

**CITY OF ISSAQUAH  
Development Commission**

7:00 PM  
August 21, 2019

**MINUTES**

Council Chambers  
135 E. Sunset Way

**COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT**

*Commissioners Present:*

Richard Sowa, Chair  
Mel Morgan, Vice Chair  
Michael Brennan  
Kevin Price  
Richard Sanford  
Brooke Shore  
Arthur Schulte, Alternate

*Commissioners Not Present (Excused):*

Ben Rush

*Commissioners Not Present (Unexcused):*

Mark Rigos, Alternate  
Nischitha Venkatesh, Alternate

*Administration/Staff:*

Lucy Sloman, Land Development Mgr.  
Katie Cote, Planning Consultant  
Doug Schlepp, Engineering Consultant  
Stacey Rush, DSD Engineer

*Others Present:*

David Estes, Strotkamp Architects  
Mark Graff, SCJ Alliance  
Tyrell Bradley, SCJ Alliance  
Nell Lund, The Watershed Company  
Mike Foster, O'Neill Service Group

**CALL TO ORDER**

SOWA, Chair, called the meeting to order at 7:00 PM.

**PUBLIC HEARING(S)**

- a) **Site Development Permit for Evergreen Ford Lincoln Dealership - Quasi-judicial , (D); SDP19-00001; AAS19-00005; LLA19-00003**

*Presented by:*

*Katie Cote, Planning Consultant*

**Staff Presentation**

Sloman began with an explanation of the process used to determine whether or not Commissioners can be both fair and appear fair in making a quasi-judicial decision on the Site Development Permit (SDP) under consideration tonight. She explained both procedural due process and substantive due process. She presented a series of questions intended to determine fairness and asked whether anyone can answer "yes"; there were no "yes" responses. She also asked whether any ex parte communications on this issue have taken place. SHORE disclosed that today she had a brief exchange at her workplace about her co-workers' experience with other projects in which a stream had been reclassified. She said she did not think the exchange rose to the level of needing to reclude herself, but wanted to disclose it. All other Commissioners answered "no." Sloman asked whether there were any challenges or objections by the applicant or audience members to any of the Commissioners' participation in the review process, and there were none.

Cote introduced herself and presented information intended to answer questions and provide clarification to issues that arose at the May 1, 2019 public hearing on this application. She gave information about the proposed project vicinity; zoning and adjacent land uses; where streams have been relocated on the site; the site plan for the proposal; changes in the site plan since it was presented to the Commission at the May 1 meeting; aerial perspectives of the project for both Phase 1 and Phase 2; and how the building design has been modified to more closely adhere to the Northwest Revival style.

Cote and David Estes, project architect, jointly presented more details about how the building design has been modified, including a stronger vertical emphasis; how the design meets the tripartite construction requirement; changes in wall materials to stone and masonry-type materials; changes to the window design to add more depth and shadow; greater harmony with the natural context; screening for parking and the service structure; use and design of the display pavilion; lighting and view impacts; tree density and tree replacement calculations; the water feature along the southern portion of the site (the “ditch”); buffer impacts along the frontages; mitigation impacts to critical areas and what mitigation is being required of the applicant; the status of the floodplain on the site; and how the project meets the City’s sustainability goals, specifically the requirements to be certified as a LEED Gold Equivalency project.

### **Applicant Presentation**

Estes said the applicant team participated in preparing the presentation made to the Commission tonight, and Cote has done a good job of capturing the important concerns and responses. The team is available to answer any questions, he added.

### **Public Hearing (Continued from May 1, 2019)**

SOWA reopened the public hearing for public comment at 7:30 PM.

Joanna Buhler, 4129 185th SE, Issaquah, representing Save Lake Sammamish, spoke about the investments made to protect the Lake and salmonids over the years. She spoke of her concern that the City has designated a tributary on this property as a ditch, which doesn’t reflect the fact that juvenile salmonids are using it. She also expressed concern about the number of trees being removed from the site. She urged the Commission to keep this public hearing open while additional study and review is performed, particularly the classification of the fish-bearing stream. She distributed her written comments to Commissioners.

Connie Marsh, Squak Mountain resident, referred to written comments she sent earlier today. She spoke about her concerns with the insufficiency of a 25-foot buffer for a salmonid-bearing stream; the need for an EIS to ensure there are no unmitigated impacts; and why the City continues to classify this stream as a ditch. She continued it is a community value to protect the environment, and the public is confused as to why this project seems more important than protecting the environment. She said she disagrees with some of staff’s code interpretations, and asks that this public hearing be continued until the Commission can read through all the public comments received and hear from the Rivers and Stream Board as well as peer review. She gave more details about her interpretation of the City’s code on the amount of buffer reduction being proposed for this project, including the need for a variance.

Susan Neville, 2825 NW Pine Cone Drive, Issaquah, submitted written comments. She spoke about the mitigation being insufficient. She urged the Commission to make sure they are comfortable with the information that has been presented, and to take more time to do so.

Mary Lynch, 2690 Oakcrest Drive, Issaquah, said this needs to go back to the Rivers and Streams Board for a full review; nothing in this project really addresses the high value that residents put on the environment; LEED standards should apply to the whole site, not just the building; the impact of 6,000-plus cubic yards of fill that will be removed and replaced on this site; what is the impact of pile driving and compressing dirt on a floodplain and the surrounding streams; the impact of removing so many significant trees, including on salmon; whether some of the work that WSDOT did will be annihilated, which would be a waste of tax dollars; accountability for how the tree fund is administered; and the lack of a clear picture of the City’s tree canopy. She followed up her comments with an email to Commissioners summarizing her concerns.

John Gardiner, 5349 228th Ave., Issaquah, said he understands business concerns such as creating jobs and partnering with the City, but we are at a critical point in protecting our planet. It is time for us to take action and take environmental protection seriously. He continued the watershed starts here, and it is important that we take care of our water quality as well as salmon. He spoke about the deterioration of habitat for Chinook salmon and the southern resident orcas. We need to protect the watershed that creates the salmon that sustains our environment and economy. He spoke of the importance of Salmon Days to the City and what it means to residents and visitors. He said the proposed building is beautiful but the developer does have alternatives that would have less detrimental environmental impacts. He said we need to do what may not be easy, or fits within our code or regulations, but what is right.

John MacDuff, 620 SE Bush Street, Issaquah resident and President of the Issaquah Environmental Council, referred to his comments in a letter he previous submitted to the Commission. He said it is unbelievable that the stream in question is being called a ditch, given the amount of water that is flowing. It is a real stream and tributary, he stated.

Amanda Gardiner, 5349 228th Ave., Issaquah, said the applicant appears to be trying to comply with the code, but more needs to be done. She spoke about the way all water eventually ends up in Puget Sound, and the impact of pollutants and toxins on salmon and whales. She said bioaccumulation is the problem, which creates reproductive problems in fish and marine life, and we need to protect against that. She said she favors a larger buffer zone so less contaminants enter the environment, and that Issaquah needs to show that it a steward of the environment.

Tyrell Bradley, Project Engineer, explained the classification of a tributary as it is being used here, and said the documents to back up that usage can be made available.

William Elliott, 4351 186th SE, Issaquah, said many of his thoughts have already been stated by others tonight. He urged the Commission to continue this public hearing so that concerns that have been raised tonight can be answered.

Hearing no additional requests to speak, SOWA closed tonight's meeting for additional public comment at 7:56 PM and continued the public hearing to a date to be determined.

### **Commission Deliberation**

The Commissioners decided to address the design elements of the project first, then the environmental issues. SANFORD said he thought the revised design is much closer to Northwest Revival style than the previous design, and expressed appreciation for the applicant's responsiveness. He asked whether the cornice and upper level architectural elements will be part of Phase 1 work. Estes replied yes; the top floor will be built in Phase 2, but Phase 1 will include the cornice and architectural features. All the elements will be moved up when that top tier is built, he noted. SANFORD asked how much time does the applicant expect will elapse between Phase 1 and Phase 2. Estes replied that will be largely a market-driven decision.

MORGAN noted that page 17 of 122 states that "the minimum ground floor height is 20 feet, but portions of the ground floor are only 18 feet in height." He questioned whether not meeting the stated 20-foot minimum is problematic and/or possibly precedent setting, and whether an Administrative Adjustment of Standards (AAS) is required. Sloman replied the use of an AAS is not available for the Architectural and Urban Design Manual. She continued staff's thinking was that 18-plus feet may not meet the 20-foot minimum, but it is close enough because the majority of the building does, although that is also why staff is having this conversation with the Development Commission.

BRENNAN asked what are the design challenges in meeting the 20-foot minimum. Estes replied Ford/Lincoln has indicated they will not move on this point; they have agreed to change the vast majority of requests to modify the building, but not for this small area of the “jewel box.” SCHULTE asked whether Ford/Lincoln has made height exceptions for franchises located elsewhere. Estes replied no, that kind of request has been rare. Ford/Lincoln has basically met all other requests for modifications we have submitted to them, he added.

The Commissioners discussed whether not achieving the 20-foot minimum by less than two feet in this particular area of the building represents a significant architectural difference. They discussed what the guidelines are intended to achieve and whether the design meets the spirit of the guidelines, particularly considering the taller structure at the back of the area in question. It was the consensus of the Commissioners that the small area that does not meet the 20-foot minimum is acceptable and that the design substantially complies with the ground floor height requirement.

SCHULTE asked whether someone walking on the trail can look into the pavilion and see what is on display. Estes replied yes; the building will be about 80 percent glass, and will be open to view. SCHULTE asked will vehicles on display be on elevated platforms. Estes replied yes.

BRENNAN asked Estes to describe the rooftop from a visual perspective. Estes replied the rooftop plantings will be fairly low, and the screening will be about four-feet high. Nothing will be visible from the street level except possibly an elevated pickup truck. He showed how the actual screening will work, including low-level plantings on the rooftop.

MORGAN asked about lighting on the rooftop. Estes replied we are meeting about that next week. We do know that lighting is limited to 12-foot-high poles, will all be down lit with no bleed off, and will primarily be for employee parking with limited or no public access. MORGAN asked will staff be reviewing the lighting plans. Sloman replied yes; the City has lighting regulations in its code, and we are working with a lighting consultant on the plan. She gave more details about how lights are evaluated (“BUG— Backlight, Uplight, and Glare”). Each fixture in a given location is evaluated for a variety of factors as part of the construction-level review, she stated.

SCHULTE asked whether the applicant is required to do a nighttime rendering of the project. Sloman replied no; the lighting review is a very specific engineering evaluation based on the lighting pattern level and throw of light from a specific fixture.

The Commissioners began a discussion of their environmental concerns and questions. SCHULTE asked where the pervious surfaces are located on this property. Estes replied the display and parking areas are all impervious surfaces. This site is a CARA Level 1 recharge area, he continued. We are not able to infiltrate stormwater because of water table problems, so the design will utilize advanced treatment before discharge. SCHULTE asked will all drainage be internal to the site. Estes replied yes; drainage from the parking area, roof, and so on all ties into the same internal drainage and treatment system.

MORGAN asked about mitigation plantings (page 2 of 13 in the SDP Application), specifically why only evergreen trees are shown along the north buffer and deciduous trees are shown elsewhere. Graff, project landscape architect, replied that configuration allows the most light into the building, and gave additional details about how the tree plantings will work.

SHORE asked are these plans reviewed and approved by staff, or by consultants. Sloman explained that where staff has sufficient knowledge and expertise, they perform the review; otherwise, the City uses consultants. So the review process tends to be a joint effort, she explained.

PRICE asked is the water in question fully contained in the WSDOT right of way. Cote replied yes. PRICE asked what feeds into it, and is it indeed a tributary to the Creek. Sloman replied the source is at the top of the hill, in the Highlands. The water come down and feeds into this ditch, although there may be other sources as well. Mike Foster, applicant team, said that was not part of our study of the critical areas. He and Doug Schlepp used the display diagrams to show where stormwater ponds exist in multiple places on the property. MORGAN said the links provided by Connie Marsh indicate that the ditch along Frontage Road is a tributary with significant flow. Is that the one on NE Locust, he asked. Schlepp replied yes.

The Commissioners noted that the documents from WSDOT, WDFW, the City, and King County are not consistent in referring to this water as a ditch, a stream, a tributary, a Level 4 stream, and so on. Nell Lund, ecologist with The Watershed Company and the City's stream consultant, gave some background on the basin plan approved in 1996, which is still in the City's code, that refers to this water as a "ditch," and made additional comments about the differences in regulatory language. BRENNAN noted there are significant differences between the previous condition of this ditch prior to WSDOT's improvements and now. Lund agreed, and said it looks from the photos like some manmade barriers were there before, whereas in its current state there are no barriers.

Bradley, civil engineer for the project, described the chronology of available documents the applicant team used in developing the SDP and when the term "tributary" was introduced. He also noted that the requirements for flow management are very minimal, about 10 gallons per minute. SANFORD asked why the dispersion trench is located 25 feet from the centerline of the ditch (page 36 of 122). Bradley explained how a flow spreader functions, and how the intent is to release the water into the vegetation as opposed to allowing it to go back into the flow. Rush referred to the requirements in the City's and King County's guidelines.

SANFORD asked whether any treatment is included in this detention system. Bradley replied yes; the design will treat stormwater as well as phosphorus. SANFORD asked whether a maintenance plan has yet been developed. Bradley replied it has not been designed at this time. Rush added every drainage report has to have a maintenance and operations section, which is reviewed during the construction permit phase. SHORE asked does the City perform monitoring and inspection. Rush replied yes, the detention and treatment process is inspected to make sure it is working correctly. SHORE asked would the discharge method be different if this was classified as a stream. Bradley replied no.

BRENNAN said revised SEPA condition 1 states that plantings will apply in the WSDOT right-of-way as a condition of approval, but that a right-of-way permit from WSDOT will be required. Has that permit been obtained, and if not, what happens. Sloman replied the City does not normally condition others' property, but it is our understanding that the agreement is part of the culvert project to maintain and enhance that area. Estes added the owner has a right-of-way landscape maintenance agreement in place that may need to be modified. BRENNAN asked is it for enhancement as well as maintenance. Estes said he isn't sure, but there is an agreement in place. BRENNAN asked so you have a high level of confidence that you can comply with that condition. Estes replied yes.

The Commission discussed New Condition #32, "wheel stops shall be installed... to ensure that display vehicles do not extend into the buffer area." Cote confirmed that a split-rail fence is also part of the condition in addition to the wheel stops.

SHORE asked whether oil treatment is also included. Bradley replied yes. SHORE noted that the letter from the Muckleshoot representative indicated that trees would help slow down flow. Bradley said the standard is to return the area to its predeveloped condition, e.g., forested in its natural state, the same as if it had never been developed.

MORGAN asked about the use of deciduous versus evergreen trees. Sloman noted the use of red cedars was discussed by the Rivers and Stream Board, and they were comfortable with that. When the construction mitigation plan is submitted, City staff will review it against King County's regulations. Lund added from an ecological standpoint, it is not an issue. BRENNAN asked what is the mitigation intended to accomplish. Lund replied we rely on mitigation guidelines from King County, and send our findings to City planning staff with a recommendation. She described her review process. SANFORD asked how are the guidelines applied beyond the initial planning. Sloman replied there is a five-year maintenance reporting period required. Cote added we would rely on the City's maintenance rules. SANFORD asked so the maintenance is accounted for. Lund replied yes; the plan generally reflects King County's guidance as well as the City's regulations.

SOWA said the vast majority of public comments we have received and heard tonight are about classification of this water as a "ditch." He asked for comments about how to reconcile that issue. SANFORD said he shares that concern, particularly given the age of the source document. PRICE agreed, and noted that minutes from the Rivers and Streams Board meeting on June 4, 2019 indicate that the Board "*did not make a final determination whether or not the buffer reduction should be approved.*" He said one option is to return this to the Rivers and Stream Board and ask them to make that determination. It would also be prudent to get all available information, some of which has been introduced just recently, into the record, he said. Others agreed that substantial changes have taken place since the classification was made in 1996. The Commission continued to discuss the various classifications that have taken place of the water in question as well as the definitions of tributary, stream, and so on.

MOVED BY PRICE, SECONDED BY MORGAN that the Development Commission remand SDP19-00001 to City staff for further study, including consideration of all additional information provided by the consultant and studies prepared by WSDOT and Washington State Fish and Wildlife, and return to the Development Commission upon completion of this additional work and a review by the Rivers and Streams Board. MOTION CARRIED UNANIMOUSLY.

SOWA said the public hearing will be continued to a future date to be determined when the work specified in the motion is complete. He expressed appreciation on behalf of the Commission for those who came to tonight's meeting and spoke, as well as those who submitted written comments. Sloman noted she will provide a complete set of all letters and emails received to date to the Commission.

#### **OTHER BUSINESS / ANNOUNCEMENTS**

- a) The next meeting is currently scheduled for Sept. 4, 2019 at 7:00 PM in the Council Chambers.

#### **ADJOURNMENT**

With no additional business to conduct, SOWA adjourned the meeting at 9:35 PM.

Respectfully submitted,

Susan Lowe  
Recording Secretary