CITY OF ISSAQUAH
Development Commission

7:00 PM Virtual Meeting
November 18, 2020 **MINUTES**

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT
NOTE: Due to the Governor's Proclamation 20-28 related to the COVID-19 emergency and open public meetings, this meeting is being held remotely. Participation and listening options were provided in the meeting agenda.

Commissioners Present:
Richard Sowa, Chair
Mel Morgan, Vice Chair
Michael Brennan
Patty Dillon
Jon Ikeda, Alt.
Kevin Price
Richard Sanford
Arthur Schulte, Alt.
Brooke Shore

Administration/Staff Present:
Lucy Sloman, Land Development Mgr.
Andrea Snyder, Deputy City Administrator
Doug Yormick, CP&D Assistant Planner

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

APPROVAL OF MINUTES
SOWA asked for corrections or changes to the minutes of October 7, 2020, and there were none. Minutes are approved.

AGENDA ITEMS
(a) Development Commission (DC) Get Acquainted Event (D)

- **Introductions**
- **How The DC Fits in the Organizational Structure of the City**
- **Projects Reviewed by the DC**
- **Permit Application Process—Before, After, and At the DC**
- **Upcoming Activities for DC**
- **Input on the DC Review Process**

Presented by:
Lucy Sloman
Land Development Manager

Sloman explained the purpose of tonight's meeting, which is to introduce two new members to the Commission, have members get to know each other better, and provide some information about the Commission's work for the benefit of all members. She said tonight's meeting is intended to be informal.

The Commissioners shared information about how long they have lived in the City; length of time on the DC; and some additional information about themselves.

Sloman explained how the DC fits into the City's organizational structure and the City's permits and review criteria for those permits (Site Development Permits, Master Site Plans, and Development

Agreements). She explained the thresholds that trigger all three permit types and DC's role in reviewing them. She gave an explanation of quasi-judicial process rules, which require that proceedings be both fair and appear fair, and require both procedural due process and substantive due process. MORGAN asked Sloman to clarify how emails regarding an issue before the DC should be handled. Sloman explained the process to be followed and noted the concern is that responding to an email may seem innocuous, but it may effectively create a "meeting" on that issue.

She continued her presentation on the land use review process, focusing on where DC is most involved, leading to a notice of decision or recommendation by DC. She explained the two-part public hearing process held by DC in detail, including the materials staff prepares to assist DC in its review. IKEDA asked about discussion on agenda items among Commissioners. Sloman replied all discussion among Commissioners must take place in an open meeting format. She continued Commissioners are always welcome to direct questions and comments to staff, who can then provide information to all Commissioners.

SOWA asked are Commissioners allowed to visit sites where projects are being proposed. Sloman replied this has been a back-and-forth issue in the past. A Commissioner is allowed to visit a site, but cannot bring in new information as a result of their visit because it is not part of the record, she clarified. But just walking around a site and making the situation more "real" to a Commissioner than just looking at drawings is appropriate, she added.

SCHULTE asked so is having discussions with members of the public apart from an official meeting setting inappropriate. Sloman replied yes. If you are approached by a community member, you should say you can't discuss it and invite them to make their comments at a meeting. It is also a good idea to disclose when you have visited or walked a site at the public hearing or meeting, she noted.

SCHULTE asked are there any protocols about note-taking during meetings. Sloman referred to the May 19, 2019 legal training provided by the City Clerk and City Attorney (available on YouTube). Technically, any notes you take on an agenda item are part of the public record and could be requested for disclosure, she said; however, you are not required to retain any notes. SOWA asked are Commissioners free to discuss a project with members of the public after a decision has been reached. Sloman made a note to get clarification on that.

She continued her presentation on other responsibilities that may come to the Commission, including Community Conferences for preliminary plats in urban villages and master site plans; reviewing regulations upon request by the Council, staff, or another Board/Commission; and other duties as assigned.

Sloman gave additional information on actions taken at the City with an impact on DC, such as dismantling the Urban Village Development Commission and River & Streams Board, creating a new Environmental Board, addressing the update to Title 18 in 2021, and so on.

SANFORD asked whether an appeal would always go to the Hearing Examiner for resolution. Sloman replied yes, all the Commission's decisions would go to the Hearing Examiner; Council decisions, if appealed, go to Superior Court.

MORGAN asked Sloman to describe the legislative process in more detail. Sloman replied the process for adopting a Development Agreement is treated almost like code. The process is not quasi-judicial but rather allows the public to address the decision makers directly and advocate for

their position. That is the primary difference between a legislative process and a quasi-judicial one, she added.

SOWA gave a commendation to current Commissioners for their diligence in going through all the material provided before meetings, and encouraged the new Commissioners to spend the time needed and be bold in asking questions, adding comments, and raising concerns. BRENNAN also encouraged new members to ask questions, including of staff, if there are aspects of the review process they find unclear.

Sloman explained the role of regular members and alternate members. She noted that when voting on a recommendation or decision, regular members vote and alternate members do not, unless they have been asked to stand in for a regular member in order to meet a quorum of four members. Alternate members are encouraged to fully participate in discussions, she added. She continued her presentation on resources for Commissioners, including:

- Legal framework training—YouTube, May 20, 2019
- City website (issaquahwa.gov)
- Active Project Map
- City Codes, Standards, and Plans
- Code Publishing (www.CodePublishing.com/WA/Issaquah)

DILLON asked long-term Commissioners how long they felt it took to get a working knowledge of where to find information they needed in the code. MORGAN said in his experience, the Staff Report contains all the information needed to review a project, and that the code can just be referred to as needed, for the most part. SANFORD said the Staff Report often refers to the pertinent part of the code, so you can get to the applicable parts of the code by reading the Staff Report.

Sloman continued her presentation on resources as follows:

- Document Center

SANFORD asked where are ordinances located online. Sloman demonstrated how to navigate the City's website to "Archives."

Sloman completed her presentation on where on the City's website to find information on Commissioners' terms, DC meeting times, past materials, and so on.

PUBLIC COMMENTS

Connie Marsh, Issaquah resident, explained her interest in commenting on City projects, and explained her perspective on DC's role. She said DC is only somewhat a finely-run machine, from her perspective. She gave her views on the City's motivation for changing the name of the Development Services Department to the Department of Community Development and Planning, as well as her experience of how staff presents information to the Commission. Staff gives its perspective to DC on how code should be implemented, she noted. She said during the appeal process, the "tilt" of what staff provides has so much standing that it is almost impossible to overturn it. She referred to the process of developing neighborhood concepts, and said staff puts forth what it "intends" for the community, both now and long-term. She spoke about the need to start reviewing development proposals with a description of what neighborhoods should be; how does this fit in with our town. Then look at the code. We should have a description for every area of the City.

She continued she thought the agenda tonight would focus on how we can make the process better for our community. She said it is hard for staff to be neutral when staff talks to developers all the

time; they have a tendency to accommodate people—that's human nature. The DC has its expectations, and the public comes with its own expectations. It makes it hard for the community when there is no community "rebut" when we speak. She continued she would ask that there be a summation of community comments in these meetings; those tools would make it easier for the community to engage.

She continued the presentation of information needs to include all the surrounding parcels of land in order to understand the connectivity. DC is often told they don't have purview over the road connections and how they interface with the public right-of-way (Title 12), a situation that needs to be resolved. Also we need to ensure all the documents and all public comments make it into the official record for projects, including review of the green sheets (checklists). Lastly, the active project maps do not show recent changes. There is also an active project list on the website which can help you understand what has changed in the last 30 days.

OTHER BUSINESS / ANNOUNCEMENTS
SOWA noted the next DC meeting is scheduled for December 2, 2020 at 7:00 PM. Sloman replied that is a standing meeting date for DC, but it is likely to be cancelled.

ADJOURNMENT
With no additional business to conduct, SOWA adjourned the meeting at 8:32 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary