

**CITY OF ISSAQUAH**  
**Development Commission**  
**SPECIAL MEETING**

6:30 PM  
 January 15, 2019

**MINUTES**

Council Chambers  
 135 E. Sunset Way

*These minutes are provided as a written record pursuant to IMC18.03.100(C).  
 A video recording of the meeting and a full transcript of the proceedings also exist.*

**COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT**

*Commissioners Present:*

Richard Sowa, Chair  
 Mel Morgan, Vice Chair  
 Michael Brennan

Kevin Price  
 Richard Sanford

*Commissioners Not Present (Excused):*

Randy Harrison  
 Jasmina Mihova  
 Mark Rigos, Alternate  
 Ryan Roeter, Alternate  
 Nischitha Venkatesh, Alternate

*Administration/Staff Present:*

Keith Niven, Econ. & Dev. Svc. Dir.  
 Lucy Sloman, Land Development Mgr.

*Others Present:*

Jeffrey Dunbar, City Attorney's Office  
 Tia Heim, Shelter Holdings  
 Zachary Lell, City Attorney's Office  
 Ray Liaw, Van Ness Feldman, LLP  
 Jackie Quarré, Foster Pepper PLLC  
 Patrick Schneider, Foster Pepper PLLC

**CALL TO ORDER**

SOWA called the meeting to order at 6:31 PM.

**APPROVAL OF MINUTES**

Schneider objected to the presence and accuracy of the Development Commission minutes under consideration for approval, and said in a quasi-judicial matter such as this one, the transcription being prepared by the court reporter is the official record of these proceedings. Liaw briefly outlined options the Commission could take regarding Development Commission minutes of the meetings on this issue, and said she can do additional research to help guide the Commissioners' discussion. The Commission decided to postpone taking action on minutes from meetings held on September 26, 2018; October 24, 2018; November 29, 2018; and December 5, 2018 until Liaw has an opportunity to provide the Commissioners with additional information, most likely at the meeting scheduled for tomorrow evening (January 16, 2018).

**PUBLIC HEARINGS - Continued from 12/5/18**

- a) **Issaquah Highlands Retail (High Street Collection) Site Development Permit, (Q)\***  
 Application No. SDP18-00001; PRJ17-00027  
**Issaquah Highlands Medical Office Administrative Site Development Permit, (Q)\***  
 Application No. ASDP18-00007; PRJ17-00023  
**Issaquah Highlands Self-Storage Administrative Site Development Permit, (Q)\***  
 Application No. ASDP18-00006; PRJ17-00028

**Preliminary Matters**

Schneider objected to Sloman being the official designated by the City as the City's repository for information in this case. He said the designated person at the City needs to be someone who is not an active participant in these proceedings. SOWA said he will pursue ensuring that the City designates someone other than Sloman, as requested by Schneider.

### **Staff Presentation/Witnesses**

Lell referred to remarks made by Sloman in her redirect testimony at the last meeting, and recalled Sloman. Sloman confirmed she remains under oath. Lell referred to Exhibit C-42 and asked Sloman to describe the materials contained in the exhibit, specifically a processing chart from Appendix L. Schneider noted the material in the chart contains multiple versions and different time periods, and asked for clarification. Sloman explained how the information in the charts was developed and is used with applicants.

Schneider referred to Exhibit C-41 introduced at the last meeting, which is a letter dated November 22, 2017 from Niven to Nick Abdelnour, Polygon. He introduced Exhibit S-18, an e-mail from Abdelnour that forwarded a draft letter for Niven's signature regarding vesting. Lell asked for a short break to discuss the exhibit with Niven at 6:49 PM. At 6:53 PM, SOWA reconvened the meeting.

Lell asked Niven to reconfirm that he remains under oath. Niven explained that the letter was presented to him by Abdelnour for the purpose of facilitating the City's response to Polygon's questions about vesting. He answered additional questions from Schneider about the timeline for approving Polygon's application.

### **Applicant Presentation/Witnesses**

Schneider made a statement about how the applicant team plans to present information, and proceeded to make introductory remarks to the Commission. He began his opening remarks at 7:13 PM and concluded at 7:25 PM.

SOWA called for a ten-minute break. The meeting re-convened at 7:35 PM.

Quarré continued the applicant team's presentation from 7:36 PM to 9:22 PM. Tia Heim, Shelter Holdings, was sworn in at 7:36 PM. Quarré asked questions of Heim. During her questioning, she referred to Exhibit S-25, excerpts from the Grand Ridge Annexation Agreement (Highlands Development Agreement), specifically Section 3.23, Vesting of Development Standards and Mitigation, and Section 5.13, Term [of this Agreement], Appendix L, Part One: City Processing of Land Use Permits, and introduced new Exhibit S-26 (Plat Application, Medical Office Building ASDP Application, Storage ASDP Application, Retail SDP Application, Commercial Office/Block C SDP Application).

Lell requested copies of the notes Heim prepared of meetings between Shelter Holdings and the City and to which Quarré and Heim are referring in Heim's testimony. Quarré complied, and noted Heim's meeting notes are not being submitted as official exhibits.

SOWA called a short break at 9:22 PM. The meeting reconvened at 9:33 PM.

Quarré continued her questioning of Heim. She introduced new Exhibit S-27, an e-mail string between John Rosenthal and Sloman regarding Sloman's explanation of how vesting development rights are addressed by the DSD Director, and referred to an entitlement memo authorized by Niven that gave his interpretation of vesting under the Issaquah Highlands Development Agreement. Quarré introduced new Exhibit S-28, an e-mail exchange between Niven and Abdelnour.

**ADJOURNMENT**

The public hearing was continued until Wednesday, January 16, 2019, at 6:30 PM in the Council Chambers. With no further business to conduct, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Susan Lowe  
Recording Secretary