

**CITY OF ISSAQUAH
City Council Special Meeting**

6:00 PM
July 13, 2020

Virtual Meeting

MINUTES

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

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 prohibiting open public meetings from occurring in person. The proclamation has been extended to Aug. 1, 2020. Due to these factors, the meeting was held using a remote meeting platform.

Councilmembers:
Barbara de Michele
Stacy Goodman
Zach Hall
Victoria Hunt
Tola Marts
Chris Reh
Lindsey Walsh

Administration/Staff:
Mary Lou Pauly, Mayor
Wally Bobkiewicz, City Administrator
Andrea Snyder, Deputy City Administrator
Jim Haney, City Attorney
Christine Eggers, City Clerk
Jeff Dunbar, Attorney

CALL TO ORDER - OPEN SESSION

Mayor Pauly called the meeting to order at 6:00 PM.

CLOSED SESSION

- a) The purpose of this special meeting was to allow the City Council to recess into Executive Session to discuss pending/potential litigation per RCW 42.30.110(1)(i).

The meeting was recessed into Executive Session at 6:00 PM. The item was expected to take approximately 2 hours. The session was extended by 60 minutes.

ADJOURNMENT - OPEN SESSION

The open session was reconvened at 9:00 PM. There being no further business to come before the Council, the meeting was adjourned at approximately 9:00 PM.

Christine Eggers, City Clerk

Mary Lou Pauly, Mayor

**CITY OF ISSAQUAH
Council Study Session**

6:30 PM
July 14, 2020

Virtual Meeting

MINUTES

COUNCIL AND ADMINISTRATIVE PERSONNEL PRESENT

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 prohibiting open public meetings from occurring in person. The proclamation has been extended to Aug. 1, 2020. Due to these factors, the meeting was held using a remote meeting platform.

Councilmembers:

Barbara de Michele
Stacy Goodman
Zach Hall, Designated Chair
Victoria Hunt
Tola Marts
Chris Reh
Lindsey Walsh

Administration/Staff:

Wally Bobkiewicz, City Administrator
Andrea Snyder, Deputy City Administrator
Tisha Gieser, Deputy City Clerk

CALL TO ORDER

Councilmember Hall called the meeting to order at 6:30 PM.

AGENDA ITEMS

a) **Public Comment**

The following public comment was provided:

- Ann Fletcher, representing the People for Climate Action, encouraged a strong Environmental Board, and encouraged the Board convene soon.
- Kristi Tripple, representing Rowley Properties, suggested that permit/project review is already addressed by other City commissions; and encouraged an education role for the Environmental Board.

b) **ID 0650 - Environment & Sustainability Board Discussion**

Presented by:

*Wally Bobkiewicz, City Administrator
Megan Curtis Murphy, Sustainability Coordinator*

Council President Hunt summarized email comments received on this agenda item.

Council provided feedback on the Environmental & Sustainability Board, including:

- Pursue "substantial weight" language regarding how the board's recommendations are to be considered
- Need an interim process for environmental review after sunseting River & Streams Board if projects arise prior to Environmental Board
- Do not pursue project-level review by Board, focus on upstream advisory role of policies and City code
- Pursue strategic/aspirational charter rather than a regulatory one
- Preference for Environmental Board name

- Aim for consistency in membership criteria between Boards/Commissions
- Support ability for the City Council to refer/remand items to the Environmental Board

c) **ID 0705 - First Performance Measurement Workshop, First Steps**

Presented by:

Wally Bobkiewicz, City Administrator

Jeremy Brecher-Haimson, Management Analyst

Council President Hunt summarized email comments received on this agenda item.

Specific input was provided on the Mobility, Environmental Stewardship and Social & Economic Vitality strategic goal areas.

Councilmembers provided general feedback on the performance measurements proposal, including:

- Continue to move forward with the performance measurements
- Concern with the Community Survey being the only tool to determine the Quality of Life indicators
- Consider Council performance metrics as a future goal
- Limit measures to one or two per objective
- Request for a complete (built-out) example of how various levers impact indicators
- Request opportunities for evaluating and re-evaluating
- Request having tension points between the metrics identified

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 9:13 PM.

Tisha Gieser, Deputy City Clerk

Zach Hall, Designated Chair



**CITY COUNCIL
AGENDA BILL**

City Council Regular Meeting - 03 Aug 2020

NEW
AB 7772 -

Consent Calendar

Shoreline Master Program Periodic Update

**Proposed Council Action:
Adopt Ordinance**

DEPARTMENT OF	Development Services Doug Yormick
COUNCIL LIAISON	n/a
OTHER COUNCIL MEETINGS	n/a
COMP PLAN POLICY NOS.	n/a
OTHER POLICIES	Central Issaquah Standards, Parks Strategic Plan
EXHIBITS	A. Proposed Ordinance B. Gap Analysis C. City Response to Ecology Initial Determination D. Council Response Memo, dated Feb 11, 2020 E. Watershed Company Scope of Work (shoreline buffer exception) F. Stantech Scope of Work (lighting analysis)

SUMMARY STATEMENT

Introduction

This agenda bill seeks City Council authorization to approve the Shoreline Master Program (SMP) Periodic Update to comply with the rules and regulations adopted by the state legislature and the Department of Ecology through adoption of the attached ordinance (Exhibit A).

Background

The SMA was passed by the Washington Legislature in 1971 and adopted by voters in 1972. It applies to both public and private uses within the jurisdiction of Washington's Shorelines of the State to protect natural resources for future generations, provide for public access to public waters and shores, and plan for water-dependent uses.

The SMP is jointly adopted by State Department of Ecology (DOE) and each jurisdiction with shorelines of the state. As a jointly adopted code, the DOE must review and approve the City's amendments. The City of Issaquah has the following shorelines that fall under SMP jurisdiction:

- Lake Sammamish
- Issaquah Creek
- East Fork of Issaquah Creek

In 2017, the Legislature amended the Shoreline Management Act (SMA) for jurisdictions to review and revise, if needed, on an eight year schedule. The mandated 2019 review ensures the City's SMP remains current with changes in the following areas:

1. SMA revisions and rule changes
2. revisions to City plans and regulations, and
3. lessons learned by staff.

The 2019 update is the first time the DOE has mandated a Periodic Review and, in this case it has the same limited scope for all jurisdictions, which is to review for local and state changes that might make the SMP outdated. No new analysis or research is required though it is not precluded. DOE's future updates may require jurisdictions to provide an in depth analysis, including inventory and characterization of each jurisdiction's shoreline environment.

For the 2019 update, DOE provided the City with a checklist, which was used to guide jurisdictions through the periodic review. Our City's Periodic Review Checklist is included as Exhibit B to this agenda bill (Gap Analysis Report, conducted by the Watershed Company) and summarizes amendments to State laws adopted between 2007 and 2017 so a jurisdiction can confirm that their SMP is in compliance and, if not, revise it to comply. Additionally, DOE funded this update, to meet minimum requirements, with a grant of \$20,000 to cover both consultant and City staff time and costs.

Because changes to the SMP may impact property owner's rights as well as public interest in protecting a valuable resource, a public process and hearing is required. The following process was used to solicit public input:

- March 26, 2019: presentation to and input from River & Streams Board and any public attending

- May 23 & June 13, 2019: public hearing at the Planning Policy Commission. PPC recommended approval with no additional modifications or corrections. Motion carried unanimously (6-0).
- July 2019: DOE received a draft copy of the SMP for their initial determination. Comments were received Aug 9, 2019 and suggested minor modifications which have been incorporated into the attached draft, Exhibit C.

Proposal

Per the timelines established in the SMA (RCW 90.58.080) and periodic update rules established in accordance with WAC 173-26, City staff have conducted the 2019 periodic update and are presenting it to Council for further deliberation and adoption.

The materials used for the update and the draft SMP can be found in the attached exhibits.

The DOE requires that jurisdictions adopt the SMP prior to their providing final approval. Following Council's adoption of the SMP via the proposed ordinance, the City will submit the SMP for DOE's approval. Following the required approval, the plan will be considered fully adopted and the IMC will be amended to reflect this as detailed in the proposed ordinance (Exhibit A).

City Council Review

At the [Aug. 12, 2019 Work Session](#), City staff provided the City Council with an overview of the SMP and the proposed edits resulting from the update process. Many of the proposed edits are a product of recent State legislative and rule changes to development regulations within shoreline jurisdiction. Further, staff have identified changes to City regulations that occurred after the 2013 SMP adoption which necessitated changes to the SMP such as Central Issaquah standards and zoning, the Parks Strategic Plan, and incorporation of Lake Sammamish State Park into the City's boundaries.

During the Aug. 12 work session, Council had a series of questions and requests for additional information. Council prepared a summary of those requests to staff for further exploration and return to an additional study session to present those findings. The Council Memo and staff responses can be found in Exhibit D.

The second Study Session took place Feb. 11, 2020. At the [Feb. 11, 2020 Study Session](#), staff presented the findings responses to Council questions in Exhibit C. City Council focused on topics concerning Lake Sammamish Shoreline buffer reduction exceptions and lighting levels within shoreline jurisdiction. Staff informed Council these topics were outside of the DOE grant provided. If desired, this meant the City would have to provide the funding to research these topics. Council asked staff to provide a financial scope to research these two topics and return to Council for further discussion. The financial information to research these topics can be found in Exhibits E and F.

Options

1. Approve the SMP as presented and with no additional work, waiting for the next periodic review in 2027 to review additional research.
 - Impact: This will bring the SMP into compliance with State and local regulations, meeting the minimum requirements identified by DOE. Existing lake setbacks and lighting use will remain and may potentially impact the lake habitat.
2. Approve the SMP as proposed and approve funding for additional work related to shoreline buffer exceptions and lighting or direct the Administration to consider including funding for these additional work items in the 2021 budget.
 - Impact: This will bring the SMP into compliance with State and local regulations, meeting the minimum requirements while also providing a path to improve the regulations in areas identified by Council, beyond the minimum requirements identified by DOE. If the City Council allocates funding for some or all of the additional work, staff will work with DOE on SMP amendments outside of the periodic review calendar in accordance with WAC 173-26-100 (standard process) or WAC 173-26-104 (joint process)
3. Delay approval of the SMP and approve the budget amendments to authorize additional work related to shoreline buffer exceptions and lighting. Approve the SMP when the additional work is complete.
 - Impacts:
 1. The City will have to wait longer to have an up-to-date set of regulations for use in reviewing permits.
 2. The DOE deadline for this update was July 31, 2019. While DOE has not penalized jurisdictions who have not completed their updates, this grace period may not continue indefinitely.

Recommendation

The Administration recommends proceeding with Option 2, as it ensures that staff have up-to-date tools with which to review permits and the City is in compliance with State regulations. It also allows the Council to consider, during the 2021 budget deliberations, the benefits and costs of going beyond the State's minimum requirements.

Next Steps

Following Council's adoption of the Shoreline Master Program, the City will submit the SMP for DOE's final approval. Following the required approval by the DOE, the plan will be considered fully adopted and the IMC will be amended per the ordinance.

Financial Information

Adoption of the SMP as proposed will not have any financial impacts beyond existing staff investments in permit review. If additional work, as described in this Agenda Bill, is desired by Council, additional funds will be necessary as the DOE grant of \$20,000 only covered work to meet the minimum requirements. These additional costs for consultant work are outlined in Exhibits E and F. In summary, each consultant has prepared a base work proposal with additional options, depending on Council's preferences. The total base work for both consultants is \$16,903; with the options included, the total work for both consultants would be \$23,353-\$26,353.

Administration's Recommendation

The Administration recommends adopting the 2019 Periodic update and, during the 2021 budget process, discussing the inclusion of additional funding for researching common line setback, reduced shoreline buffer with bulkhead removal, and lighting standards.

Update

n/a

Alternative(s)

- 1) Approve the SMP with no additional work, waiting for the next periodic review in 2027 to review additional research.
- 2) Approve the SMP as proposed. Additionally approve now or with the 2021 budget, consultant work to review lake setbacks and lighting use to determine if impacts are present and how they may be reduced.
- 3) Delay approving the SMP periodic update until research has concluded.

RECOMMENDATION

Administration / Development Services Department:

MOVE TO: Adopt Ordinance No. _____, amending IMC 18.10.940(a) to adopt the Shoreline Master Program periodic update; directing transmittal of the update to the Washington State Dept. of Ecology for state review and approval; providing for severability; and providing for the Shoreline Master Program periodic update to become effective upon the Department of Ecology's approval.