

CITY OF ISSAQUAH
Planning Policy Commission
and Environmental Board
SPECIAL JOINT MEETING
MINUTES

6:30 PM
July 22, 2021

Virtual Meeting

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Alternate Meeting Format: On March 6, 2020 the Mayor declared a civil emergency due to the outbreak of novel coronavirus (COVID-19). On March 24, 2020 the Governor issued Proclamation 20-28 relating to the COVID-19 emergency and open public meetings. The proclamation has been extended. Due to these factors, the meeting was held using a remote meeting platform.

PPC Commissioners Present:

Ron Faul, Chair
Sara Bader
Joy Lewis
Nina Milligan
Matt Monahan
Richard Zaragoza, Alternate (voting as regular member)

PPC Commissioners Not Present:

Jason Voiss, Vice Chair (Excused)

Administration/Staff Present:

Christen Leeson, Senior Planner
Minnie Dhaliwal, Director, CP&D
Megan Curtis-Murphy, Sr. Sust. Coord.
Christina Merten, Herrera & Associates
Katie Cote, BHC Consultants
Alex Capron, The Watershed Company
Doug Yormick, Assistant Planner
Denise Fong, Stantec
Jim Johnson, Golder Associates

Environmental Board Members Present:

Nancy Davidson, Chair
Jamie Finch, Vice Chair
Dani Madan (youth/young adult member)
Don McQuilliams
Rishi Hazra (youth/young adult member)
Dan Hintz
Lara Lebeiko
Janet Wall, Alternate
Tom Anderson, Alternate
Surya Bollapragada, Alternate (youth/young adult member)

Env. Board Members Not Present:

Cameron Fisher
Anne Newcomb (excused)

CALL TO ORDER

FAUL, PPC Chair, called the meeting to order at 6:30 PM. He provided some guidelines for participating in tonight's virtual meeting, including how to provide public comment. Tonight's meeting is a joint meeting of the Planning Policy Commission and the Environmental Board. The purpose of the meeting is to provide a deeper understanding of environmental policies and gaps that exist, and to provide policy direction for the Title 18 code updates. Roll was taken, and FAUL described some procedural guidelines for tonight's discussion.

REGULAR BUSINESS

- a) **Title 18 Land Use Code Updates: Environmental Policies, (D)**
- **Aquatic Critical Areas (wetlands, streams, CARA, wildlife aquatic areas)**
 - **Geo Hazard Critical Areas**
 - **Shorelines**

- **Outdoor Lighting**
- **Climate Change and Sustainability**

Presented by:

Minnie Dhaliwal, Director, Community Planning & Development

- **Aquatic Critical Areas**

Dhaliwal gave a brief overview of Title 18: Land Use Code update. She continued with information on **wetlands, streams, Critical Aquifer Recharge Areas (CARA), and Fish and Wildlife Aquatic Areas**. Her presentation on each topic, as applicable, included the City's vision; introduction and background; a summary of the gaps analysis; the proposed approach in the update; key concepts in the approach, including applicable state law; existing regulations in the City's Comprehensive Plan and/or Strategic Plan; and approaches taken by other jurisdictions. After each topic, Dhaliwal reiterated the policy questions on which staff is seeking feedback tonight. FAUL asked for questions from Commissioners (see videotape at time noted for replies by staff and technical consultants).

Commissioner Questions

MILLIGAN asked is there any requirement for offsite mitigation at the state level. (Dhaliwal, 28:04-29:20).

FINCH asked how many sites are impacted; in other words, what is the relative number of potential sites that could be developed and on which these decisions would have an impact. (Dhaliwal, 29:55-31:12).

LEWIS said she has sent some questions about buffers to staff in advance of tonight's meeting. Dhaliwal referred to an updated memo staff prepared that responds to questions from LEWIS about the Department of Ecology's wetland rating system. She continued her reply (32:00-33:27), and referenced the policy options for buffers in the agenda packet.

LEWIS asked about the reference in the agenda packet to Best Available Science (BAS) for buffers as being 32 or 33 feet; smaller than that negates the point of a buffer. She spoke in favor of seeking more aggressive approaches to buffer widths, and said she would like a better idea of whether the City is recommending continuing its approach to buffers, which is a buffer reduction plan, or being more aggressive in terms of buffer protection. She also asked what resources are we giving landowners about restoration and replanting buffers, incentives, how to handle noncompliance, and so on. Merten explained that there are two types of buffers; those that are related to wetland areas, and those that are related to streams or riparian areas; there are completely different sets of BAS for each type. She explained more about the differences between the two types, how they are addressed in Ecology's regulations, and the buffer examples in the memos supplied in the agenda packet (37:00-39:49). Dhaliwal added it might help Commissioners visualize these buffers by staff preparing a map to show what a 100-foot buffer looks like, for example, and what the buffers would look like under options A, B, and C.

LEWIS said education and information is very important in this process, and it would be great to see an education section the next time we see this that speaks to why the City is considering these recommendations. It would also be interesting to see an analysis of what the end result will be; what is the impact on our buildable land. LEWIS said she would like to hear more about what resources exist for being able to restore our current habitat. Yormick replied the City doesn't offer many resources; we do provide some information for applicants, and can supply

them with a sample monitoring report, for example. He continued his explanation of how the City performs enforcement and compliance (44:26-45:00).

DAVIDSON asked are there any jurisdictions that do not allow reductions in buffer widths. Dhaliwal and Merten replied (45:56-47:50). DAVIDSON asked is there any opportunity for the City to decide that the buffers we have today will be the buffers we adhere to going forward with the code we adopt in Title 18. She expressed concern about allowing a lot of reductions in buffers; we have to be able to say “no” sometimes, including to public applications. Merten replied (49:10-50:18). DAVIDSON asked do the buffer regulations apply equally to all entities, meaning to the School District, the City, private businesses, parks, and so on. Dhaliwal replied the code does currently have exemptions for public utilities, roads, infrastructure, and so on. Staff made a note to bring forward the option of changing the code to not allow exemptions for public entities.

BADER asked questions about the fee-in-lieu-of option and the mitigation banking option at the state level. She asked how are decisions reached on where those investments should be made, and does the City have an opportunity to ensure those funds are equitably distributed. Merten replied (52:48-57:25).

LEBEIKO said the document has goals; how will we know whether or not we have been successful. What will success look like, she asked. There is a gap between the situational analysis and the somewhat vague goals. She continued she is concerned about issues related to sustainability that are not necessarily reflected in the code. How will issues that are not being addressed be captured and reflected back to the City Council. She said some of the document seems quite segregated, like separating out wildlife. She said she would like to see aquifers, fire, and drought addressed directly so the City can be prepared for resiliency down the line, not just for developers but for residents as well.

LEWIS commented on DAVIDSON's question about buffers and exemptions, particularly for schools. She spoke in favor of everyone being subject to the same regulations. She said page 13 looks at what can't be done; but on page 68, the City of Redmond is specified as a green building example. She said she would like to know when those sustainability-oriented components will be addressed. Cote replied (1:04.25-1:06.45), including how the comment tracing matrix will keep track of all concerns. Dhaliwal gave information about how the Stormwater Management Plan, Climate Action Plan, and Title 18 update are being coordinated at the staff level. She said part of this update effort is to create a framework to align all long-range plans; it will be a continuous improvement process.

LEWIS asked for clarification on the two stream classification systems referenced in the agenda packet, and why should one be chosen for use by the City over the other. Dhaliwal and Merten replied (1:09.29-1:17).

MILLIGAN asked a procedural question about the best way to provide feedback on the questions, comments, and public comment being given tonight. Leeson suggested sending comments to staff by August 3. Staff will collect and organize them, and include them in the August 12 PPC agenda packet. Dhaliwal said Commissioners can also contact staff for one-on-one discussions.

MILLIGAN said following up on DAVIDSON's question, is there any risk to the City to allowing no offsite mitigation, buffer reductions, or exceptions of any kind to buffer regulations. Are there property rights that would come into play, she asked. Also, the City has regulations for the

quality and functionality of buffers in lieu of size; could we have both. Leeson replied the City has to allow reasonable use of a property. Dhaliwal replied the City could require that a property owner of a critical area upgrade the quality of a buffer, regardless of whether the property owner was applying for a buffer reduction.

MADAN asked about differences in land intensity in the City, and whether there is any way to quantify the efficacy of options for wetlands. Is there any evidence that a more nuanced approach would be more effective, she asked. Dhaliwal replied a more nuanced approach provides more options; the problem with that approach is that it is more complicated. She continued her reply (1:24-1:25).

Public Comments

Connie Marsh, Issaquah resident, said she disagrees with the position that the City's buffer reduction is 25 percent; it is actually 25 percent of only 25 percent. She continued her comments on the presentation made tonight and in the agenda packet on buffers; mitigation options; and how to address and classify ditches and streams, particularly those that are salmon-bearing. (Note: Some comments were unintelligible due to technical issues.)

Commissioner Comments

LEWIS suggested that for future Title 18 discussions, staff put together a brief questionnaire or survey that outlines the questions on which staff is looking for feedback. Staff made a note of it.

FINCH said in order to make meaningful comments, a more holistic inventory is needed of the existing land and critical areas, and how these decisions would impact them. Dhaliwal said staff can look at what is possible, such as a link to a GIS system and creating maps for Options 1, 2, and 3. She said an inventory of streams is possible. We don't know where all the wetlands are, but we can give examples that might be helpful.

FAUL commented on the small properties within the sample buffer referenced on page 23, number 1, and asked how would those small properties be addressed. Dhaliwal replied those properties would be subject to the regulations in the chapter on nonconforming situations.

- **Geo Hazard Critical Areas**

Dhaliwal presented information on Geo Hazard Critical Areas that can be found on pages 8, 12, and 41-52 in the agenda packet, including areas on which Commissioners' policy direction is being sought (pages 47-49). FAUL asked for questions from Commissioners (see videotape at time noted for replies by staff and technical consultants).

Commissioner Questions

MILLIGAN asked when the City reviews development applications, when would peer review be used versus using more specialists. She also asked whether 40 percent has always been the threshold for determining a steep slope, and whether retaining walls could be allowed only for safety reasons and not for design or aesthetic reasons. Johnson replied a good role for peer review within the City is to see whether the applicant has met code requirements, but also the requirements of best available science and local engineering practice. So peer reviews have a vital role for providing sound information. He explained how steep slopes are classified and the purposes of using retaining walls (1:52.11-1:54.16).

ZARAGOZA asked what are the policy differences between engineered slopes and natural slopes, and do engineered slopes eventually become natural slopes. Johnson replied (1.55.05-1.56.20).

LEWIS asked questions about the threshold for steep slopes, measurement of steep slopes, and how those calculations are made. Johnson replied, including how landslides are identified (1:57.39-2:01). LEWIS asked does our code address retaining walls, or is that a gap we are identifying now. Leeson replied it is a gap. LEWIS said she would like to have information next time about how the City's current code has either helped or hurt the City's landslide situation. She also asked whether the sediment from the City's existing landslides is being monitored. Johnson replied no, although he's also not aware of any erosion problems or current movement with them.

MONAHAN asked what is the public benefit that a detailed mapping of geological hazards would provide. Johnson replied some municipalities have provided very detailed mapping of critical areas, such as Kirkland. He discussed having pre-application meetings with applicants to go over critical areas on their property, and general education of the public about geological hazards. He continued his reply (2:04.00- 2:06.36).

McQuilliams asked whether the City has collected data over time to create GIS maps. He also asked whether someone is required to do a pre-application geotechnical analysis of the property. Johnson said in his experience, yes; and if a critical area exists, also do a geologic critical areas study. He gave additional comments about the availability of GIS maps already available.

DAVIDSON asked has the City set aside any funding for the maintenance or repair of retaining walls like the one behind Fred Meyer and Home Depot. Johnson said no, and he has never seen a jurisdiction do that. He continued his reply (2:09.45-2:10.45).

Public Comments

Ken Esemann, Talus resident, gave his perspective and concerns about building on steep slopes, and referred to the catastrophic event at Talus in 2015. He said the City has a track record of experiencing hillside movements over the last 30 years. He continued he didn't see anything about bonding and landslide insurance in the Title 18 update. He continued with information about the Parcel 9 landslide at Talus. He said he would like to see a requirement for bonding commensurate with the risk that a developer causes when they disturb land, and consider requiring landslide insurance.

Connie Marsh, Issaquah resident, spoke about the importance of keeping the aquifer recharged with water, which is not being discussed. So far discussion has only been about contamination, not the need to address continued year-round levels of water in the aquifer. She also said the code doesn't address bogs; both bogs and peat need to be added to the critical areas code. She said the City doesn't consider slopes made in the 1930s as steep slopes because they were manmade, but she would like to see the code address what the criteria for what a manmade slope is. The real issue is not slopes, but slopes plus water, she said; that's where we get into trouble. She said she would like to see something more specific addressed in the code about steep slopes and water, particularly given the kind of soils we have on the valley floor. We should have something in our City code about the kind of stability we require on our valley floor.

Commissioner Comments

FAUL said he agrees with public comments made tonight about the need for a policy on bogs and peat (Marsh), and comments about the need for bonding and insurance (Esemann).

FINCH commented building on the high slope areas that require a lot of grading doesn't fit in with the City's Central Issaquah Plan and Climate Action Plan, or our commitment to become more sustainable. He spoke in favor of finding other solutions that don't require building on unstable slopes; there are multiple reasons why we need to find other opportunities for development.

- **Shoreline**

Yormick made staff's presentation, including background on setbacks and buffers for shorelines; key concepts; comparative information from other jurisdictions; and continued research, as included in the agenda packet on pages 9, 12, and 53-59. FAUL asked for questions from Commissioners (see videotape at time noted for replies by staff and technical consultants).

Commissioner Questions

FINCH asked for a summary of the rationale for a common line setback. Yormick replied it is primarily for for maintaining similar views to adjacent properties, allowing flexibility for design, and providing continuity along the shoreline.

ANDERSON asked whether any ongoing monitoring takes place when property changes hands. What have other jurisdictions who have tried this approach done, and how successful have they been, he asked. Yormick said we don't have a lot of data, but he does know of one bulkhead removal that has worked and performed well. He said another bulkhead removal is under discussion now. The City does have records through its permit tracking about what has occurred on any given property. A new bulkhead would require a much more rigorous application process.

Public Comment

Connie Marsh, Issaquah resident, said she has similar concerns for shorelines as for the wildlife discussion. She said the presentation given tonight is missing the best available science for shorelines, which has changed considerably in the last ten years. At that time, removal of bulkheads was considered the best available science for fish habitat protection, as well as shading with native vegetation. So if people want to consider maintaining views, they should have to also improve their shorelines for the good of the public, fish, and wildlife. That is missing from the discussion of code changes, she concluded.

Commissioner Comments

In the interests of moving through the rest of the agenda, the Commissioners agreed to email their comments to staff by August 3 for inclusion in the next agenda packet.

- **Outdoor Lighting**

Cote gave staff's presentation on outdoor lighting standards, including an analysis done by Fong, lighting consultant; key concepts and technical information; summary of a gaps analysis; the approach taken in the update for outdoor lighting; and staff's request for feedback on dock lighting, outdoor lighting for design purposes, and the possibility of using outdoor lighting for placemaking, as included in the agenda package on pages 13 and 71-75. FAUL asked for questions from Commissioners (see videotape at time noted for replies by staff and technical consultants).

Commissioner Questions

ANDERSON asked are any jurisdictions moving toward requiring motion detection lighting for commercial or residential spaces. Fong and Dhaliwal replied (2:55.15-2:57.05).

ZARAGOZA asked about replacing existing dock lighting. Would the City negotiate replacement of each one as a requirement, or would it be a phased-in approach as new, better technology replaces old technology. Cote replied (2:58.-3:02.59).

LEWIS said when PPC was reviewing the sign code, Compliance Officer Grabowski discussed lumens with PPC and the difficulty of enforcing regulations on lumens. Fong replied (3:00.05-3:02.54). Fong also gave information about Issaquah's compliance with dark-sky requirements in the Model Lighting Ordinance (3:03.49-3:04.59). LEWIS asked will that language be put in the code. Cote said that reference is one of the best practice documents, and we will be incorporating those regulations in the update.

MILLIGAN asked four questions about the dark-sky standards: Do we have policies on directional lighting throughout the City like we do in the Highlands; how do we handle enforcement on private property; are we looking at adding standards such as solar power as an energy source for outdoor lighting; and lighting of sports fields doesn't seem to be addressed, but is a big problem. Fong and Cote replied (3:07.32-3:13.04).

FAUL asked can we currently source alternative energy from Puget Sound Energy, and make that part of our policy. Curtis-Murphy replied the City does source renewable energy for 95 percent of its operations from PSE; PSE has a similar optional program that businesses and residents can buy into.

Public Comments

Connie Marsh, Issaquah resident, said the code also needs to address noise. She spoke about problems created by interior lighting, particularly from parking garages. That needs some controls. It was not clear whether this also applies to public lighting. The City has many dark parts with no lighting that are not safe, and the City has never determined whether to address that as a public policy. What are our standards for exterior lighting in terms of safety. The City also has a freeway through the middle of it; we need to address lighting as it pertains to visibility from the freeway as well. She questioned how big of a problem is being experienced with dock lighting; she was not aware there was a problem there. She spoke in favor of education for everyone around a critical area, especially what lighting does for wildlife and the natural environment. She talked about the elevation issue with lighting and gave examples. She concluded how do we create a community process to involve the people who will be impacted by lighting, and in fact there hasn't been much discussion of how to keep the community intertwined with any of these codes discussed tonight.

Commissioner Comments

In the interests of moving through the rest of the agenda, the Commissioners agreed to email their comments to staff by August 3 for inclusion in the next agenda packet.

- **Climate Change and Sustainability**

Cote introduced the climate change/sustainability topic, including options for integrating sustainability in the land use code and how other cities have done that; information on mitigation and adaptation; guidance in state law; summary of the gaps analysis; information about the City's draft Climate Action Plan, in development now; comparative information from other jurisdictions; the approach taken to the code update on climate change and sustainability; and

areas for discussion and policy direction, as included in the agenda package on pages 13 and 61-69. FAUL asked for questions from Commissioners (see videotape at time noted for replies by staff and technical consultants).

Commissioner Questions

MILLIGAN asked for clarification of the statement on page 13, *"The Title 18 Land Use Code update... does not have the capacity to address other components to resilience and sustainability,"* yet it sounds from the examples given that the City may have that opportunity through LEED and other green certification programs. She also asked about increasing residential density in single-family neighborhoods. Cote and Curtis-Murphy replied (3:32.44-3:37.25).

LEWIS said the point system Cote has described is intriguing but vague; there isn't enough information on how the system will reach the aggressive goals, how stringent the point system should be, and so on. She said she would like to see more information on the structure of the point system.

FINCH said one of the policy direction questions asks, *"Should the City pursue a citywide strategy by integrating sustainability into multiple code chapters (including Title 18 and others) to reflect its strong commitment to climate change action?"* and asked what is the alternative we should be considering. Cote replied (3:40.18-3:41.25).

DAVIDSON said the point system is intriguing, but it would tie into most of the topics we have covered tonight. It could potentially be tied into a broader context, which would give opportunities for property owners and developers to be more creative in proposing some tradeoffs that could end up as a "win" for the City.

Public Comments

Connie Marsh, Issaquah resident, referred to the idea of checklists; checklists turn into code, she continued, and used LEED gold and LEED platinum checklists as an example, specifically the LEED platinum fire station. She continued checklists age and can't be kept updated. Developers can pick and choose what allows them to qualify for more development with checklists and leave the natural environment behind. She said she is not in favor of checklists and would favor something more prescriptive. She also said tonight's meeting has covered way too many topics, and she is disappointed she isn't hearing Commissioner comments, only questions, tonight. She gave some recommendations for the next meeting and said tonight's meeting was a failure to engage the public.

Commissioner Comments

In the interests of moving through the rest of the agenda, the Commissioners agreed to email their comments to staff by August 3 for inclusion in the next agenda packet.

REPORTS

a) **Council Updates**

Presented by:

Christen Leeson, Senior Planner

For those who are interested, Leeson noted the draft sign code will be addressed in a Council Study Session on July 27 at 6:30 PM.

OTHER BUSINESS / ANNOUNCEMENTS

a) Upcoming Schedule. Leeson said a request has been made by a member of the public to schedule public comment at the beginning of PPC's agendas. The change would require a motion by PPC.

MOVED BY MILLIGAN that a public comment opportunity be included at the beginning of every PPC meeting, as well as opportunities after staff presentations and Commissioner questions on action items, as was done at tonight's meeting.

LEWIS offered a friendly amendment; namely that the first public comment opportunity be scheduled after approval of the meeting minutes and before staff begins its presentations. MILLIGAN, maker of the motion, agreed to the friendly amendment.

MOVED BY MILLIGAN, SECONDED BY LEWIS that the motion to schedule a public comment opportunity at the beginning of every PPC meeting, as amended, be approved. MOTION CARRIED UNANIMOUSLY, 6-0.

PUBLIC COMMENTS

None.

ADJOURNMENT

With no additional business to conduct, FAUL adjourned the meeting at 10:26 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary