

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF ISSAQUAH**

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| In the Matter of the Application of |) | No. PP12-00002 |
| |) | |
| |) | |
| Tim Walsh |) | Parcel 2, Issaquah Highlands |
| |) | Rural Expansion (Ichijo Preliminary |
| |) | Plat) |
| |) | |
| |) | FINDINGS, CONCLUSIONS, |
| <u>For Approval of a Preliminary Plat</u> |) | AND DECISION |

SUMMARY OF DECISION

The request for a preliminary plat to subdivide approximately 4.28 acres into 36 single-family lots with six tracts on property located south of NE Falls Drive, north of the Urban Growth Boundary and preserved open space, and east of the Puget Sound Energy (PSE) and Williams Gas easements and 10th Avenue NE, Blocks 24, 23, and 20, in Issaquah, Washington, is **APPROVED**. Conditions are necessary to mitigate specific impacts of proposed development.

SUMMARY OF RECORD

Meeting Date:

The Hearing Examiner held a public meeting on the request on April 30, 2013.

Testimony:

The following individuals presented testimony under oath at the meeting:

Lucy Sloman, City Land Development Manager
Peter Rosen, City Senior Environmental Planner
Tim Walsh, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Preliminary Plat application, PP12-00002, with reduced plan set and project narrative, received August 23, 2012
2. Preliminary Plat Plans (24" x 36"), received January 24, 2013
3. Public Notice Documents
 - a. Affidavit of Service of Mailing, dated October 3, 2012
 - b. Affidavit of Publication, dated March 6, 2013
 - c. Affidavit of Service of Mailing, dated March 8, 2013
4. Urban Village Development Commission (UVDC) Staff Reports:

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- a. City Development Services Department Staff Report, dated March 12, 2013
- b. City Development Services March 19, 2013 Briefing Responses to UVDC questions and comments, dated March 26, 2013
5. Public Comment
 - a. Email from David Kappler, dated April 2, 2013
 - b. Email from Brian Vrablick, dated March 18, 2013
 - c. Email from Connie Marsh, dated March 18, 2013
 - d. Email from David Kappler, dated March 18, 2013
 - e. Email from Brian Vrablick, dated March 17, 2013
 - f. Email from David Kappler, dated February 28, 2013
 - g. Email from David Kappler, dated February 27, 2013
 - h. Email from Connie Marsh, dated January 22, 2013
6. Urban Village Development Commission (UVDC) meeting minutes
 - a. Public Briefing Meeting, dated March 19, 2013
 - b. Public Hearing, dated April 2, 2013
7. Urban Village Development Commission (UVDC) Motion for Approval and Findings of Fact, Conclusions, Recommended Conditions, dated April 9, 2013
8. Action Memorandum, Preliminary Plat Hearing, dated April 11, 2013
9. Emails from Kathleen Geyer, City of Issaquah Shared Services, dated April 12, 2013, and April 15, 2013

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the public meeting:

FINDINGS

Application and Notice

1. Tim Walsh (Applicant) requests a preliminary plat to subdivide approximately 4.28 acres into 36 single-family lots with six tracts: a recreation and pedestrian access tract; two woonerf tracts; an alley tract; and two tracts for wetland buffer and open space. The property is located south of NE Falls Drive, north of the Urban Growth Boundary and preserved open space, and east of the PSE and Williams Gas easements and 10th Avenue NE, Blocks 24, 23, and 20, in Issaquah, Washington.¹ *Exhibit 4.a, Staff Report, pages 3 to 4; Exhibit 1; Exhibit 2.*

¹ The subject property is identified by Tax Assessor Parcel No. 2624069039. *Exhibit 1.* The property is known as Parcel 2 and is part of the Issaquah Highlands site. Issaquah Highlands was identified as a receiving site for Transfer of Development Rights (TDR). The WSDOT TDR developable area is 35 acres, formerly owned by the State of Washington, and annexed by the City of Issaquah in 2010. On February 10, 2011, the City approved a short plat, SP11-00001, for the property contained in the WSDOT TDR area. This plat created developable parcels, including Parcel 2. On February 18, 2011, the WSDOT TDR Development Agreement was executed to govern the development of the area incorporated by the City as part of a TDR agreement. *Exhibit 4.a, Staff Report, page 4.* The application includes a legal description of the property. *Exhibit 1.*

2. The City of Issaquah (City) determined the application was complete on September 20, 2012.² *Exhibit 3*. The City mailed notice of the application to adjacent property owners on October 3, 2012, and posted notice on the property on March 1, 2013. The City published notice of the Urban Village Development Commission (UVDC) public hearing on the application in the *Issaquah Press* on March 6, 2013, and mailed notice to adjacent property owners on March 7, 2013. The UVDC public hearing was scheduled for March 19, 2013, and continued to April 2, 2013. The City emailed notice of the Hearing Examiner public meeting to parties of record on April 12, 2013, and April 15, 2013. *Exhibit 3; Exhibit 4.a, Staff Report, pages 4 to 5.*
3. Lucy Sloman, City Land Development Manager, testified that the City provided notice in accord with the WSDOT TDR Development Agreement (Development Agreement) (2010),³ which governs development of the property. Appendix G, Section 2.13.3, states notice is given “consistent with the Issaquah Municipal Code” (IMC), unless superseded by state law. Ms. Sloman testified that the UVDC held a public hearing on the application and that City staff chose to give notice of the subsequent Hearing Examiner public meeting to parties of record. Ms. Sloman added that IMC 18.04.180 allows notice by email. Ms. Sloman also testified that City staff does not expect any additional preliminary plat applications under the Development Agreement. *Testimony of Ms. Sloman.*

State Environmental Policy Act (SEPA)

4. Peter Rosen, City Senior Environmental Planner, testified that the City acted as lead agency and analyzed the environmental impact of the WSDOT TDR project area development proposal, as required by SEPA, chapter 43.21C RCW. The City determined that, with 51 conditions, the entire project area development proposal would not have a probable significant adverse impact on the environment, and issued a Mitigated Determination of Nonsignificance (MDNS) on August 3, 2010. The City determined that the proposed preliminary plat is an “implementing approval” under the Development Agreement that falls within the project envelope defined by the Development Agreement, and thus no further SEPA review is required. The City determined that Development Agreement Mitigation Measures 4.1.3, 4.1.5, 4.2, 11.4.2, and 11.4.4 apply to mitigate the impacts of the preliminary plat proposal.⁴ *Exhibit 4.a, Staff Report, pages 5 to 6;*

² Peter Rosen, City Senior Environmental Planner, testified that the Applicant submitted a complete application to the City on August 23, 2012, then the City determined the application complete under City ordinances on September 19, 2012. *Testimony of Mr. Rosen.*

³ The WSDOT TDR Development Agreement (2010) is available at <http://www.ci.issaquah.wa.us/DocumentCenter/View/1496> (last accessed May 13, 2013).

⁴ Mitigation measures 4.1.3, 4.1.5, 4.2, 11.4.2, and 11.4.4 concern providing bicycle and pedestrian trails, monitoring tree canopy, paying school impact fees to the City at the time of permitting, and complying with mitigation terms of the Development Agreement as satisfaction of traffic, park, police, fire, and general government impact fees. *WSDOT TDR Development Agreement, Exhibit 10 MDNS (2010).*

WSDOT TDR Development Agreement, Exhibit 10 MDNS (2010); WSDOT TDR Development Agreement, Section 7.0, page 7 (2010).

Comprehensive Plan, Zoning, and Surrounding Property

5. The property is designated Urban Village (UV) by the City Comprehensive Plan. The purpose and intent of the Urban Village designation is to encourage innovative uses and comprehensive planning of large land parcels to provide opportunities for reasonably priced housing; enhanced public services and concurrency; infrastructure solutions and improvements; and creative land development through clustering, permanent preservation of wetlands and other natural areas, integration of recreational facilities, and phasing of infrastructure. The Urban Village designation is implemented by City Council adoption of a UV development agreement and UV zoning. The property is governed by the WSDOT TDR Development Agreement. Applications within Urban Villages need to be consistent with the applicable development agreement, Issaquah Municipal Code (IMC), and the City Comprehensive Plan. *City Comprehensive Plan, Land Use Element, page L-11; Exhibit 4.a, Staff Report, pages 2, 4, and 21.*
6. The seven goals of the Development Agreement are to 1.) design neighborhoods with an overall character reflecting their location adjacent to Issaquah Highlands and the Mountains to Sound Greenway Corridor; 2.) promote sustainability throughout; 3.) encourage a large institutional use in a campus setting that blends with and is compatible with surrounding property; 4.) preserve and protect the natural environment within and adjacent to the project neighborhoods; 5.) plan a roadway and trail circulation system that provides attractive, safe, comprehensible, and convenient multi-modal access throughout the neighborhoods; 6.) create a variety of housing types, densities, and costs while providing a consistent identity through the neighborhoods and consistency with Issaquah Highlands; and 7.) provide for open space, parks, and recreational facilities that contribute to the character of the neighborhoods and provide recreational opportunities for residents and visitors. City staff found that, with conditions proposed by staff, these goals would be met. The UVDC found that, with revised conditions and additional conditions, these goals would be met, and recommended the Hearing Examiner approve the preliminary plat request with these conditions. *Exhibit 4.a, Staff Report, pages 7 to 9; Exhibit 7.*
7. Comprehensive Plan goals and objectives relevant to the request concern development that maintains and enhances quality of life; natural environment; public services and facilities, including water, sewer, police and fire protection, solid waste management, and stormwater; multi-modal transportation; a variety of neighborhood types; a variety of housing types and densities; accessible parks, open space, and recreation; and economic vitality. *Exhibit 4.a, Staff Report, Attachment A.*
8. The property is located within the City's Urban Village zoning district. The property is classified Parcel 2 by the Land Use Map of the area governed by the Development

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Agreement. Residential land uses are allowed within Parcel 2 at a development density of 3 to 12 dwelling units per acre (du/ac) and development entitlement of up to 60 ERUs (dwelling units). As proposed, the property would be developed with 36 single-family residential dwelling units, at a density of 8.41 du/ac. Standard lot dimensions under the Development Agreement for residential land uses are five-foot minimum public right-of-way setbacks, five-foot minimum interior setbacks, no interior setbacks for attached dwelling units, five-foot minimum rear yard setbacks, and 50-foot maximum building heights. *Exhibit 2; Exhibit 4.a, Staff Report, pages 3 and 17; Exhibit 7; WSDOT TDR Development Agreement, Exhibit E-1 Land Use Map, page 134; WSDOT TDR Development Agreement, Appendix E – Land Uses, Densities, and Clearing/Grading, page 129.*

9. Adjacent property to the south consists of WSDOT rural property and the project boundary. NE Falls Drive is located north of the property and would provide access to the property via a stub road (14th PI NE) extending south from NE Falls Drive. Residential lots that are part of the Forest Ridge at Issaquah Highlands development are located east of the stub road and adjacent to the north of the property's north boundary. A wetland owned by the City is located adjacent to the east; WSDOT rural property and Parcel 4 of the development, containing Bellevue College, is located further east. Property to the west contains a PSE Transmission Line Easement, William's Gas Line Easement, and Parcels A/1 of the Burnstead development, which was previously platted and is beginning infrastructure construction. *Exhibit 2; Exhibit 4.a, Staff Report, pages 1 to 2; WSDOT TDR Development Agreement, Exhibit E-1 Land Use Map, page 134; Testimony of Ms. Sloman.*

Existing Conditions and Proposed Development

10. The property is currently forested. There are no critical areas on the property. Buffer associated with the wetland to the east of the property extends onto the east portion of the property. Tract E, approximately 1,118 square feet, and Tract F, approximately 36 square feet, would be set aside as open-space wetland buffer. Mr. Rosen testified that wetland buffer must be dedicated to King County under proposed conditions of preliminary plat approval. Tract A, approximately 8,910 square feet, would be set aside along the west boundary of the property as a pedestrian trail and recreation tract. Mr. Rosen testified that there is no current trail plan for the city, so potential trail connectivity to offsite areas is addressed by proposed condition nos. 38 to 40. *Exhibit 2; Exhibit 4.a, Staff Report, page 3; Exhibit 7; Testimony of Mr. Rosen.*
11. Mr. Rosen testified that stormwater runoff from the property would be discharged into the wetland to the east, and that a proposed condition would require that all of this stormwater is from non-pollution generating surfaces, including rooftops. Direct roof and footing drains of lots 8 through 21 would extend into the wetland. Stormwater drainage is governed by the Development Agreement and Master Drainage Plan. The City granted an administrative minor modification (AMM), AMM12-00011, on March 4,

2013, that allows no more than 2 acres of treated stormwater runoff from impervious areas to enter an existing offsite stormwater conveyance system and eventually discharge to Falls Pond. All other stormwater discharge would be routed to the existing Parcel 2 stormwater tightline to East Fork Issaquah Creek or on-site infiltration facilities. The AAM requires at least 25 percent of roadways and alleys within the property to be built of pervious paving or use Low Impact Development stormwater management techniques. The AAM states that all Development Agreement and Master Drainage Plan provisions, except the point of discharge for Parcel 2, are otherwise in effect and unchanged. *Exhibit 2; Exhibit 4.a, Staff Report, page 20 and Attachment B; Exhibit 7; Testimony of Mr. Rosen.*

12. Proposed residential lots would be accessed from an internal road, Road A, extending south from NE Falls Drive. Road A, a public street, would provide the primary connection to the property, and would be an extension of 14th PI NE from the Forest Ridge subdivision. Parking would not be located along road curves, where it would be difficult to use and would potentially impede emergency access, or along street frontage of front-loaded homes, where parking would be available in adjacent driveways or garages. The City approved AAM13-00006 to allow parking on only one side of the street. Two woonerfs⁵ would extend west and east from Road A. Tract B would extend east, and Tract C would extend west. An alley, Tract D, would connect Road A and Tract C, forming a circular loop. The alley would provide rear access for lots 23 through 35. No parking would be allowed in the alley to thus provide for resident access to lots 23 through 35 and for emergency vehicle access. *Exhibit 2; Exhibit 4.a, Staff Report, pages 11 and 13.*
13. Mr. Rosen testified that City water and sewer is available to the property. Mr. Rosen testified that there are no transit stops nearby, but there are sidewalk connections from the property to Highlands Drive, approximately one-half mile from the property. Highlands Drive contains an elementary school less than a mile from the property, and sidewalks provide pedestrian connections to the elementary school. School buses provide transportation to area middle and high schools. *Testimony of Mr. Rosen.*
14. Under IMC Title 18, the UVDC has the responsibility to ensure the preliminary plat request complies with the City Comprehensive Plan and the Development Agreement. *IMC Table 18.04.100-1, Note 1.*⁶ Public comment addressed to the UVDC concerns

⁵ A woonerf is a circulation facility intended to be shared by pedestrians, bicycles, and vehicles, with pedestrians having priority. *Exhibit 4.a, Staff Report, page 11.*

⁶ Note 1 provides “permits for any development in a UV zone are processed through process described in the adopted development agreement for said UV zone in accordance with Ordinance No. 2103 as amended.” According to the Development Agreement, a development commission shall make a recommendation to the Hearing Examiner on preliminary plat requests in accord with Section 3.14 of the Agreement. *Section 2.0.3 and Section 3.14, Appendix G, Development Agreement (2010).*

offsite open-space management, recreation tract improvements to provide community benefit, stormwater management so not to overwhelm downstream conditions including on the East Fork of Issaquah Creek and the adjacent wetland, easements for public access within the woonerfs, management of trees potentially subject to windfall, and potential offsite trail connections. *Exhibit 5.*

15. The UVDC found that, with conditions, the preliminary plat request complies with the development standards within the Development Agreement and adequately achieves Development Agreement goals and guidelines. Mr. Rosen testified that City staff recommends approval of the preliminary plat request with conditions set forth within the UVDC's April 9, 2013, approval recommendation. Conditions set forth within that recommendation concern dedication of land, landscaping, impact fees, neighborhood design, lighting, circulation, emergency access, land clearing and revegetation, geotechnical analysis, utility easements, stormwater control, water and sewer connections, building setbacks, potential trail connections, park and recreation tract improvements, and access easements. Tim Walsh, Applicant Representative, testified that the Applicant has read, understands, and agrees to abide by proposed conditions. *Exhibit 4; Exhibit 7; Testimony of Mr. Rosen; Testimony of Mr. Walsh.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has authority to hear and approve, conditionally approve, or disapprove the preliminary plat request after review of the preliminary plat, the administration's recommendation, testimony, and exhibits submitted at the public hearing. The Hearing Examiner makes the final decision on preliminary subdivisions. *Issaquah Municipal Code (IMC) 18.03.060.B; 18.03.170; 18.04.490.C.1; 18.13.140.A.*

Criteria for Review

Preliminary Plat

According to IMC 18.04.480 and 18.04.490.C.1, preliminary plat proposals are reviewed through the Modified Level 4 review process and must comply with all the standards and criteria set forth in chapter 18.13 IMC.

The standards and criteria regarding preliminary plats set forth in chapter 18.13 IMC are established to promote the orderly and efficient division and re-division of land within the city; avoid placing undue and unnecessary burdens on both the applicant and the City; and to promote the public health and general welfare, complying with the provisions of chapter 58.17 RCW. The criteria for review of a preliminary plat are set forth in RCW 58.17.110(2) as follows:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:

- (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,

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- playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- (b) The public use and interest will be served by the platting of such subdivision and dedication.
- RCW 58.17.110(2).*

Prior to any approval of the preliminary plat, all minimum street and utility improvements, or reasonable conditions deemed necessary to fulfill the purpose of the subdivision code, shall be specified by the Hearing Examiner, and the applicant shall be advised of such. *IMC 18.13.140.B.*

The criteria for review adopted by the Issaquah City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

1. **With conditions, appropriate provisions would be made for the public health, safety, and general welfare, and appropriate provisions would be made for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, schools and school grounds, and all other relevant facts.** The property is designated Urban Village by the City Comprehensive Plan. This Urban Village designation is governed by the WSDOT TDR Development Agreement adopted by the City Council. The Development Agreement contains specific requirements for development of residential lots, open space, stormwater, streets, water and sewer connections, and parks and recreation. The UVDC found that, with conditions, the preliminary plat request complies with the development standards within the Development Agreement and adequately achieves Development Agreement goals and guidelines. Open space and recreation would be provided within Tracts A, E, and F. Road A and Tracts B, C, and D would provide access to proposed residential lots. Stormwater runoff would be routed to the wetland east of the property and managed in accord with an AMM issued by the City. The property would be served by City water and sewer, and sufficient sidewalks exist to provide safe walking conditions to the area elementary school. Conditions are necessary to ensure adequate provision for dedication of land, landscaping, impact fees, neighborhood design, lighting, circulation, emergency access, land clearing and revegetation, geotechnical analysis, utility easements, stormwater control, water and sewer connections, building setbacks, potential trail connections, park and recreation tract improvements, and access easements. *Findings 1, 5 – 15.*
2. **With conditions, the public use and interest would be served by the platting of such subdivision and dedication.** The City provided adequate notice and opportunity to

comment on the request. The UVDC public hearing was scheduled for March 19, 2013, and continued to April 2, 2013. The UVDC considered public comment on the request. The City determined that the proposal fits within the envelope of the project analyzed by the City upon issue of the August 3, 2010, MDNS and that no further SEPA review of the request is required. The request is consistent with Comprehensive Plan goals and objectives that concern maintaining and enhancing quality of life; natural environment; public services and facilities, including water, sewer, police and fire protection, solid waste management, and stormwater; multi-modal transportation; a variety of neighborhood types; a variety of housing types and densities; accessible parks, open space, and recreation; and economic vitality. *Findings 1 – 5, 7 – 15.*

DECISION

Based on the preceding Findings and Conclusions, the request for a preliminary plat to subdivide approximately 4.28 acres into 36 single-family lots with six tracts on property located south of NE Falls Drive, north of the Urban Growth Boundary and preserved open space, and east of the PSE and Williams Gas easements and 10th Avenue NE, Blocks 24, 23, and 20, in Issaquah, Washington, is **APPROVED**, subject to the following conditions:

1. With the submittal of the Final Plat, provide confirmation that the IHCA will accept the dedication of Tract A, the recreation/open space and Woonerf 1, to the west of the Alley, as identified in the preliminary plat. If the IHCA will not accept the dedication and maintenance obligations, the applicant must either have the property owners retain responsibility or determine if another entity will accept dedication.
2. Unless expressly identified, approval of this preliminary plat application does not modify any City regulations, Issaquah Highlands or WSDOT TDR Development Agreements' standards which are in conflict with elements of the plat or application. Modification of the standards or guidelines requires an explicit approval in the Notice of Decision for this application or a separate Modification as allowed under Appendix M (Issaquah Highlands) or Appendix G (WSDOT TDR) of the Development Agreements.
3. With the approval of permits for landscaping, all trees, either new or retained on site, will be counted and tabulated. This will be reviewed with Utility Permits.
4. The applicant shall pay the impact fees as specified in the WSDOT TDR Development Agreement. Impact fees are required for Parks, Police, Fire, and Schools, and payment is required prior to issuance of the land use permit.
5. To promote a neighborhood design with houses fronting and related to the street and to support a pedestrian orientation, all the proposed residences shall have a direct connection from the front door to a sidewalk or woonerf. This will be reviewed with Building Permits.
6. A lighting plan shall be provided for exterior illumination to minimize resource use and light pollution while creating a safe, attractive, and functional neighborhood. This will be reviewed with Utility Permits.

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7. All lots shall have a strong relationship to a street. This will be achieved through the design of the street, woonerf, or access tract so that there is a 'public' vehicular route for the lots to relate to; the relationship of houses to the street to reinforce and contribute to the Sociable Public Realm; and the orientation of the homes to provide porches and active areas that are more prominent than the garages. This will be reviewed with Final Plat, Utility and Building Permits.
8. Woonerf 1, may be dedicated as public right-of-way if it is designed so that public utilities do not need regular routine maintenance. If this cannot be accomplished, Woonerf 1, west of the Alley, shall remain in private ownership and shall be maintained either by the IHCA or by the Parcel 2 homeowner's association. If it is privately owned, an access easement shall be recorded to allow use of the facility. This will be reviewed with the Utility Permit and Final Plat.
9. Prior to issuance of Building Permits, site design of the houses fronting on any woonerf, shall limit height or presence of elements (e.g. walls, landscaping) directly abutting the woonerf that would inhibit drivers and pedestrians (especially small children) exiting lots from seeing each other.
10. For Lots 29-35, if a fence is constructed around the back yard, a gate or similar entry as well as a rear house door must be provided for emergency service personnel to quickly and directly access the house from the alley. Access through the garage is not an acceptable alternative. This will be reviewed with Building Permits.
11. The alley shall be paved to 18 ft of width with 12 ft of asphalt in the center, and 3 ft of concrete on either side. This will be reviewed with Utility Permits.
12. Fire Access Condition: All portions of all houses shall be within 150 feet of fire truck access, as the hose lays (not the crow flies). Fire trucks will not pull into the private driveway accessing Lot 16. Therefore, all portions of the house located on Lot 16 shall be within 150 feet of the fire truck access off Woonerf 1. This standard will be reviewed with Building Permits.
13. The need for address kiosks will be determined as street names and individual lot addresses are identified. If they are determined to be necessary, address monument signs shall be provided at the nearest point to the loop route to clearly identify the location of the lots. The address signs shall have numbers/letters approximately 6 inches in height. The final location and design shall be approved by the Designated Official. This will be reviewed with Final Plat and/or Building Permits.
14. Where logging occurs adjacent to forested open space, the applicant shall monitor edges for hazard trees and blowdowns for 3 years, and remove them under the supervision of the City Arborist. Where trees are removed or lost to blowdowns, the applicant shall plant evergreen trees consistent with the City's Tree Replacement Code (IMC 18.12.1390), subject to approval by the property owner. This will be reviewed with Utility Permits.
15. Following all logging and clearing within 100 feet of the parcel boundary, the applicant shall provide the Designated Official with certification that these activities did not extend beyond the permitted construction boundaries. This will be reviewed with Utility Permits.

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16. Any land that is cleared and not used for development will be revegetated with native plantings, including evergreen trees. Any cleared land that sits idle for 6 months shall be revegetated, and any revegetated areas shall be maintained for 3 years. This will be reviewed with Utility Permits.
17. Prior to grading activities, the applicant must provide geotechnical analyses demonstrating soils can accommodate the proposed development. This will be reviewed with Utility Permits.
18. The applicant shall demonstrate that hauling to import or export soil has been minimized through the on-site reuse of graded materials, to the satisfaction of the Designated Official. This will be reviewed with Utility Permits.
19. Fill shall not exceed 12 feet from the normalized pre-development grade. This shall be verified particularly for the proposed fill along the south boundaries of Lots 18-20. This is required prior to approval of grading plans and will be reviewed with Utility Permits.
20. Grading and fill placement along the south boundary of Lots 18-20 could create slopes greater than 40%. Structural fills that have a resultant slope of greater than 40% do not require steep slope buffers or setbacks under the following circumstances: 1) they have been designed by a licensed geo-technical or structural engineer and 2) construction was performed under the guidance of a licensed structural or geo-technical engineer, and 3) the as-built plans are certified by a licensed structural or geo-technical engineer, and 4) special planting techniques on slopes 3.1:1 or steeper may be required to assure the establishment and viability of plant and tree materials. Otherwise, these areas will be treated as critical area steep slopes under Appendix H. These measures will be reviewed with Grading or Utility Permits.
21. Any regional sewer charges imposed by METRO, if any, must be paid by the applicant at the time of building permit issuance. Local City Sewer Connection Charges will not be levied.
22. On the face of each Utility Permit and Building Permit plan set, the applicant shall include the following, as applicable; the total building square footage included in that application, the number of fixture units, the Average Dry Weather Flow (ADWF) and the Peak Wet Weather Flow (PWWF) associated with the improvements in that application. The information must be in tabular format. This condition will be enforced at Building and Utility Permits.
23. All public sewer mains (i.e. all mains serving property owned by more than one owner) must be located in public right-of-way or within utility easements that provide a minimum of 15' of unobstructed space for access and maintenance.
24. All public sewer mains shall include all-weather access for the City's Vactor Truck. The truck must be able to approach and stage within 6' of the edge of any manhole. This condition will be enforced during Utility Permit review and approval.
25. All existing off-site sewer pipes must remain in-service during construction. This condition will be enforced during Utility Permit Review.
26. Stormwater from the rooftops on Lots 8 through 21 shall discharge directly to the adjacent wetland and may use small-scale facilities that minimize disruption and impact on the wetland

and buffer. This includes installing the pipelines with hand tools, minimizing the excavation and trench volume and replacing the native vegetation over the trench. The end of the pipe shall be stabilized and include energy dissipation measures to minimize erosion and scour in the wetland. This condition will be enforced during Utility Permit Review.

27. All surfaces and facilities that discharge to the existing stormwater system in Road A (tributary to Falls Ponds) must meet the following conditions which will be reviewed with Utility Permits:
 - a. No more than 2.0 acres of treated stormwater runoff from impervious surfaces including pollution generating and non-pollution generating areas. All other stormwater shall use the existing Parcel 2 Tightline to East Fork Issaquah Creek or on-site infiltration.
 - b. At least 25% of roadways and alleys within Parcel 2 must be pervious paving or use Low Impact Development stormwater management techniques.
 - c. Some improvements must be made off-site, in the existing Issaquah Highlands stormwater system, to generate the capacity in Falls Pond for this stormwater discharge. Generally speaking, the changes are described in a report titled, "Issaquah Highlands Comprehensive Stormwater Optimization Report 2012 Update" dated August 8, 2012 by Mead and Hunt. The City will define the improvements and design criteria at a later date in conjunction with Utility Permitting for Parcel 2.
 - d. The applicant shall pay the City \$20,000 for each residential building permit in Parcel 2 that discharges to Falls Pond. Payment shall be collected at the time Building Permits are issued. Residential structures that discharge stormwater to the south, using the existing Parcel 2 stormwater tightline to East Fork Issaquah Creek, or that infiltrate or use LID stormwater management techniques, or that discharge to the adjacent wetland are exempt from the \$20,000 payment (although these units must construct all stormwater improvements at Developer expense).
 - e. At least one residential unit or a portion of the roadway stormwater system must discharge to the existing Parcel 2 stormwater tightline to East Fork Issaquah Creek; or, the unused portion of the Parcel 2 Tightline must be removed and the area restored at Developer expense.
28. All stormwater from Pollution Generating Surfaces that discharge to Falls Pond shall be treated in accordance with the MDP prior to discharge. This condition will be enforced during Utility Permit Review.
29. All stormwater that is discharged to the adjacent wetland shall be from Non-Pollution generating Surfaces (i.e. rooftops).
30. All publicly owned pipelines shall be within an easement that is a minimum of 15' wide or the pipeline must be designed in a manner that mitigates the narrow access corridor and limited work area. This might include sleeved construction techniques so that the pipe can be removed without excavation or otherwise providing enhanced access and work areas for maintenance or replacement operations. This condition will be enforced during Utility Permit Review.
31. A short section of stormwater pipeline serving the project is shown on Lot 1 and the plans include a note to provide an easement for the section of piping on private property. This line shall be relocated, presumably by the addition of a catch basin, so that it is not on private property and can remain in the right-of-way.

32. Two off-site water connections are required in order to meet redundancy requirements. Although the Parcel 3 connection shown on Sheet P06 is the logical and preferred connection, if an easement cannot be obtained, the main must be looped at an alternative location. Most likely this will be to the west through the PSE and Williams Gas Easements to parcel 1. This condition will be enforced during Utility Permit Review.
33. All metered connections shall pay the Regional Connection Charges in effect at the time the meter is permitted, but no City Water Connection Charges are required.
34. Critical area protection mechanisms in Section 8.0.A require buffer areas to be protected in tracts or with restrictive easements, to remain undeveloped in perpetuity and recorded on all documents of title of record. The wetland buffer Tracts E and F are part of the larger buffer area for Wetland EF23, owned by King County. With final plat drawings, the tracts shall be dedicated to King County so the entire wetland buffer is in contiguous ownership and maintenance responsibilities are clear. This will be reviewed with Final Plat.
35. With the final plat drawings, a 15-foot building setback line shall be shown along Lots 8-13.
36. Prior to issuance of Utility Permits, permanent survey stakes shall be set delineating the boundaries between the critical area tracts and adjoining properties. Between critical areas and adjacent lots: 4 ft tall, open metal fences shall be installed along the residential lots adjoining property line; and on every other property line, permanent signs identifying the type and value of the critical area shall be installed. For any construction activities within 100 feet of the buffer of a critical area, an independent qualified professional shall be hired, acceptable to the Designated Official, to be on-site as needed to ensure construction does not exceed the limits indicated. Following construction within this area, a licensed surveyor shall certify to the Designated Official attesting that all activities were contained within the approved limits for both critical areas and project boundaries.
37. Street trees shall be required in the landscape strip between the sidewalk and Road A. It should be noted that the Main Body, Section 4.1.5 requires that with the approval of permits for landscaping, all trees, either new or retained on site, will be counted and tabulated. This will be reviewed with Utility Permits for clearing.
38. There is a potential trail connection to the west, going across the PSE/Williams gas easement, to connect to the trail through the Burnstead development on Parcel 1/A. The applicant shall provide a trail stub from Tract A for a future trail connection to the west. This will be reviewed with Utility Permits. This potential connection shall be signed at Final Plat.
39. In order to make the trail and open space tract more accessible to all residents of the development, the trail ends connecting to the public streets will include entry features, including design, landscaping, and signage to enhance visibility and accessibility. This would be reviewed with Utility Permits.

40. The park shall include active uses and street furniture because it is intended to serve the needs of all plat residents. The specific landscaping and park improvement details will be reviewed with the Administrative Site Development Permit for the tracts and their construction permits.
41. Lots 29-35 shall have their homes "front" Tracts A, by providing: a) a front door facing the tract, b) a front walkway to and from the trail in the open space, c) a façade which through design and detailing conveys it is the front of the house. If a builder or homeowner desires low fencing or landscape along the park property line or adjacent to the main park walkway, it must be less than 48 inches in height and maintained at or below that height. This will be reviewed and/or conditioned with the Building Permit, and the Final Plat will restrict landscape and structure heights on the western edge of Lots 29-35.
42. Incorporate children as an integral user of Tract A, including varied opportunities for children's play. The overall design shall respond to the variety of residents and users of Tract A, maximizing its usability while recognizing that passive areas and a transition to adjacent open space are necessary and appropriate. This will be reviewed with Utility Permits as well as the Administrative Site Development Permit for the open space Tracts.
43. Within Tract A, the plat shall provide a relatively flat, contiguous area of a minimum 2000 sq. ft. Flat is defined as 2-3% maximum slope. This will be reviewed with the ASDP for the Tract, as well as Utility Permits.
44. With the final plat, Tract A shall provide an access easement to ensure common use of the facility by the community.
45. Tract A shall be widened by reducing the front yards of the adjacent homes on Lots 29-35, in order to create the usable open space as required in the Goals and Guidelines, and approximately as shown in the revised plan, shown in the Briefing Response Memo dated March 26, 2013. This will be reviewed by the Final Plat for Tract A.
46. The Applicant shall collaborate with the City to identify possible improvements and enhancements to the vegetation on the open space land adjacent to Tract A, with the approval of the adjacent property owner.

Decided this 14th day of May 2013.


THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center