

**CITY OF ISSAQUAH
Planning Policy Commission
and Environmental Board
JOINT MEETING**

6:30 PM
August 26, 2021

Virtual Meeting

MINUTES

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
Jason Voiss, Vice Chair
Nina Milligan
Sara Bader
Richard Zaragoza, Alternate (serving as regular member)

Administration/Staff:

Christen Leeson, Senior Planner
Minnie Dhaliwal, Director, CP&D
Katie Cote, BHC Consultants
Lucy Sloman, Land Dev. Manager
Jim Johnson, Golder Associates
Greta Presley, Herrera & Associates

Commissioners Not Present:

Joy Lewis (Excused)
Matt Monahan (Excused)

Environmental Board Members Present:

Nancy Davidson, Chair
Jamie Finch, Vice Chair
Don McQuilliams
Cameron Fisher
Anne Newcomb
Janet Wall, Alternate (serving as regular member)

Board Members Not Present:

Dani Madan*
Rishi Hazra
Dan Hintz (Excused)
Lara Lebeiko
Tom Anderson, Alternate
Surya Bollapragada*, Alternate
*Youth/young adult members

CALL TO ORDER

FAUL, Chair, called the meeting to order at 6:33 PM. He gave some guidelines for participating in tonight's meeting. He explained this is a joint meeting of the Planning Policy Commission and the Environmental Board (EB) to discuss and provide direction on upgrades to environmental policies in Title 18. Dhaliwal noted that tonight's discussion is a continuation of the discussion at the PPC-EB meeting on July 22, 2021.

PUBLIC COMMENTS

None.

REGULAR BUSINESSa) **Title 18 Land Use Code Updates: Environmental Policies, (D)**

- **Aquatic Critical Areas**
- **Geo Hazard Critical Areas**
- **Climate Change and Sustainability**
- **Outdoor Lighting**

Presented by:

Minnie Dhaliwal, Director, Community Planning & Development

Katie Cote, BHC Consultants

Aquatic Critical Areas

Dhaliwal described additional information and maps in the agenda packet since the last PPC-EB discussion. She explained wetland buffer options at the Riva property as an example of how potential buffer averaging and buffer options would work. FAUL asked Dhaliwal to define buffer reduction and buffer averaging for participants.

Dhaliwal described the three buffer options for which staff is asking for feedback:

- Option 1, 100-foot buffers;
- Option 2, 75-foot buffers with Ecology Performance Standards; or
- Option 3, 75-foot buffers with Ecology Performance Standards and buffer enhancements.

DAVIDSON asked is there is an option to do neither buffer reduction nor buffer averaging. Dhaliwal replied yes; we would have to prepare support as to why we were choosing that approach, as opposed to Ecology's approach. Presley added details about what Ecology's regulations allow. DAVIDSON asked if we chose to not do either, but wanted to ensure improvements were made to the buffer, could you include some option for leniency in the code if improvements were made to the buffer. Presley replied yes, that's a possibility.

Staff provided the Commissioners and Board members with additional information on Ecology's recommendations on buffer widths; the pros and cons of the three buffer options presented; more information about Ecology's Performance Standards; whether enhancements are permanent the way a reduction is permanent; whether the enhancement could be lawn, or be specified as native plantings; and the need to allow developers some flexibility to site buildings or they won't get built. The participants also discussed the difficulty of addressing the two questions together, i.e., the size of buffers and whether averaging and/or reductions should be allowed.

FINCH asked what is the City's preferred option. Dhaliwal said staff is looking for your feedback and not making a recommendation. She explained the pros and cons of each option. Presley added generally speaking communities are moving away from allowing reductions and allowing for some averaging.

Public Comments

Connie Marsh, Issaquah resident, said there is a back story here that isn't being presented. She explained that sometimes property owners let their land be degraded in order to receive the lowest possible buffer category rating, and explained the advantages of having a lower rating. She spoke in favor of having incentives to treat buffers well, and gave examples. She also

explained that the information presented about buffer averaging is not accurate. She continued flexibility in development has allowed people to destroy buffers and reduce the value of our wetlands and buffers. She gave her thoughts on the issue of ensuring affordable development for the future, and said the goal here is to ensure that all of our critical areas have healthy, functioning buffers that are wide enough for our wildlife into perpetuity.

Comments and Discussion

DAVIDSON read comments from HINTZ that expressed no support for buffer averaging or buffer reductions, and support for buffer banking and/or an “in lieu of” approach. DAVIDSON said she favors sticking with the biggest buffer possible—the 100-foot minimum—with Performance Standards. She spoke in favor of not supporting options that would result in significant reductions, unless it was a bank-like option such as suggested by HINTZ. FINCH agreed, and said any decision to allow buffer reductions or averaging needs to be mitigated with permanent mitigation measures.

MILLIGAN said she’s not sensing support for buffer reduction, and suggested that option 2 be taken off the table. She spoke in favor of Option 3 and incentives that would result in better buffers. FAUL agreed, and said another approach would be to look at a different percentage for Options 2 and 3 than 25 percent, like 10 or 15 percent. McQUILLIAMS said he could support 100 feet with Performance Standards and also incentives for some kind of averaging, which could be left up to the land use professional reviewing the specific application. FISHER said he would encourage buffer averaging, not reduction, with enhancements and protections. ZARAGOZA said he favors keeping buffers at 100 feet, with no option for reduction but the possibility of averaging with enhancements.

VOISS spoke in favor of buffer averaging and reductions in certain circumstances. He continued we need to think about the City’s situation in 20 or 30 years, including redevelopment and housing needs. He said too much restriction now could result in not having the flexibility the City will need to meet the demands of future growth and redevelopment, particularly housing.

NEWCOMB said she favors 100-foot buffers with enhancements, although she sees VOISS’ point. She spoke in favor of the City focusing on building “up” rather than “out” for both housing and parking.

Presley added options other than buffer reduction and averaging are also possible, and gave examples of mitigation options. So both reduction and averaging could be taken out of the code, but the code could still speak to mitigation. She explained that mitigation could differ for different categories of wetlands.

Dhaliwal said she is not hearing much support for buffer reduction. She determined that the consensus of those present is for support for 100-foot buffers with options that would allow buffer averaging with enhancements or mitigation, as long as the result was a net gain for enhancement of the environment.

Geo Hazard Critical Areas

Dhaliwal made staff’s presentation, and asked for feedback on whether the proposed update approach meets the priorities in the Goals and Outcomes chart.

DAVIDSON asked does the code require developers to have insurance or have a bond that would hold the City harmless in the event of a landslide like what happened at Talus, as was discussed at the last meeting. Dhaliwal replied yes; we are working with the City Attorney on that.

Public Comments

Connie Marsh said it isn't clear what is being proposed. She continued the code allows for reducing a 50-foot buffer on a steep slope to a 10-foot buffer, and that should not be allowed to happen. If the proposal is to have a 50-foot steep slope buffer with some flexibility, that might be okay. Also, we need more information on unstable slopes that pose landslide and other hazards but that don't meet the steep slope criteria; how should they be protected. She continued the City can't continue to grade the land and create retaining walls. Retaining walls need to be maintained and are expensive. We have to build with the land, which will help alleviate many geotechnical issues.

Comments and Discussion

MILLIGAN referred to the survey questions on this topic, particularly #13, #14, and #17, and said the options offered for a response don't seem like appropriate, solution-oriented options. She spoke in favor of not allowing changes to topography that would require retaining walls, and said that identifying "environmentally aesthetic alternatives to tall retaining walls" is not a solution. She said the City has made some changes in its code over the years to not allow substantial changes to topography, and she doesn't want to see the City go backward on this issue. FAUL agreed. He said looking at Squak Mountain specifically, buildable properties are mostly already built out, and allowing building on unbuildable properties there is just waiting for another landslide to happen. He spoke in favor of leaving the 50-foot buffer regulations and not allowing any setback reductions.

FINCH said looking to the future, he hopes that places that have already been developed in the City will become more dense to accommodate growth, and that the City will keep development to the valley floor.

McQUILLIAMS agreed setbacks should not be reduced. He asked is there anything in the code that addresses cutting into the hillsides for egress and ingress. Jim Johnson replied no; the code does not differentiate about cuts, and only addresses the stability of cuts within critical areas.

Dhaliwal read responses given to the survey question from participants about when landslide and steep slope buffers should be larger than 50 feet. That is good feedback we can use in drafting new code language, she noted.

MILLIGAN said Squak Mountain is an example of development that was done earlier on and how redevelopment will be a challenge going forward. Also, she continued, at a previous meeting, we talked about other slopes that are not necessarily steep but that are still unstable. That would broaden the areas that need to be protected. She said her perception of the consensus is to increase protection and be more vigilant going forward.

Climate Change and Sustainability

Cote made staff's presentation, including past and ongoing work on the climate change and sustainability portions of the code update. She also presented some specific areas of focus for sustainability elements in the code, and asked are any missing from the list:

1. Land use (mixed-use development, housing density, hazard reduction/mitigation)
2. Critical Areas protection
3. Tree retention and landscape requirements
4. EV charging stations
5. Multi-modal facilities, commute trip reduction, parking
6. Green building requirements

7. Green stormwater infrastructure

McQUILLIAMS said on #7, the City's discharge permit requires that green stormwater practices be the preferred and commonly used mechanism, so does this item refer to measures above and beyond those requirements. Cote replied the City does need to meet the minimum in its NPDES permit, but this would refer to other possible options for certain sites. McQUILLIAMS said he would like to see more information on that. Cote made a note of it.

NEWCOMB asked whether the City can ask homeowners associations (HOAs) to comply with regulations in Title 18. Cote replied the City does not have much control over HOAs, although it can do outreach to work with HOAs on compliance. Just being in the City's code is not enough to change HOA regulations. NEWCOMB asked about tree replacement provisions. Cote clarified those are addressed elsewhere in the code, and will be a topic for discussion at the next PPC meeting.

FAUL asked about commute trip reduction measures, such as a shuttle for Microsoft employees. Cote replied the Transportation Board will address commute trip reduction, if not as part of Title 18 then as part of the Climate Action Plan. Leeson referred to the City's existing commute trip reduction plan.

DAVIDSON asked about artificial turf. Cote briefly described the pros and cons of using artificial turf, and said we can add that to the list of items for consideration for landscape requirements.

Public Comments

Connie Marsh said it isn't clear what "green" measures are being referred to in items 6 and 7. But green stormwater treatment as well as green building requirements should be required and not subject to a points system. If the City wants it, we should just ask for it; do it pro forma. She said the tree retention and landscape requirements aren't clear, either; are we aiming for tree retention that will retain significant trees and trees that add habitat, or are we willing to cut down 80-foot Douglas firs and replant with two-foot Douglas firs. Trees need to be replaced with equivalent trees. She also spoke about landscape requirements that are required "into perpetuity," and said there is no enforcement. She said school trips are also commute trips, and should be addressed here. There needs to be a goal or programs referenced here that say we as a community want to achieve more drivable roads for local people that are better for the environment and reduce congestion.

Comments and Discussion

NEWCOMB suggested that the City require developers use five star EnviroHouse standards as a minimum. She also spoke in favor of requiring organic gardening practices and not using toxic materials on yards.

FINCH said he doesn't see any major gaps in the list. In terms of priority, he continued, he would focus on #1 as the most important, followed by #5, #6, and #2-#3.

MILLIGAN suggested looking at commercial deserts where housing is dense but transit options are limited and/or residents are dependent on cars to access essential services. She also noted looking at where schools, particularly elementary schools, are sited, which will also impact the number of miles that residents need to travel. She said she was glad to hear support for maintaining and increasing the City's tree canopy. She said investing in enforcement, specifically to enforce the standards created in this code, is also very important. She asked for clarification of the City's regulations and HOA regulations. Sloman replied her understanding is the HOAs can be more but not less restrictive than the City's regulations. If the City adopted

new code that would lead to the City increasing restrictions in a regulation, then the HOA would have to address it in their CC&Rs.

McQUILLIAMS asked will this update have an education and outreach component. Cote replied yes, the Sustainability Office will be doing outreach as part of the Climate Action Plan process. More information on education and outreach will be included in future discussions, she added.

The participants discussed the City's tree canopy, including how it is calculated. Staff noted landscaping, including the tree canopy, will be addressed at the September 9 meeting.

VOISS said he agrees the list is pretty complete. He continued he would prioritize #1, #3, and #5, and is not sure #6 or #7 make sense. He said the list is a good starting point from which to narrow the focus.

NEWCOMB asked whether any consideration has been given to creating code that would restrict gas pipes in new construction. Cote replied that is an option that could be considered; it would be part of the City's building code, not Title 18. NEWCOMB also spoke in favor of ensuring tree replacements are climate- and fire-resilient trees. Cote said she will pass along that comment to the consultant working on the landscaping section.

Outdoor Lighting

Cote made staff's presentation. NEWCOMB asked will the code update address LED lighting requirements. Cote replied yes.

Public Comments

None.

Comments and Discussion

VOISS asked whether a percentage of retrofit or redevelopment will be established that would trigger the need to upgrade lighting. Cote replied yes; the details have not been drafted yet, but typically a replacement or enlargement of 50 percent or greater would mean having to come into compliance with new code.

It was the consensus of participants that the approach to outdoor lighting laid out in the agenda is consistent with the Title 18 update goals and outcomes.

REPORTS

a) Council Updates

Presented by:

Christen Leeson, Senior Planner

Leeson noted the revised sign code is scheduled for final discussion at the City Council's meeting on September 7.

b) Title 18 Code Update: Public Comments

Presented by:

Minnie Dhaliwal, Director, Community Planning & Development

Dhaliwal referred to the public comments matrix in the agenda packet. There were no questions from participants.

OTHER BUSINESS / ANNOUNCEMENTS

- a) Upcoming Schedule: Leeson noted additional meetings have been added to PPC's schedule, which now has been projected until the end of 2022.

PUBLIC COMMENTS

None.

ADJOURNMENT

With no additional business to conduct, FAUL adjourned the meeting at 9:15 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary