

CITY OF ISSAQUAH
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

Description of Proposal: Proposal to construct a 42 residential unit building on a 1.6 acre site presently developed with a single-family residence. The building would consist of four stories of residential units over two levels of parking with 84 parking stalls.

The project site includes a 12,365 SF Category III wetland, which also extends off-site to the west. The total size of the wetland is estimated at approximately 0.5 acres. The proposal would fill 1,350 SF of the wetland because of required road improvements along West Lake Sammamish Parkway. To mitigate for wetland fill impacts, the applicant proposes to create 1,350 SF of new wetland area and enhance 10,090 SF of the existing, degraded wetland. The proposal would also impact a net total of 1,526 SF of wetland buffer. This would be mitigated by enhancing 11,335 SF of the existing buffer area with native plant species.

The proposal would be accessed off West Lake Sammamish Parkway, using an existing driveway which crosses the wetland.

Proponent:	Riebe and Associates, Inc. 2112 116 th Ave NE Bellevue, WA. 98004 Attn: Dennis Riebe	MSR Home Building LLC 27901 Redmond Fall City Rd. Redmond, WA. 98053
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Permit Number: PLN09-00005, PLN09-00013, PLN11-00015

Location of Proposal: 4615 West Lake Sammamish Parkway

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comments: This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days. Written comments may be submitted between **March 15, 2012 and March 28, 2012**. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or if significant adverse impacts are likely, withdraw the DNS.

Appeals: You may appeal this determination by filing a Notice of Appeal with the Issaquah Permit Center located at 1775 12th Ave. NW, Issaquah between **March 29, 2012 and April 11, 2012**.

Appellants should prepare specific factual objections. Contact the SEPA Responsible Official to read or ask about the procedures for SEPA appeals.

Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Notes:

- 1) This threshold determination is based on review of the site plan, floor plans, building elevations, landscape plan, and preliminary utility plan received November 16, 2010; Wetland Report received January 16, 2009 (Aquatica Environmental Consulting); Wetland Mitigation Report dated October 28, 2010 (Altmann Oliver Associates); Wetland Mitigation Plans revised on December 5, 2011

(Altmann Oliver Associates); environmental checklist received January 16, 2009; and other documents in the file.

- 2) Issuance of this threshold determination does not constitute approval of the permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Wetlands: There is a 12,365 SF Category III wetland on the subject site, which also extends off-site to the west. The total size of the wetland is estimated at approximately 0.5 acres. The proposal would fill 1,350 SF of the wetland because of required road improvements along West Lake Sammamish Parkway. The area of wetland fill consists primarily of a grass-lined ditch adjacent to the roadway. To mitigate for the wetland fill impact, the applicant proposes to create 1,350 SF of new wetland area and enhance 10,090 SF of the existing, degraded wetland. The proposed mitigation exceeds City code requirements of 1:1 wetland creation to mitigate for impacts to a Category III wetland. Washington State Department of Ecology (DOE) recommends wetland mitigation ratios of 1:1 for wetland creation with 4:1 wetland enhancement to compensate for impacts to Category III wetlands. The proposed mitigation far exceeds the DOE wetland enhancement mitigation ratio.

The proposed project would utilize the existing driveway which currently crosses the wetland to provide access to the single-family residence on the site. Improvements to the access drive would impact 3,413 SF of wetland buffer area, which is currently maintained yard providing minimal buffer functions. The impact would be reduced by removing approximately 1,887 SF of the existing gravel driveway and restoring with native plantings. Therefore, the driveway access improvements would impact a net total of 1,526 SF of wetland buffer. The impacts to the wetland buffer area would be mitigated by enhancing 11,335 SF of wetland buffer area with native plant species, the buffer area is presently lawn/meadow. In order to access the under-building parking, the proposed driveway would be expanded to the west property boundary, adjacent to the off-site wetland. Approximately 30 linear feet of the driveway would be directly adjacent to the off-site wetland.

The proposal includes a walkway or trail crossing the wetland and wetland buffer to connect the development to the sidewalk along West Lake Sammamish Parkway. The metal grate walkway would be elevated through the wetland to avoid wetland fill impacts. Although this walkway would not significantly diminish stormwater storage or water quality functions, it would impact approximately 541 SF of wetland vegetation. The alignment of the walkway should be designed to minimize impacts to existing significant trees and the plans should show the number, size, and species of significant trees that would require removal for construction of the walkway. The indirect impact of the walkway shading the wetland (541 SF) would be mitigated with the proposed wetland enhancement (10,090 SF). The walkway would also impact 576 SF of wetland buffer area, which is currently maintained as lawn. The northwest corner of the proposed building would encroach 31 SF into the 15-foot building setback required from the buffer. The applicant proposes to mitigate the impact of the walkway through the buffer (576 SF) and the building encroachment into the building setback (31 SF) with buffer averaging, by adding 607 SF of wetland buffer area.

The applicant has submitted conceptual mitigation plans to address the direct and indirect wetland and wetland buffer impacts of the proposal. The wetland and wetland buffer impacts would occur in areas that are already altered or degraded, either currently maintained as lawn or vegetated predominantly with Himalayan blackberry (an invasive specie). The wetland fill impacts are limited to a roadside grass-lined ditch. The proposed mitigation would result in a net improvement of

wetland and wetland buffer functions. The proposed wetland creation is located adjacent to the existing wetland and therefore wetland hydrology should be present to successfully establish the mitigation. The proposed wetland buffer mitigation (11,335 SF) would convert existing lawn/meadow to a wetland buffer planted with a diversity of native plant species. The applicant shall provide a final wetland mitigation plan for approval by the Planning Department prior to building permit issuance. The following measures shall apply to the final wetland mitigation plans:

- 1) The alignment of the elevated walkway through the wetland shall be designed to minimize impacts to existing significant trees. The mitigation plan shall show the number, size, and species of significant trees that would require removal for construction of the walkway.
- 2) The wetland mitigation plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.
- 3) The wetland and wetland buffer area shall be appropriately fenced with split-rail fencing and posted with signs to control access and minimize impacts to the wetland and wetland buffer areas.
- 4) The applicant shall provide an as-built plan of the wetland mitigation and the consulting biologist shall verify in writing that the planting has been installed per plan.
- 5) A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants and the 5-year monitoring/maintenance cost.
- 6) The wetland and wetland buffer mitigation planting shall be installed and approved prior to a final certificate of occupancy.

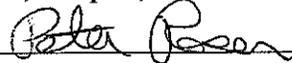
The City's critical area regulations include measures to protect and preserve critical areas: marking critical area and buffer boundaries with permanent survey markers, recording critical areas and buffers in a native growth protection easement (NGPE), and signage to identify critical areas. These measures would also ensure successful establishment and long-term viability of the proposed mitigation. Because the measures are code requirements they are not specified as SEPA mitigation measures.

2. Land Use, Noise and Aesthetics – The proposed building is located toward the south end of the property adjacent to I-90. The building location is predicated on avoiding wetland and wetland buffer impacts. The building location is consistent with the multi-family development adjacent to the east, which is also located up to I-90. The applicant is proposing to mitigate for noise impacts of I-90 traffic with building insulation, wall mass and double-glazed windows. The proposal would not create noise impacts. The upper portion of the building will be visible from I-90. The landscape plan includes tree planting along the south property boundary to screen views of the building. The proposed building would not block views to Lake Sammamish or other significant features.
3. Traffic – The proposal would be accessed of West Lake Sammamish Parkway. A Certificate of Transportation Concurrency (CON09-00005) was approved, concluding the project would generate 18.08 new PM peak hour trips.
4. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 18.18, Methods to Mitigate Development Impacts, provides alternatives to mitigate for direct impacts of proposed development. The City may approve a voluntary payment in lieu of other mitigation. Rate studies for police facilities and general government buildings are included in IMC 18.10.260 as the City's SEPA policy base. The rate studies present the methodology and formulas for determining the amount of the mitigation fee

commensurate with the proposed land use and project impacts. Applicant objections to the voluntary payment should be made during the SEPA comment period.

Mitigation Measures: The Mitigated Determination of Nonsignificance is based on the checklist received January 16, 2009 and supplemental information in the application. The following SEPA mitigation measures shall be deemed conditions of the approval of the licensing decision pursuant to Chapter 18.10 of the Issaquah Land Use Code. All conditions are based on policies adopted by reference in the Land Use Code.

1. The applicant shall provide a final wetland mitigation plan for approval by the Planning Department prior to building permit issuance. The following measures shall apply to the final wetland mitigation plans:
 - 1) The alignment of the elevated walkway through the wetland shall be designed to minimize impacts to existing significant trees. The mitigation plan shall show the number, size, and species of significant trees that would require removal for construction of the walkway.
 - 2) The wetland mitigation plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.
 - 3) The wetland and wetland buffer area shall be appropriately fenced with split-rail fencing and posted with signs to control access and minimize impacts to the wetland and wetland buffer areas.
 - 4) The applicant shall provide an as-built plan of the wetland mitigation and the consulting biologist shall verify in writing that the planting has been installed per plan.
 - 5) A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants and the 5-year monitoring/maintenance cost.
 - 6) The wetland and wetland buffer mitigation planting shall be installed and approved prior to a final certificate of occupancy.
2. The applicant should mitigate for potential impacts on public services with a voluntary contribution in the amount of \$70.42 per new multi-family unit for the General Government Buildings Mitigation Fee, and \$138.35 per new multi-family residence for the Police Mitigation Fee. The applicant should pay the voluntary contribution prior to issuance of building permits.

Responsible Official: Peter Rosen
Position/Title: Environmental Planner
Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094
Date: 3/14/2012 **Signature:** 

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Mark Hinthorne, David Favour, Peter Rosen – Issaquah Planning Department
Issaquah Building, Public Works and Parks Departments