

**CITY OF ISSAQUAH  
Planning Policy Commission**

6:30 PM

Virtual Meeting

October 22, 2020

**MINUTES**

**COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT***Commissioners Present:*

Joan Probala, Chair

Joy Lewis

Janice Carle

Bill Rinehart

Jason Voiss

*Commissioners Not Present:*

Ron Faul, Vice Chair

Robin Beukers, Alternate

*Administration/Staff:*

Chris Grabowski, Code Enforcement Officer

Doug Yormick, Assistant Planner

Keith Niven, Director, CP&amp;D

Andrea Snyder, Deputy City Administrator

**CALL TO ORDER**

PROBALA, Chair, called the meeting to order at 6:30 PM. She explained that, due to the Governor's Proclamation 20-28 prohibiting meetings that fall under the Open Public Meetings Act from being conducted in person, tonight's public hearing will be held entirely remotely. She referred to the guidelines for virtual meetings the City has been following and explained how members of the public can provide public comment.

**APPROVAL OF MINUTES**

- a) PROBALA asked for any objections to approving the minutes of PPC's October 7, 2020 joint meeting with the Development Commission, and there were none. Minutes are approved.
- b) PROBALA asked for any objections to approving the minutes of the October 8, 2020 PPC meeting, and there were none. Minutes are approved.

**PUBLIC HEARING**

- a) **Recommendation on Proposed Amendments to Issaquah Municipal Code (IMC) 16.33 Construction Hours, (A)**

*Presented by:**Chris Grabowski, Code Enforcement Officer*

Grabowski made staff's presentation on proposed changes to the IMC that pertain to regulating construction hours, initially adopted in 2016. He provided some background on the regulations, including their intent; described the actual regulations themselves; and explained the violations that have taken place over the last few years. He referred to the changes being proposed, as shown on page 19 of 27 in the agenda packet, as well as exceptions to the regulations, as shown on page 20 of 27.

**Public Comment**

PROBALA opened the public hearing for comment at 6:37 PM. Hearing none, PROBALA closed the public hearing at 6:38 PM.

**Commission Discussion/Decision**

LEWIS asked whether the City has held any stakeholder meetings on the proposal, particularly seeking construction companies' views on these proposed regulations. Niven replied the City has more restrictive construction hours than most of our neighboring jurisdictions. He described the difficulties construction crews are facing with shorter days and wet weather, and said his understanding is that some crews have been performing construction-related activities on

weekends and after the regulated hours simply to be able to get work done during the available hours. He continued staff did not reach out to active construction sites.

LEWIS said with more residents working and being at home more due to Covid-19, she can understand how residents might be particularly sensitive to noise in recent months. She continued that said, perhaps some give-and-take that would also be sensitive to construction crews is a possibility, such as extending the hours that vehicles could be moved off-site to 7:00 PM. Niven said the original construction hours of 7:00 AM to 6:00 PM, Monday to Friday, were set around the thinking that many people would be away from home during daylight hours, and by the time they got home around 6:00 PM, the construction crews would be done with their work and residents' evenings and weekends would be minimally impacted. He continued he agrees that circumstances for many people have changed since 2016. He gave more details about the Council's intention in 2016 to minimize inconvenience to residents, and said staff is proposing the amendment now to better carry out that intention. PROBALA noted "no time is perfect" for construction work, particularly in neighborhoods.

VOISS asked for clarification about the volume of complaints the City has received about construction noise. He noted that the City already has pretty strict restrictions on construction hours. Not being able to work on Saturdays, for example, is a hardship for many contractors, and is even more of a hardship because of Covid-19. Construction is one of the few industries that is having a hard time but also managing to stay viable, he continued, and asked would the City be adding yet another hardship for them with the proposed amendment. Grabowski replied the City probably gets 15 to 20 complaints a year about construction noise and/or working outside permitted hours. He explained how complaints are received by the City, including those that are received by the Issaquah Police Department. He noted that some calls are received after the fact, and explained how staff works with construction crews in pre-construction communications to be sure they understand allowable construction hours.

VOISS asked for details about the complaints received by the City; do they follow a pattern of certain days of the week, specific hours of the day, and so on. Grabowski replied they are a mix of all of those. He noted noise can be quite troublesome for some residents, and the City's intent is to make it as clear as possible to both contractors and residents what "construction activity" means. VOISS asked so if a crew member pulls up 15 minutes early to the start of their work shift at 7:00 AM, would that be considered a violation. Grabowski explained that code enforcement officers have some leeway in determining when a violation has occurred, and in that case, he would not issue a violation. He gave more examples of how the City has some flexibility in issuing violation notices.

RINEHART asked have construction personnel been given clear messages in pre-construction meetings with the City about these proposed regulations, or would they be new for them. Grabowski replied the definition of "construction activity" would change if the Council approves this amendment. So any construction project under way now would not have been apprised of these proposed changes. Niven replied if these changes are approved, the City would need to contact existing construction projects and let them know that the definition of "construction activity" has changed.

PROBALA asked can construction projects get a special permit from the City now to work outside regular hours if necessary. Niven replied yes. The project needs to make the case that increased hours has a public benefit, or minimizes the impact on the community, he replied, and gave examples. RINEHART asked are change requests decided on a case-by-case basis. Niven replied yes. RINEHART asked what is the average duration of construction projects in the City. Niven gave examples of projects that are active over 1.5 years, three years, and so on. He added that wet weather months, basically October to April, impacts the amount of construction that can take place then.

LEWIS said perhaps a happy medium can be reached between recognizing the construction crews' need to be as efficient as possible with the time available to them, and the concern about noise in the community. She suggested possibly referring to allowing more flexibility during months that have daylight savings time, for example. She said she is favoring an approach that gives the City the clarity that was intended in the 2016 regulation while also allowing some wiggle room for construction crews.

VOISS said he agrees with LEWIS, and understands why the City wants to have a better definition of "construction activities." He also said he is disappointed that the City didn't do more outreach to stakeholders in the construction community, both large and small.

CARLE said she doesn't have any specific concerns with the new definition, and asked are the exceptions generally concerning construction in residential or commercial areas, and does the code differentiate between them. Grabowski replied no. The regulations do not differentiate between projects in residential vs. commercial areas, although the size of the job is used to determine fine amounts.

Niven offered a suggestion to include allowing ancillary construction-related activities such as on-loading, off-loading, refueling, and so on during non-permitted hours, provided the City is given notice 48 hours in advance. He gave examples, and said that would require contractors to be more communicative and improve predictability for residents. He noted that contractors are required to notify neighbors by using door hangers now if they want to work on, say, a Saturday, so this would just expand the notification procedure that is already in place.

PROBALA said she thinks the proposed amendment is acceptable because mechanisms already exist for contractors to get special permission from the City to work outside the permitted hours. She said she doesn't see the option to reference daylight savings time as workable.

LEWIS said she agrees with VOISS' earlier statements that the outreach part of this deliberation process is missing. She would have liked to have heard from stakeholders, both the public and the construction industry, about this.

The Commission briefly discussed whether to ask staff to work on a new proposal and bring it back to PPC for more discussion at its November 12 meeting, or take action on the proposed amendments as presented tonight, including any proposed changes.

MOVED BY LEWIS, SECONDED BY VOISS that the Findings of Fact for the proposed amendments to Issaquah Municipal Code (IMC) 16.33 Construction Hours be amended to include any ancillary construction activity on a work site, such as arrival and removal of equipment from a job site and the refueling of vehicles, outside of and within an hour of the stated approved work hours of 7:00 AM to 6:00 PM, Monday through Friday, excluding holidays; and that such activities require 48-hour notification to the City and community as dictated in Ordinance 2777. MOTION CARRIED BY A MAJORITY VOTE, 3-2 (LEWIS, VOISS, and CARLE in favor; PROBALA and RINEHART against).

MOVED BY LEWIS, SECONDED BY CARLE to recommend approval to the City Council of the Findings of Fact for the proposed amendments to Issaquah Municipal Code (IMC) 16.33 Construction Hours, as amended by PPC at tonight's meeting. MOTION CARRIED BY A MAJORITY VOTE, 4-1 (PROBALA, LEWIS, VOISS and CARLE in favor; RINEHART against).

PROBALA clarified that PPC's recommendation will be forwarded to Council and this item will not be returned to PPC for more discussion at its meeting on November 12.

**REPORTS**

- a) October 13, 2020 Council Study Session. Snyder gave a brief follow-up report on the Environmental Board discussion at the last City Council meeting. She indicated that staff will provide the Council with a written response to questions and comments made by PPC at the Council's meeting on October 26, which will also be provided to PPC members. She indicated staff will also give a briefing to PPC at its next meeting about Council's decision on the Environmental Board.

**OTHER BUSINESS / ANNOUNCEMENTS**

- a) Upcoming Schedule. PROBALA noted PPC has two meetings left in 2020: November 12 (review of sign code) and December 10 (Olde Town Architectural Standards for Single Family-Duplex Zone).

**AUDIENCE COMMENTS**

None.

**ADJOURNMENT**

With no additional business to conduct, PROBALA adjourned the meeting at 7:46 PM.

Respectfully submitted,

Susan Lowe  
Recording Secretary

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