

Planning Policy Commission  
8-11-16

**CITY OF ISSAQUAH  
PLANNING POLICY COMMISSION  
MINUTES**

August 11, 2016

City Hall South  
Council Chambers

135 E. Sunset Way  
Issaquah, WA 98027

**PPC MEMBERS PRESENT**

Carl Swedberg, Vice Chair  
Ron Faul  
Joy Lewis  
Troy Rahmig  
Jon Stob  
Justin Walsh

**STAFF PRESENT**

Dave Favour, Dev. Services, Counter Services Manager  
Dana Zlateff, Public Works Engineering, Environmental  
Sciences Associate

**OTHERS PRESENT**

Richard Sowa, Chair, Development Commission

**CALL TO ORDER**

SWEDBERG, Vice Chair, called the meeting to order at 6:33 PM.

**APPROVAL OF MINUTES**

SWEDBERG asked for any corrections or suggestions to the minutes of the PPC meeting on June 30, 2016. WALSH suggested correcting two typos on page 3 of 5 (“sSetback” in item #1 and “R” in item #2). MOVED BY WALSH, SECONDED BY FAUL that minutes of the PPC meeting on June 30, 2016 be approved as presented with the corrections offered by WALSH. MOTION CARRIED BY THE UNANIMOUS VOTE OF ALL PPC MEMBERS PRESENT.

**PUBLIC HEARING: PROPOSED 2016 LAND USE CODE AMENDMENTS SUPPORTING IMPLEMENTATION OF THE STATE EPA’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER PERMIT**

Favour and Zlateff made staff’s presentation. Zlateff gave an overview of the five land use code amendments proposed tonight to support implementation of Ecology’s stormwater low-impact development (LID) requirements. She said the purpose of tonight’ meeting is to get some feedback from the Commission and the public on both what the City has been tasked by the State to do, and what the City is proposing to do to meet the requirements. She gave more background on the timeline of the City’s work on this issue to date.

Zlateff gave a recap on the Phase II permit, which is required to be effective December 31, 2016, including (1) adopt a stormwater design manual equivalent to Ecology’s 2014 manual; and (2) review and revise local development-related codes, rules, and standards to make LID the “preferred and commonly used approach to site development.” She said most of tonight’s discussion will be on the second of these items, and continued her presentation with a review of the City’s stormwater and land use development codes that are affected.

Favour continued staff’s presentation with the five exhibits that contain the proposed changes to the City’s land use code to comply with the NPDES requirements, as outlined in Exhibits B-1 to B-5 on pages 4-9 of 12:

***Exhibit B-1. Impervious Surface Definition Clarification.***

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The Commission discussed the proposed changes that are intended to clarify “pervious pavers” and “pervious pavement” for the purposes of determining compliance with development standards. Staff explained that the proposed term “pervious pavers” was intended to be an encompassing term. Commissioners questioned whether permeable pavers or permeable pavement would be included in that term. Favour and Zlateff gave more explanation of staff’s thinking creating the language proposed.

SWEDBERG asked whether the state has provided any definition of “impervious surface.” Zlateff replied yes; it is used in the City’s stormwater design manual and the IMC for stormwater purposes, and differently in the Land Use Code for development envelope purposes.

FAUL asked for clarification of the language “if feasible” in B1.b. Zlateff explained that the state has a list of feasibility and infeasibility criteria associated with each LID. FAUL said so there is already pre-defined criteria for determining feasibility. Zlateff replied yes.

After additional discussion, WALSH suggested making the following changes to the language in all three references in Exhibit B-1 where applicable (B1.a, 18.02.110-Definitions; B1.b, 18.07.050 Impervious Surface; and B1.c, Central Issaquah Development and Design Standards, Chapter 2.0), as follows: “asphalt or other paving,” “pervious pavers,” and “or other permeable materials.” The other Commissioners concurred.

***Exhibit B-2. Critical Area Definition changes to support LID.***

Staff explained the proposed changes to be consistent with Ecology’s definition of stormwater facility.

***Exhibit B-3. Allowed Wetland Activities changes to support LID.***

Staff explained the proposed changes to allow LID stormwater facilities in wetland buffers without buffer averaging. STOB asked for clarification of how far a slope can be cut back to accommodate a stormwater vault. Favour said there could be temporary impacts along with a restoration plan, and explained the point in the process when that would be reviewed.

***Exhibit B-4. Alterations to Streams and Buffers changes to support LID.***

Staff explained the proposed changes to allow LID stormwater facilities in stream buffers without buffer averaging. FAUL said in item E-3, the words “Class 1, 2, 3 and 4” are proposed for elimination (“~~Class 1, 2, 3 and 4~~ Stream buffers...”), and asked does that change result in more or less protection for stream buffers. Favour replied it would not result in less protection.

***Exhibit B-5. Competing Needs with Special Zoning District (SZD).***

Zlateff explained that the overall goal of Ecology’s requirements in implementing NPDES Phase II is stormwater treatment. The new stormwater manual stipulates that LID management is the first choice; and where that is not possible or feasible, then to look to conventional stormwater management methods that are in use today. She said Ecology also has made an allowance for competing needs that could make compliance with LID infeasible. Examples of competing needs are public health and safety; an adjacent toxic or Superfund site; interference with ADA or utility requirements, and so on.

Favour continued Ecology has allowed for establishing a Special Zoning District (SZD) where competing needs create a conflict with complying with LID. Ecology did not define a SZD; that is the task for jurisdictions, including Issaquah. Following a recent City Council Committee Work Session, staff was directed to study whether the Central Issaquah Area should be designated a SZD. That would mean that LID stormwater management would be the preferred method over

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conventional options, but because of the growth planned for the Central Issaquah Area, it would not be required if it conflicted with the development goals for that area.

LEWIS asked why the Central Issaquah Area should be considered a SZD. Favour replied the Central Issaquah Area is one of two subareas in the City that has an adopted subarea plan; the other is Olde Town. The Central Area is the subarea for which we have a recent vision, focus and target on accommodating growth through density planning. Designating the Central Issaquah Area as a SZD would mean that we would still push LID stormwater management options to the maximum degree feasible, but where LID options would compete with the vision, focus and target for the area, then LID would not prevail.

WALSH said he would like to see the language changed to something stronger, perhaps by changing “competing” to “conflicting.” LEWIS agreed that the wording should be stronger. RAHMIG asked whether the City is required to designate any part of the City as a SZD, or whether that would be a choice the City was making. Favour explained the driver for this came out of a request by staff at a work session of the City Council, who made a specific request for staff to study designating the Central Issaquah Area a SZD. Staff has proposed doing so because it would help both staff, public, and developers decipher competing needs in the area of the City that has been selected for growth, he added.

The Commission continued a discussion of how developers could view their need to implement LID options with the language as written and what “if feasible” could mean to them. FAUL said if I was a developer, I might say that this would allow me to do away from LID and focus on building the most profitable development possible. Zlateff said the developer would still have to meet all stormwater design requirements, and if they chose non-LID options, then would have to do a full report of why they could not use them. Favour added the competing needs criteria were established by Ecology because it recognizes that jurisdictions have to allow for urban growth in some areas, and that not all growth can be inhibited because of LID requirements.

WALSH asked whether Ecology used the term “competing” in the Ecology Stormwater Manual. Favour replied yes, and it is used in other parts of the City’s land use code. WALSH asked whether Ecology uses “maximum extent practical and feasible.” Favour replied no, it just refers to “feasible,” and explained why staff added “practical” Because it’s used elsewhere in the land use code.

LEWIS asked whether existing Development Agreements with Urban Villages address LID requirements. Favour said any existing Development Agreements may not be subject to the amendments presented tonight because the agreements may have different legal requirements for compliance with LID.

WALSH said he could support the amendment but only if it was transmitted to the Council with a cover letter explaining that PPC had concerns about the lack of forcefulness in the language. He said he would want the letter to note that PPC realizes that the request came out of a City Council work session, but that PPC would want the language to be stronger so that developers would not see it as a “loophole.” RAHMIG said he would favor any language that would push developers in the direction of doing LID in the Central Issaquah Area despite it being designated as a SZD, and said he would favor taking out the word “practical” in the phrase “...to the maximum extent practical and feasible.” Others agreed. Commissioners also discussed potential legal issues that could arise if the City did not designate any areas as SZDs.

MOVED BY WALSH, SECONDED BY FAUL that PPC recommend approval of the proposed 2016 land use code amendments supporting implementation of the NPDES Phase II stormwater permit

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as presented in Exhibits B-1 through B-5, with the following stipulations: (1) changes to the language in Exhibit B-1 discussed earlier; (2) stronger language to Exhibit B-5 encouraging developers to implement LID in the Central Issaquah Area, including eliminating the word "practical" in the phrase "...to the maximum extent practical and feasible," (3) a cover letter be drafted transmitting the recommendation to Council with the new proposed language that encapsulates PPC's concerns and discussion tonight about designating the Central Issaquah Area as a SZD; and (4) the PPC Chair sign the Findings of Fact included as Exhibit C as part of the transmittal to Council.

#### **PUBLIC COMMENT**

SWEDBERG opened the hearing for public comment at 7:44 PM. Hearing no requests to speak, he closed the hearing for public comment at 7:44 PM.

#### **COMMISSIONER RECOMMENDATION**

MOTION CARRIED UNANIMOUSLY BY ALL PPC MEMBERS PRESENT.

Favour displayed a slide showing the next steps in the review process of the proposed NPDES stormwater permit amendments leading to approval by the City Council.

#### **OTHER BUSINESS/ANNOUNCEMENTS/ADJOURN**

With no further business to conduct, SWEDBERG adjourned the meeting at 7:45 PM.

Respectfully submitted,

Susan Lowe  
Recording Secretary