	<u>The Master Developer may elect to request that the City accept a fee in lieu of constructing a track. The fee shall be set per Section 9.5.3.</u>

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Facility Type	Level of Service	Required Facilities	Timing of Facilities	<del>Optional off-site construction or</del> Fee-in-Lieu
			school facilities described in the <u>School Agreement</u> .	

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## 9.6 TRAIL PLAN

The approximate location and type of trails are shown on the Park and Trail Plan (Figure 9.2). The Master Developer is responsible for the design and construction of the trails shown on the Park and Trail Plan (Figure 9.2). The actual location of trails may vary and will be defined through Implementing Approvals and Projects (for example, adjacent subdivision or site plan). ~~Necessary trail construction will be completed within the boundaries of each Implementing Project. Where feasible, trail construction should avoid dead ends and incomplete segments. The Master Developer may elect to build trails in advance. On-site trails shall be constructed or bonded prior to occupancy, final site plan or final plat approval, whichever occurs first for the Implementing Approval or Project within which the trail is to be built. Off-site trail construction necessary to achieve connectivity will be required prior to occupancy and final plat and site plan approval to the extent authorized by law.~~ The trail system should be designed to minimize trail locations within sensitive area buffers. Any construction within ~~thesensitive~~ sensitive areas shall be mitigated in accordance with the City's Sensitive Areas Ordinance. Where feasible, trail design and trail construction should avoid dead ends and incomplete segments.

Pursuant to Condition of Approval No. 95 of the MPD Permit Approval, any trail construction necessary to complete the Park and Trail Plan (Figure 9.2) shall be done on an Implementing Project by Implementing Project basis. If any Implementing Project contains a trail segment shown on the Park and Trail Plan (Figure 9.2), then such trail segment shall be designed and constructed up to the boundaries of such Implementing Project. Thus, trails on the Project Site shall be constructed or bonded prior to issuance of a certificate of occupancy, final site plan approval or final plat approval (whichever occurs first) for the Implementing Project within which the particular trail segment is to be built. The construction of trails located outside of the Project Site that are necessary to achieve connectivity may be required by the City prior to the issuance of a certificate of occupancy, final plat approval, or final site plan approval for an Implementing Project to the extent authorized by law. The Master Developer may elect to build trails in advance of the triggers described herein.

## 9.7 TRAIL STANDARDS

The following criteria shall apply to the construction of trails set forth in this Agreement in addition to, and consistent with, the trail standards set forth in BDMC and Black Diamond Engineering Design and Construction Standards (Exhibit "E"):

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**9.7.1** Trails ~~will~~shall be built to the standards ~~found~~set forth below.

- A. Hiking ~~Tra~~trail standards
  - i. Clearing height – 8 feet
  - ii. Clearing width – 4-6 feet (light use); 8-12 feet (heavy, two-way use)
  - iii. Surface – 2-3' wide natural surface with gravel or wood chips in wet areas (light use); 4-8' wide natural surface if possible, otherwise woodchips, gravel, or other suitable material (heavy use)
- B. Bicycle trail standards
  - i. Clearing height – 10 feet maximum
  - ii. Clearing width – 6-8 feet (mountain bike); 8 feet (one way touring bicycle), 12 feet (two-way touring bicycle traffic)
  - iii. Surface – 2-3' wide natural surface (mountain bike); 2" asphalt surface with 3" compacted gravel base (touring bicycle) 4-6' wide (one way traffic) OR 8' wide (two way traffic)
- C. Multi-use trail standards
  - i. Clearing height – 8 feet for bicycle and pedestrian, 14 feet maximum for equestrian
  - ii. Clearing width - 14-26 feet, depending on use
  - iii. Surface – Paved or natural, similar to standards in A and B above, depending on uses intended. Equestrian uses, where proposed, shall be provided a natural surface separate from a paved surface by at least 3'.

**9.7.2** Trails shall be ~~located~~designed to minimize construction impacts to wetlands, streams and their associated buffers.

**9.7.3** The following amenities may be included within trail corridors subject to mutual agreement between the Master Developer and the Designated Official: rest stops, sculpture and other art, pedestrian lighting, exercise stations, picnic tables, barbeque grills, interpretive areas, Pocket Parks/tot lots, drinking fountains, restrooms, and covered sheds, and other similar amenities.

**9.8 PARK, OPEN SPACE AND TRAIL DEVIATIONS**

All Park, Recreation Facility, Open Space and trail standards, cross sections and locations may be modified through the ~~Deviation~~deviation process ~~and criteria~~set forth in Section ~~121.3~~ of ~~this Agreement, the Black Diamond Engineering Design and Construction Standards (Exhibit "E")~~.

## 9.9 OWNERSHIP AND MAINTENANCE

### 9.9.1 Environmentally Sensitive Areas and Buffers

~~Ownership~~Pursuant to Condition of Approval No. 153 of the MPD Permit Approval, ownership and maintenance of sensitive areas and buffers shall be consistent with the requirements of the Sensitive Area Ordinance, which allows sensitive area tracts to be held in undivided ownership by all lots within The Villages MPD, dedicated to the City or other governmental entity, protected with conservation easements or conveyed to a non-profit land trust. If the Master Developer elects not to dedicate an Open Space to the City, a permanent public access easement or other means of access shall be provided to the Open Space as part of the Implementing Project.

### 9.9.2 Non-Sensitive Area Open Space

All Neighborhood Parks, trails and Community Parks will be owned and maintained by the ~~home owner's~~homeowners' association (HOA) or Master Developer pursuant to the provisions of Subsection 5.45.7 of this Agreement, except for any owned by the school district. Regional Parks may be dedicated to the City at the time of an Implementing Project.

~~9.9.3 — Public~~9.9.3 Pursuant to Condition of Approval No. 94 of the MPD Permit Approval, ~~public~~ access is authorized to all Parks and trails unless otherwise determined by the Designated Official.

## 9.10 PARK CHARACTERISTICS

~~The~~Pursuant to Conditions of Approval Nos. 97 and 151 of the MPD Permit Approval, the characteristics and uses of passive Open Space and active Open Space ~~will be different throughout the various Implementing Projects.~~are as follows:

#### A. Active Open Space includes:

- areas that provide for organized sport and recreational functions such as sports fields;
- tot lots;
- net-games and tennis courts;
- gathering areas;
- other similar outdoor sports facilities as allowed by the Designated Official.

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B. Passive Open Space outside of sensitive areas regulated by the SAO provides for all other recreational needs, including:

- scenic purposes;
- landscape amenities where users can relax and enjoy the space without a specifically organized sporting activity;
- trails;
- picnic areas;
- open fields, wildlife viewing areas or other informal Open Spaces.

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~~10.0 PLAN AND AGREEMENT CHANGES AND ADMINISTRATION~~

The City and Master Developer acknowledge that the characteristics and uses of Open Space will differ throughout The Villages MPD's various Implementing Projects.

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