CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2000-55  

AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AFFIRMING THE DECISION OF  
THE HEARING EXAMINER IN THE MATTER OF  
THE APPLICATION OF BRIAN McCABE FOR  
APPROVAL OF THE PRELIMINARY PLAT OF  
CROSSWATER SUBDIVISION  

WHEREAS, the Hearing Examiner is authorized by Section 20.24.072 of the City of  
Sammamish Interim Development Code to hear and decide applications for preliminary plat  
approval; and  

WHEREAS, Brian McCabe submitted an application for preliminary plat approval  
on behalf of Crosswater LLC for the Crosswater subdivision; and  

WHEREAS, following a public hearing conducted on January 25, 2000, the Hearing  
Examiner entered Findings of Fact, Conclusions of Law and a Decision that all of the  
criteria for preliminary approval of the subdivision were satisfied and that the proposal for  
Crosswater should be approved subject to certain conditions; and  

WHEREAS, two appeals of the Hearing Examiner’s decision were filed: one appeal  
was filed by Gregory R. Allan, and one appeal was filed on behalf of Tony and Marilyn  
Vitale and Irwin and Gail Michelman; and  

WHEREAS, Section 20.24.072 of the City of Sammamish Interim Development  
Code authorizes the City Council to hear appeals of the Hearing Examiner’s decisions in  
regard to preliminary plats; and  

WHEREAS, Section 20.24.222 of the City of Sammamish Interim Development  
Code requires the City Council to conduct a closed record appeal hearing and take final  
action on appeals by ordinance; and  

WHEREAS, the City Council conducted a closed record appeal hearing on April 5,  
2000; and  

WHEREAS, after due consideration of the record as presented to the Hearing  
Examiner, the written appeal statements of the parties, and presentation of oral argument by
the parties, the City Council makes and enters the findings and conclusions hereafter set forth;

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

Section 1. Findings of Fact.

a) The Hearing Examiner considered all of the applicable criteria for preliminary plat approval of the Crosswater subdivision. The Council hereby adopts and incorporates by this reference the Findings of Fact entered by the Hearing Examiner in his decision dated February 14, 2000.

b) Notice of the plat application was properly provided in accordance with the requirements of the City of Sammamish Interim Development Code.

c) Appellants Vitale and Michelman are not parties of record.

Section 2. Conclusions. From these Findings of Fact, the City Council makes the following conclusions:

a) The Hearing Examiner considered all of the applicable law and facts to grant preliminary plat approval of the Crosswater subdivision.

b) The Hearing Examiner applied appropriate conditions to the plat.

c) The Conclusions of Law and Conditions entered by the Hearing Examiner in his decision dated February 14, 2000 are hereby adopted and by this reference incorporated herein.

d) Appellants Vitale and Michelman are not "an aggrieved party of record" who may bring an appeal of the Hearing Examiner decision pursuant to ISDC Section 20.24.210D.

Section 3. Decision. Based upon the foregoing Findings and Conclusions, the City Council makes the following decision:

a) The appeal of Gregory R. Allan is dismissed.

b) The appeal of Tony and Marilyn Vitale and Irwin and Gail Michelman is dismissed.

c) The decision of the Hearing Examiner dated February 14, 2000 granting preliminary plat approval of the Crosswater subdivision, subject to specified conditions, is affirmed.
Section 3. Effective Date. This Ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19TH DAY OF April, 2000.

CITY OF SAMMAMISH

[Signature]
Mayor Jack Barry

ATTEST/AUTHENTICATED:

[Signature]
Ruth Muller, City Clerk

Approved as to form:

[Signature]
Bruce L. Disend, City Attorney

Filed with the City Clerk: April 14, 2000
Passed by the City Council: April 19, 2000
Ordinance No. 02000-55
Date of Publication: April 26, 2000