

**CITY OF ISSAQUAH  
PLANNING DEPARTMENT  
ADMINISTRATIVE REVIEW**

**NOTICE OF DECISION**

**TO:** Margaret Macleod, Anne McGill  
Issaquah Parks and Recreation Department  
P.O. Box 1307  
Issaquah, WA. 98027

**RE:** **Confluence Park – Phase 1**

**FILE NUMBERS:** **PLN12-00033 (Administrative Site Development Permit)**  
**PLN12-00034 (Shoreline Substantial Development Permit)**

**DECISION DATE:** **August 9, 2012**

**REQUEST:** The City of Issaquah Parks and Recreation Department proposes Phase 1 improvements to Confluence Park. The first phase comprises 2.6 acres of the 15.5 acre park area and improvements include: constructing a picnic shelter (2,400 SF), a restroom facility (240 SF) and the first part of a looping trail system (approximately 1,300 LF). Other park improvements include seating areas, feature walls, natural play areas, a community garden, plantings, and 13 new parking spaces along Rainier Blvd N. All Phase 1 improvements would be outside of stream buffers and critical areas. The proposed Phase 1 improvements are consistent with the previously approved Confluence Park Master Site Plan (MSP).

**LOCATION:** The project is located at 595 & 695 Rainier Blvd N & 525 1<sup>st</sup> Ave NW in the Olde Town Subarea. See Vicinity Map, Exhibit No. 2.

**DECISION MADE:** On August 9, 2012, the Development Services Department conditionally approved the Level 2 Administrative Site Development Permit and the Shoreline Substantial Development Permit for the above proposal. Approval of this application is based on the original submittal of May 23, 2012, and subsequent information, and is subject to the following conditions:

1. Approval of Temporary Erosion Sedimentation Control (TESC) plans is required prior to issuance of construction permits and measures shall be implemented prior to construction. TESC measures shall be maintained for the duration of construction activity.
2. A Sign Permit is required for any signage that exceeds the 4 square foot directional informational signage threshold, per IMC 18.11, the Issaquah Sign Code.
3. No hazardous materials shall be stored near the stream banks or in the wetland areas.

**REASONS FOR DECISION:**

1. The site is zoned Community Facilities – Recreation (CF-R) and the Phase 1 improvements would be in the park site area located in the Olde Town subarea. Community Parks are an allowed use in the CF-R zone.
2. The Table of Permitted Land Uses, IMC 18.06.130, requires a “Level 2” Administrative Site

Development Permit (ASDP) for Community Parks in the Community Facilities – Recreation (CF-R) zone. In addition, a condition of the approved Master Site Plan (MSP) required land use permit review of the separate park construction phases.

3. The proposed park improvements are located inside shoreline jurisdiction (within 200 feet of the ordinary high water mark of the East Fork of Issaquah Creek) and therefore the proposal is subject to requirements and standards of the City's Shoreline Master Program (SMP). A Shoreline Substantial Development Permit is required because the proposal doesn't meet the specific shoreline exemption thresholds in State law, WAC 173-27-040. A Shoreline Substantial Development Permit requires a "Level 2" review.
4. As required for a Level 2 review, notice to adjacent property owners within 300 feet of the site was sent on June 25, 2012. Shoreline Substantial Development Permits require a 30-day comment period, which ended on July 25, 2012. One written comment was received, which will be discussed below.
5. A Shoreline Public Meeting was held on July 11, 2012 and minutes of this meeting are attached as Exhibit 4. One person attended the meeting and provided comments, which will be discussed below.
6. A Master Site Plan (MSP) for Confluence Park (PLN11-00054) was approved by the City Council on March 19, 2012. A public hearing on the MSP was held by the Development Commission on February 1, 2012. The City Council conducted closed record review of the project application on February 21, 2012 and February 28, 2012. The Council Services and Safety Committee reviewed the proposal on March 12, 2012 and recommended approval to the full City Council.
7. The MSP addressed the overall park layout and use areas and included all park features and amenities such as trails, the restroom and picnic structures, bridges over the creeks, play areas, community garden, and shoreline enhancement and restoration. The current Phase 1 application is consistent with and implements the approved MSP.
8. The Phase 1 proposal meets applicable MSP permit conditions, including; providing adequate parking with each phase of park improvements (MSP condition 2), providing barrier-free parking in accordance with the International Building Code (MSP condition 7), provision of bicycle parking (MSP condition 7), and eliminating parking stalls on the south side of Holly St to avoid potential traffic conflicts (MSP condition 11).
9. Critical areas on the site include Issaquah Creek, East Fork of Issaquah Creek and a Category III wetland (0.18 acres) located on the west side of Issaquah Creek. All Phase 1 improvements are outside of the 100-foot stream buffer of Issaquah Creek and the East Fork and other critical areas. The proposed picnic shelter meets the 50 foot setback required in the Shoreline Master Program (SMP) for recreation structures.
10. Phase 2 of Confluence Park will include stream restoration; creating widened high flow terraces, removing existing armoring, adding large woody debris (LWD), creating off-channel habitat, and restoring riparian vegetation. Phase 2 improvements are anticipated in 2014 and will require separate permits.
11. Two existing structures on the Confluence Park site, a garage and barn/shop located within 20 feet of the East Fork Issaquah Creek will be demolished under a separate permit (PLN12-00017). The barn is proposed to be re-built as a picnic shelter outside the 100-foot stream buffer, included in the Phase 1 improvements. Removal of the 2 existing nonconforming structures and rebuilding further away from the creek is consistent with the City's nonconforming code (IMC 18.08.050.C.3), which requires alterations or reconstruction to be an "equal or lesser degree" of nonconformity. The area where the existing garage and barn/shop will be demolished will be enhanced with native plantings, which would improve riparian conditions and ecological functions.
12. A SEPA Determination of Nonsignificance (DNS), Exhibit 3, was issued for the project on June 27,

2012, with the comment and appeal period ending on July 11, 2012. No comments or appeals were received. The DNS evaluated the potential environmental impacts of the Phase 1 construction. The project application included measures to mitigate potential environmental impacts including tree protection measures and temporary erosion and sedimentation control (TESC) plans. Therefore, it was determined no additional SEPA mitigation measures were necessary to address project impacts.

13. The project was routed to other City departments for review and comment. Those comments have been incorporated in this Notice of Decision.

14. Public comments: One e-mail was received during the comment period:

*"My understanding is that the featured entrance, if not the Main Entrance, is to be at the intersection of Rainier and Holly. I like that the featured area is being built first but why is a Pea Patch being put in such a visible location? I don't see any need for a Pea Patch in a downtown park at all, but if there is to be one, it would best be in a less visible location. I suggest the current maintenance yard when it moves and the area is incorporated into Confluence Park."*

**Response:** The Pea Patch community garden location was determined during the Master Site Plan process based on public input. Much of the Confluence Park site is encumbered with critical areas, and active park uses such as the community garden are not permitted within critical area buffers. People also supported a location close to the Ek House where there may be community cooking and canning classes related to the garden. The main park entrance will be at the corner of Rainier Blvd N and NW Holly St; the community garden will be located south of the entry feature. The current maintenance yard on the south side of the site will not be developed as part of the park in the near term.

*"I am also renewing my suggestion for a dog area- actually two of them; one for large dogs and one for small. These too, could be at the maintenance yard location. There are several locations that work well for dogs. The Highlands, Robinswood, and one I have used in Medford, OR that is adjacent to a walking trail and part of a very nice park."*

**Response:** Dogs will be allowed on leashes in Confluence Park. Off-leash areas may be inappropriate at this location due to the environmentally sensitive areas on the site and other activity areas programmed for the site.

At the Public Shoreline Meeting held on July 11, one person attended and provided comments, primarily supporting the community garden and asking if it could be expanded to the City shop maintenance site to provide local food and to donate extra produce. More details of these comments are in the notes of the Public Shoreline Meeting, Exhibit 4.

**Response:** The Master Site Plan for the park balanced park improvements for different activities and interests. Some people opposed having a community garden. The City maintenance site is not expected to be developed as a park in the near future.

#### **Shoreline Substantial Development Permit**

1. **Shoreline Environment Designation** - The Confluence Park site includes two Shoreline Environment Designations: "Urban Low Density Development" on the east portion of the site and "Urban Riparian" on the west part of the site. The proposed Phase 1 improvements would be within the Urban Low Density Development Shoreline Designation. Recreation is a permitted use in both shoreline environments. The purpose of the Urban Low Density Development designation is to accommodate low intensity urban development. Criteria for the designation states:

*b. The area has the physical ability to support low to medium density residential and low intensity commercial and recreational uses with necessary public services. (SMP P. 12)*

The proposed park improvements include only passive recreational uses such as trails, gardens and picnic areas and would retain and enhance existing natural features on the site. The low intensity recreational use programmed for the site is consistent with the purpose and criteria of the Urban Low Density Development Shoreline Designation.

2. Building Setbacks - There is a 50-foot building setback required for non-water related recreation structures. The Phase 1 proposal would construct a picnic shelter located approximately 100 feet from the ordinary high water mark (OHWM) of the East Fork Issaquah Creek.
3. Building Height - The maximum height of the picnic structure would be 28'-2", which complies with the 35-foot height limit for structures within shoreline jurisdiction.
4. General Standards - SMP general standards require preserving and enhancing riparian vegetation and restoring streambanks using bio-engineering. The MSP for Confluence Park included significant stream restoration to reduce channelization and confinement of the creeks by creating widened high flow terraces, removing existing armoring, adding large woody debris (LWD), creating off-channel habitat, and restoring riparian buffer vegetation. The stream restoration work would be completed as Phase 2 of the project, expected in 2014.
5. Public Access - Confluence Park will provide for public access to the creeks and shoreline, consistent with the SMP standards. Phase 1 would construct trails along the east part of the site and not within the creek buffers or directly to the creeks. Trails accessing the creeks would be installed in Phase 2, together with the stream restoration work.
6. Shoreline Use Activities - Recreation - SMP policies encourage conservation easements to protect natural resources, encourage pedestrian trails along Issaquah Creek to be incorporated with development and requires that parking for public access to shoreline recreation be located a minimum of 50 feet from the ordinary high water mark. The proposal meets the SMP recreation policies.

### **Administrative Site Development Permit**

**Community Facility and Outdoor Recreation Standards: The proposed Phase 1 Confluence Park improvements are consistent with the following code sections as discussed below:**

IMC 18.07.480 (E) lists Approval Criteria for Nonutility Community Facilities:

- E. Approval Criteria, Nonutility Community Facilities: Development, including retail/commercial uses, is permitted in community facilities only when all of the following criteria are met and as permitted in the Table of Permitted Land Uses (IMC 18.06.130). Accessory retail/commercial uses are permitted as allowed in the accessory use criteria in the Land Use Code.
1. Architectural Format and Character: Community facility buildings and structures must be compatible with the architectural form of surrounding buildings. Community facility buildings and structures must meet the applicable sections of the Design Criteria Checklist (Chapter 18.07 IMC, Appendix 2);

*Response: The architecture of the proposed picnic shelter incorporates barn-like features, using similar massing and cladding as the original structures, to honor the historic agricultural use of the property and the Anderson farmstead.*

*The proposed structures and site plan meet the Design Criteria including consistency with the Site Layout and Overall Design Concepts, Landscape Design and Use of Plant Materials, Design Harmony and Compatibility, Nonmotorized and Vehicular Areas, Service and Storage Areas, and Crime Prevention through Environmental Design (CPTED).*

2. **Development Standards:** All buildings and structures shall conform to development standards including setback, height, and impervious surface of the most restrictive contiguous zoning district as established in the District Standards Table (IMC 18.07.360).

*Response: The picnic shelter and restroom conform to applicable development standards.*

3. **Access:** Existing or proposed motorized and nonmotorized access to facilities, including barrier-free, pedestrian and bike, are provided and identified;

*Response: Phase 1 improvements include a barrier-free trail system on the east part of the site that will provide for nonmotorized access to Phase 1 facilities, including; the picnic shelter, restroom and P-Patch community garden. Several bike racks are provided in visible locations close to park uses; one near a play area, one adjacent to the restroom and one adjacent to the picnic shelter. The bicycle parking meets requirements of IMC 18.09.040.*

4. **Environmental Impacts:** The existing natural environment of the area shall be identified, along with impacts of the proposed facility upon the natural environment, and required mitigation shall also be identified;

*Response: Environmental impacts were addressed in the Master Site Plan (MSP). The Phase 1 improvements are outside critical areas and buffers. Phase 2 improvements are anticipated in 2014 and will include stream restoration, buffer enhancement, and removing the existing Anderson house located inside the East Fork Issaquah Creek stream buffer. The Phase 1 plans include Temporary Erosion and Sedimentation Control (TESC) plans to prevent potential erosion impacts during construction.*

5. **Linkage to Community Facilities:** Linkage, if any, by pedestrian and/or bike trail to other community facilities is provided and identified;

*Response: Confluence Park is across the street from the Rainier Trail which provides for pedestrian and bike connections to other community facilities. The construction permit process will determine the specific details such as signage and crosswalk details to improve connections for pedestrians and bikes.*

6. **Maintenance:** Long-term maintenance requirements are identified, funding options are noted, and a long-term maintenance program is provided;

*Response: Confluence Park is City-owned and the Parks and Recreation Department will have long-term maintenance responsibilities.*

7. **Phasing:** Phasing, if any, of the construction of the facility is identified;

*Response: Phasing of Confluence Park improvements was addressed in the Master Site Plan.*

8. **Safety:** The safety of all users is ensured through the use of posted regulations and user directions, adequate lighting, marked access points and other methods;

*Response: Signs with park regulations and user directions and lighting will be provided to ensure safety.*

9. **Users:** The potential users and general percentage of community that will benefit from the facility are identified, with potential conflict among user groups minimized;

*Response: The Master Site Plan process included numerous public meetings to identify the needs of park users and to design park features to minimize conflicts among user groups. The proposed Phase 1 improvements are consistent with the approved Master Site Plan.*

10. **Waste/Recycling:** Waste/recycling receptacles are provided and identified;

*Response: Appropriate waste/recycling receptacles will be provided through coordination with the parks Department and the local solid waste provider, CleanScapes.*

11. Parking/Traffic: Provision for adequate on-site parking, with impacts of the proposed facility upon neighborhood traffic, and required mitigation shall also be identified;

*Response: Phase 1 improvements show 13 new, angled parking spaces on Rainier Blvd N. Construction of the parking will be partly funded by grants. The frontage improvements are anticipated to be constructed in 2012-2013 or as funding is available. The parking on Rainier Blvd includes ADA barrier free parking in accordance with the International Building Code. The proposed parking complies with a Master Site Plan condition requiring that adequate parking is provided with each phase of park improvements.*

15. Signs: All signs shall be kept to a minimum size which is compatible with the surrounding neighborhood and uses, while providing adequate visibility;

*Response: Signage is not included in the Phase 1 application.*

16. Site: For new facilities, it has been established that alternative sites have been considered and it has been established that the proposed site is best suited for the development;

*Response: The City has spent years to acquire adjacent parcels for Confluence Park. There is little availability of undeveloped parcels for a large park site centrally located in Issaquah.*

17. Nonconforming Situations: Existing, legally nonconforming situations may be expanded as allowed (IMC 18.08.085, Expansion or reconstruction of nonconforming situations within the Community Facilities Recreation and Community Facilities – Facilities zones); if the aforementioned criteria of this section and IMC 18.08.060 are met, and it is determined that the public interest will best be served by an expansion of the nonconforming situation.

*Response: Two existing nonconforming structures, a barn and garage, located 5 to 20 feet from the East Fork Issaquah Creek were demolished and removed under a separate permit (PLN12-00017). The picnic shelter proposed with the Phase 1 improvements to replace the barn would be located 100 feet from the creek, improving the existing nonconforming situation consistent with the City's nonconforming code (IMC 18.08.050.C.3), which requires alterations or reconstruction to be an "equal or lesser degree" of nonconformity. The removal of the 2 existing, non-conforming structures located very close to the creek, and enhancement of this area with native plantings, would improve riparian conditions and ecological functions.*

#### **18.07.490 Outdoor recreation facilities.**

A. Purpose: The purpose of defining standards for outdoor recreation facilities is to ensure that safe and functional facilities are provided which are compatible with the surrounding area. Due to the diverse types of recreation facilities, the standards are general in scope.

B. Approval Criteria: The following approval criteria are required for all outdoor recreation facilities:

1. Access: Existing or proposed motorized and nonmotorized access to facilities, including barrier-free, pedestrian and bike, are provided and identified;
2. Environmental Impacts: The existing natural environment of the area shall be identified, along with impacts of the proposed facility upon the natural environment, and required mitigation shall also be identified;
3. Linkage to Community Facilities: Linkage, if any, by pedestrian and/or bike trail to other community facilities is provided and identified;
4. Maintenance: Long term maintenance requirements are identified, funding options are noted, and a long term maintenance program is provided;

5. Phasing: Phasing, if any, of the construction of the facility is identified;
6. Safety: The safety of all users is ensured through the use of posted regulations and user directions, adequate lighting, marked access points and other methods;
7. Users: The potential users and general percentage of community that will benefit from the facility are identified, with potential conflict among user groups minimized;
8. Trailheads: Minimum requirements for trailheads include the following provisions:
9. Waste/Recycling: Waste/recycling receptacles are provided and identified;
10. Parking/Traffic: Provision for adequate on-site parking; with impacts of the proposed facility upon neighborhood traffic, and required mitigation shall also be identified;
11. Signs: All signs shall be kept to a minimum size which is compatible with the surrounding neighborhood and uses, while providing adequate visibility. (Ord. 2108 § 7.5.2, 1996).

*Response to All Approval Criteria: The proposed Phase 1 improvements meet all of the approval criteria above for outdoor recreation facilities. The criteria are the same as the approval criteria for Nonutility Community Facilities, which are responded to in detail above.*



Peter Rosen, Environmental Planner



Date

**EXHIBIT LIST:**

1. Project File, PLN12-00033 and PLN12-00034, including project narrative, site demolition plans, temporary erosion and sedimentation control (TESC) plans, utility plans, Rainier Blvd N improvements, site grading, landscape layout, picnic shelter building plans, irrigation plan, planting plan and schedule.
2. Vicinity Map
3. Environmental checklist and SEPA Determination – June 27, 2012
4. Shoreline Public Meeting Minutes – July 11, 2012

