

**CITY OF ISSAQUAH
DEVELOPMENT COMMISSION
NOTICE OF DECISION**

TO: Jenkins Chan
The Dwelling Company
7525 SE 24th Street, Suite 650
Mercer Island, WA 98040

SUBJECT: Mallard Bay Townhomes
PLN06-00144 (Site Development Permit)

DECISION DATE: May 16, 2007: (Decision made by Development Commission)
June 4, 2007: (Findings of Fact signed by Development Commission Chair)

REQUEST: Application for a Site Development Permit to construct an 80-unit townhome complex consisting of 17 buildings ranging from four to six units on a 9-acre site. The site contains wetlands, steep slopes, and a stream. Mitigation of critical area impacts is proposed. The project is located at the northeast corner of SE 43rd Way and East Lake Sammamish Parkway. This is the first development to implement the 2-lot King County Commercial Site Development Permit that also includes the lot at the southeast corner of SE 43rd and East Lake Sammamish Parkway.

LOCATION: The project is located at the northeast corner of SE 43rd Way and East Lake Sammamish Parkway in the Providence Point Subarea.

DECISION MADE: The Development Commission reviewed the proposed Site Development Permit during a public hearing conducted on May 16, 2007, and approved the Site Development Permit, PLN06-00144, Exhibits 1 through 6, with conditions. **Approval of this application is based on the attached Findings of Fact, Reasons for Decision, and Decision Made, and is subject to the conditions therein.**



David Favour, Planning Manager

June 5, 2007
Date

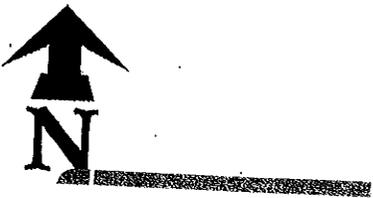
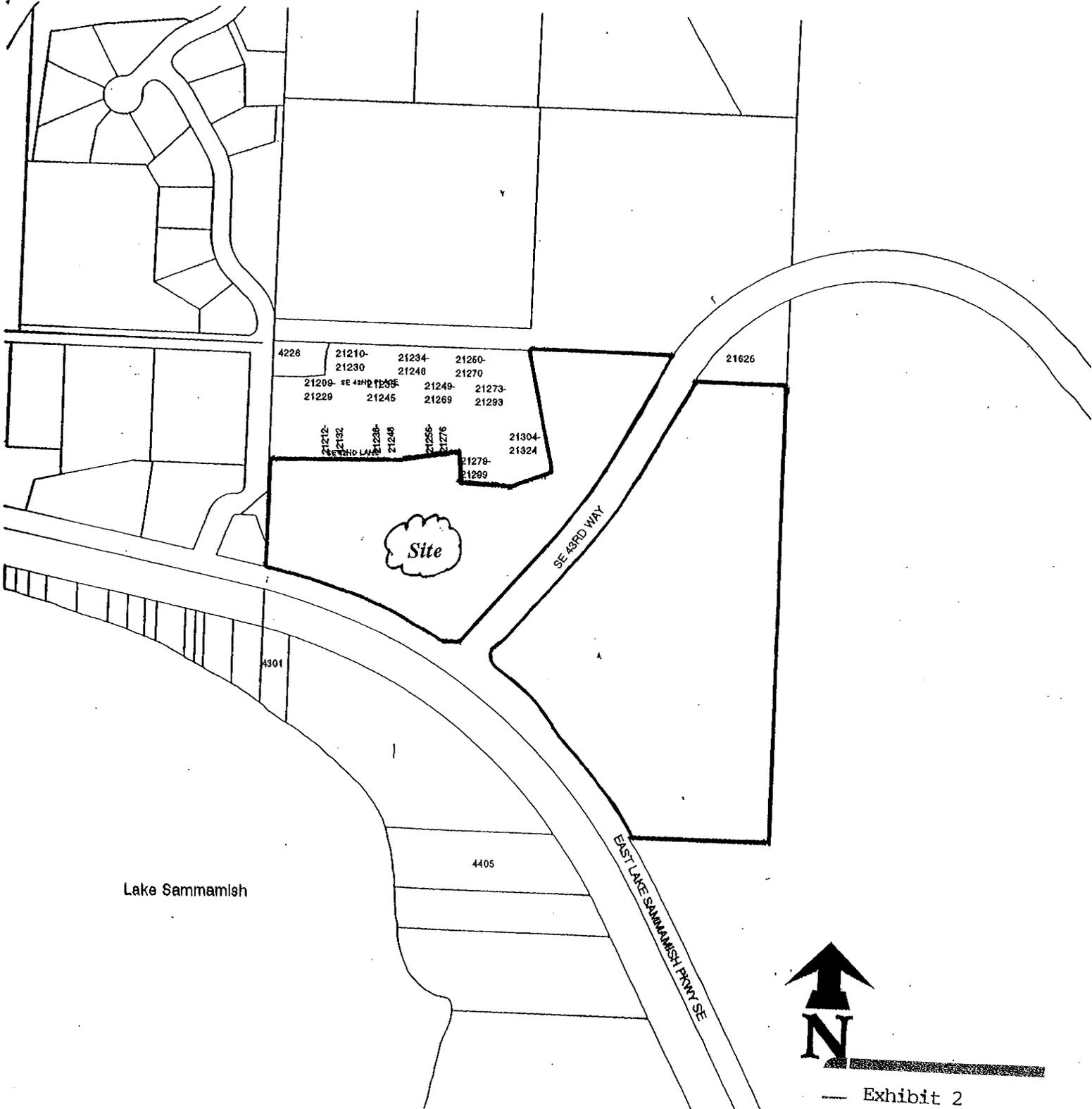
Attachment: Findings of Fact for PLN06-00144

DF/dl

NOTE:

1. If any of the conditions or portion thereof is declared invalid or unenforceable by a court of competent jurisdiction, then the application must be remanded to the City for reconsideration, it being expressly declared that this approval is conditioned upon each and every one of the conditions being in full force and effect, and if any one or portion thereof is not in full force and effect, the City's approval is void.
2. Any aggrieved person whose property is substantially affected by this decision may file an appeal. Appeals to land use decisions shall be consistent with the procedures set forth in IMC 18.04.250 and IMC 1.32, and shall be heard by the City's Hearing Examiner. A letter of appeal shall include the reasons for the appeal. All appeals shall be filed with the Permit Center within fourteen (14) calendar days of the final decision. The appeal period shall be extended an additional seven (7) days if SEPA allows public comment on a DNS/MDNS issued as part of the appealable project permit decision. A filing fee of \$300 shall be submitted with the appeal letter.
3. Any changes to the approved site plan, building elevations or landscape plan must be reviewed and approved by the Development Commission except for minor changes as determined by the Planning Department.
4. Building permit applications will not be accepted unless all conditions of the Notice of Decision have been clearly incorporated in the plans and all required documents have been submitted.
5. This action does not indicate or imply that any development activities may take place without the required permits being issued.

VICINITY MAP
 Mallard Bay Townhomes
 Northeast corner of SE 43rd Way and East Lake Sammamish Parkway
 File No. PLN 06-00144



— Exhibit 2
 PLN06-00144

**CITY OF ISSAQUAH
DEVELOPMENT COMMISSION**

IN THE MATTER OF CONSIDERING A SITE)	FINDINGS OF FACT, REASONS
DEVELOPMENT PERMIT FOR "MALLARD BAY)	FOR DECISION, AND DECISION MADE
TOWNHOMES" AN 80-UNIT TOWNHOME)	
COMPLEX ON A 9.1-ACRE SITE LOCATED)	
AT THE NORTHEAST CORNER OF SE 43 rd WAY)	
AND EAST LAKE SAMMAMISH PARKWAY,)	
MALLARD BAY TOWNHOMES,)	
APPLICATION NO. PLN06-00144)	

WHEREAS, pursuant to Chapter 18.04.410, Quasi-Judicial Land Use Actions, of the Issaquah Land Use Code, the Development Commission held a public hearing on May 16, 2007, to consider a Site Development Permit for a proposed project known as "Mallard Bay Townhomes," and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard,

THEREFORE, the Development Commission is now satisfied that this application has been sufficiently considered, and hereby makes and enters the following:

I. FINDINGS OF FACT

-1-

The applicant, The Dwelling Company, submitted an application for a Site Development Permit that was deemed complete on January 17, 2007, for the construction of an 80-unit townhome complex consisting of 17 buildings ranging from four to six units. The site contains wetlands, steep slopes, and a stream. Mitigation of critical area impacts is proposed.

-2-

The proposed project is located on vacant land at the northeast corner of the intersection of SE 43rd Way and East Lake Sammamish Parkway. The project is part of the larger Commercial Site Development Permit comprising two parcels, tax parcels 7 and 76. The second parcel is located at the southeast corner of this intersection.

-3-

The subject parcel is 9.1 acres (396,396 square feet). The majority of the property is forested with the exception of the corner adjacent to the intersection of SE 43rd Way and East Lake Sammamish Parkway that contains a gravel area that has been used for various temporary activities. The northern part of the site between SE 43rd Way and the Peregrine Point condos contains wetlands, steep slopes, and Many Springs Creek. The western portion of the site also contains wetlands and buffers. The site slopes upward from the intersection along SE 43rd Way. It is on this central portion that development is proposed outside the majority of sensitive areas.

-4-

The site has a Comprehensive Plan designation of "Multifamily Residential" in the Providence Point Subarea. The site is zoned "MF-M" (Multifamily - Medium). Former King County Zoning is "R-24".

-5-

On July 17, 2006, the City Council approved Resolution 2006-09 authorizing the mayor to sign the Development Agreement regarding permit review and development of the "Mallard Bay" property. On

December 5, 2006, the Issaquah mayor and land owner representatives signed the Development Agreement (Exhibit #4). The Development Agreement clarifies provisions for:

- > *Permit Review* so Mallard Bay may be reviewed in a manner consistent with their land use entitlements and appropriate City design standards;
- > *Permitted Development* including modifications to the CSDP;
- > *Parameters for Retaining County Vesting Status* with the submittal of subsequent development permit applications.
- > *Payment of Applicable City Impact & Mitigation Fees.*
- > *Construction of an East Plateau Regional Trail Connection.*
- > *Construction* of intersection improvements at SE 43rd Street and East Lake Sammamish Parkway including either a roundabout or intersection improvements approved by King County.

-6-

On December 12, 2006, King County approved the *Commercial Site Development Permit* (CSDP) application for both properties (also Exhibit #4). The CSDP is similar to an Issaquah Master Site Plan that establishes the basic density and development envelope, environmentally sensitive areas, traffic improvements, storm drainage concept. The CSDP approved a development with 316 units of multi-family and/or senior housing (149 units on the northern parcel and 167 units on the southern parcel), two club houses, recreation buildings and/or associated senior housing facilities, a maximum 605 parking stalls, landscaping and associated storm water facilities. On June 10, 1998, King County determined that the CSDP application was complete. Therefore, pursuant to King County Code ("KCC") 20.20.070 and 21A.41.070.A.1, the CSDP is vested to the King County Code and other regulations in effect on the date that the CSDP application was submitted, May 6, 1998. Elements of the project that are vested include:

- R24 King County zoning and permitted land uses
- 1998 King County Surface Water Design Manual
- 1998 King County Critical Areas Ordinance

Permitted development in this King County zone includes multi-family, townhouses, single-family attached, and senior & assisted living – all at densities ranging from 24 to 36 units per acre. The base building height in this King County zone is 60 feet and the building height can be increased to 75 feet with additional building setbacks.

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In accordance with IMC 18.04.450, the project requires a Site Development Permit, Level 3 Review including review and approval by the Development Commission because the project is located adjacent to defined major streets of the city (SE 43rd Way and East Lake Sammamish Parkway) and the site is greater than 3 acres in size. Level 3 Site Development Permits are the typical process to implement buildings within an approved Master Site Plan (in this case a County Commercial Site Development Permit).

-8-

Environmental review on the Mallard Bay Commercial Site Development Permit was completed by King County on July 27, 1999. The SEPA determination evaluated the potential development impacts of 316 dwelling units on both tax lots. King County issued a Mitigated Determination of Nonsignificance (MDNS) E98E0107. The City of Issaquah appealed the MDNS, mostly based on traffic issues. The appeal was settled and the Settlement Agreement dated December 2, 1999, is part of the record.

The proposal has been modified since it was reviewed under the King County SEPA determination. The current development application is limited to the parcel on the north side of SE 43rd Way on Tax Lot 76. The number of proposed dwelling units has been reduced from 149 to 80. This reduces the magnitude of impacts proportional to the number of dwelling units, including; the amount of traffic generation, demand on public services/facilities, etc. The development envelope or area of site disturbance is basically the same as in the earlier proposal. Therefore, the critical area impacts are relatively the same as the proposal reviewed by King County. King County verified the critical area boundaries, classification, buffer

standards and mitigation requirements for their SEPA determination and Commercial Site Development Permit.

The King County SEPA determination evaluated traffic impacts of the proposal and required mitigation measures for site access and improvements to East Lake Sammamish Parkway and SE 43rd Street. The mitigation measures were premised on improving the operations for the existing "T" intersection configuration. Since the time of the original proposal, the City of Issaquah has initiated a separate application to construct a roundabout at the intersection of East Lake Sammamish Parkway and SE 43rd Street. A part of the SEPA review of the roundabout proposal is to evaluate if the traffic operations of the roundabout would provide equal or better mitigation of traffic and access impacts as compared to the mitigation improvements required under the King County SEPA determination.

A traffic report compared the average delay and level of service (LOS) for a traffic signalized intersection versus the 3-leg roundabout design. The traffic analysis concludes that the roundabout would control traffic more efficiently and safely than a traffic signal (*East Lake Sammamish Parkway/SE 43rd Way Intersection Improvements*, Reid Middleton, February 2007). There would also be reduced impacts to other elements of the environment. The roundabout would reduce traffic delays at the intersection thereby decreasing vehicle emissions and would reduce new impervious surface area decreasing stormwater volumes.

In conclusion, the changes made to the proposal would not result in additional impacts from the proposal that was previously evaluated by King County.

-9-

The Development Standards for the project for the County "R-24" zone including building setbacks to property lines and wetlands, landscape buffers to adjacent right-of-ways, maximum impervious surface, minimum pervious surface, parking, and building height have been complied with.

-10-

The project is designed to comply with the 1998 King County Surface Water Design Manual regulations including the required Lake Sammamish Protection standards. The drainage system layout includes catch basins throughout the site with underground, piped conveyance to the open detention pond. The proposed stormwater facility consists of a pretreatment filter providing water quality and sediment storage followed by a detention pond and a second media filter for water quality. Water will flow from the site through existing culverts under East Lake Sammamish, under the King County trail and into the existing wetland system on the Bella Mira site. Potential erosion impacts will be addressed by state and local erosion control measures and compliance will be verified by City inspectors. Water and sewer service falls within the jurisdiction of the Sammamish Plateau Water and Sewer District and has been deemed conceptually acceptable and specific construction details will be needed prior to approval with construction permits.

-11-

The CSDP requires and contains a wetland and stream delineation and mitigation plan prepared by Talasea in 2001 and updated to August 14, 2006 showing the existing wetland, streams, and steep slopes. The impact and mitigation plans are provided on Sheets W1.0 and W1.1. The wetland and stream plan shows there are several wetlands, streams, and steep slopes on the two tax lots. This subject lot contains wetland #1 (class 2) and wetland #6 (class 3) at the upper end of the site where no development is proposed, as well as Many Springs Creek (class 2 stream with salmonids). Wetland #5 (class 2) is generally located along East Lake Sammamish Parkway, along with a stream (class 2 without salmonids). A steep slope area created through previous legal grading activity is located along SE 43rd Way and is exempt from sensitive area regulations.

The plan also shows the proposed wetland mitigation plan that compensates for the temporary and permanent partial fill of wetlands and buffers. The mitigation plan has been reviewed through the CSDP process to establish a development envelope that will be implemented through this development. The selection of the roundabout traffic improvement resulted in some adjustments to the sensitive area

impacts and mitigation. Remembering that this project is part of the two lot CSDP approval, the mitigation for wetland impacts on Tax Lot #76 are designed to be mitigated across 43rd on Tax Lot 7. The impacts and required mitigations for wetland and buffer fill have been provided consistent with the King County sensitive area regulations, KCC 21.24. The specific square foot areas and mitigation types are shown on W1.0.

As required by the King County sensitive area regulations, KCC 21.24, specific sensitive area wetland/stream conditions are placed on the CSDP as conditions #2, 3, 4 and are repeated as conditions on this permit. These conditions include requirements that wetland, stream, and steep slope and buffer areas must be placed in a Native Growth Protection Easement (NGPE) or similar to ensure permanent protection of these sensitive areas. Split rail fencing must be installed between the buffer and developed areas, and permanent sensitive area boundary signs must be installed on the fence. The mitigation plan will be subject to a 5-year maintenance and monitoring plan outlined on Sheet W1.1. In addition, the posting of performance bonds are proposed and will be required to ensure proper installation of the mitigation.

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Traffic issues were addressed as follows:

Transportation Concurrency:

King County issued a Certificate for Transportation Concurrency (No. 0621) for up to 432 multi-family units and 1,493 daily trips on April 3, 1998. Development generating up to 1,493 daily trips shall be exempt from the City's transportation concurrency requirements so long as the KC Concurrency Certificate remains valid. The applicant and city understand that the transportation concurrency certificate is for more units than proposed in the CSDP and that the CSDP would have to be modified to allow more units (trips) than ultimately allowed by approval of the CSDP. The Development Agreement, section 1.C contains a similar discussion of the concurrency status of the project.

Roundabout Improvements:

The Development Agreement outlines the potential scenarios of mitigations, responsibilities for either a "T" intersection or roundabout improvement at 43rd and ELSP. On July 17, 2006, the City Council authorized funding of the city's portion of the roundabout for this intersection in place of additional improvements to the existing "T" intersection. The roundabout is a separate public road project managed by the City and jointly funded by the applicant. A concurrent road design and permitting process is underway for the roundabout. The project plans have been revised to incorporate the roundabout improvements. Traffic studies completed for the roundabout indicate that traffic levels of service will improve as a result of the roundabout. The earlier "T" intersection improvements would have resulted in less level of service improvement at the intersection. Development Agreement Section 5 outlines the cost sharing, permitting and other responsibilities of the City and the applicant in this joint project.

Changes from "T" intersection to Roundabout: The following changes to the project result from the intersection change:

- Removal of several hundred feet of additional right-of-way and extra shoulder widening on the north or downhill leg of 43rd and resulting reduction in impacts to the Many Springs Creek sensitive area.
- Minimal additional right-of-way dedication at the corner of 43rd and ELSP for both Tax Lots 76 and 7. Wetland mitigation plan revised to address changes in impacts and mitigation.
- Access to the site remains substantially similar.

SE 43rd Way Driveway

Turning Movements: Right in and right out only. Left turn movements made by using roundabout and heading back up the hill. Safe access to and from this driveway was reviewed by the County and City. Modifications may be required by the City to the right-of-way driveway if necessary to address traffic safety concerns including any impacts of driveway use due to the additional Peregrine Point development.

East Lake Sammamish Parkway

Turning Movements: Right in and right out only. Left turn movements made by using 43rd driveway and roundabout to travel up 43rd or south on ELSP.

Internal Driveways:

Main Loop Driveway: Access within the site is provided via an upper internal driveway that is designed with 29 feet of pavement with sidewalks, rolled curb and gutter, street trees, and parallel parking. The travel lane is 20 feet with or without parking. Pavement cross section is shown on Sheet GR-1.

Alley Driveway: The lower internal driveway is proposed similar to an alley with a 20 foot pavement width. Pavement cross section is also shown on Sheet GR-1.

Emergency and Peregrine Point Access: A third access point is provided via the existing connection to Peregrine Point condos north of the site. This connection was provided as part of the Peregrine Point project and is required to remain available to the Peregrine Point development.

During project review the Fire Department provided access and circulation comments that have been or will be addressed in the construction permit review process.

Pedestrian access

- Sidewalks along both 43rd and ELSP frontage.
- Crosswalks cross roundabout on both frontages. ELSP crosswalk added in response to Community Conference comments.
- Internal walkways along interior side of main loop drive, and several interior walkways.

-13-

On August 30, 2006, a required Pre-application meeting was held with the applicant and the staff to review the Site Development Permit for the northern lot only.

-14-

On October 25, 2006, a required Community Conference public meeting was held by the Development Commission to provide comments on the preliminary plans.

-15-

On March 20, 2007, the City River and Streams Board reviewed the mitigation proposal and provided comments. Some key issues discussed included confirmation that mitigation for impacts to Tax Lot 76 that are shown to be mitigated on Tax Lot 7 will occur at the same time as construction of Tax Lot 76. Emphasis was placed on the importance to carefully review the installation of stream mitigations to Many Springs Creek especially to ensure the creek bank is substantial enough to allow proper stream functions and prevent the creek from flooding 43rd Street, the roundabout, or East Lake Sammamish Parkway. It was also emphasized that certain seed species should be carefully selected to ensure they are native species. The Board generally endorsed the wetland mitigation plan.

-16-

As part of the Site Development Permit process, public notice is required to be provided to all property owners within 300 feet of the exterior boundaries of the proposal site at least 10 days prior to the hearing. Also, a 4' x 8' notice board of the public hearing is required to be placed on the property. Public notification is required as regulated under Section 18.04.180 of the Issaquah Land Use Code.

Public hearing notice was mailed to adjacent property owners within 300 feet of the site and to the applicant on May 4, 2007. Notice of the public hearing was published in the Issaquah Press on May 2, 2007. The 4' x 8' notice board was installed by the applicant on May 4, 2007. No written comments have been received on the project. Two phone calls and a meeting were held with members of the public. The comments focused on project timing and ownership. As a condominium, individuals would own each unit; however common areas would be commonly owned and managed by a Homeowners Association.

-17-

On May 16, 2007, the Development Commission conducted a public hearing for the Site Development Permit.

-18-

A Staff Report was prepared for the public hearing. The City of Issaquah Administration recommended approval of the Site Development Permit with conditions.

II. REASONS FOR DECISION

Having made the Findings set forth above, the Development Commission makes the following conclusions:

-1-

The Mallard Bay Townhome project was reviewed through a Level 3 Review process (Quasi-Judicial Land Use Action) of the Issaquah Land Use Code as required under Chapter 18.04.410. The Development Commission is responsible for reviewing and making the decision on elements (including design and technical) for Site Development Permits as required under Chapter 18.04.430 of the Land Use Code.

-2-

Each Site Development Permit application is reviewed for compliance with the several design criteria established in IMC Section 16.16.060 as amended under Ordinance No. 1983 listed below:

- A. *Site Layout & Overall Design Concepts*
- B. *Landscape Design and Use of Plant Materials*
- C. *Design Harmony*
- D. *Pedestrian and Vehicular Areas*
- E. *Service and Storage Areas*

The Development Commission determined that the multifamily development was consistent with the applicable criteria for the subject application as follows:

- A. Site Layout & Overall Design Concepts: The buildings and their orientation are designed well to provide pedestrian/people areas in the form of building orientations to traditional streetscapes with sidewalks, street trees and other amenities that run along the topography. Pedestrian/people areas are also provided for up and downhill movement via several sidewalks. A feature of the site is a "hill-climb" element providing an attractive common space for residents. In addition, most or all units will have private outdoor spaces.

The 17 buildings on the site are located in the central development envelope on the site, outside environmentally critical areas. The buildings are oriented to work with the site topography.

Parking access to all garages and units will be off private, internal roads. Front door pedestrian access to all units will come from the upper private road, or in the case of buildings #14-17, from a pedestrian walkway adjacent to the detention area and overlooking the intersection. The vehicle and pedestrian areas are nicely delineated and traffic flow is predictable.

The landscape plan proposes a mixture of mostly deciduous trees in the interior of the site with the location of Serbian spruce and Shore pine evergreen trees mostly at the perimeter of the project. A Forest Revegetation Mix of shrubs and groundcover is shown along the pond slope to the detention pond. However there appear to be opportunities remaining on the site to increase the native evergreen tree density while maintaining view corridors.

- B. Landscape Design and Use of Plant Material: The landscape design of the site does a good job of strengthening vistas, provides solar exposure, and retains significant vegetation in sensitive areas. The landscape design could be strengthened or enhanced by ensuring the view from the roundabout to the site is replanted with the goal of restoring the wooded hillside. This project can improve on the wooded hillside by adding native evergreen trees at appropriate points.

The project does an admirable job of creating an attractive streetscape and walking environment with the use of street trees and other tree groupings. This will be a positive element that goes above the minimum requirement.

The project does a good job of creating usable open space on a sloping, dense site. Some open space areas include the hillclimb, the grass lawn at the base of the hillclimb, and the creative installation of a pathway around the detention pond.

- C. Design Harmony: Accessory structures appear to be consistent with the architectural concept of the building and landscape design. More information will be provided prior construction permit issuance to confirm this.

The architect has designed detailed buildings that show appropriate scale in the building components in terms of proportion, scale and relationship to one another. The building materials will consist generally of cement board panels and planks, stained cedar siding, metal roofing, cast concrete walls with details including metal handrails, steel canopies. These materials will work well together and the architect has chosen proportions that provide interest and are in proper scale with the buildings. Furthermore these materials are especially durable and of low maintenance.

The proposed buildings are designed and oriented to be compatible with existing land uses including the Peregrine Point condos uphill and the Bella Mira condos on the lake. The buildings are similar in concept to the Bella Mira condos with sloped shed roofs and a combination of wood, cement and metal surfaces. The use of more natural materials and muted colors versus typical light colors and traditional architecture will do a good job of creating compatibility with the surrounding natural environment of the wooded hillsides and wetlands. Even though the buildings are similar in style, there is sufficient variation in rooflines, building heights, roofline details to create a jagged roofline to blend in with the wooded hillsides.

The buildings are very well modulated to reduce the bulk and mass of the buildings. In addition, the building height has been reduced to the required 35-foot maximum height to meet shoreline regulations. Good modulation is provided in many ways, such as with varying roof heights and planes, varying setbacks, several siding materials of differing texture and size, use of decking and rails, canopies, and top floor setbacks. Again, even though the buildings are primarily of the same design, there are several different building types with differing features that provide variation. The topography of the site also helps modulate the buildings as they move with the topography.

- D. Pedestrian and Vehicular Areas: Linkages for circulation are provided within the site along the typical streetscape, several sidewalks running up and down hill on the perimeter and between buildings, and around the pond. A feature of the site is a "hill-climb" element providing an attractive common space for residents. Sidewalk linkages are provided to both the 43rd Way and ELSP driveways. Moving off the site, pedestrian crosswalks are provided across all three legs of the roundabout with connections to the King County regional trail. The crosswalk at the western leg of the roundabout was added after this was suggested for review at the Community Conference. Parking for the development will be provided largely within the garages of each unit to screen parking from public and private view. On-street parallel parking will be softened with the addition of street tree planters.

- E. Service and Storage Areas: Garbage and recycling containers will be provided within the garages of each unit.

-3-

The proposed multifamily development is consistent with the requirements of the City's Land Use Code (Volume II of the IMC), the Commercial Site Development Permit approval and the related Development Agreement.

-4-

The development, as conditioned, is not detrimental to the public interest, and is consistent with the City's and County's standards and regulations applicable to the project. The project is consistent with the applicable zoning regulations and is compatible with the design and the character of the surrounding area.

-5-

The Issaquah Development Commission believes that the application for the Site Development Permit for the Mallard Bay Townhome project, as designed and conditioned, is consistent with the City's and County's applicable zoning, development standards and review criteria, County sensitive area regulations, and that the development is compatible and acceptable with the design and character of the surrounding area.

III. DECISION MADE

It is for these reasons that the Issaquah Development Commission approved "Mallard Bay Townhomes", Planning Application No. PLN06-00144, Exhibits 1 through 6, subject to the following conditions:

-1-

Construction permits, including a Building Permit and Public Works Permit, shall be issued prior to the start of construction.

-2-

Prior to the appropriate time point including Clearing and Grading Permits, Building Permit, Certificate of Occupancy, and other time points as applicable, measures shall be taken in accordance with the sensitive areas requirements in KCC 21A.24.150-180 to protect the wetlands, streams, steep slopes, and buffers during and after construction. Those measures may include, but not be limited to: temporary fencing during construction, permanent survey stakes delineating critical areas, permanent signs designating critical areas, creation of sensitive area tracts (such as Native Growth Protection Easements (NGPE)), and recording of the same as a Notice on Title, and such language and vegetation plan measures including on the Conditions, Covenants and Restrictions (CC&R's).

-3-

An open-rail fence shall be installed along the outer perimeter of the sensitive area buffers as specified in the sensitive area mitigation plan.

-4-

The sensitive area buffers shall be identified using permanent sensitive area boundary signs installed on the split-rail fence, between the sensitive area buffer and the 15' building setback line.

-5-

Prior to Building Permit issuance, the applicant shall submit detailed sensitive area mitigation plans for Planning Department approval consistent with the CSDP approval.

-6-

Prior to Building Permit issuance the applicant shall post a Performance Bond to ensure proper and timely installation of the sensitive area mitigation plans.

-7-

Prior to Building Permit issuance the applicant shall present examples of all proposed light fixtures, wattage, and design to the Planning Department for review and approval. Lighting brightness shall be the minimum necessary and shall be shielded downward to minimize impacts to the sensitive areas in accordance with IMC 18.07.107.

-8-

Prior to issuance of the Building Permit, the applicant shall pay impact fees in accordance with applicable city codes and as modified by the Development Agreement.

-9-

Prior to Building Permit issuance, the applicant shall comply with all requirements of the Fire Department including, but not limited to, turning radii, fire lane posting, street intersection access, rough surface on slope drives, fire hydrant locations, fire sprinkling requirements, and proper addressing.

-10-

Prior to Building Permit issuance, the applicant shall revise the landscape plans as necessary to address Parks Department comments including, but not limited to:

- a. Planting Specifications: Planting holes shall be three times the diameter of the root-ball and the same depth as the root-ball for all plants.
- b. Tree Staking: Trees will be staked using posts installed parallel to the trunk at least 12" away from the trunk and tied to the trunk with plastic interlocking tree ties or City approved equal. Large trees may be guyed with cables and anchors, subject to City approval.

-11-

Prior to Certificate of Occupancy, all landscaping shall be irrigated as required by IMC 18.12.160.D.

-12-

Prior to Certificate of Occupancy, a landscaping maintenance cash deposit worth 50% of the value of the landscaping shall be provided at the time of building permit occupancy as required by IMC 18.12.050.

-13-

The applicant shall comply with the applicable mitigations of the Mitigated Determination of Nonsignificance issued on July 27, 1999. Note: The WSDOT mitigation payment appears to be the outstanding condition.

-14-

Prior to Certificate of Occupancy, the applicant shall work with the City to develop a plan to add or removed any trees or vegetation in the two sensitive areas southeast and west of the site, as per item 6. Existing Vegetation/Topography Features in the staff report.

-15-

Staff shall review any accessory structures that are proposed and ensure that such structures are compatible with any architectural features of the design.

-16-

Prior to Certificate of Occupancy, the applicant shall work with the Public Works Department to ensure safe entrance to the site and to minimize potential for accidents, specifically addressing the concern for slower vehicle speed at the entry from SE 43rd Way.

Subject to staff review and approval, the applicant shall add evergreens to the north side of the detention pond to add year-round greenery and still preserve views from the units.

Mary Lou Pauly

Mary Lou Pauly, Chair
Issaquah Development Commission

06/04/07

Date signed

MLP/DF/

EXHIBIT LIST:

1. File, application, legal description, Files: PLN06-00144, File complete 1-17-07
2. Vicinity map
3. Applicant Narrative, dated 11-27-06
4. Commercial Site Development Permit Notice of Decision
 - CSDP Decision – pages 1-13
 - Development Agreement – pages 14-51
 - SEPA Determination – pages 36-40
 - Settlement Agreement – pages 41-43
 - Transportation Concurrency Certificate – page 44
5. Community Conference meeting minutes, dated 10-25-06
6. Plan Set, received 5-11-07