



## MINUTES

### DEVELOPMENT COMMISSION 7:00 p.m. Wednesday, March 16, 2022

*Alternate Meeting Format: On March 6, 2020 the Mayor declared a civil emergency due to the outbreak of novel coronavirus (COVID-19). On March 24, 2020 the Governor issued Proclamation 20-28 relating to the COVID-19 emergency and open public meetings. The proclamation has been extended. Due to these factors, the meeting was held using a remote meeting platform.*

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Chair Brennan stated that the Public Hearing was quasi-judicial.

#### 1. Call to Order

The meeting was called to order at 7:02 p.m. by Chair Brennan.

Development Commissioners Present:

Chair Brennan, Commissioners Dillon, Ikeda (Alternate), Morgan (Alternate), Sanford, and Sowa

Absence: Vice Chair Price (Excused), Commissioner Shore (Excused)

Staff Present: Cristina Haworth, Planning Consultant  
Lucy Sloman, Current Planning Manager

Chair Brennan stated that Commissioners Ikeda and Morgan would serve as regular Commission members at the meeting due to the resignation of one Commissioner and the recusal of another.

#### 2. Approval of Minutes

There were no comments or corrections to the November 17, 2021 minutes and the minutes were approved.

There were no comments or corrections to the February 2, 2022 minutes and the minutes were approved.

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There were no comments or corrections to the February 10, 2022 minutes and the minutes were approved.

There were no comments or corrections to the March 2, 2022 minutes and the minutes were approved.

There were no comments or corrections to the March 3, 2022 minutes and the minutes were approved.

### 3. Public Comments (General)

- There were no written comments or requests to speak.

### 4. Public Hearing (00:04)

- a) **Recommendation on Site Development Permit, Master Site Plan, Five Administrative Adjustments of Standards (A)** - continued from March 2, 2022 and March 3, 2022 (MSP20-00001, SDP20-00001, AAS20-00012, AAS21-00001, AAS21-00002, AAS21-00005, AAS21-00006)  
*Presented by Cristina Haworth, Planning Consultant and Todd Sawin, AHBL*

CHAIR BRENNAN stated that oral comments were completed at the March 3, 2022 Public Hearing. The Public Hearing now will include the Appearance of Public Fairness Disclosures for the Commission, applicant rebuttal, staff rebuttal, Commissioner questions, deliberation, and possible action. Following the rebuttals, the Public Hearing will be closed, and additional questions can then no longer be asked of the applicant.

(00:06) Sloman presented the Appearance of Public Fairness Disclosures. Slide one regarding partiality was displayed and all Commissioners were polled. COMMISSIONER DILLON stated *no* to all questions except that the employer of COMMISSIONER DILLON has a business relationship with the engineer of the applicant, but there is no involvement on this project and COMMISSIONER DILLON had no reservations regarding the ability to judge fairly. COMMISSIONER MORGAN stated *no* to all questions with the exception that in-laws live within Providence Point, but the project has not been discussed and there is no impediment to sound judgement. The remaining Commissioners replied *no* to all questions.

Sloman showed slide two and all Commissioners replied yes.

Sloman asked if anyone in attendance wished to challenge the participation of any Commissioners and there were none.

(00:11) Sawin began the applicant rebuttal.

Denise Stiffarm with Pacifica Law Group, outside legal counsel for the Issaquah School District, stated that the District has submitted a written rebuttal briefing to the Commission. Rather

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than repeating the information, key highlights would be noted which are relevant to the scope of the Development Commission determination. The city rebuttal materials have been read. The District rebuttal may overrespond but is important so that accurate information is included within the record. The rebuttal focuses on issues outside of the scope or not fully addressed by the record and is not duplicative of the evidence or analysis already before the Commission. Issues raised in Public Comment would be addressed prior to the design team continuing the rebuttal.

- The scope of the Development Commission review is limited to whether the project meets the applicable criteria in city code for approval of the Land Use Application. What is not before the Development Commission, despite Public Comment suggesting otherwise, is a relitigation for the basis of the Comprehensive Plan map amendment and rezone including environmental review, an appeal of the District project level SEPA determination, a determination regarding how the District programs capacity and educational needs, or how schools are funded. Also, not before the Commission is a review of construction permits related to the project. Nothing in Land Use criteria requires that fully developed construction permits be submitted with the Land Use Application. Land Use approval precedes and informs construction permits and the Land Use approval does not, on own, authorize any construction or land disturbance. Construction permits will be informed by the Land Use approval and conditions.
- The code requires that a Master Site Application include any proposed project phasing and delineates approval criteria for each proposed phase. The code expects phasing, and the staff report and record appropriately identifies the phasing plan. The District Superintendent presentation confirms the District need and continued planning for the Elementary School and Sawin has explained the phasing plan. The proposed conditions in the city staff report require, within a time certain, restorations should not commence prior to the expiration of the Land Use Permit. The project is accurately described and the phasing plan, as required by city code, is detailed in the record.
- Regarding comments concerning compatibility, courts look to zoning determinations and designations, adopted code requirements, project conditions, and project modifications that exceed code requirements as all supporting compatibility. The facts more than support the compatibility determination. The 2020 rezone decision for the property included a thorough compatibility review of uses permitted in the Community Facilities - Facilities (CF-F) zone, including components of this project, in relation to adjacent zoning districts. The decision, upheld on appeal, is evidence of compatibility. IMC 18.06.090 regarding the CF-F zone identifies the primary purpose of the zone to provide for public uses on publicly owned properties and encourages multiple public uses. The CF-F zone and applicable regulations are designed to ensure compatibility. As shown in the record, the project not only complies with the applicable zoning regulations. Project conditions and project design go significantly further to ensure compatibility. The record contains evidence of how the project is designed to both functionally and operationally exceed code requirements including but not limited to

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deliberate building orientation, extraordinary buffers and added vegetation, scaled back programming and facilities, and a design that uses only 51% of the permitted 90% impervious surface. The District voluntarily and in response to numerous public comments has given up substantial development rights and educational programming to ensure compatibility.

- In a letter received from the Providence Point Umbrella Association (PPUA), the PPUA attorney asserted that the District is increasing or altering drainage flow onto PPUA property and that the city will be liable as a result. The submittal is both legally and factually incorrect. The case cited in the letter, *Phillips v. King County*, stands for the proposition that water cannot be collected and deposited onto adjacent land in a manner different than before development. If this occurs, the adjacent property owner may be entitled to damages. Importantly, the focus is on whether circumstances change, and harm is caused on the adjacent property and not focused on how stormwater is collected and concentrated on the property under development. The letter from PPUA misses the very important distinction. Stormwater design for the project will maintain the same drainage paths and will not increase existing dispersion rates. Although the District is appropriately updating stormwater collection on the project site, no changes will be made to how water is collected and deposited on PPUA property and conditions are expected to improve. Because the drainage pattern will remain the same with no harm, *Phillips v. King County* is inapplicable. The assertion in the letter that the city will somehow be liable is also not supported by the *Phillips* decision, the court confirming that municipality approval of development or acceptance of ownership of a drainage system does not give rise to liability. For liability to arise, some conduct of the municipality must be the direct and proximate cause of any harm to adjacent land. *Phillips* and related cases focus on whether the municipality owns the land on which the drainage system is being improved, not the property that is allegedly being harmed. If PPUA were able to somehow demonstrate damages, there is no basis on which the city could be liable because the only city involvement is to approve the District drainage system on the District property through the permitting process. The city does not own the project site nor offering property for construction of new facilities.

**(00:21)** Jordan Kiel with Bassetti Architects continued the rebuttal. At the March 3, 2022 meeting, renderings were presented which did not accurately reflect efforts of the design team and the District to be a good neighbor to Providence Point through buffering views and a compatible design. Clarifying renderings from the design team were presented. Some points highlighted were that an aerial rendering by Joshua Cohen *with* Fat Pencil Studios does not show any of the proposed 900 new trees. Trees will add a significant visual buffer to the north edge of the site, particularly with growth. The grandstands will be shorter but longer than at typical high schools, 34 feet tall although code allows a maximum of 65 feet tall. Walls will be added to the back and sides of the grandstands to redirect unregulated noise of fans away from Providence Point. The scoreboard is not visible at a height of under 28 feet, again much lower than code permits. There is not a five-story building at the location rendered by Cohen. As new trees grow, the view of the school will be nearly completely obscured. Kiel

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continued with site security. A suggestion for an eight-foot opaque wall is in direct contradiction with Crime Prevention Through Environmental Design (CPTED) principals and contrary to all efforts by the design team to create a visually pleasing vegetative buffer. The existing fence along the property line is being retained as well as 12-foot-tall additional fencing on the school side of the buffer. The fencing will create logical internal boundaries. All foot and vehicle traffic are clearly directed to 228<sup>th</sup> Avenue Southeast versus a suggestion by a PPUA consultant that students will filter through Providence Point. In summary, the design team has gone to great lengths to be responsive to neighbor concerns.

**(00:33)** Adam Jenkins with Greenbush Group stated that a follow-up would be given to comments and other items. Written comment responses have been provided to the Commission prior to the meeting and Jenkins would only summarize the most important points of the written responses. The first point was regarding a concern from Brown that existing noise levels near the site currently exceed thresholds identified in WAC 173-60. Traffic on public roadways such as 228<sup>th</sup> Avenue Southeast is not regulated by the chapter, and only what is generated by activities on the project site is subject to WAC 173-60. A comparison of traffic on public roadways and environmental noise limits is not appropriate and can confuse an appropriate assessment of potential noise effects from a project such as this. Brown also expressed concern about a lack of assessment of an increase to existing conditions based on baseline sound levels measured at the site and predicted noise emissions from site activities. The comment was appreciated, and the Commission was provided with the information that there will be not more than a six decibel increase in the worst case during daytime hours, and no more than a two decibel increase during nighttime hours, well below the typical threshold of 10 decibels. Brown expressed concern that there was not analysis done for traffic on public roadways. Aside from the exemption, noise emissions from vehicles on roads are much more sensitive to changes in speed than they are flow. A doubling of vehicles per hour on a roadway typically increase noise emission by six decibels. Doubling the travel speed on a public roadway will increase by six decibels for the same traffic flow. Even with increased flow during peak morning hours in addition to existing traffic, a school zone with a 20-m.p.h. speed limit in place which is half of the existing speed limit will result in a net decrease of traffic noise received at Providence Point, ignoring the addition of onsite structures and additional screening that will be afforded by the project. The removal of vegetation is inconsequential compared to the reduction of travel speed alone. Brown expressed concern that the noise study does not quantify offsite noise emissions from onsite traffic during sporting events. Numbers have been submitted in written comments to the Commission. The expected trip generation during a sporting event is approximately half of expected peak morning trips. The noise analysis represents worst case situations for noise emissions from onsite traffic activities.

**(00:39)** Todd Sawin with AHBL stated that most responses have been submitted in writing to the Commission. A slide presentation was displayed. A reciprocal easement to provide access along the south property line has been examined and a 1970s deed was discovered which shows that in December 1979, the property now Providence Point had been sold and as a condition of the sale, the property removed the underlying easement. Based on information available, the easement under scrutiny is not valid. The property owner at the time moved portions of the road around the north end to ensure that the road was within church property.

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On the south side, the road was left in place leaving the property line to go down the center of the road. It is believed that an easement was created at the time of the sale to Hilltop Village but finding documentation has been challenging. A condition is proposed on the project that either the underlying deed for the easement be recovered as option one, or a new easement provided with the neighbors as option two. If agreement does not occur on one of the first two options, moving the access road for the school entirely onto District property so as not to impact Providence Point would be option three. A slide and text were displayed regarding the elementary school phasing plan. A pond must be elevated to allow gravity discharge to 228<sup>th</sup> Avenue Southeast. The Master Plan approval process allows phasing to occur. Sawin stated being personally invested legally as the owner of the stormwater design firm on the project regarding having the correct water system in place for the property. The original analysis of the Providence Point stormwater system included the existing access road and significant forest drain. A slide regarding discharge locations was described but locations were not identified for the audio recording. In the historical condition prior to the construction of Providence Point, there was an existing outfall. In a developed condition, the peak flows are reduced by approximately 75% with detention systems created as well as a reduction in what is allowable, 14% to 40%. Slides regarding duration modeling and Wetland B hydrology were described. Regarding a concern about lack of water to trees in the buffer, there are ditches to catch runoff and wall drains will capture water for the buffer. The trees will continue to receive the water which falls on them in the form of rain but with additional sources. A landslide hazard map showing all exploration pits or borings for the project was displayed, more analysis done from a geotechnical and environmental perspective than most developments have. A map of the lead study under the water tower was displayed. There has been no point where lead has been found below the 12-inch mark, and 12 inches will contain 100% of lead contamination under the water tank.

**(00:58)** Marnie Heffron stated that rebuttal comments have come back as Exhibit C and two pieces of supplemental information, Exhibit C-1 and C-2, part of the SEPA record and performed in coordination with the city of Sammamish related to traffic and transportation. A main issue raised by PPUA was that there has not been a full construction plan submitted for improvements along 228<sup>th</sup> Avenue Southeast which is not true. A set of plans were submitted to the city of Sammamish in November 2021. The level of detail is normally not prepared at this stage of an entitlement process. The concept has been known for more than a year, in the original traffic study and updated in February 2021. There were two pieces of supplemental information prepared for the city of Sammamish to refine the concept plans for understanding of the length of turn pockets needed, and how improvements could tie north and south in terms of access to Southeast 43<sup>rd</sup> Way. Many meetings have been held with city of Sammamish staff and consultants to discuss details, all reflected in the new set of plans. A comment from Tillman had been that the schools would depend entirely on automobile access, not reducing vehicle miles of travel. Both contentions are false. The sites will have a high percentage of yellow school bus transportation, and students do not generally use metro transit to and from school. There is expected to be approximately 50% of elementary school students and 40% of high school students commuting via yellow school buses. In addition, there will be some walking particularly from the Sammamish Highlands and from areas north of the site. Plans go above and beyond a frontage improvement, building sidewalks on both sides of 228<sup>th</sup> Avenue

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Southeast and between the site driveway on Southeast 40<sup>th</sup> Street to provide pedestrian access. There will be bicycle lanes in both directions on 228<sup>th</sup> Avenue Southeast, bicycle crossings, and a bike walkway extending onto the site for students and staff. Regarding school trips, if the schools are not developed the students will be assigned to other schools, driving, or transported further away from home. The project will reduce miles traveled in the District and reduce congestion around other schools. Transportation Management Plans (TMP) for large projects are always prepared later in the process as more refinements are made in terms of behaviors. TMPs require input from School Principals, yet to be determined. Monitoring plans, operations, que lengths are parking are measures being targeted as a part of the TMP and thresholds will be monitored.

(01:06) Sawin thanked the Development Commission and reiterated that written comments have been submitted in rebuttal.

CHAIR BRENNAN opened Commissioner questions for the applicant team.

COMMISSIONER DILLON asked if clearing and grading as a part of the phase one elementary school construction would be limited to certain areas on a map not identified for the audio recording. Sawin replied that the proposal is for clearing and grading of the entire elementary school site and including retaining walls with buffer improvements. Buffer improvements occurring in phase one will allow time for growth which will help visual issues for neighbors.

COMMISSIONER MORGAN asked if the new sidewalk on 228<sup>th</sup> Avenue Southeast will connect to the new sidewalk at the Southeast 43<sup>rd</sup> Way interchange. Heffron replied yes.

COMMISSIONER MORGAN asked for clarification that the sidewalk would be continuous, and Heffron replied yes. COMMISSIONER MORGAN asked for a map with fencing to be displayed and asked if fencing shown in red would be 12-feet high, and if that this would be a change from the project previously seen. Sawin replied that outfield baseball fences are 12-feet, and the elementary school wall is six feet. COMMISSIONER MORGAN asked about possible confusion in highlighting for heights in plans and asked if a fence at the north end of the field could be taller than four-feet. Sawin replied that the intent was that there would be a sidewalk next to the fence and scale was being kept down, but the District would be open to a six-foot fence. COMMISSIONER MORGAN asked why a fence on the south end does not extend to a new access road. Sawin replied that the fence is tied into a cluster of trees, and minimal traffic is expected from students coming into the school at that location. The fencing diagram is preliminary and will be refined during construction. COMMISSIONER MORGAN stated that extending the fence could create a visual barrier.

CHAIR BRENNAN asked for clarification regarding options around an access road and if option three would affect the ability to comply with city code, standards, and buffers. Sawin replied that exhaustive research has been conducted with Chicago Title, but documentation is expected within the next few days. If not, however, asphalt would be added on the school portion of the emergency access road to create a total of 20 feet without impacting the buffer. The District is not proposing other vehicles on the access road. CHAIR BRENNAN asked for

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clarification that the widening can be accomplished without impacting the project and still meeting standards to achieve and Sawin stated Yes.

COMMISSIONER IKEDA asked if there has been an establishment period considered to replace any failing trees. Sawin stated that there is a condition that the District will plant and monitor trees for three years. Irrigation will be provided. A lush buffer will be positive for students and neighbors. COMMISSIONER IKEDA asked if there will be multiple stages of construction stormwater control to mitigate turbidity, silt, and contaminations. Sawin replied that there will be a National Pollution Discharge Elimination System (NPDES) permit with the State that will monitor discharge, a part of the construction process. A dam over fill in the baseball outfield will be used to capture stormwater. A contractor is currently onsite.

There were no further questions.

*10-Minute Break*

**(01:36)** Cristina Haworth presented the staff rebuttal with a slide overview of corrections from the staff report, new attachments for the record, a high-level overview of material from the briefing response memo, and conditions for approval. An additional Land Use Condition is recommended, number 56 shown in the slideshow. The administration recommends that the Development Commission advise approval subject to revised Land Use conditions in the briefing response memo and new Land Use condition number 56. Next steps are the public record closed, deliberations, and a recommendation to city Council. City Council will deliberate on the project based on the record created by the Development Commission. A Notice of Action will be issued and is appealable to King County Superior Court.

CHAIR BRENNAN opened Commissioner questions to staff. **(01:57)**

COMMISSIONER SANFORD asked if the football stadium scoreboard is considered a sign per the Issaquah Municipal Code (IMC) or exempt from sign code. Haworth replied an accessory structure and not a sign. COMMISSIONER SANFORD stated that a public comment had been made that the scoreboard was outside of sign code and appreciated the clarification. COMMISSIONER SANFORD asked why sound mitigation measures in conditions 38 and 39, and locations where sound is monitored, are not consistent. Haworth replied that condition 39 had been originally written when there had not been a determination regarding public address systems for the baseball and softball fields. There is no longer a public address system planned at the ball field complex so the condition may be outdated regarding monitoring locations. The condition can be revised. COMMISSIONER SANFORD stated that conditions 38 and 39 may be redundant using different words. COMMISSIONER SANFORD asked why condition 39 would occur only once per academic quarter, a scenario being that the monitoring occurs in November during a Junior Varsity football game, and why the applicant would not be required to submit results to the city. Locations for monitoring and mitigation requirements reported to the city should be the same. Haworth replied that the intention of condition 39 is that the monitoring report would be submitted to the city upon request, the last sentence. COMMISSIONER SANFORD clarified that condition 38 states that

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the report *will* be submitted to the city. Haworth replied that the same requirements can be made in the conditions. COMMISSIONER SANFORD stated having candidate language to submit at the appropriate time. COMMISSIONER SANFORD asked, regarding IMC 18.07.650 section D, Property Improvements Plan, where in application documents there a plan for all improvements including streets, which also includes assignment responsibility for the cost and construction and a schedule to indicate at what point in the proposed development improvements are to be completed. There are plans and a permit, but clear assignment of responsibility for cost and construction is missing, a potentially complicated shared responsibility between several parties. Haworth replied that 228<sup>th</sup> Avenue Southeast is owned by the city of Sammamish and Issaquah will not be receiving improvements to 228<sup>th</sup> Avenue Southeast as a part of the project. There are requirements in recommended conditions to facilitate an interlocal agreement. COMMISSIONER SANFORD asked if a schedule for improvement completions would be received. Haworth replied that there is a conceptual construction schedule at this time in the phasing attachment. COMMISSIONER SANFORD asked if the conceptual construction schedule is from the city of Sammamish and Haworth replied that the schedule is from the applicant. COMMISSIONER SANFORD asked if there is an assignment of responsibility for cost. Haworth replied there is information from the applicant acknowledging responsibility for construction and improvements to be dedicated to the city of Sammamish. As there had been an interruption in VPN causing the staff report to be unviewable, CHAIR BRENNAN stated that the question could be directed to the applicant team for further clarification. Sawin replied that 100% of 228<sup>th</sup> Avenue Southeast improvements will be funded by the School District, part of the record. There are no agreements currently for sharing of additional improvements. Sammamish could extend improvements beyond what is shown in plans, but the School District would not be a part of these. There are construction schedules submitted to the city, and conditions are set to require that improvements be turned over to the city prior to temporary occupancy of the building. The process is to obtain a permit from the city of Sammamish, construct improvements to the satisfaction of the city of Sammamish and turn over the right-of-way to the city of Sammamish. The permits were submitted early in the process due to the length of time the process will take.

COMMISSIONER DILLON asked for clarification that the MSP and SDP approvals come before any construction permit and Haworth replied correct. COMMISSIONER DILLON asked if a condition could be made that an Issaquah construction permit cannot be approved until the city of Sammamish has granted a permit for the 228<sup>th</sup> Avenue Southeast improvements. Sloman replied that the occupancy of the building could be linked to the completion of the access improvements, but there may not be a basis in code for not issuing construction permits. Improvements are required to be completed prior to occupancy but not requiring permits to be issued in a certain order. COMMISSIONER DILLON asked if clearing and grading can occur at the time of a construction permit, and if there is a level of protection for areas not immediately needed for phase one. Haworth replied that the proposal currently complies with all tree removal requirements, even if the phase two area is cleared and the elementary school is not built. There would be no basis to prevent as part of phase one work.

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COMMISSIONER MORGAN asked if Title 18 will address sharing boundaries with other cities. Sloman replied that all processes are being reviewed as part of Title 18 and the point is good. The MSP process may not continue forward. COMMISSIONER MORGAN asked if the words *given to the city* includes Sammamish, and Sloman replied that code defines *city* as Issaquah.

CHAIR BRENNAN asked for clarification regarding the approval process for frontage improvements between Sammamish and Issaquah, and at what point there is 100% confidence regarding an agreement on improvement configurations. Haworth replied that the applicant is required to facilitate and provide materials for an Interlocal Agreement (ILA) or similar instrument, worked out between Sammamish and Issaquah, and realizing that Sammamish will own, operate, and maintain those improvements but providing access to Issaquah property. The project is not beholden to an agreement which still needs to be negotiated between two other parties at this time. Sawin replied that there are multiple right-of-way permits. Design details are close to being finally determined and involve other entities such as Puget Sound Energy. Road improvements are predicted to take nine-months while the high school will take significantly longer, 16 to 20-months. The school cannot be opened without a functioning traffic system to meet SEPA conditions and as a result, the improvements will be dedicated prior to opening the school. Heffron replied the improvements proposed are within Sammamish long-range goals. The School District is building the full width of the roadway for over 1,700 feet. Sloman replied that condition 50 requires that improvements be completed for each phase prior to certificate of occupancy. Improvements must be completed when the impact is generated.

CHAIR BRENNAN asked the Commission if all questions and concerns had been addressed by the applicant and staff, as deliberations occur when the Public Hearing has closed. Staff will be able to provide information already presented, but the applicant would not be able to provide additional information. There were no further questions. No Commissioners objected to closing the Public Hearing. CHAIR BRENNAN closed the Public Hearing. (02:33)

CHAIR BRENNAN opened deliberations and asked for suggestions regarding organizing comments.

COMMISSIONER SANFORD stated having amendments to conditions and asked when the appropriate time would be to submit. CHAIR BRENNAN replied after a Motion.

CHAIR BRENNAN asked for general assessments of the proposal.

COMMISSIONER MORGAN stated that there has been an amazing amount of public input for the project, a testimony to the interest of the community. In general, staff has added enough conditions to meet requirements of both the SDP and MSP process in terms of what is within the Development Commission purview.

COMMISSIONER SANFORD stated still not being completely comfortable with the agreements regarding 228<sup>th</sup> Avenue Southeast, being a high-level requirement of MSP contents. However, enough information exists within the applicant submittal and within the

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arguments heard at this meeting. The engagement of the community has been very impressive. There are still issues to resolve but the project is for the common good.

COMMISSIONER IKEDA stated never having seen the amount of public input given for this project. Staff work is impressive, and most questions have been answered. The decision is difficult because of unknowns but there has been enough staff work to address concerns.

COMMISSIONER SOWA stated that many comments from the public were regarding parts of the project not liked, but also not within the purview of the Development Commission. The quantity of comments is appreciated and educating the public regarding what is within the control of a particular Commission is vital. Experts on both sides questioning validity of each other has been interesting. Overall, the process has been good.

COMMISSIONER DILLON stated not being completely comfortable with some parts of the project, but most elements are out of the control of the Development Commission. The focused report from staff was appreciated. The applicant has been willing to hear and address public comment regarding what is within the scope of the project.

CHAIR BRENNAN thanked everyone for the significant time, financial investment, and emotion to advance the project. The facilities are important to the community and always difficult to site. There are limits to what the Development Commission has authority to respond to. The project has changed since the community conference, in example buffers expanded, adjustments to site layout, and architectural changes. The property is zoned for a school facility, a decision already made, and zoning is outside of the purview of the Development Commission to determine appropriate use. The Development Commission is working to be sure the project will fit as best as possible in the location with minimal impacts. Significant progress has been made. CHAIR BRENNAN stated being satisfied that the parts of the city code that the Commission is obligated to ensure compliance with have been accomplished. There has been an exhaustive amount of information provided.

COMMISSIONER SOWA stated that Issaquah School District staff deserve a note of appreciation, as while some members of the public did not feel comments or concerns were being addressed, there has been a good amount of flexibility to accommodate the input.

- (02:45) MOTION by COMMISSIONER MORGAN that the Development Commission recommend approval to the City Council of the Master Site Plan, Site Development Permit, and Administrative Adjustment of Standards for Providence Heights High School and Elementary School, permit numbers SDP20-00001, MSP20-00001, AAS20-00012, AAS21-00001, AAS21-00002, AAS21-00005, & AAS21-00006, as described and evaluated in the Staff Report dated February 16, 2022 with Attachments 1 - 110, which includes the Briefing Response Memo, Attachment 107, dated March 11, 2022, new Attachments 111 - 114 added March 16, 2022, and project drawings and reports received Sept 25, 2020 and all subsequent submittals up to March 16, 2022; and, subject to the conditions therein. MOTION seconded by COMMISSIONER SOWA.

- (02:47) MOTION by COMMISSIONER MORGAN to amend condition 56; if Issaquah School District cannot use the easement area for emergency access as opposed in attachment 97, then the district must go through the MSP and SDP amendment processes in IMC 18.04.530 and IMC 18.04.450 for either a major or minor amendment as determined by the criteria therein. MOTION seconded by COMMISSIONER DILLON.

There was no discussion requested on the proposed amendment to the main Motion.

The main MOTION with the amendment of condition 56 passed unanimously.

- (02:49) MOTION by COMMISSIONER MORGAN to amend condition 57; the four-foot-tall chain link fence extending west from the softball field fence shall be changed to a six-foot-tall chain link fence, and the chain link fence on the south side of the school bus driveway shall be extended to the access road. MOTION seconded by COMMISSIONER SOWA.

COMMISSIONER MORGAN stated that the Motion was made to discourage students from exiting the site into the woods or adjacent neighborhoods during sports events.

CHAIR BRENNAN asked about comments from the applicant team regarding significant trees at the access road area. COMMISSIONER MORGAN replied that the fence could run along parking stalls on the bus site to not lose trees.

COMMISSIONER DILLON asked if condition 57 would need to be stipulated as a condition of the permit at this point, or rather a part of detailed plan review later, as extending the south fence to the access road makes sense but there is not complete information regarding the four-foot fence at the softball field. COMMISSIONER MORGAN replied that distance is short to Providence Point residences and a four-foot fence would be easy to climb over, a way to ensure safety. Sloman replied that because there was a specific fence exhibit showing heights and locations, while called preliminary, if the intent of the Commission is for safety the change should be made to correct an exhibit that is part of the record, the reason to proceed with a condition.

The MOTION to amend condition 57 passed unanimously.

- (02:57) MOTION by COMMISSIONER SANFORD to amend condition 38; Issaquah School District shall monitor noise at least twice per academic quarter at the property line for the first year of operations of each school; ~~in addition to any monitoring required by Condition 39.~~ Noise shall be monitored at the northwestern property line ~~at the property line south of the bus loop;~~ in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, at the western property line(s) in the vicinity of the elementary school building and/or portables, and at the southern property line(s) south of the stadium. Quarterly noise reports shall be submitted to the City of Issaquah for the duration of this period. If maximum allowable

noise levels are exceeded, Issaquah School District shall provide mitigation for review and approval by CPD.

COMMISSIONER MORGAN asked for clarification. Haworth replied that the intention was for two separate monitoring locations along the south property line where some Providence Point residences are located. COMMISSIONER DILLON asked if location should be noted as along the southern property line south of the stadium and south of the bus loop. COMMISSIONER MORGAN and COMMISSIONER SANFORD agreed with COMMISSIONER DILLON.

- Issaquah School District shall monitor noise at least twice per academic quarter at the property line for the first year of operations of each school, ~~in addition to any monitoring required by Condition 39.~~ Noise shall be monitored at the northwestern property line ~~at the property line south of the bus loop,~~ in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, at the western property line(s) in the vicinity of the elementary school building and/or portables, and at the southern property line(s) south of the stadium and south of the bus loop. Quarterly noise reports shall be submitted to the City of Issaquah for the duration of this period. If maximum allowable noise levels are exceeded, Issaquah School District shall provide mitigation for review and approval by CPD. MOTION seconded by COMMISSIONER MORGAN.

The MOTION to amend condition 38 passed unanimously.

- **(03:04)** MOTION by COMMISSIONER SANFORD to amend condition 39; In addition to the monitoring required by Condition 38, Issaquah School District shall monitor noise at the property line shared with Providence Point to verify that public address system noise and other amplified noise does not exceed the maximum allowable noise limits set forth in WAC 173-60-040. ~~Verification~~ Monitoring shall occur at least once twice per academic quarter when sports events using amplified noise are held for the first year of operations and again following any adjustment or alteration of the public address system(s) and other amplified noise sources. Monitoring during fall academic order shall occur during Varsity Football games. Noise shall be monitored ~~at the northwestern property line in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, and at the southern property line(s) south of the stadium:~~ in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, at the western property line(s) in the vicinity of the elementary school building and/or portables, and at the southern property line(s) south of the stadium and south of the bus loop. Noise monitoring reports shall be furnished to the City of Issaquah upon request. Quarterly noise reports shall be furnished to the City of Issaquah upon request for the first year of operations. If maximum allowable noise levels are exceeded, Issaquah School District shall provide mitigation for review and approval by CPD.

COMMISSIONER DILLON asked if there definitely will be a football team playing at the school, considering the stipulation of monitoring during Varsity Football games. COMMISSIONER

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SANFORD suggested adding the term *if applicable*. COMMISSIONER DILLON stated that the suggested monitoring should still occur even if there are no football games. COMMISSIONER SANFORD stated that the loudest event is the goal. COMMISSIONER MORGAN suggested the term *during events anticipated to generate the highest level of noise*. COMMISSIONER DILLON stated that the term could apply all year round. COMMISSIONER SANFORD agreed.

- In addition to the monitoring required by Condition 38, Issaquah School District shall monitor noise at the property line shared with Providence Point to verify that public address system noise and other amplified noise does not exceed the maximum allowable noise limits set forth in WAC 173-60-040. Verification Monitoring shall occur at least once twice per academic quarter when sports events using amplified noise are held for the first year of operations and again following any adjustment or alteration of the public address system(s) and other amplified noise sources. Monitoring shall occur during events anticipated to generate the highest level of noise. Noise shall be monitored at the northwestern property line in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, and at the southern property line(s) south of the stadium in the vicinity of the softball outfield, at the northern property line in the vicinity of the baseball outfield, at the western property line(s) in the vicinity of the elementary school building and/or portables, and at the southern property line(s) south of the stadium and south of the bus loop. Noise monitoring reports shall be furnished to the City of Issaquah upon request. Quarterly noise reports shall be submitted to the City of Issaquah for the first year of operations. If maximum allowable noise levels are exceeded, Issaquah School District shall provide mitigation for review and approval by CPD. MOTION seconded by COMMISSIONER MORGAN.

The MOTION to amend condition 39 passed unanimously.

The main MOTION as amended passed unanimously in a roll call by Sloman.

- (03:16) MOTION by COMMISSIONER DILLON that the Development Commission direct the Community Planning & Development Department to prepare Findings of Fact and conclusions for review and approval by the Development Commission Chairperson, affirming the Development Commission's recommendation to approve the Providence Heights High School & Elementary School project, permit numbers SDP20-00001, MSP20-00001, AAS20-00012, AAS21-00001, AAS21-00002, AAS21-00005, & AAS21-00006, subject to the conditions listed in the Staff Report dated February 16, 2022 with Attachments 1 - 110, new Attachments 111 - 114 added March 16, 2022, and project drawings and reports received Sept 25, 2020 and all subsequent submittals up to March 16, 2022; and, subject to the conditions therein (and as amended tonight). MOTION seconded by COMMISSIONER SOWA.

There was no discussion requested regarding the Motion.

The MOTION passed unanimously in a roll call by Sloman.

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CHAIR BRENNAN stated that the record for the project is the largest ever presented to the Development Commission, a significant investment of time, energy, and money not only from the applicant and city but from the public. Community engagement has been exceptional. CHAIR BRENNAN thanked the public for the quality, passion, and compassion behind input, which has made a difference. The project now moves to the city Council as the final decision maker for the city of Issaquah. CHAIR BRENNAN also thanked the Commission as processing the record and inboxes full of public comment daily was very time consuming and the diligence and patience is appreciated.

**5. Reports**

Sloman stated that there were no updates or reports.

**6. Other Business/Announcements**

There was no further business.

**7. Adjournment**

- With no further business to conduct, CHAIR BRENNAN adjourned the meeting at 10:22 p.m.

Respectfully submitted,

Carolyn Garza, LLC  
Recording Secretary