

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

In the Matter of the Application of	)	No. FP08-001IH
	)	
<b>Grand-Glacier, LLC</b>	)	Issaquah Highlands
	)	South (WSDOT) Expansion Area
	)	
	)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Final Plat.</u>	)	AND DECISION

*(Note: A 'RECEIVED DEC 01 2008' stamp is visible over the 'Grand-Glacier, LLC' text, and an 'MDRT' stamp is visible over the 'For Approval of a Final Plat.' text.)*

**SUMMARY OF DECISION**

The Hearing Examiner approves the final plat for the Issaquah Highlands South (WSDOT) Expansion Area, subject to conditions.

**SUMMARY OF PUBLIC MEETING**

Request:

Grand-Glacier, LLC requests approval of a final plat to subdivide 40.36-acres into four parcels for future development and five tracts for open space, trails, roads, utilities, stormwater, recreation, and critical areas. The property is located in the central portion of the Issaquah Highlands development in Issaquah, Washington.

Meeting Date:

The Hearing Examiner held a public meeting on the request on November 13, 2008.

Comment:

The following individuals provided comments at the public meeting:

Mike Martin, MDRT Assistant Planner  
Kathy Burnaman, Vice President – Development, Port Blakely Communities

Exhibits:

The following exhibits were submitted at the public meeting:

1. Memorandum from Mike Martin, City MDRT Assistant Planner, to Hearing Examiner, dated November 6, 2008
2. MDRT Staff Report, dated November 6, 2008, with the following attachments:
  1. Vicinity Map
  2. Final Plat Application, received July 25, 2008
  3. Final Plat drawings, received November 6, 2008
  4. List of property owners within 300 feet of the subject property
  5. Affidavit of Service for Notice of Application, dated July 30, 2008

*Findings, Conclusions, and Decision  
City of Issaquah Hearing Examiner  
South Expansion Area Final Plat, FP08-001IH*

6. Affidavit of Service Mailing for Notice of Public Meeting, dated October 27, 2008
7. Publication of Notice of Public Meeting, *Issaquah Press*, dated October 15, 2008, and Publication of Notice of Rescheduled Public Meeting, *Issaquah Press*, dated October 29, 2008
  - a. Findings, Conclusions, Recommendation, and Conditions of the City of Issaquah Urban Village Development Commission, Issaquah Highlands WSDOT, File No. PP-07-001IH, dated October 18, 2007
  - b. Notice of Action of the Issaquah City Council, PP07-001IH, dated November 19, 2007
8. Issaquah Municipal Code 18.13.170 - .270: Final Plat Requirements
9. Summary of Bonded Improvements, dated December 18, 2007
10. City of Issaquah Major Development Review Team (MDRT) Administrative Minor Modification Notice of Decision, AM08-004IH, dated November 5, 2008

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

### FINDINGS

1. Grand-Glacier, LLC (Applicant) requests approval of a final plat to subdivide 40.36-acres into four parcels for future development and five tracts for open space, trails, roads, utilities, stormwater, recreation, and critical areas. The property is located in the central portion of the Issaquah Highlands development in Issaquah, Washington.<sup>1</sup> *Exhibit 2, Attachment 2.*
2. The City of Issaquah (City) received the final plat application on July 25, 2008, and determined the application was complete on July 28, 2008. *Exhibit 2, Attachment 5.* On July 30, 2008, the City mailed notice of the final plat application to owners of property within 300-feet of the subject property. *Exhibit 2, Attachment 5.* On October 10, 2008, the City mailed notice of the public meeting associated with the application to owners of property within 300-feet of the subject property. *Exhibit 2, Attachment 6.* The City mailed notice of a rescheduled public meeting to owners of property within 300-feet of the subject property on October 27, 2008.<sup>2</sup> *Exhibit 2, Attachment 6.* The City published

---

<sup>1</sup> The subject property's legal description is found within the proposed final plat drawings submitted with the final plat application. *Exhibit 2, Attachment 3.*

<sup>2</sup> The Notice of Application, Notice of Public Meeting, and revised Notice of Public Meeting (Revised) sent to owners of property within 300-feet of the subject property contained clerical errors. The notices mistakenly identified the subject property as 31.37-acres in size, and mistakenly stated that the plat would be subdivided into seven (7) tracts and three (3) parcels. The notices should have identified the subject property as 40.36-acres in size, and stated the property would be subdivided into five (5) tracts and four (4) parcels. Notice of the public meeting published in the October 29, 2008 edition of the *Issaquah Press* included the correct information. At the public meeting, Mike Martin, MDRT Assistant Planner, commented the differences between the correct and incorrect notices are insignificant, because the primary purpose of giving notice is to alert the public of development plans, and the notices mailed and published fulfilled this purpose. *Exhibit 2, Attachment 5; Exhibit 2, Attachment 6; Exhibit 2, Staff Report, page 4; Comment of Mr. Martin.*

notice of the public meeting associated with the application in the October 15, 2008 and October 29, 2008 editions of the *Issaquah Press*. *Exhibit 2, Attachment 6*. The City did not receive any public comment on the application. The comment period ended on August 12, 2008. *Exhibit 2, Staff Report, page 4*.

3. The City acted as lead agency and reviewed the environmental impacts of the final plat proposal, as required by the State Environmental Policy Act (SEPA), through development and approval of the Grand Ridge Environmental Impact Statement (EIS). The City Major Development Review Team (MDRT) determined the proposed final plat falls within the scope of Alternative 1, the Planned Community Alternative, which was analyzed within the EIS. The City issued the EIS on September 12, 2005. *Exhibit 2, Staff Report, pages 3 and 5*.
4. The subject property is known as the South (WSDOT) expansion area, which is included within the area governed by the Issaquah Highlands Two-Party Agreement, approved by the City on June 19, 1996. Issaquah Highlands is an Urban Village designated by the City Comprehensive Plan. Upon entering into the Two-Party Agreement, the City rezoned the subject property as part of the Urban Village zoning district.<sup>3</sup> Among other elements, each development agreement adopted by the City Council shall include residential uses and densities, commercial uses and intensities, open space and recreation land and facilities, and infrastructure. *IMC 18.06.120.B; Exhibit 2, Staff Report, page 3; Exhibit 1, Staff Memorandum, page 1*.
5. The City Urban Village Development Commission (UVDC) made findings, conclusions, and a recommendation to the City Council to approve the preliminary plat, PP07-001IH. The City Council approved the preliminary plat for Issaquah Highlands WSDOT Expansion Area, PP07-001IH, with 36 conditions of approval on November 19, 2007 through Agenda Bill No. 5732. The preliminary plat application requested subdivision of approximately 40.36-acres, known as the WSDOT Expansion Parcel within Issaquah Highlands, into four (4) parcels for future development and eight (8) tracts for future roadways, open space, and critical areas. No block-specific land uses were identified in the application. The comments of City Departments were considered by the UVDC in making its recommendation. Conditions of approval were necessary to ensure compliance with Chapter 18.13, IMC (Subdivisions) and Chapter 58.17, RCW requirements that the public use and interest would be served by the subdivision and dedication; and that appropriate provisions have been made for the public health, safety,

---

<sup>3</sup> Issaquah Municipal Code (IMC) 18.06.120.A provides the City Council may adopt the UV zoning district outright (concurrent with approval of a Development Agreement meeting the requirements of subsection B of this section or designate potential UV areas where a Development Agreement is to be reviewed and adopted subsequently). The UV zoning district may be adopted as part of the City's Comprehensive Plan or as an amendment thereto, or as the zoning to be applied upon annexation of unincorporated land, or through individual reclassification. The Development Agreement for a particular UV parcel may be adopted concurrently with the UV district. *IMC 18.06.120.A*.

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, playgrounds, schools and schoolgrounds, and all other relevant facts. *IMC Chapter 18.13, IMC; Chapter 58.17, RCW; Exhibit 2, Staff Report, page 3; Exhibit 2, Attachment 7.a.*

6. The City of Issaquah Major Development Review Team (MDRT) reviewed the final plat application for consistency with the conditions of preliminary plat approval, as approved by the City Council. The following is the MDRT's analysis of how the proposed final plat complies with applicable preliminary plat conditions of approval (numbered below), with staff analysis in italics:

1. A condition shall be placed on the face of the final plat which requires the payment of mitigation fees per the School Mitigation Agreement (A.F.N. 9508160202). (Note: this only applies to residential development.)

*Complies. See note 3 under 'Restrictions from Title'.*

2. The City and the Master Developer (Port Blakely Communities) shall cooperate to achieve builder utilization of the Issaquah Highlands green building program. To the extent the future division of these parcels results in residential development, and should any of those units be comprised of the relocated 125 Block 9 residences, Port Blakely will strive to make those units Energy Star and 4 Star Built Green.

*The process for implementing techniques associated with the Issaquah Highlands green building program, as its compliance is voluntary, is collaborative. The City and Port Blakely will work with any builder to encourage their participation in this program.*

3. Site lighting shall reinforce Issaquah Highlands' urban design goals and provide for the needs of the public to have safe, attractive, and functional spaces. Through engineering plan review, a lighting plan shall be proposed for new streets, woonerfs, alleys, or on-site exterior lighting which maintains lighting at the minimum necessary for safety, and balances the goal of minimizing night glow and off-site lamp visibility with pedestrian scale lighting. The lighting plan shall comprehensively address building, street, alley, woonerf, plaza, parking lot, and landscape lighting so that lighting impacts are not compounded in portions of the site by overlapping illumination patterns.

*Compliance with this condition will be enforced through Engineering Permit review. Street lighting will be designed per the City standard.*

4. At the time of Final Plat, an east/west multi-use trail shall be established through the WSDOT Expansion Area. This trail shall be a continuous route intending to link Central Park, through the plat area, and connecting to commercial/retail uses in the East 42.

*Complies. The intent of this condition is to ensure that both pedestrians and bicyclists have predictable, safe access between Central Park and the East 42 Platted Area. This pedestrian/bicycle access is being satisfied by way of sidewalks and bike lanes which could be located within Tract QGA and the relocatable/resizable public pedestrian access easement within Parcel C (see 'Easement Provisions No. 's 2 and 4).*

*Per AM08-004IH (Attachment 10) the Neighborhood Collector 1 (Option 1) roadway standard provides for a right-of-way that is 50 feet in width, and contains both sidewalks and bike lanes as necessary to ensure safe travel across the plat area for pedestrians and bicyclists.*

5. Future land use permits and utility permits shall include a proposed roadway circulation network which ensures a functional, interconnected street system that encourages, walking, bicycling, and transit use.

*Compliance with this condition will be enforced through future Land Use and Utility Permit review.*

6. Where opportunities exist, incorporate viewpoints and vistas into the design of future trails. This will be reviewed at the time of utility permits.

*Compliance with this condition will be enforced through future Utility Permit review.*

7. Future active and passive recreational facilities within Tract QJ and QK shall be designed to be compatible with the neighborhood character of future development in Parcels A and C and consistent with the Urban Design Guidelines. Careful attention to the design and landscaping of these facilities shall ensure that these recreational/trail tracts do not serve to visually and physically separate the two parcel areas.

*As land uses are unknown, compliance with this condition will be enforced through future Land Use and/or Utility Permit review. The tracts have been dedicated to the City for the purposes of open space, trails, roads and utilities (see 'Notes and Restrictions' no. 4 on Sheet 3).*

8. The stormwater detention pond must be functional prior to construction of any impervious surfaces in the plat or another method of treating and detaining the stormwater prior to infiltration must be approved by the Responsible Official. This condition will be enforced during Utility Permit review.

*Complies. The stormwater pond is currently functional.*

9. Buildings adjacent to Tract QO (and its associated wetland) are not required to discharge clean roof water to this wetland. This condition will be enforced during Utility Permit review.

*Compliance with this condition will be enforced through future Utility Permit review.*

10. Buildings adjacent to Tract QL (wetland NF 34) must discharge clean stormwater from the roofs to the wetland via level spreader as detailed in Appendix D. This condition will be enforced during Utility Permit review.

*This condition will be enforced through future Utility Permit review. The volume and placement of any stormwater that is diverted to Tract QL (wetland NF-34) shall be verified by hydrologic evaluation in conjunction with the Utility Permit review.*

11. At the time of Final Plat, the building setback line (BSBL) for all critical areas shall be shown for all lots on which it is located.

*The Critical Areas Tracts QO, QP and QN as provided with PP07-001IH are not being dedicated with this final plat and will be identified and protected with future Land Use Permits in accordance with Appendix E (Critical Areas Development Standards) of the Two-Party Development Agreement (see 'Notes and Restrictions' no. 9, Sheet 3).*

*By identifying and protecting the critical areas tracts with future Land Use Permits, developers will have a range of options available in terms of buffer mitigation or other potential alterations to the critical areas as allowed by Appendix E of the Development Agreement.*

*Tract QL and its resulting BSDL affecting Parcel B have been included with this plat and are shown on 'Notes and Restrictions No. 6', Sheet 3.*

12. The elimination, reduction and/or modification of steep slopes in this plat are subject to an approved grading permit and the conditions associated with the critical area study (SEP07-002IH).

*Complies. Alterations to steep slopes within the Urban Growth Area have been performed in accordance with the approved grading plan PUB07-020IH.*

13. Structural fills that have a resultant slope of greater than 40% do not need setbacks or buffers 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. Otherwise, these areas will be treated as steep slopes under Appendix E. At the time of review and approval of these constructed steep slopes, special planting techniques on slopes 3.1:1 or steeper may be required to assure the establishment and viability of plant and tree materials.

*This condition will be enforced through future Utility Permit and Building Permit review.*

14. A temporary grading easement is required prior to grading activities within Blocks 20, 23, and 24.

*Complies. The temporary grading easement was recorded on 5/27/2008, Recording No. 2008527000896.*

15. Per SEP07-002IH, a landscape enhancement plan for the critical area tracts and disturbed open space shall be prepared consistent with Appendix E, Section 24E of the Issaquah Highlands Development Agreement and submitted to the Responsible Official for review and approval prior to issuance of Building Permits for any adjacent lots. The replanting shall include conifer trees and shall be monitored and maintained for a 2-year establishment period following planting.

*Compliance with this condition will be enforced through future Utility Permit and/or Building Permit review. Surety for the landscape improvements associated with SEP07-002IH has been provided with the Performance Bond associated with this final plat application (see Attachment 9).*

16. Prior to issuance of Utility Permits for areas including or adjacent to critical areas, permanent survey stakes shall be installed in the field that delineate the boundaries of all critical areas.

*Compliance with this condition will be enforced through future Utility Permit review.*

17. The use of hazardous or toxic substances and pesticides or certain fertilizers is prohibited in the 15' BSBL from stream and wetland buffers; organic, slow-release fertilizers are permitted.

*Complies, see 'Notes and Restrictions' no. 1. This condition will also be enforced with future Land Use Permits in accordance with Appendix E; and, 'Notes and Restrictions' no. 9 on Sheet 3.*

18. Permanent signs identifying the type and value of the critical area shall be installed prior to occupancy of any adjacent blocks or lots. Signs shall be placed one per 50 feet or as directed by the Responsible Official.

*Complies. See "Notes and Restrictions No's 2 and 3. This condition will also be enforced with future Building Permit review.*

19. During any activities allowed by Utility Permits within 100 feet of the steep slope, the applicant shall hire an independent qualified professional acceptable to the Responsible Official, to be on-site to ensure permitted activities do not exceed the limits indicated on these approved plans. Following completion of the approved activities in these areas, a licensed surveyor shall submit an affidavit to the Responsible Official attesting that the activity was maintained within approved limits. This affidavit shall be submitted to the MDRT prior to the approval of any Building Permits for the area in question.

*Compliance with this condition will be enforced through future Utility and Building Permit review.*

20. Prior to the approval of any design plans that enable the construction of water mains across the Williams gas pipeline easement, the applicant shall either complete and submit a study that verifies that there is no hazard associated with the gas-main cathodic protection system or the new water mains shall be designed and installed using non-ferrous materials. This condition will be enforced during Utility Permit review.

*Compliance with this condition will be enforced through future Utility Permit review.*

21. Prior to the approval of any design plans that enable the construction of water mains across the PSE Easement, the applicant shall either complete and submit a study that verifies that there is no hazard associated with the electrical system or the mains shall be designed and installed using non-ferrous materials. This condition will be enforced during Utility Permit review.

*Compliance with this condition will be enforced through future Utility Permit review.*

22. Any connection to the sanitary sewer collection pipes that flow through the High Streets neighborhood (the connection in Tract QGA) must be limited to 284 maximum flow. This condition will be enforced during Utility Permit review.

*Compliance with this condition will be enforced through future Utility Permit review.*

23. When the ROW is located at the back of a sidewalk, and it is determined to be necessary by the Responsible Official, a two-foot maintenance and repair easement shall be granted to the City. For instance if a building or wall is located at the back of sidewalk, the easement is not necessary. This condition will be enforced during Utility Permit review.

*Complies. See 'Easement Provisions' no. 3. This condition will also be enforced through future Utility Permit review.*

24. Prior to further subdivision or land use approval on Parcel C or D, the roadway in Tract QGA must be extended to, and connect with, Park Drive at 15th Avenue.

*A 50 foot wide ingress, egress, and utility easement that connects Tract QGA with Parcel D (thru Parcel C) is provided with this plat (see 'Easement Provisions' No. 5, Sheets 3 and 4). Compliance with this condition will also be enforced through future Land Use and Utility Permit review.*

25. Deleted.

26. A signal warrant analysis for the intersection of Park Drive and 15th Avenue shall be required with each plat or site development permit application for properties in this Pre Plat.

*Compliance with this condition will be enforced through future Land Use Permit review.*

27. Prior to approval of utility plans for any new roadway intersections to serve Parcel B from Park Drive a plan must be approved by the Responsible Official that minimizes the impact of the loss of any median and consolidates turning movements on Park Drive. This condition will be enforced during Utility Permit review.

*This condition will be enforced through future Utility Permit review.*

28. The applicant shall submit a comprehensive bike route plan for this plat area. The purpose of the plan shall be to ensure a safe and functional transition between the bike lanes as proposed in Tract QX, the bicycle facilities associated with the multi-use trail around the WSDOT stormwater pond (Tract QM), the proposed bike facilities in the High Streets neighborhood, and the existing bike facilities on Park Drive and within Central Park. The bike route plan must be approved prior to approval of any Utility Permits that allow construction of roadways in this plat.

*The applicant has not submitted a comprehensive bike route plan to the City as of the date of this Staff Report. This condition will be enforced through future Utility Permit review.*

29. The applicant shall identify the proposed neighborhood type with subsequent land use permits within this area.

*This condition will be enforced through future Land Use Permit review.*

30. It is the applicant's responsibility to verify that all easements located within the plat have been documented and addressed for all future land use applications.

*This condition will be enforced through future Land Use Permit review.*

31. At the time of Final Plat, Tracts QJ, QK, and QM, as well as any other tracts that have trails that connect between streets (access tracts, woonerfs, or other circulation elements) shall allow public access on the trails in perpetuity if the tracts containing the trails are privately owned.



*Complies. Tracts QJ and QK will be dedicated to the City with this final plat for the purpose of open space, trails, roads, and utilities. Tract QM contains multi-use trails which have been constructed per the approved Utility Permit, PUB05-030IH. Tract QM will be conveyed to City upon its acceptance of the stormwater pond facilities.*

32. The trail improvements within Tracts QJ and QK and any future tracts that have trails shall be phased to coincide with the timing of completion for adjacent development parcels. Trails within these tracts shall be:
- Signed immediately upon Final Plat of any parcel or tract containing a trail. Signs shall identify that trails will be placed in these locations. Signs shall remain in place until construction of the trail is complete.

*Complies, see Condition no. 4 of Section VII below.*

- Completed prior to Certificate of Occupancy or final inspection of adjacent residences, unless the Responsible Official approves otherwise.

*This condition will be enforced through future Land Use and/or Utility Permit review.*

33. Any tract in this plat whose primary purpose is open space and which has been cleared, shall be landscaped to prevent erosion and to enhance the overall appearance of the community. Landscaping shall include groundcovers, shrubs, and possibly trees. Trees selected shall either not be tall at maturity or shall be located to frame rather than block views.

*Compliance with this condition will be enforced through future Utility Permit review. Surety for the landscape improvements associated with SEP07-002IH has been provided with the Performance Bond associated with this final plat application (see Attachment 9).*

34. Prior to any implementing of utility permits or further Land Use action for this parcel, the property must either be in ownership of Port Blakely Communities or further granting of permit authority must be obtained by the current property owner, WSDOT.

*Complies. Port Blakely Communities obtained ownership of the parcel on March 7, 2008 (Quit Claim Deed, Recording No. 20080307000123). In addition, WSDOT is listed as a property owner and must sign the Final Plat before it can be recorded.*

35. Prior to Utility Permits authorizing construction of permanent improvements across the PSE/Williams Utility Easements, provide evidence, acceptable to the Responsible Official, that these Utilities have been made aware of the proposed improvements and do not oppose them.

*This condition will be enforced with during future Utility Permit review.*

36. Appropriate signage and way finding will be included with all trails provided through this property.

*This condition will be enforced through future Utility Permit review.*

7. Mike Martin, City MDRT Assistant Planner, commented that the development proposal has changed between preliminary plat approval and final plat application. Tracts QN, QO, and QP included in the preliminary plat proposal are not included in the final plat proposal, as potential mitigation in regard to steep slopes would be reviewed if or when there are future land use applications for the subject property. The City gracted a modification of road standards to remove some parking spaces and incorporate some bike lanes. Administrative Minor Modification AM08-004IH, approved by City on November 5, 2008, modified the proposed final plat to reduce travel lanes from 14-feet wide to nine-feet wide; provide six-foot wide bike lanes on both sides of the road; and increase sidewalks one-foot in width. *Exhibit 2, Attachment 10; Comment of Mr. Martin.*
8. A July 25, 2008 letter from Bob Brock, City Public Works Engineering Director, to Keith Niven, MDRT Program Manager, certifying the following planned improvements were not yet completed and completion would be deferred: trails; Tract QGA road construction; asphalt; curbs; sidewalk; joint dry utility trench with crossings; street lights; traffic signal at the 15<sup>th</sup> and Park intersection; demolition and restoration at Avalon; property staking; road storm sewer with catch basins and laterals; 12-inch water main with stubs; 8-inch sewer main with manholes and stubs; critical area landscaping per SEP07-002IH; and planting strips with irrigation. A July 21, 2008 letter from the Applicant stated the deferred improvements would likely be completed by December 31, 2010, and placed bond amounts for 150-percent of the estimated cost of deferred improvement completion. The July 25, 2008 letter from Bob Brock, City Public Works Engineering Director, certified the Applicant placed bonds with the City in the amount of the estimated cost. *Exhibit 2, Attachment 9.*
9. According to the City MDRT Staff Report, MDRT staff have reviewed the final plat application against IMC 18.13.170 - .200 technical requirements for plat applications, and determined that the application complies with these requirements. Mr. Martin commented that the Applicant would take the following steps as part of the final plat application process: make minor, non-substantive adjustments to the final plat at the discretion of the City MDRT Program Manager; record the approved final plat with the King County Department of Records and Elections; provide a copy of the recorded final plat to the MDRT within ten days of recording with the King County Department of Records and Elections, and submit an electronic copy of the plat in a format acceptable to the MDRT; and secure a bond for any required improvement (public or private water, sewer, stormwater, landscape, streets including sidewalks and roads) with each future utility permit associated with or serving this final plat area. Mr. Martin commented to recommend approval of the proposed final plat with a condition of approval that prior to release of the final plat mylars, the Applicant shall place signs within Tracts QJ and OK to identify that trails will be located within these tracts. Kathy Burnaman, VP -

Development, Port Blakely Communities, testified that the Applicant would take these steps, and agrees with the City's recommended condition of approval. *Exhibit 2, Staff Report, pages 5 – 6 and 13; Comment of Mr. Martin; Comment of Ms. Burnaman.*

## **CONCLUSIONS**

### Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide final plat applications pursuant to Issaquah Municipal Code (IMC) 18.13.040.D. According to IMC 18.04.470.B, a final plat is reviewed at a public meeting and does not require review at an open record hearing. *IMC 18.13.040.D; IMC 18.04.470.B.*

On August 19, 2002, an Administrative Minor Modification was processed at the request of the Grand Ridge Partnership. The modification adopted the Cougar Mountain East Village (TALUS) standard for Final Plat decisions. A Hearing Examiner Process is used for final plat decisions. After review, staff will present a recommendation to the Hearing Examiner during a public meeting. A public hearing is not required for final plat review. The final plat is the final drawing and review of the subdivision and, upon approval, will be recorded with the King County Auditor. *Exhibit 2, Staff Report, page 5.*

### Criteria for Review

The criteria for final plat review are found in IMC 18.13.310, which states:

If the Hearing Examiner finds that the proposed plat makes appropriate provisions for the public health, safety, general welfare, and for such open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary sewers, parks, playgrounds, sites for schools and school grounds, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not make such appropriate provisions or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed subdivision.

These criteria are nearly identical to the criteria for review of plats set forth in RCW 58.17.110, the state subdivision statute. The City Council addressed consistency of the application with RCW 58.17.110 criteria during preliminary plat review. *See Decision of the City Council, Preliminary Plat PP07-001IH, Exhibit 2, Attachments 7A and 7B.* As a result of preliminary plat review, the City Council approved the preliminary plat but imposed 36 conditions of approval. Because the application has already undergone review for consistency with the applicable subdivision criteria and conditions of approval were applied to ensure consistency, final plat review is limited to determining whether conditions of preliminary plat approval and IMC Chapter 18.13 technical requirements have been satisfied.

### Conclusions Based on Findings

- 1. With conditions, the proposed final plat will comply with IMC Chapter 18.13 technical requirements.** The City provided adequate notice of the final plat application and opportunity to comment at the associated public meeting. The City reviewed the

*Findings, Conclusions, and Decision  
City of Issaquah Hearing Examiner  
South Expansion Area Final Plat, FP08-001IH*

environmental impacts of the final plat through development and approval of the Grand Ridge Environmental Impact Statement (EIS). The Applicant has generally complied with Chapter 18.13, IMC technical requirements, including improvements, financial guarantees on deferred improvements, and any required dedications and certifications. A condition of approval is necessary to ensure that the Applicant posts signs prior to the release of the mylars for this final plat. *Findings 1-3, 9.*

2. **The final plat will comply with the applicable conditions of preliminary plat approval.** The Hearing Examiner is satisfied that this proposal has been adequately reviewed for compliance with the conditions of the preliminary plat approval and accepts City staff comments in that regard, which were uncontroverted at the public meeting. Completion of required improvements has been guaranteed through posting of a performance bond by the Applicant. Appropriate provision has been made for the public health, safety, general welfare, and all other items specified in IMC 18.13.310. *Findings 6, 8.*
3. **Discrepancies between Public Notices of the development and the actual development were insignificant, and resulted in harmless error.** The purpose of the public notice process is to alert the public of impending construction, and the notices in this instance served that purpose. The City gave notice in a timely fashion, properly delivered via United States mail to all persons living within 300 feet of the subject property. A notice of public meeting published in the *Issaquah Press* noted the correct information. Though there were clerical errors in some of the City's notices, the Hearing Examiner is satisfied that the public notice process for this application properly served its function, and any clerical errors were harmless. *Findings 1, 2.*

#### DECISION

Based on the preceding Findings and Conclusions, the final plat for the Issaquah Highlands South (WSDOT) Expansion Area is **APPROVED**, subject to the following condition:

1. Prior to release of the mylars for this final plat, signs shall be posted within Tracts QJ and QK to identify that trails will be located within these tracts.

Decided this 26<sup>th</sup> day of November 2008.

  
THEODORE PAUL HUNTER  
Hearing Examiner