

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW**

NOTICE OF DECISION

TO: Katherine Orni
Westcott Homes
1010 Market Street
Kirkland, WA. 98033

PROJECT: Issaquah 22 Subdivision
Administrative Adjustment of Setbacks for Rockery/Retaining Walls

APPLICATION: PLN12-00072

DATE OF DECISION: March 28, 2013

REQUEST: Application for an Administrative Adjustment of Standards (AAS) to setback requirements for retaining walls over 6 feet in height. The retaining/rockery walls would be constructed as part of the infrastructure improvements for the approved Issaquah 22 subdivision.

The Issaquah Land Use Code requires rockery or retaining walls over 6-feet in height, that are located within required building setbacks, to be setback from the property line by 1.5 feet for every 1-foot in height over 6 feet (IMC 18.07.110(9)(e)).

The Issaquah 22 subdivision would construct a total of 5,610 linear feet of rockery walls and 1,190 linear feet would exceed the code standard. The proposed walls over 6-feet in height are located along the south boundary of the site, along the rear of lots abutting the north-central wetland, and in side yards at the project entry. Please see attached site plan (Attachment 2) for the location of rockery walls.

**PROJECT
INFORMATION:**

Issaquah 22 is an approved 52-lot single-family residential subdivision. The rockery retaining walls are part of the infrastructure improvements for the preliminary plat; a part of grading the site for utility and road improvements to create building lots. After the infrastructure improvements are completed, Issaquah 22 will go through Final Plat approval.

The previously-approved Issaquah 22 preliminary plat also included rockery walls with sections of the walls exceeding 6 feet in height, not meeting the setbacks as required in IMC18.07.110(9)(e). The

current construction plans for the plat have reduced the extent and height of the rockery walls. The originally approved preliminary plat had approximately 7,835 linear feet of rockery walls, of which approximately 4,735 linear feet exceeded 6-feet in height. The current plat construction plans include 5,610 linear feet of rockery walls and approximately 1,190 linear feet exceed 6 feet in height.

The proposed rockeries would be setback approximately 5-8 feet from property lines, so the maintenance and access to the walls could be done from the Issaquah 22 lots.

The face of the 6+-foot rockery walls would not be viewed by adjacent properties. The proposed rockery walls would face cut slopes internal to the Issaquah 22 subdivision and therefore the adjacent neighbors would not be viewing a new rockery wall along their property line.

LOCATION:

The property is located at 5115 & 5027 232nd Ave SE, 5004 228th Ave SE. Parcel numbers: APN 222406-9020, APN 22406-9076, APN 22406-9099.

The Issaquah 22 subdivision is located at the extension of SE 52nd St, west of the Aspen Meadows subdivision, north of Overdale Park subdivision, and south of SE 48th St. See Vicinity Map (Attachment 1).

SITE AREA:

16.48 acres

**COMPREHENSIVE PLAN
DESIGNATION:**

"Low Density Residential"

ZONING:

SF-SL (Single Family Small Lot)

DECISION MADE:

On March 28, 2013, the Development Services Department conditionally approved the application for an Administrative Adjustment of Standards, Application No. PLN12-00072. Approval of the application is based on the application submittal made on October 23, 2012 and additional information thereafter. The approval of the application is subject to the following conditions:

1. Retaining walls or rockeries over four (4) in height at any point, measured from the bottom of the footing to the top of the wall, require a Building Permit.
2. Trees on adjacent properties that are severely impacted or removed due to construction of the rockery walls shall be replaced at a 2:1 ratio by the applicant, subject to approval of the adjacent property owner.

REASONS FOR DECISION:

1. 18.07.260 General Purpose:
The purpose and intent of administrative adjustment of development standards is to provide the flexibility to modify standards in all zoning districts at the administrative level. Approval must be based on a determination that the adjustment is consistent with the purpose and intent of this Code and of the development standards. This provision requires a Level 2 Review (Chapter 18.04 IMC) regardless of street frontage or parcel size, with public notification to adjacent property owners.
2. 18.07.270 Process:
The DSD Director/Manager has the authority to make the decision regarding Administrative Adjustment of Standards (AAS). The DSD Director/Manager considers the application information provided by the applicant, public comments received, and the AAS approval criteria in IMC 18.07.330(B). The DSD Director/Manager's decision is final unless appealed. Appeals of an Administrative Adjustment of Standards decision are made to the Hearing Examiner.
3. 18.07.330(A): Purpose for Setbacks:
The purpose of permitting the Administrative Adjustment of setback standards is to provide for flexibility in reducing or modifying setbacks in all zoning districts, without permitting a setback adjustment that would negatively impact the surrounding neighborhood. An adjustment to a setback may be approved based on a determination by the DSD Director/Manager that the adjustment is consistent with the purpose of this Code, the intent and purposes of the setback standards, and will accomplish one (1) or more of the following objectives:
 - 1) Allow buildings to be sited in a manner which maximizes solar access;
 - 2) Allow zero lot line, semidetached (common wall construction) or other types of cluster development in conformance with the provisions of this Code;
 - 3) Coordinate development with adjacent land uses and the physical features of the site;
 - 4) Permit flexibility in the design and placement of structures and other site improvements;
 - 5) Allow development consistent with the scale and character of the existing neighborhood;
 - 6) Provide flexibility for a site which has one (1) or more of the following constraints:
 - a. Existing development which was permitted or platted under previous land use regulations; or
 - b. A vacant site which had development approval or was platted under previous land use regulations; or
 - c. Physical features of the site which prevent development that is compatible and consistent with the character and scale of the surrounding area, such as the unique site constraints in the older part of the city;
 - 7) Allow reduction of the required setbacks in order for the placement of the building to be adjusted on the lot for retention of existing significant trees.

Finding

The proposal meets several of the above objectives. The proposed rockeries are necessary to coordinate the development with the physical features of the site (Objective #3), and to provide flexibility for a site which has previous preliminary plat approval (Objective #6).

4. 18.07.330 (B): Approval Criteria:

These setback standards are applicable in a residential, commercial, industrial or mixed use development, unless otherwise provided. These standards are not applicable to the Mineral Resource Zone. Setback standards for the Mineral Resource Zone are provided at IMC 18.07.525. These standards may be adjusted administratively through the approval of all the following criteria, in addition to the approval criteria for Level 2 Review:

- (1) Compatibility: The adjustment of setbacks is compatible in scale and character with existing neighboring land uses; and

Finding

The adjustment to rockery wall setbacks is compatible in scale and character with the existing neighboring land uses. Rockeries are a common in grading for residential subdivisions; in order for install utilities to create buildable lots. The extent and height of the walls has been reduced in the construction plans when compared to those on the approved preliminary plat plans.

The proposed rockery walls would be internal to the subject property; the rockery walls would face cut slopes internal to the Issaquah 22 subdivision. Therefore, the adjacent neighbors would not be viewing a new rockery wall along their property line, minimizing impacts to the neighbors along the south boundary. In addition, by lowering the grade for the homes constructed in Issaquah 22, the new homes would be below the sight line of the existing residences to the south, retaining their existing territorial views.

- (2) Consistency: The proposed development meets all other development and design standards as governed by the District Standards Table and the Design Criteria Checklist, unless those standards are modified through approved:
 - a. Cluster provisions; or
 - b. An Administrative Adjustment of Standards; and

Finding

Issaquah 22 is an approved preliminary plat and the plat met all other development standards and the District Standards Table when the plat was approved. The construction plans for plat infrastructure improvements are consistent with the approved preliminary plat and meet all other development standards.

- (3) Consistency with Zoning District: The adjustment of setbacks shall provide consistency with the intent and character of the zoning district involved; and

Finding

Issaquah 22 is zoned Single Family Small Lot (SF-SL) and the "primary purpose of this district is to provide for single family neighborhoods." The proposed adjustment to rockery setback standards would allow for the planned density of the SF-SL zone (7.26 dwelling units/acre) to be more closely achieved. The proposed rockeries would work with the existing topography, consistent with the intent and character of the zoning district.

(4) Impacts:

- a. Adjacent Property Owner(s): The adjustment of setbacks does not negatively impact the adjacent property owners;

Finding

The face of the rockery walls would not be viewed by adjacent properties, the cut slopes and rockery walls would face toward the Issaquah 22 lots. Therefore, the rockery walls would not negatively impact adjacent property owners.

2-tiers of rockery walls are proposed along the southwest boundary of the site, in order to minimize/reduce the height of a single wall. The fill slopes in front of the walls along the western boundary of the site, facing toward the adjacent Wiegant property, would be planted by the applicant to screen and soften the appearance of the rockery walls. This is also intended to meet the Tri-Party Agreement executed by the original developer and the Wiegant. Existing vegetation along the Green property (just north of Weigant) would be preserved to the extent feasible to provide screening.

In addition, for those properties along the western site boundary existing drainage/sheet flow problems will be alleviated by directing stormwater flows from the walls to the proposed detention facility on the westerly portion of the site.

The proposed rockeries would be setback approximately 5-8 feet from property lines, so the maintenance and access to the walls could be accessed from the Issaquah 22 lots.

Construction of the rockery walls may impact trees on adjacent properties if the grading for the walls cuts into the dripline of trees. Trees on adjacent properties that are severely impacted or removed due to construction of the rockery walls shall be replaced at a 2:1 ratio by the applicant, subject to approval of the adjacent property owner.

- b. Critical Areas: The adjustment of standards is consistent with the purpose and intent of the critical area regulations, and does not negatively impact any adjacent critical areas;

Finding

Rockery walls are also proposed interior to the Issaquah 22 subdivision, between the back of residential lots 35-47 and Wetland A. The rockery wall along the west boundary of Lot 41 would exceed 6 feet in height. The rockery walls adjacent to the buffer of Wetland A would minimize impacts to the wetland and wetland buffer area. The wetland buffer area would be enhanced with native plant species to mitigate disturbance of the rockery wall construction. The overall amount of wetland buffer enhancement proposed by the applicant exceeds code requirements and would be an improvement over existing conditions and would improve wetland buffer functions.

- c. Public Services: The adjustment of setbacks does not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements; and

Finding

The requested adjustment of standards will not negatively impact public services, including emergency access, access to right-of-way, dedicated tracts, or easements.

- d. Structure(s): Any structure(s) which is within the proposed setback modification area does not negatively impact the adjacent property through incompatible height, bulk, design, color or other feature; and

Finding

The rockery walls would be internal to and would face the Issaquah 22 lots. Therefore, the rockery walls, as a structure located within the building setback area, would not have a height or bulk that negatively impacts adjacent properties. The rockery walls are compatible in scale and character with existing neighboring land uses.

- (5) Intent: The adjustment of standards will be equal to or superior in fulfilling the intent and purpose of the original requirements; and

Finding

The purpose and intent of the requirement to setback rockery walls is to minimize grading and aesthetic impacts on adjacent properties. The proposed rockeries would be internal to Issaquah 22 lots and adjacent properties would not view the face of the rockery walls. In addition, existing drainage/sheet flow problems would be alleviated by directing stormwater flows from the walls to the proposed detention facility on the westerly portion of the site. Therefore, the requested adjustment to the rockery setback standard would achieve the purpose and intent of the original code requirement.

- (6) Impervious Surface Ratio: The required impervious surface area for the property is not exceeded; and

Finding

The required impervious surface area for the property will not be exceeded by granting the requested administrative adjustment of setbacks.

5. Public Notice: Notice to property owners within 300 feet of the site was mailed on January 18, 2013 and a 10-day comment period ended on January 28, 2013. Several comments were received from adjacent property owners. The comments primarily concerned the aesthetic impacts of the rockery walls, drainage concerns, and impacts to existing trees. The comments have been addressed in this staff report.
6. The Administrative Adjustment of Standards (AAS) is exempt from review under the State Environmental Policy Act (SEPA). An AAS is an administrative variance and variances are exempt from SEPA review as a minor land use decision, per WAC 197-11-800(6)(b).
7. This Notice of Decision will be mailed to surrounding property owners and others who provided either written comments to the Development Services Department or requested

to become a party of record.

TIME LIMIT OF DECISION:

The final decision approving the Administrative Adjustment of Standards for the building setback is valid for three years as specified by IMC 18.04.220-C-5, or as amended by the Land Use Code.

EXHIBIT LIST:

1. Application materials: Administrative Adjustment of Standards, PLN12-00072, received 10-23-2012
2. Vicinity Map
3. Site Plan – shows location of rockery walls over 6-feet in height
4. Rockery Sections

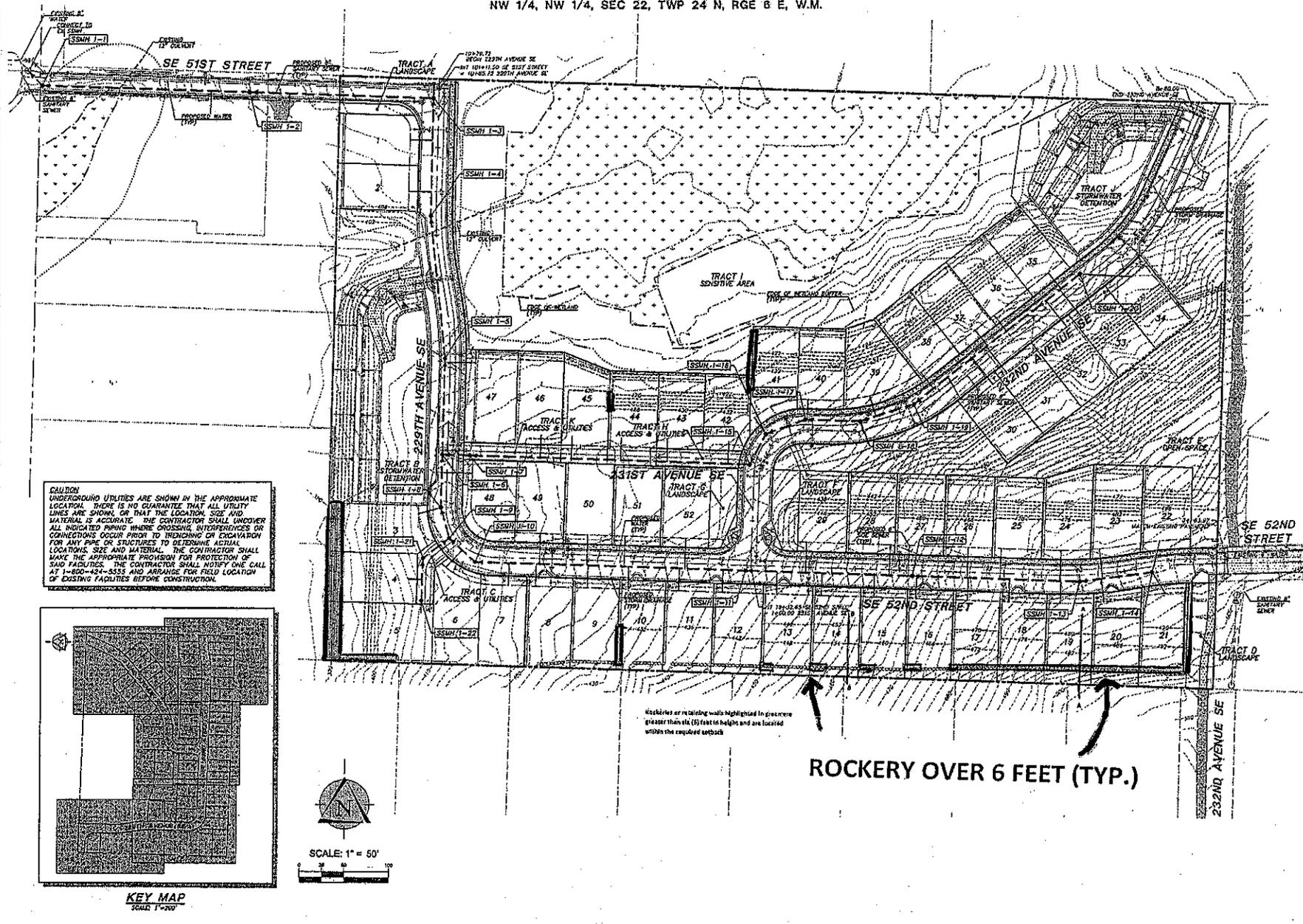


Peter Rosen, Senior Environmental Planner

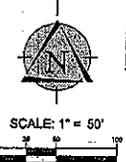
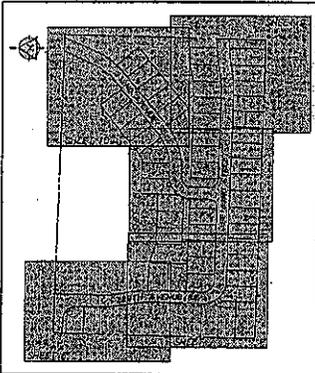


Date

NW 1/4, NW 1/4, SEC 22, TWP 24 N, RGE 8 E, W.M.



CAUTION
 UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 1-800-451-3551 AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.



Rockeries or retaining walls highlighted in green are greater than six (6) feet in height and are located within the required setback

ROCKERY OVER 6 FEET (TYP.)



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ISSAQUAH 22-2012

WESTCOTT HOMES

OVERALL SITE PLAN
 SANITARY SEWER

SE 52ND STREET

232ND AVENUE SE

231ST AVENUE SE

11-2012

REVISIONS:

NO. 1	DATE	DESCRIPTION

ISSUED BY: [Signature]

PROJECT NUMBER: [Number]

PROJECT ADDRESS: [Address]

PROJECT CONTACT: [Name]

PROJECT CONTACT PHONE: [Phone]

PROJECT CONTACT EMAIL: [Email]

FIRST SUBMITTAL DATE: [Date]

SCALE: [Scale]

REVISIONS:

NO. 1	DATE	DESCRIPTION

ISSUED BY: [Signature]

PROJECT NUMBER: [Number]

PROJECT ADDRESS: [Address]

PROJECT CONTACT: [Name]

PROJECT CONTACT PHONE: [Phone]

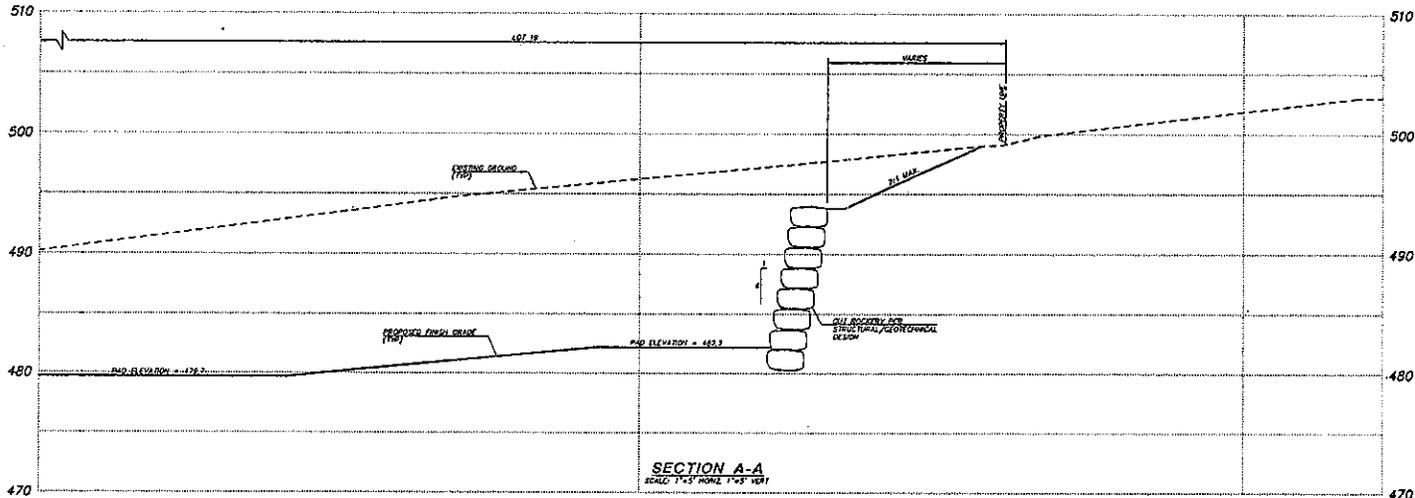
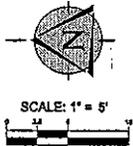
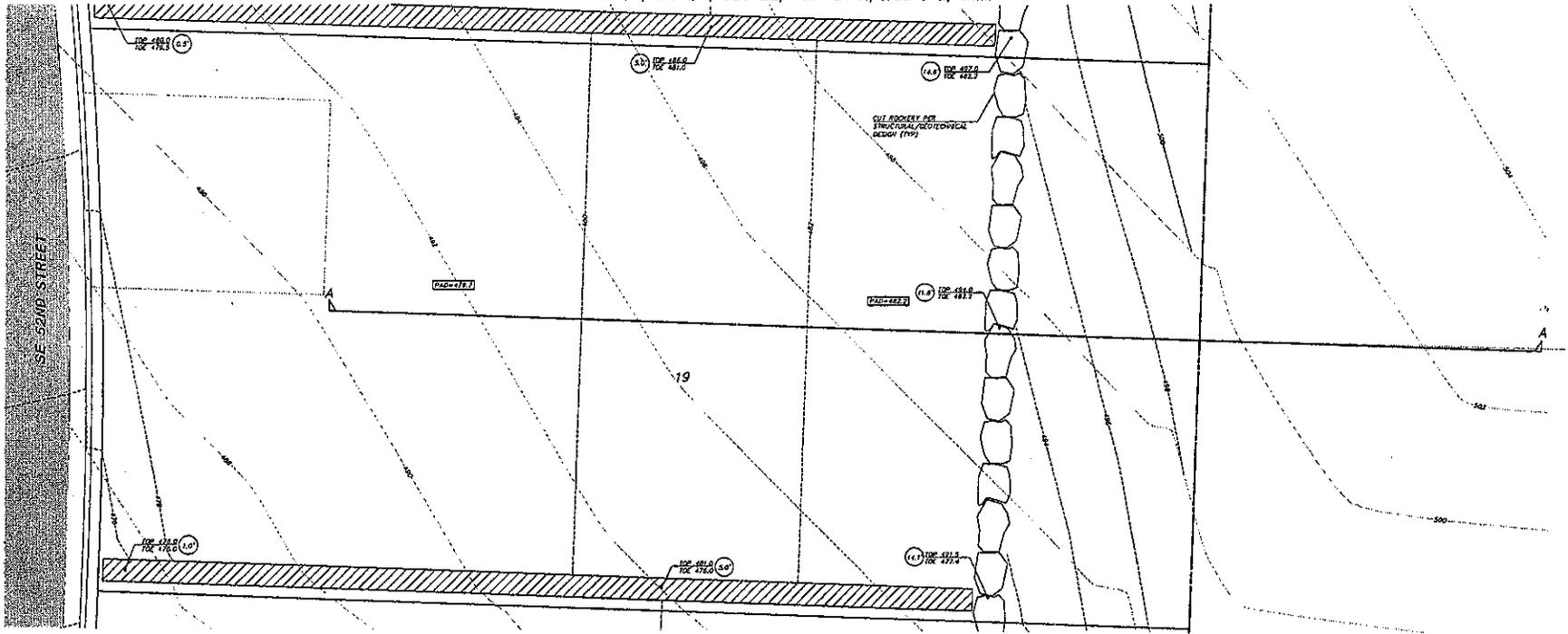
PROJECT CONTACT EMAIL: [Email]

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Attachment 3
SITE PLAN

NW 1/4, NW 1/4, SEC 22, TWP 24 N, RGE 6 E, W.M.



SECTION A-A
SCALE: 1"=5' HORIZ 1"=5' VERT

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 www.triadassociates.com

SOUTH PROPERTY LINE WALL SECTION A-A
 LOT 19
 WESTCOTT HOMES
ISSAQUA' 22
 CITY OF ISSAQUAH, WASHINGTON

DATE:		
REVISIONS:		
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT SUPERVISOR
 PROJECT MANAGER
 PROJECT LANDSCAPE ARCHITECT
 STUDY APPROVAL DATE:
 SCALE: HORIZ 1"=5' VERT 1"=5'
 STAMP NOT VALID
 UNLESS SIGNED AND DATED
 12-099
 1 of 2

Attachment 4 ROCKERY SECTION

