

**CITY OF ISSAQUAH**  
**MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

**Description of Proposal:** Construction of a 400-unit multi-family residential development on a 30 acre site. The proposal includes two 80-unit five-story buildings over a single level of partially below-grade parking, and sixteen 10 and 20-unit three-story buildings, 692 total parking spaces with 419 surface parking spaces, an internal street network, a clubhouse building, a public neighborhood park, and associated utility improvements.

Schneider Creek, a Class 2 stream with salmonids, flows south to north along the west side of the site. The proposal would encroach approximately 4,650 SF into the stream buffer and 4.807 SF of buffer replacement area is proposed. The minimum stream buffer width would be 77 feet and the reduced buffer would be enhanced with native riparian plants. The proposal includes a pedestrian/bicycle bridge over Schneider Creek, connecting to the adjacent property on the west.

There are 2 off-site Category III wetlands and the wetland buffers extend onto the subject site. Wetland A is located along the east property boundary. The proposal would encroach approximately 1,056 SF into the buffer and provide an equal replacement buffer area. Wetland B is located in the I-90 right-of-way along the north property boundary. The proposal would encroach approximately 354 SF into the buffer and provides an equal replacement buffer area. The wetland buffers would be enhanced with native buffer plantings.

The site would be accessed from a drive off Newport Way NW. The driveway access is proposed to be signalized. An emergency access would be provided at the southeast corner of the site, connecting to the Arena Sports Club parking lot off NW Poplar Way.

<b>Proponent:</b>	Greg Van Patten The Wolff Company 6710 E Camelback Rd, Suite 100 Scottsdale, AZ. 85251	Matt Corsi Urban Evolution 911 East Pike St, Ste 310 Seattle, WA. 98122
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**Permit Number:** SDP15-00002 – Gateway Apartments

**Location of Proposal:** 2290 Newport Way NW  
Site is bounded to the north by I-90, to the south and west by Newport Way NW,

**Lead Agency:** City of Issaquah

**Determination:** The lead agency has determined this proposal would 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.

**Comment/Appeal Period:** This Mitigated Determination of Nonsignificance is issued under WAC 197-11-340(2) and 197-11-680(3)(a)vii, and is based on the proposal being conditioned as indicated below. There is a 21-day combined comment/appeal period for this determination, between **July 30, 2015 and August 20, 2015**. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will reconsider the determination based on timely comments. Any person aggrieved by this determination may appeal by filing a Notice of Appeal with the City of Issaquah Permit Center. Appellants should prepare specific factual objections. Copies of the environmental determination and other project application materials are available from the Issaquah Development Services Department, 1775 12th Avenue NW.

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 Plan Set including civil, landscape and architectural plans received July 6, 2015; Critical Areas Study and Detailed Conceptual Mitigation Plan (Talasaea Consultants) received July 13, 2015; Traffic Assessment (TENW) dated April 24, 2015 with supplemental information provided on June 25, 2015; Geotechnical Report (GeoEngineers) dated December 2, 2014; Introductory Drainage Report (Triad Associates) dated November 25, 2014 and revised April 22, 2015; Preliminary Habitat/Species Assessment and Archaeological and Historic/Cultural Resource Review (SoundEarth Strategies) dated November 21, 2012; Wetland Review Memo (Cooke Scientific) dated July 9, 2015; SEPA environmental checklist dated April 28, 2015 and revised July 9, 2015; and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the project proposal. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Central Issaquah Plan, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

**Findings:**

1. Land Use: The site is zoned Village Residential (VR). It is located within the Central Issaquah Plan area, the plan was adopted by the City Council in April 2013. The goal of the plan is to transition the Central Issaquah area to a higher density, mixed-use, pedestrian-oriented area. The proposed multi-family development is generally consistent with the Central Issaquah Plan vision and the VR zoning. The proposal will be evaluated in detail for compliance with the Central Issaquah Plan policies and standards under the Site Development Permit.
2. Wetlands: The site has been maintained in agricultural use, as a hay field annually mowed. An extensive system of agricultural drain tiles has been maintained and has effectively modified the wetland hydrology. Soils on the site are mapped as hydric and the 1981 National Wetland Inventory (NWI) maps show most of the site as wetland. Talasaea Consultants have reviewed the site for wetlands for the past 15 years, monitoring groundwater for wetland hydrology, and have concluded wetland indicators (soils, plants, hydrology) are not currently present (Talasaea Consultants). The City conducted an outside peer review of the site for potential wetlands (Cooke Scientific) and the review concurred with Talasaea's Critical Area Report for wetland boundary mapping, characterization and the wetland ratings.

There are 2 off-site Category III wetlands and the 50-foot wetland buffers extend onto the subject site. Wetland A is located along the east property boundary. Wetland A is a palustrine forested/scrub-shrub wetland (Cowardin et al.), approximately 3,720 SF in total size with 281 SF extending onto the subject property. It's associated with a drainage ditch for the Arena Sports Club property. The proposal would encroach approximately 1,056 SF into the buffer and the proposal includes an equal replacement buffer area. Wetland B is a palustrine scrub-shrub emergent wetland (Cowardin et al.), located in the I-90 right-of-way along the north property boundary. Approximately 275 SF of Wetland B extends onto the site. The proposal would encroach approximately 354 SF into the buffer and an equal buffer replacement area is proposed. The proposed plans indicate there would be temporary construction impacts in the outer wetland buffers due to utility installation and connections and grading. The wetland buffers are proposed to be enhanced with native tree and shrub species. The inner 35 feet of the buffer shall be planted consistent with the planting densities specified in the King County Critical Areas Mitigation Guidelines. The outer 15-feet of the wetland buffer shall be planted at a minimum of 60% of the planting density as a transition to the developed

part of the site. The existing conditions of the on-site wetland buffer areas are pasture grass and the wetland buffer enhancement would significantly improve buffer functions over the existing conditions.

The development could impact existing wetland hydrology by directing surface flows into the stormwater system. In order to maintain hydrology to the wetland, the applicant shall prepare a wetland hydrology analysis to demonstrate pre-development hydrology to the wetland would be maintained. Stormwater recharging the wetland shall be treated for water quality or come from non-pollution generating surfaces. This shall be approved by the City prior to issuing construction permits.

There is a wetland associated with Tibbetts Creek, located to the southeast of the project development area. It is part of the applicant's property but located on a parcel separated from the development area by the existing Arena Sports Club. The wetland is approximately 165,000 SF (150,000 SF on-site), and is classified as a palustrine emergent/scrub-shrub wetland. According to the Critical Area Report, the Tibbetts Creek wetland is a Category III wetland requiring a 50-foot buffer. The City has designated a regional shared-use trail crossing the Tibbetts Creek wetland, to provide a future trail connection between the Mountains to Sound Greenway trail along Newport Way and a trail along Tibbetts Creek. The applicant will construct the regional shared-use trail along the south edge of the development site, associated with a public neighborhood park, and will construct an elevated boardwalk across the Tibbetts Creek wetland. The boardwalk will be constructed using pin pile foundations to avoid direct wetland fill impacts. The boardwalk would have approximately 4,000 SF of indirect shade impacts to the wetland and 1,000 SF of indirect shade impacts to the wetland buffer. The applicant proposes to mitigate the indirect impacts of the boardwalk by enhancing the wetland and wetland buffer at a 4:1 ratio (16,000 SF of wetland enhancement and 4,000 SF of buffer enhancement). The emergent portion of the wetland is currently dominated by reed canarygrass and the scrub-shrub area with willow species. The buffer is dominated by Himalayan blackberry. The applicant will also construct a pedestrian/bicycle bridge over Tibbetts Creek, connecting to the east side of the creek. The bridge will be constructed under a separate permit.

3. Schneider Creek: A Critical Areas Study (Talasaea Consultants, July 13, 2015) provides the following information on Schneider Creek. Schneider Creek is a Class 2 stream with salmonids and it flows from south to north along the west side of the site. The stream originates on Cougar Mountain in unincorporated King County approximately 3,000 feet to the east of Newport Way NW and enters the site through a 2.5 foot diameter culvert under Newport Way NW. The outfall of the culvert is perched approximately 2 feet and poses a barrier to fish migration upstream of the site. Approximately 900 linear feet of Schneider Creek flows through the project site, 480 feet of the channel is located within an existing native growth protection easement (NGPE), the NGPE was created for wetland mitigation by the Washington State Department of Transportation (WSDOT). Schneider Creek exits the property and flows parallel to I-90 before going through a 3.5-foot diameter culvert under I-90 and West Lake Sammamish Parkway, and then flows approximately 650 feet into Lake Sammamish. The width of the channel on-site averages approximately 6 feet, the streambed consists predominantly of gravel and sand, and the channel lacks large woody debris (LWD).

According to the Critical Areas Report, fish usage studies have identified cutthroat trout and coho salmon fry in Schneider Creek. A King County study of Lake Sammamish kokanee (*Blueprint for the Restoration and Enhancement of Lake Sammamish Kokanee Tributaries, 2014*) found that Schneider Creek does not support significant numbers of kokanee spawners. The lower reach from the lake has a very low gradient and fine substrates and therefore does not currently provide kokanee spawning habitat. Some spawning activity was observed on the stream segment flowing parallel to

West Lake Sammamish Parkway. The Critical Area Report concludes that the segment of Schneider Creek on the subject site doesn't support spawning, winter rearing or refugia habitat for anadromous fish because of the gradient of the stream, the current channel morphology and lack of pools.

Schneider Creek, a Class 2 stream with salmonids, requires a 100-foot buffer width and a 15-foot building setback from the edge of the buffer. The proposal would encroach approximately 4,650 SF into the stream buffer and 4,807 SF of buffer replacement area is proposed. The minimum stream buffer width would be 77 feet and the reduced buffer would be enhanced with native riparian plants. The plans indicate approximately 50,900 SF of the Schneider Creek buffer would be enhanced. To ensure the stream buffer is densely planted with native riparian species needed to support fish and wildlife habitat, the inner 50 feet of the stream buffer shall be densely planted consistent with the planting densities specified in the King County Critical Areas Mitigation Guidelines. The outer stream buffer shall be planted at a minimum of 60% of the planting density to allow for visibility to the stream buffer trail (see below) and to transition to the developed part of the site.

The on-site stream buffer is currently pasture grass, there is no woody vegetation outside the WSDOT NGPE. Enhancement of the stream buffer with native tree and shrub species would improve fish and wildlife habitat on the site; by providing shade/cover to maintain cool water temperatures, increase plant species diversity and structure, provide organic inputs to support macroinvertebrates and insects, and eventually to supply wood recruitment to the stream. The stream buffer enhancement plans also include habitat features for wildlife such as snags, buried rootwads and stumps.

The proposal includes a 4-foot wide soft-surface trail in the outer buffer. An equal buffer replacement area (1,772 SF) is proposed for the trail buffer encroachment. The proposal also includes a paved pedestrian/bicycle connection bridging Schneider Creek to the adjacent property to the west. The bridge or stream crossing will be reviewed under a separate permit. However, the paved pedestrian/bicycle connection leading to the stream crossing goes through the buffer and this encroachment also requires buffer averaging or a buffer replacement area.

The stream buffer enhancement plans include constructing an undulating 4-6 foot high berm composed of peat excavated from the site development area. The Critical Area Report states raising the existing grade along the creek would shorten the time for planted trees to shade the stream. The stream channel is currently confined and incised and the streambanks could be graded back to allow natural stream processes to create meanders within the buffer area. A final grading plan for the stream buffer and the proposed berm shall also address grading back the streambanks to allow natural stream processes to create meanders within the buffer area. The grading plan shall be approved with the final mitigation plans prior to issuance of construction permits.

4. Wildlife habitat – A preliminary habitat/species assessment was conducted for the site (SoundEarth Strategies) to review the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) list and Priority Habitat Maps. The report concludes that there are no endangered species reported on or in the vicinity of site. However, the Marbled murrelet, a threatened species, has been detected in the section and the communal roosting area for the Townsend's big-eared bat is shown on the site, a candidate species on the WDFW Threatened and Endangered Species list. Priority habitat areas identified on the site include Schneider Creek and the palustrine wetlands. The proposal would enhance the stream buffer of Schneider Creek and the wetland buffers on the site, greatly improving the wildlife habitat over the existing site conditions, and effectively mitigating for wildlife habitat impacts.
5. Stormwater – A Drainage Report (Triad Associates) was prepared to identify potential problems upstream and downstream of the site, and the stormwater facility flow control and water quality

design. The project will be required to meet standards of the 2009 King County Surface Water Design Manual with the 2011 City of Issaquah Addendum. The standards require stormwater flows to mimic or even reduce the flow intensities of pre-developed conditions. It should be noted that the stormwater model for the development assumed the predevelopment condition of the site is forested and flat. Considering the actual site condition is mowed pasture and slightly sloped, the modeled predevelopment condition likely underestimates existing actual site runoff flow rates. Stormwater detention would be provided in a below-garage vault located on the north side of the site. Detained flows would be treated for water quality to meet the required Sensitive Lake Protection standards and then dispersed in the buffer of Schneider Creek, which is the natural low point of discharge from the site.

6. Noise – The site is adjacent to Interstate-90 (I-90) which generates noise from vehicles and is an existing noise source that may affect the project. The applicant proposes to engage an acoustic engineer to recommend strategies to incorporate into the 5-story buildings adjacent to I-90, to mitigate the I-90 noise impacts on future project residents. The applicant will also evaluate if planting trees in the wetland buffer adjacent to I-90 would provide a noise buffer. The larger 5-story buildings adjacent to I-90 would provide some noise buffering for the smaller internal buildings on the site.
  
7. Cultural and Historic Resources – The project development area has had numerous historic disturbances associated with logging, farming and grading and therefore may have low potential for in-situ pre-Euro American artifacts. A preliminary archaeological and historic/cultural resource review was prepared for the proposal (SoundEarth Strategies, November 2012). The property was reviewed for listings in the Washington Department of Archaeology and Historic Preservation’s (DAHP) secure Washington Information System for Architectural and Archaeological Records Data (WISAARD) Database, the National Register of Historic Places, the Washington State Archaeological Site Inventory, and the Washington Heritage Register (WHR). There are no documented archaeological artifacts on the property. However, a review of DAHP’s secured portion of WISAARD (which includes the archaeological data) indicates sections within the property that both “recommend” and “highly advise” an archaeological survey due to “moderate” and “high” risks. The Washington Department of Archaeology and Historic Preservation (DAHP) shall determine if an archaeological survey is needed prior to clearing/grading activity or if an Inadvertent Archaeological Discovery Plan, specifying required actions if cultural materials are found during ground disturbance activities, will be sufficient.
  
8. Traffic: A Traffic Assessment (TENW) was provided to document trip generation for the proposal and to evaluate the site access off Newport Way NW. The report estimates the proposal would result in 2,650 net new weekday daily trips; with 203 weekday AM peak hour trips (41 entering, 162 exiting) and 247 weekday PM peak hour trips (160 entering, 87 exiting).

Under the City’s new concurrency standards (adopted by Ordinance #2733, effective February 2, 2015), individual development applications are not required to evaluate their project traffic impacts on the local street system, provided a proposal is consistent with the City’s planned growth that was assumed and previously evaluated in the traffic concurrency model. The City completed a system-wide transportation concurrency assessment for future planned growth and road improvements were identified to mitigate for the corresponding planned growth. According to the City’s traffic model, adopted level of service (LOS) standards would be maintained and development projects would be concurrent provided the identified road improvements are constructed. A transportation impact fee was calculated to fund the road improvements identified in the concurrency model and on the City’s

Transportation Improvement Program (TIP). Development proposals can therefore mitigate for their traffic impacts by payment of the traffic impact fee.

The subject development proposal is consistent with the growth assumptions included in the traffic concurrency model. Therefore, the proposed development can withdraw trips from the "trip bank" that was calculated for concurrency and can mitigate their traffic impacts by payment of the traffic impact fee.

However, the concurrency assessment doesn't address traffic operations and safety at the project site driveway access or at non-concurrency intersections. The main access into the proposed development would be from a drive off Newport Way NW at the intersection with NW Pacific Elm Dr. The traffic report included a site access evaluation and concluded the intersection would meet signal warrant standards. Therefore, the applicant is proposing a traffic signal at the intersection with channelization improvements (turn pockets, deceleration lanes) along the site frontage. According to the traffic report, the intersection would operate at LOS A in the AM peak hour and LOS B in the PM peak hour with a signalized intersection. The City is further evaluating whether the intersection should be signalized, unsignalized, or improved with a roundabout based on traffic operations and safety and for pedestrian access and safety. The site access and intersection improvements shall maintain the City's adopted level of service (LOS) standard "D."

The proposal also includes a secondary emergency vehicle access at the southeast corner of the site, connecting to the Arena Sports parking lot off NW Poplar Way.

9. Bicycle and Pedestrian Facilities – The *Nexus Study for Bicycle and Pedestrian Facilities Mitigation Fees* (Henderson Young & Company, December 10, 2014) was adopted by the City Council, Ordinance #2733, effective February 2, 2015. The study quantifies the direct impact of new development on the current system of bicycle and pedestrian facilities and the additional demands from future growth to maintain the adopted level of service. The report uses trip generation rates based on the different land use types to quantify the impacts of new development. It also identifies 16 specific bicycle and pedestrian projects that are needed to support the City's level of service standard. Payment of mitigation fees as determined in the study may satisfy a development's requirement to mitigate their project impacts on the level of service standard. If the developer doesn't voluntarily use the methodology and mitigation fees as determined in the report, the developer may choose other methods to quantify and mitigate their impact including conducting a study of its impacts and identifying alternate means of mitigating impacts to achieve the adopted standards. The regional shared-use trail that will be constructed by the applicant is not one of the 16 bicycle/pedestrian projects identified in the report and therefore the applicant does not receive credit for this mitigation fee. The mitigation fee is presently \$462.75/apartment unit. The mitigation fee will be assessed with issuance of building permits and the actual cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.
10. Public Services - The proposal would have a potential impact on public services, including police and general government buildings. IMC Chapter 3.74, 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. The current mitigation fee is \$78.56/multi-family unit for general government and \$154.35/multi-family unit for the police mitigation fee. The mitigation fee will be assessed with issuance of building permits and the actual

cost of the mitigation fee will be the adopted fee in effect at the time of permit issuance. 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 SEPA environmental checklist dated April 28, 2015 and revised July 9, 2015 and supplemental technical information and reports listed in the Notes. 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 Critical Area Regulations require the following measures:
  - 1) The outer extent of the critical area buffers shall be fenced in the field with installation of temporary erosion sedimentation control (TESC) measures, prior to beginning construction and maintained through the duration of construction activities.
  - 2) Permanent survey stakes using current survey standards shall be set to delineate the boundaries of the critical area buffers.
  - 3) Critical areas shall be fenced to limit encroachments from pedestrians and dogs, while also accommodating trail access. Fencing locations and details shall be shown on the final mitigation plans and subject to DSD approval. Critical area signs shall be installed along the fences to explain the type and value of the critical area.
  - 4) Critical areas and buffers shall be protected in perpetuity with a Native Growth Protection Easement (NGPE) recorded on the property title.
  - 5) A 5-year monitoring/maintenance period is required for the stream and wetland buffer enhancement. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to building permit issuance.
2. Final stream and wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a grading plan, planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet King County Critical Areas Mitigation Guidelines for monitoring performance standards.
3. The inner 35 feet of the wetland buffers shall be planted consistent with the planting densities specified in the King County Critical Areas Mitigation Guidelines. The outer 15-feet of the wetland buffer shall be planted at a minimum of 60% of the planting density standard, as a transition to the developed part of the site.
4. The inner 50 feet of the Schneider Creek stream buffer shall be planted consistent with the planting densities specified in the King County Critical Areas Mitigation Guidelines, to ensure the buffer is densely planted with native riparian species needed to support fish and wildlife habitat. The outer stream buffer shall be planted at a minimum of 60% of the planting density standard, to allow for visibility to the stream buffer trail and to transition to the developed part of the site.
5. The pedestrian/bicycle trail crossing Schneider Creek and connecting to the adjacent property to the west goes through the stream buffer and requires buffer averaging and buffer replacement area. This shall be shown on the final mitigation plans, to be approved prior to issuing construction permits. The bridge or stream crossing will be reviewed under a separate permit.

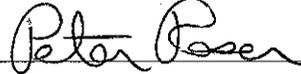
6. A final grading plan for the Schneider Creek buffer and the proposed berm shall also address grading back the streambank to allow natural stream processes to create meanders within the buffer area. The grading plan shall be approved with the final mitigation plans prior to issuance of construction permits.
7. The development could impact existing wetland hydrology by directing surface flows into the stormwater system. In order to maintain hydrology to the wetlands, the applicant shall prepare a wetland hydrology analysis to demonstrate pre-development hydrology to the wetlands would be maintained. Stormwater recharging the wetlands shall be treated for water quality or come from non-pollution generating surfaces. This shall be approved by the City prior to issuing construction permits.
8. The applicant shall provide an as-built plan of the stream and wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per plan prior to the final approval of building permits.
9. The Washington Department of Archaeology and Historic Preservation (DAHP) shall determine if an archaeological survey is needed prior to clearing/grading activity or if an Inadvertent Archaeological Discovery Plan, specifying required actions if cultural materials are found during ground disturbance activities, would be sufficient.
10. The site access and intersection improvements shall maintain the City's adopted level of service (LOS) standard "D." The City is further evaluating whether the intersection should be signalized, unsignalized, or improved with a roundabout based on traffic operations and safety as well as pedestrian access and safety.
11. The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. The current mitigation fee is \$78.56/multi-family unit for general government, \$154.35/multi-family unit for the police mitigation fee, and \$462.75/apartment unit for the bicycle/pedestrian mitigation fee. The mitigation fee will be assessed with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period.

**Responsible SEPA Official:** Peter Rosen

**Position/Title:** Senior Environmental Planner

**Address/Phone:** P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

**Date:** 7/30/2015

**Signature:**  \_\_\_\_\_

cc: Washington State Department of Ecology  
 Muckleshoot Indian Tribe  
 U.S. Army Corps of Engineers  
 Washington State Department of Fish and Wildlife  
 WSDOT, Ramin Pazooki  
 City of Bellevue, Michael Paine  
 Issaquah Development Services Department  
 Issaquah Parks and Public Works Engineering Departments