

**CITY OF ISSAQUAH
Development Commission
SPECIAL MEETING**

6:30 PM
May 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):

Ben Rush
Brooke Shore
Mark Rigos, Alternate
Arthur Schulte, Alternate
Nischitha Venkatesh, Alternate

Administration/Staff:

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

Others Present:

Tia Heim, Shelter Holdings
Zachary Lell, City Attorney's Office
Ray Liaw, Van Ness Feldman, LLP
Jacquie Quarré, Foster Pepper PLLC
Patrick Schneider, Foster Pepper PLLC
Gary Young, Shelter Holdings [audience]

1. CALL TO ORDER

SOWA called the meeting to order at 6:30 PM.

2. APPROVAL OF MINUTES

a) MOVED BY MORGAN, SECONDED BY BRENNAN that minutes of the Development Commission meeting on April 30, 2019 be approved as presented. MOTION CARRIED UNANIMOUSLY, 5-0.

b) MOVED BY PRICE, SECONDED BY SANFORD that minutes of the Development Commission meeting on May 7, 2019 be approved as presented. MOTION CARRIED UNANIMOUSLY, 5-0.

3. PUBLIC HEARING(S) - Continued from 5/7/19

- 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 [completed]
- Staff Presentation/Witnesses [completed]

- ~~Applicant Presentation/Witnesses [completed]~~
- ~~Public Testimony [completed]~~
- Rebuttal Witnesses
- Discussion/Decision

Sloman confirmed that she remains under oath. Schneider resumed his questioning of Sloman with Exhibit S-113, in which Sloman communicated with Heim on the applicant's vested status. He asked her to describe what actions have taken place by City staff since the last public hearing on these applications to move the applications forward, and asked her to describe their status now. Sloman referred to her letter of April 5, 2019 (Exhibit S-112).

Schneider referred to the chart in Exhibit C-59 and asked Sloman clarifying questions about how she prepared it. He referred to notes Heim took at meetings between Shelter and the City, specifically meetings on May 18, 2016, July 6, 2016, and September 21, 2016, which were not included in the chart Sloman prepared, and asked Sloman to explain why she did not include them. He introduced new Exhibit S-126, a communication about a meeting Sloman set up on September 7, 2017, Re: End of Development Agreements and Shelter Holdings Property, and asked Sloman to comment on the purpose, content, and timing of that meeting. Schneider asked Sloman additional questions about information in the chart in Exhibit C-59, including what the chart reflects about how Shelter's and Polygon's applications were processed. Schneider asked additional questions about the City's processing of Polygon's plat application (Westridge Single-Family North).

Schneider introduced new Exhibit S-127, an email between Sloman and Jean Lin, Senior Planner, and new Exhibit S-128, an email between Sloman/Lin and Nick Abdelnour, Polygon, that contains the contents of Exhibit S-127. He asked Sloman to comment on City staffing changes referenced in the emails, and asked additional questions about the processing of Polygon's applications reflected in the chart in Exhibit C-59. He continued his questions to Sloman about the assignment of planning staff to process Shelter's applications. Schneider referred to an attachment to Exhibit S-127, a project timeline on Shelter's applications prepared by Lin in early August 2017, and again to the email in Exhibit S-127 between Sloman and Lin.

Schneider asked Sloman to describe the purpose and content of the City's practice of holding community conferences. He referred to Exhibit S-1, Notice of Application, and asked Sloman clarifying questions about her previous testimony about the length of time the City took to process Shelter's plat submittal and SDP applications.

SOWA called for a break at 7:32 PM. The meeting resumed at 7:42 PM.

Schneider referred to Sloman's testimony on page 22 of the transcript from the May 7, 2019 meeting. He also referred to Exhibit C-14, Shelter's plat application submitted in late 2017, and asked Sloman to comment on references to an easement on the first page of Exhibit C-15 with regard to her previous testimony. He asked Sloman about Exhibit S-3, a letter from Niven, page 2, and page 4, section 5.

The participants took a short break at 7:59 PM and resumed proceedings at 8:04 PM.

Schneider continued his questioning of Sloman about issues raised about Shelter's plat application materials and SDP application materials that she referred to in her previous

testimony. Schneider referred to Exhibit S-65, an email from Sloman to Lin about staff's processing of Polygon's Westridge North and Shelter's High Street plats. He also referred to emails, letters, and information provided in previously introduced exhibits (including Exhibits C-60 and C-50) pertaining to the City's communications both internally and with Shelter about Shelter's participation in pre-application meetings.

Schneider asked Sloman questions about her previous testimony about the City's processing of the permit and application for the Sunset Duplex project, and referred to the active projects list currently on the City's web site. Sloman described the status and details of the Sunset Duplex project in response to questions from Schneider. Schneider asked additional questions about the City's active projects list.

Schneider asked additional questions about the chart in Exhibit C-59, including whether City staff treated all the projects in the chart the same way. He introduced new Exhibit S-129, an email from Heim to Sloman about a potential meeting in January 2018 and Sloman's reply; and new Exhibit S-130, an email exchange between John Hoss, City Surf, and Sloman in January 2018 about Sloman's availability to meet with Hoss.

Schneider continued his questioning of Sloman's previous testimony about the recommendation staff made to the Council on vesting language in late 2017, and the City's eventual decision issued in early 2018. He referred to Exhibit S-130, specifically the last email in the string dated January 30, 2018 from Sloman to Hoss about the Administration's vesting decision.

SOWA called for a short break at 8:54 PM. He called the meeting back into session at 9:05 PM.

Schneider introduced new Exhibit S-131, a memo from Sloman to the Land and Shore Committee dated January 30, 2018, and referred to page 2, section 3, "Vesting." He asked her to clarify the source of the vesting statements in that document. He referred to Sloman's testimony at the last meeting about two articles in *Connections*, a publication authored by the Issaquah Highlands Council. Schneider asked Sloman to clarify her earlier comments at the last meeting about Patrick Mullaney's testimony.

Schneider asked Sloman to comment on the City's communications with Polygon informing them that the City incorrectly processed its plat applications to the Highlands Development Agreement and not the replacement regulations.

Lell began his rebuttal questioning of Sloman. He referred to Exhibit C-44, meeting notes authored by Heim at a meeting held on March 21, 2017, and asked her to read from the fourth bullet in those notes about vesting to the land use regulations but not process. He asked Sloman about Exhibit C-64, the Highlands Development Agreement available on the City's web site, as compared to the version in Exhibit S-25, and asked her to comment on which version is currently available to the public on the City's web site. He asked Sloman to comment on her letter in Exhibit S-113, and asked her to read the reference to *RCW 36.70-B.180 Development Agreements—Effects* in that letter and other documents. He asked Sloman to comment on whether letters such as that in Exhibit S-113 are appealable, whether Shelter has appealed other similar City letters, and the disposition of other Shelter appeals by the Hearing Examiner.

Lell referred to Exhibit C-59, the chart prepared by Sloman, and asked her to explain why Polygon's short plat application was not included in the chart. Lell introduced new Exhibit C-65,

a sampling of routed permits deemed complete, prepared by Sloman in preparation for today's hearing. He asked Sloman to explain the content of Exhibit C-65 and how she developed the information it contains.

Lell asked Sloman to comment on the "public access and utilities easement" shown on Polygon's and Shelter's application materials. He asked Sloman to comment on Shelter's August 2017 and December 2017 submittals, which were characterized earlier in the meeting by the applicant's attorney as "complete and detailed." He referred to Exhibit C-65, an email from Sloman to Lin after the Notice of Application was sent to the applicants by Lin for three permits, and asked Sloman to comment. He asked Sloman to comment on the City's communications to Shelter about the required pre-application process.

Lell referred to Exhibit C-50, an email from Niven to Heim, specifically paragraph 2, regarding pre-application meetings; and paragraph 4, the City's requirements for pre-application meetings, and asked Sloman to comment. He also asked Sloman to describe her relationship with the editor of *Connections*. He asked Sloman whether she recalls and agrees with Niven's testimony at the September and October 2018 meetings about vesting.

4. ADJOURNMENT

SOWA noted that tonight's public hearing will be continued to May 30, 2019 at 6:30 PM in the Council Chambers. SOWA determined that an additional meeting will need to be scheduled to continue the rebuttal witnesses portion of the public hearing. With no further business to conduct, SOWA adjourned the meeting at 10:00 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary

EXHIBITS

Please contact City staff Carla Zabriskie at 425-837-3100 for exhibits related to these permits.