



## MINUTES

### PLANNING POLICY COMMISSION 6:30 p.m. - Thursday, April 14, 2022

*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.*

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#### 1. Call to Order

The meeting was called to order at 6:30 p.m. by Vice Chair Voiss.

Commissioners Present: Vice Chair Voiss, Commissioners Bader, Lewis, Milligan, Monahan, and Zaragoza

Absence: Chair Faul (Excused)

Staff Present: Millie Dhaliwal, Director, CP&D  
Christen Leeson, Senior Planner  
Daniel Martinez, Associate Planner

#### 2. Approval of Minutes

VICE CHAIR VOISS asked if there were any comments or changes to the March 24, 2022, meeting minutes and there were none. The minutes were approved.

#### 3. Public Comments (General)

- Susan Neville asked to speak regarding Tree Canopy but was informed that Public Comments on the topic had been taken at the last meeting and that the time is for general comments only. Neville stated understanding and thanked the Commission.

VICE CHAIR VOISS stated that reason is that legally, comments not provided at the Public Hearing cannot be captured. Leeson stated correct, and that the Public Comment period for the topic was both opened and closed at the last meeting. The comments taken at that time

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are the only comments that can be deliberated on at this meeting. Also, the last meeting was a Special Joint Meeting involving deliberation by the Environmental and Parks Boards.

#### 4. Regular Business

##### a) Preliminary Recommendation on Proposed Amendments to Title 18 (A)

- Community Space and Green Necklace
- Tree Preservation
- Landscape and Open Space

*Presented by:*

*Katie Cote, BHS Consultants*

*Daniel Martinez, Associate Planner*

*Minnie Dhalilwal, Director, CP&D*

**(00:06)** VICE CHAIR VOISS stated that this meeting is the continuation of the Public Hearing for Landscape and Open Space code updates and the deliberation portion. All clarifying questions should have already been asked and staff would now provide a summary of public comments within the scope of this project. Policy questions, deliberation after each topic and direction will follow.

**(00:07)** Dhalilwal presented the Community Space and Green Necklace topic recapping comments from the last meeting, staff recommendations and next steps for the second draft.

VICE CHAIR VOISS stated that **Public Comments (General)** would be revisited to hear a speaker who had not been called on because of a technical issue.

- Connie Marsh, Squak Mountain, stated that process was an issue and that more time should be allowed before closing Public Comments to allow for technical delay. Marsh asked if the public would be allowed to comment when topics are at city council, as Public Comment has been closed. There is a table in the staff package that the public has never been able to comment on regarding if public questions and comments have been adequately addressed. Marsh stated having written a letter to city council asking for clarification regarding Public Comment.

**(00:18)** VICE CHAIR VOISS opened Commissioner deliberation.

COMMISSIONER BADER stated not having been able to see slides during the presentation and asked for the slides to be brought back onto the screen.

COMMISSIONER LEWIS stated that the draft for the section is good and thanked staff for changes made from previous code. Regarding common natural amenity spaces, there is not compelling evidence against having outdoor balconies and rooftop amenities count. Unless the spaces can be fully accessed by all residence and language in the code directing 24-hour access, the requirement is not fulfilled. The issue is complicated, in example regarding building security.

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COMMISSIONER MILLIGAN asked Dhaliwal to display a slide with definitions of spaces.

VICE CHAIR VOISS asked for clarification that natural amenity spaces would have patios and courtyards, private residential. Dhaliwal replied that the spaces are for everyone living in the apartment building but not common public space for non-residents, versus a private balcony only for the unit resident. VICE CHAIR VOISS asked if the goal is to move people outside or to have communal living with interaction. Dhaliwal replied to create more livable communities. Current code allows private balconies to count toward square footage. Public Comment had been that this should not be allowed.

COMMISSIONER MILLIGAN stated that a private balcony should not count against a natural amenity space shared by all residents. Phrasing is confusing with the word *natural*.

COMMISSIONER ZARAGOZA stated that in urban situations, balconies are essential yard space, an opportunity to be outside and with value to interact with neighbors.

COMMISSIONER ZARAGOZA stated not being completely opposed to not accepting private balconies as amenity space.

COMMISSIONER LEWIS stated that there has not been detail in code regarding how community spaces are marked, being able to tie in signage and way points to help the public know if spaces are public or private. On page 13, section E-2, language regarding marking for the public should be included.

COMMISSIONER MILLIGAN stated that balconies are of high value but not interchangeable with required common areas, and balconies could be required as well. The market should direct that the qualities be in finished buildings. Regarding private parks on a map, there is the issue of liability, and Homeowner Associations (HOAs) should be talked to by staff for a resolution. Regarding moving from a threshold of five-plus lots to nine-plus lots, there had not been a consensus and that five-plus lots should be okay.

COMMISSIONER LEWIS stated agreement with not increasing the threshold to nine-plus lots, not a hardship unless there is more compelling information. Proposed changes to goals in goal 11 are being achieved.

VICE CHAIR VOISS stated agreement that goals for goal 11 are being achieved, well thought out and well rounded. Issaquah is already an expensive place to live, and while amenities raise the quality of life, property value will not become less expensive. Small developers redeveloping and subdividing could be asked to do more, but the cost will be passed on. VICE CHAIR VOISS stated agreement with COMMISSIONER ZARAGOZA regarding not having a problem with balconies being counted. A concern is that there will be less land supply and balconies provide an opportunity to enjoy the environment.

COMMISSIONER BADER stated agreeing with VICE CHAIR VOISS and suggested an incentive toward affordable housing in order to lessen restrictions.

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COMMISSIONER MONAHAN stated agreement with VICE CHAIR VOISS and COMMISSIONER BADER and agreeing with COMMISSIONER MILLIGAN regarding speaking with larger HOAs regarding private parks and liability. COMMISSIONER MONAHAN stated not being in favor of including private parks on maps as Issaquah would be publishing a map as a local government, and a city may violate property rights. VICE CHAIR VOISS asked for clarification that the city should not publish private natural amenities in city maps and COMMISSIONER MONAHAN replied yes, that a citizen could interpret a private park as public.

COMMISSIONER MILLIGAN stated believing that COMMISSIONER MONAHAN may have been referring to private parks and not natural amenity areas.

VICE CHAIR VOISS asked the Commissioners if there were a consensus on topics.

COMMISSIONER MILLIGAN stated not hearing agreement regarding increasing the threshold to nine-plus lots. A balance between affordable housing and quality of life is needed and the requirement of 48 square feet per unit is reasonable. COMMISSIONER MILLIGAN stated agreement with five-plus and not nine-plus.

COMMISSIONER ZARAGOZA stated being able to agree with five-plus as is today, including balconies. It is less expensive and easier to use less square footage by installing balconies on every apartment rather than requiring large, open spaces. Middle ground could be that balconies are not required in nine-plus.

VICE CHAIR VOISS asked for opinions regarding the point of COMMISSIONER MONAHAN that the city not publish private parks. The Commissioners unanimously agreed with COMMISSIONER MONAHAN and VICE CHAIR VOISS stated that there was a consensus.

Dhaliwal stated the second question, should natural amenity space requirements for non-residential projects be extended beyond Central Issaquah, city-wide. VICE CHAIR VOISS stated that everyone wants the city to be beautiful, but solutions also must be practical. In industrial areas, balconies may not be needed. Dhaliwal explained that with this update, policy is not being changed and staff is trying to keep regulations aligned with desired outcomes, why the current draft does not go beyond to add requirements to other areas. Staff recommendation is to not change policy at this point. COMMISSIONER LEWIS stated agreement with the staff recommendation to not change policy to city-wide at this time, a default position as there is not enough information to fully weigh pros and cons. COMMISSIONER ZARAGOZA stated that extending requirements out would be a good discussion for the future but stated agreement with the staff recommendation to not change policy at this time. COMMISSIONER MILLIGAN asked Dhaliwal if commercial and mixed-use were the focus and Dhaliwal replied yes. COMMISSIONER MILLIGAN stated a desire for the conversation in the future but agreed with the staff recommendation for now. VICE CHAIR VOISS stated agreement with the staff recommendation and because of the scope of what has been asked of the Planning Policy Commission by council, discussion can occur in the future. VICE CHAIR VOISS stated that there was a consensus for the staff recommendation.

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Dhaliwal stated the third question, should natural amenity space threshold be increased from five lots to nine lots. VICE CHAIR VOISS stated that Commissioner comments had been captured earlier in the meeting and that three of five Commissioners were in favor of keeping the threshold at five lots. COMMISSIONER BADER stated being in favor of keeping the current threshold with further comments of COMMISSIONER BADER inaudible due to an audio issue. Dhaliwal stated questions had been if the threshold could be tied to affordable housing, and if private balconies could be allowed for less than five lots to count toward common space. There was not a consensus.

Dhaliwal stated that the last question was if private balconies should be counted toward natural amenity space, and hearing that *No* is the majority opinion.

Dhaliwal asked if the draft meets goals, and VICE CHAIR VOISS replied yes.

(00:51) Daniel Martinez continued the presentation with Tree Preservation.

(01:01) VICE CHAIR VOISS opened Commissioner deliberation.

COMMISSIONER LEWIS referred Commissioners to an email received from Susan Neville regarding missing key staff positions and stated being in favor of the Planning Policy Commission recommending to staff and council to budget for an Urban Forest Management position as well as a Review Arborist. Rather than referring to a qualified professional Arborist, there would be staff to direct to. Tracking is missing from policy and code. Pay-to-Remove is not being addressed.

COMMISSIONER MILLIGAN stated agreement that a designated Arborist should be on staff. The 30-year gap is frustrating. Tree preservation should be the standard safety mechanism. Offsite pay-in-lieu should not be offered. COMMISSIONER MILLIGAN stated that the comments of Neville had been helpful and encouraged all to give Public Comments the weight deserved.

COMMISSIONER BADER asked if saplings will be allowed for replacement in code. Martinez replied that a comment recently received was to examine what replacement requirements are in other cities. Currently, deciduous replacement trees are two-inch caliper. For conifer, the requirement is seven to eight feet. Requirements in other cities will be researched. COMMISSIONER BADER stated that saplings next to 16-inch trees do not seem reasonable when attempting to maintain canopy. Martinez replied that a replacement tree already eight inches would be ideal but expensive, as well as less possibility of survival of the tree.

VICE CHAIR VOISS stated that exemptions for rights-of-way are appropriate. Martinez replied that retention standards would be applied in certain cases. The exemption accounts for existing right-of-way. VICE CHAIR VOISS stated being comfortable with a requirement for a permit, but if pay-in-lieu is eliminated, unnecessary burden to single-family lot owners will occur. VICE CHAIR VOISS stated yes regarding the heritage tree question by staff. VICE CHAIR VOISS stated agreement with COMMISSIONER LEWIS that tracking is an important piece missing from policy and code and needed sooner than later.

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COMMISSIONER LEWIS stated agreement with the recommendation to codify the Heritage Tree program and hoped to see Heritage Tree policy strengthened, a stand in code around bypassing code because of economic hardship. Regarding pay-in-lieu, trees and not money are needed, and the fund should be difficult to pay into, not a default. The tool needs to be fine-tuned.

COMMISSIONER MILLIGAN stated agreement to codify the Heritage Tree program and agreement with COMMISSIONER LEWIS that trees are needed and not money, sometimes being too easy to pay.

VICE CHAIR VOISS stated that there is consensus regarding the Heritage Tree program being codified. The suggested fine-tuning should be brought back in the next draft.

VICE CHAIR VOISS asked for comments regarding the next question regarding tree canopy.

COMMISSIONER MILLIGAN stated that the overarching concern regarding canopy is enforcement of regulations and resources to enforce. Sub-areas seem to be well divided and appropriate. Lot size and land use may not be the answer.

COMMISSIONER LEWIS stated that there does not appear to be a gain of further protections by refining by lot size and land use. More details regarding gain would be helpful. The goal of 55% is significant and will take work.

VICE CHAIR VOISS stated agreement with COMMISSIONER LEWIS in not understanding the gain to the proposal. If the goal is to increase, more information is needed. Dhaliwal replied that the sub-area planning model shows that Issaquah Highlands currently has 27% canopy coverage with 45% proposed. Martinez replied that a question is if it is feasible for a single-family, 5,000 square foot lot in the Highlands to reach 45% canopy. Dhaliwal replied that 45% makes sense for larger lots but there still needs to be a practicality test for smaller lots where the goals are aspirational but not feasible to be met. The code should not have an unintended implication, in example, for a tree needing to be removed for safety concerns. Refining the sub-area approach to address unintended consequences would be the next level of research.

COMMISSIONER BADER asked for clarification regarding Talus targets. Martinez replied that a question was how a single-family lot in Talus could maintain 73% canopy. The majority of Talus canopy comes from preserved open spaces subject to Native Growth Protection (NGP) easements. Trees need to be considered hazardous for staff to approve any removal within the NGP. Smaller lots cannot feasibly obtain 73%, the reason for the 45% number. Establishing targets was not a science but rather discretion around development regulations and current and possible planting areas.

COMMISSIONER MILLIGAN stated confusion regarding the sub-area and canopy coverage goals and where boundaries are being drawn. Issaquah Highlands at 27% does not seem right. Dhaliwal replied that the tree canopy study looked at city boundaries which could explain percentages. At the time of regulations, permits are issues individually and there needs to be criteria for the lot. At a policy level, a threshold can be established at a sub-area

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level. The percentages will not be solved at this meeting, but the question is if the sub-area approach should continue but with more testing for a nuanced approach that is based on reality, parcel-by-parcel, while still moving toward a 55% threshold.

VICE CHAIR VOISS asked the Commissioners if the proposed canopy coverage should be further refined. There was a consensus to further refine.

(01:32) Dhaliwal presented the last topic, Landscape. The question for the Commission is if goals eight and nine are being met and if there are additional changes to be made in the next draft.

(01:38) VICE CHAIR VOISS opened Commissioner deliberation.

COMMISSIONER MILLIGAN stated that staff has done a very good job with the presentations. Irrigation and browning of lawns work in the urban village setting. In some communities, wildfire protection of green lawn is desired as a fire break space. A definition of gray water is needed. Protecting neighborhood character should be looked at again when discussing buildable area.

COMMISSIONER LEWIS stated having difficulty with the topic as old code had been brought in that was not working. COMMISSIONER LEWIS thanked staff for the presentation but asked for significant improvements in the next draft. Expectations regarding water and animals need to be a part of the landscaping code. Existing lawns should be grandfathered, and lawns banned going forward. Moss lawns are better fire breaks. Conserving water and promoting pollinators are not addressed in Landscape code. Goals eight and nine can be better met.

VICE CHAIR VOISS stated agreeing with COMMISSIONER LEWIS that more work is needed.

There were no further comments. Dhaliwal stated that information received would be presented to city council on May 3, 2022, with a formal recommendation and direction. On April 28, 2022, Natural Environment will be discussed again with the Planning Policy Commission.

VICE CHAIR VOISS asked if there was a consensus regarding Landscape. In an urban area, letting lawns go brown will be a hard habit to break. Aquifers are important and a better definition of gray water is needed. VICE CHAIR VOISS stated favoring a light touch regarding personal landscaping, but commercial landscaping could be more stringent. The use of chemicals and enforcement is not as easy in residential areas but language in code could encourage the right direction.

COMMISSIONER MILLIGAN stated agreement with the comment of COMMISSIONER LEWIS regarding habitat and wildlife and asked if there are protections in Landscaping for uses that are along boundary lines that can infringe on another property such as fence or planting height. Dhalilwal replied that the fence height at a property line must meet setback requirements. Staff can explore fence placement in relation to landscaping. COMMISSIONER MILLIGAN clarified that the focus is to protect neighbors from impacts by other neighbors.

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COMMISSIONER LEWIS stated being disappointed that public discussion had not continued from the last meeting to this meeting. There is no legal or Roberts Rules of Order reason that an opportunity for the public to speak should have been closed. While there are a variety of channels for comments to be submitted, more venues for public comment should be provided going forward.

(01:54) VICE CHAIR VOISS opened Public Comment.

- Susan Neville stated being impressed by the dialog and appreciated the interest in allowing the public to speak.
- Mary Lynch stated thanked COMMISSIONER LEWIS regarding public comments. Some public comments are not being addressed and included in notes. Along Newport Way, there will not be new development, but land will be obtained from existing developments and trees can be removed in the right-of-way with no mitigation. Developments had planted trees for shade and noise abatement and existing developments and parks need to be respected. There have been no requirements in existing code enforcing the replanting of a tree when a hazardous tree has been removed. Trees that have failed in common space are not managed. There is no active management plan for the health of trees. The tree canopy goal will fail due to global warming. Regarding Landscape, the city of Tucson, Arizona does not allow green yards but rather natural yards. Water is wasted in Phoenix, Arizona to keep lawns green. Natural habitat for yards should be encouraged. Glacial till is not conducive to green grass and slopes cause water run-off and chemicals to drain into stormwater.

## 5. Reports

### a) Council Update (02:01)

*Presented by Minnie Dhaliwal, Director, CP&D*

Dhaliwal stated that there were no council updates.

## 6. Other Business/Announcements

### a) Upcoming Schedule

Dhaliwal reiterated that Natural Environment would be discussed again at the April 28, 2022, meeting. All input is valued and being tracked, and the intent never is to discourage public comment. The process for Public Comments was described and Dhaliwal apologized for any confusion.

## 7. Adjournment

With no further business to conduct, VICE CHAIR VOISS adjourned the meeting at 8:35 p.m.

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Respectfully submitted,

Carolyn Garza, LLC  
Recording Secretary