

Action Memo

Development Services Department

Project: *Issaquah Highlands* *Rowley* *Talus* *Lakeside* *WSDOT TDR*

Memo No. 03-05-2013 (JRW) *Date:* March 5, 2013

Event: Criteria of Review for Administrative Minor Modifications

Sponsor: Development Services Department

Summary of Action:

The criteria for reviewing an Administrative Modification of Standards (AMM) are:

1. The modifications(s) will be equal to, or superior in, fulfilling the Purpose of the Appendix proposed to be modified and Purpose, Goals and Objectives of Appendix A, Planning Goals and Design Guidelines; and
2. The granting of such modification will not be materially detrimental to the public safety or welfare, or injurious to the property or improvements in the vicinity of the subject property; and
3. The modification(s) shall provide consistency with the intent, scale, and character of the use(s) involved; and
4. The modification(s) does not negatively impact water quality; and
5. The modification(s) will not create additional impacts on public services; and
6. The modification(s) does not negatively impact any safety features of the project nor create any hazardous features or for roads, sight limitations.

Background Information:

Administrative Minor Modifications are allowed in Appendix G Processing of Implementing Approvals & Modification of Standards of the WSDOT TDR Development Agreement. Section 3.1.3 Timelines and Review Process determines that Administrative Minor Modifications are administrative decisions made by the Designated Official.

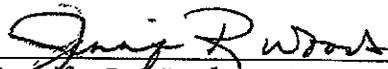
However, the criteria for reviewing an Administrative Modification are not explicitly defined for anything other than a Parcel 4 Institutional Use building height increase. Modifications to street standards are allowed in Appendix B Public and Private Street Standards due to sight limitations, safety concerns or to further the Planning goals and guidelines in Appendix A. Section 2.0.4 gives the Designated Official the duty to administer, interpret, process and make decisions on applications and the right to interpret the requirements for Administrative Minor Modifications. There must be criteria by which to review the proposed modification's fulfillment of the intent and vision of the Development Agreement as well as to ensure there will not be health and safety impacts.

March 15, 2013

Every Development Agreement has contained a section called Flexibility Objectives and often a series of criteria for review of modifications. These have not been explicitly identified, but can be interpreted from the Development Agreements. For instance the Development Agreement says:

- Appendix A, Purpose: *"These goals and their objectives shall be considered with each land use permit and should guide the designers and City in developing plans for this area."*
- Appendix A, Design Guidelines, Introduction: *"Design solutions may be advanced by builders that include creative solutions not anticipated in these Design Guidelines, and implements the vision established by the Planning Goals."*
- Appendix B, Section 2.0: *Standards may be modified due to sight limitations, safety concerns or to further the Planning goals and guidelines listed in Appendix A.*
- Appendix E, Section 4.2.1.3: *"The adjustment of the height will be consistent with the policies, goals and objectives contained in the Planning Goals."*

The criteria identified above implement the Development Agreement's emphasis on achieving the Project vision by using Appendix A as well as the relevant appendix's purpose. In addition, the criteria listed above in the Summary of Action are also listed as criteria for administrative minor modifications in the Issaquah Highlands Development Agreement, the Talus Development Agreement, the Highlands Drive TOD Development Agreement, the Rowley Development Agreement, the Lakeside Development Agreement, as well as Chapter 18.07 IMC Administrative Adjustment of Standards due to their ability to assess basic health and safety requirements.



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3/5/13
Date

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WSDOT TDR Development Agreement Appendix G Processing of Implementing Approvals & Modification of Standards