



MINUTES

PLANNING POLICY COMMISSION 6:30 p.m. - Thursday, August 11, 2022

1. Call to Order

The meeting was called to order at 6:38 p.m. by CHAIR VOISS.

Commissioners Present: Chair Voiss, Commissioners Bader, Lewis, and Milligan

Absence: None

Staff Present: Minnie Dhaliwal, Director, CP&D
Holly Keeton, Senior Planner
Stephen Padua, Manager, Long Range Planning
Valerie Porter, Associate Planner

2. Approval of Minutes

- a) CHAIR VOISS asked for changes or comments regarding the June 23, 2022 Minutes. There were none and the Minutes were approved.
- b) CHAIR VOISS asked for changes or comments regarding the July 20, 2022 Minutes. There were none and the Minutes were approved.
- c) CHAIR VOISS asked for changes or comments regarding the July 28, 2022 Minutes. There were none and the Minutes were approved.

3. Public Comments (General) (00:02)

- Hossein Khorram, a local developer, stated that in general, Title 18 has been in a state of emergency for almost three years, and given the circumstances of the economy and the pandemic, asked that Council delay changes to existing projects for six months. Khorram stated understanding that the Planning Policy Commission is not the entity to decide the issue but stated wanting to be on the record.

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- Brandon Salmeri stated having received an email that the meeting would be regarding food truck rules and regulations.

CHAIR VOISS replied that specific comments regarding food truck rules and regulations would be taken during the Public Hearing later, but other general comments were asked for at this time. Salmeri stated not having a general comment.

4. Regular Business (00:05)

a) Proposed Amendments to Title 18 Procedures and Administration, (D)

- Accessory and Temporary Uses
- State Environmental Policy Act (SEPA) Regulations
- Forested Hillside Preservation
- Through-Block Passages
- Wireless Communication Facilities

Presented by:

Katie Cote, BHC Consultants

Minnie Dhaliwal, Director, CP&D

Holly Keeton, Senior Planner

Valerie Porter, Associate Planner

CHAIR VOISS stated that staff would present all topics, and after each topic the Commission would have the opportunity to ask clarifying questions. The Public Hearing would then be opened and closed, followed by Commissioner deliberation.

Keeton began the presentations with Wireless Communication Facilities.

CHAIR VOISS opened Commissioner questions.

COMMISSIONER MILLIGAN asked for clarification regarding the outcome of a previous robust discussion about changes to small wireless facilities on existing poles. Keeton replied that standards remain the same with more discussion topics added to the white board for moving forward with additional regulations.

COMMISSIONER LEWIS asked how the Planning Policy Commission can help staff as the packet did not include policy questions to discuss. Keeton replied that the presentation goal was to clarify that items discussed in the past have not moved forward with code Amendments, to ensure that code aligns with goals and outcomes. COMMISSIONER LEWIS asked for clarification regarding a reference to 300 feet in Applicant Notice Requirements as opposed to 500 feet currently used in Title 18, page 9 of 20 of the packets. Keeton replied that only some language and not standards had not been changed. COMMISSIONER LEWIS asked for clarification regarding a possible change to co-location. Keeton replied that language remains the same, *highly encouraged and preferred*. COMMISSIONER LEWIS asked

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why the word *preferred* was used when *should* and *shall* have been determined to become *must*. Keeton replied that current code would be reviewed. COMMISSIONER LEWIS asked if *small satellite dish antennas* was new language and Keeton replied no. COMMISSIONER LEWIS asked for clarification regarding when a review of equipment could be expected under Third-Party Review on page 9, 18.512.090. Keeton replied that Third-Party Review was added so that the city would have the ability to hire a professional in wireless technology for assistance with large towers that may be applied for. COMMISSIONER LEWIS asked if the language was new, and Keeton replied yes. COMMISSIONER LEWIS asked at what point a review would occur, and Keeton replied at Director discretion based on the project. COMMISSIONER LEWIS asked for clarification in draft number two regarding how height in feet for poles was decided on for deeper review. Keeton replied that the language has not changed and asked if the initial reasons were being asked for, and COMMISSIONER LEWIS replied yes, and also asked why the heights are being kept and considered appropriate at this time.

CHAIR VOISS asked if peer cities use the same at-risk permit procedure, page 7 of 20, E.2. Keeton replied that legal language is to aid understanding by the applicant that a permit is not necessarily guaranteed when the permit review process is utilized. CHAIR VOISS asked for clarification regarding blocking natural vistas, page 11 of 20, Table A. Keeton replied a Director decision based on the specific application. CHAIR VOISS asked if factors would be property values and types of towers. Keeton replied with a Notice of Application as well.

Dhaliwal gave the next presentation, SEPA Regulations. (00:20)

CHAIR VOISS opened Commissioner questions.

COMMISSIONER BADER asked if higher thresholds were tied to sustainability. Dhaliwal replied that minimum thresholds can be unchanged at four units, and four to twenty units exempt only if LEED certified.

COMMISSIONER LEWIS asked for clarification that the draft allows for the maximum option three, but that staff would like a discussion to be held regarding all three options, and Dhaliwal replied correct.

COMMISSIONER MILLIGAN asked if green certification plus or and Salmon-Safe satisfies public concern. Dhaliwal replied that Salmon-Safe would be where applicable. COMMISSIONER MILLIGAN asked for clarification regarding 18.800.145, Optional DNS Process. Dhaliwal replied not an exemption from SEPA, but from an applicant standpoint there is not a comment period at the end when a determination is made, only an appeal period. If there is a determination of non-significance, there is a 14-day comment period and 14 to 21 - day appeal period. The proposal is that all SEPA applications be notified early in the process.

COMMISSIONER LEWIS asked if an Environmental Impact Statement (EIS) preparation of draft, at the direction of the official, is ever not done, page 13 of 20, section A. Dhaliwal

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replied that the term *Supplemental* Impact Statement implies that there is already an EIS draft completed. Whenever there is an EIS involved there is also always a draft and final.

CHAIR VOISS asked for clarification regarding the word *reasonable* in terms of fees while other fees have been specified as in a percentage, pages 19 and 20, 18.800.310, B.1 and C. Dhaliwal replied by explaining several different scenarios and stated that the language can be more specific.

Cote gave the next presentation, Forested Hillside Preservation. (00:39)

CHAIR VOISS opened Commissioner questions.

COMMISSIONER LEWIS asked for clarification regarding allowed criteria for a variance and if more language will be included in the next draft, page 16 of 18, section 110 and B.1. Cote replied that if a cut and fill limit cannot be met, a variance is required, not at Director discretion. Specific situations may have additional support to the variance in certain circumstances. Dhaliwal replied that the general variance decision is a level three in the proposed draft, a Hearing Examiner decision with Public Hearing and Notice.

COMMISSIONER MILLIGAN asked if maximum height on average grading manages certain building circumstances. Cote replied that conditions in which a house is perched on the edge of a hillside are usually slopes above 40%. Building a house into a hillside for a true daylight basement and upper floor requires an angle of approximately 40%. A home on pillars on a slope not 40% would not be prevented, but other limits would need to be met. Slopes are not allowed to be averaged, a parallel line from the slope upward. COMMISSIONER MILLIGAN asked about a reference to deck terracing. Cote replied located closer to the ground and another portion at a lower level, rather than one deck stretching the length of a house.

Porter gave the next presentation, Accessory and Temporary Uses. (00:52)

CHAIR VOISS opened Commissioner questions.

CHAIR VOISS asked for clarification regarding a reference to six-feet in Accessory Structures, page 2 of 12, 18.508.30. Porter replied that history of the figure would be researched, but that the figure is in existing code. Dhaliwal replied that five to six-feet is sometimes a minimum fire code requirement as well. Any structure without a fire wall has a required minimum distance for fire code issues.

COMMISSIONER LEWIS asked if the Accessory Structure figure is an issue that needs to be fixed, and because propane tanks must be 10-feet from a structure also wondering where the six-feet figure had come from. Porter replied that the figure would be researched for an explanation. COMMISSIONER LEWIS asked if Deck, Porches, Patios, 2A, page 3 of 12, .030 section D addresses overhangs but not porches and Porter replied yes. COMMISSIONER LEWIS asked if there are any requirements regarding potential sprawl of furniture outside units

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and Porter replied no. COMMISSIONER LEWIS asked for clarification that the requirements pertain only to what is attached to the structure and Porter replied correct.

COMMISSIONER MILLIGAN asked if requiring all decks to be five-feet from an adjacent property was in order to be more consistent. Porter replied that the standard is another carry-over and can be researched. Dhaliwal replied that setbacks of the underlying zone can be deferred to rather than numbers that are not understood.

COMMISSIONER LEWIS asked about verbiage indicating that required amounts of insurance would be listed but are not under Insurance, D3, page 8 of 12. Porter replied that there are required amounts but that the amounts are not listed, and the figures would be brought back to the Commissioner. COMMISSIONER LEWIS asked about verbiage that recycling is required, page 9 of 12. Porter replied that there is an uncodified Ordinance. COMMISSIONER LEWIS asked why there is verbiage limiting outside displays to Christmas Tree Stands and Produce Stands, not inclusive or considering the number of holidays through the year, page 9 of 12. Porter replied that the verbiage is another carry-over from previous code, that the limit is only for the Commercial Business District (CBD) zone, and that the question would be researched.

COMMISSIONER BADER asked about requirements regarding Non-Accessory Temporary Retail. Porter replied that staff requests feedback and direction from the Commissioners on the subject.

Porter gave the last presentation, Through-Block Passages. (01:06)

CHAIR VOISS opened Commissioner questions.

COMMISSIONER MILLIGAN asked about reducing the requirements so that building of Through-Block Passages will be more likely to occur, adding the opportunity to request deviation. Porter replied that in an example of townhomes, if not all townhomes can front the main street, a Through-Block Passage is required. Some lots are very narrow. The new standards will ensure that a Through-Block Passage is constructed in a standard that works for the city and Developer. COMMISSIONER MILLIGAN asked where the standard by which a block is long enough to require a Through-Block passage is located. Porter replied the map, a visual aid of Central Issaquah that will be updated for the next draft, and another that could not be found immediately. COMMISSIONER MILLIGAN asked for clarification that there is not a map defining where Through-Block Passages are for the rest of the city and Porter replied correct, part of the Policy question to the Commission.

COMMISSIONER LEWIS asked if Through-Block Passages are separate from Fire Access and Porter replied correct. COMMISSIONER LEWIS asked for clarification that Through-Block Passages would be inappropriate for vehicles and Porter replied correct, Through-Block Passages must be separate from vehicles. COMMISSIONER LEWIS asked if there would availability to use Through-Block Passages for emergency vehicles. Porter replied that in

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current code there are some paths that allow for emergency vehicles or utilities, but the proposal would not otherwise allow any vehicles.

CHAIR VOISS asked if a distinction for Central Issaquah on page one of six, 18.702.20, Applicability, is part of the Policy question and Porter replied correct. CHAIR VOISS asked for the definition of a Transportation Facility, page five of six, Design Standards. Porter replied the main street.

CHAIR VOISS opened the Public Hearing. (01:14)

- Brandon Salmeri (in-person) asked if a reference to food trucks on private property means while providing retail service or when parked for storage. CHAIR VOISS replied that the Public Hearing is not a Question-and-Answer period and responses cannot be given by either staff or Commissioners. The Public Hearing is for the public to provide evidence for the Commission to hear and consider. Salmeri stated understanding and stated that when the COVID-19 Pandemic began food trucks lost locations to serve and people were remaining in their neighborhoods. When attempting to obtain answers to requirement questions from the city of Issaquah, there was inconsistency between employees and no clear answers. Without knowledge of what the Issaquah codes were in the situation, RCW codes of the Washington Health Department allow for food trucks to park in most rights-of-way for up to four hours and food trucks were sent into familiar neighborhoods to survive. Community leaders in neighborhoods reached out to the food truck community to expand service in neighborhoods. New codes regarding private storage parking of food trucks are not clear. The city could benefit from marking areas as Food Truck Only and accepting \$35 for a day of parking as other Business Parks do. Income would come to the city for something that food trucks are already doing, and a city-granted spot would be eagerly embraced by food trucks businesses. Regarding private property parking, property owners should be allowed to manage own private properties. Salmeri asked if the referenced 60-day period of parking would be over one year or ten-years, and if the 60-days would restart if a truck were moved for one day.
- Tom Ramsey (virtual), owner of Tuscan Stone Pizza located on East Lake Sammamish Boulevard for over five years, stated hoping to be able to stay in Issaquah and that the city will consider the future of the business.
- Hugo Larassa (in-person) stated having very recently started a food truck business in Issaquah. The 60-day parking limitation is very disappointing as the business plan is to remain in Issaquah long-term. There are food trucks and a trailer fully permanent in Issaquah and there will be impacts to all food trucks. Storage on private property should be the decision of the property owner. Other cities allow food trucks to operate in other ways such as a in a central location.

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CHAIR VOISS apologized for not having expressed earlier that there is a five-minute time limit for speakers.

- Hossein Khorram, local Developer, stated that the Fire Department has a rule that any part of a building must be within reach of a 150-foot fire hose. A fire truck will pull over a Through-Block Passage if able to save lives. If the Through-Block Passages are made narrower or closed off to fire, life and emergency, lives will be in danger.

CHAIR VOISS closed the Public Hearing. (01:32)

[Five-Minute Break]

CHAIR VOISS opened Commissioner deliberation of topics in the order presented beginning with Wireless Communication Facilities.

COMMISSIONER MILLIGAN stated looking forward to white board discussions and that there should be an edit in how the topic is presented, as staff stated that nothing has changed yet there are three new sections.

COMMISSIONER LEWIS stated that the proposal does not serve the city well, leaving Issaquah highly unregulated and somewhat vulnerable. Key language is missing. A carrier should need to show a net effect and benefit rather than what the community will obtain from the carrier. Images should have scale references. The section in the next draft should be tightened.

CHAIR VOISS stated that on page 11 of 20, *allowed with conditions* and *blocking natural vistas* is concerning, affecting property values. Eminent Domain is understood but there should be a remedy for blocking natural vistas.

CHAIR VOISS stated that on page 19 of 20, 18.512.150, point C regarding interference and removal is good. CHAIR VOISS stated that in 18.512.140, D, a concern is around 14-days to remove graffiti. COMMISSIONER LEWIS stated that there is no language involving the Arts Commission for eyesores in the community. A fee structure and wi-fi in public areas could be white boarded regarding graffiti. CHAIR VOISS stated that vinyl wrapping certain facility boxes could be helpful. There is not a current graffiti problem in Issaquah, but Seattle did not have a graffiti problem 10-years ago either.

COMMISSIONER MILLIGAN thanked COMMISSIONER LEWIS for white board comments and stated that white board items need to be addressed soon.

COMMISSIONER LEWIS stated that small cell needs to be addressed more than has been addressed in the current packet.

CHAIR VOISS opened deliberation on SEPA Regulations.

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CHAIR VOISS stated that two opposite public comments had been submitted. The maximum thresholds should be used. Developers can be encouraged to come to the city to provide housing needed, the trade-off being additional housing. The closest option to the opinion of CHAIR VOISS would be three, but not including LEED.

COMMISSIONER LEWIS stated that bucket six would benefit from a joint session with the Environmental Board. The way that Issaquah is building needs to change and there needs to be incentives and trade-offs. COMMISSIONER LEWIS stated being in support of option two, middle-ground. The community has expressed an interest in backing environmental protections to a much higher standard.

COMMISSIONER MILLIGAN asked for the options to be displayed.

COMMISSIONER BADER stated being in support of middle ground, between current Issaquah thresholds and higher State maximums. Two tiers of thresholds depending on sustainable development could be implemented.

COMMISSIONER MILLIGAN stated not recalling Public Comments or most Commissioners supporting the highest threshold level, which is stated in the draft. Recollection was support for higher standards with lower thresholds and consistency. Policy appears to be directing new housing growth to target mixed-use in Central Issaquah and not units. Incentives do not replace the SEPA checklist. The term *reasonable* in the section needs to become a number or percentage of project cost.

COMMISSIONER LEWIS stated that the environmental checklist for the threshold determination is very relevant and a link to the checklist would be helpful going forward for better understanding.

Dhaliwal asked for a vote on raising thresholds in general or keeping the current as-is. COMMISSIONER LEWIS stated support for raising thresholds to mid-range but with green-built standards. COMMISSIONER MILLIGAN asked further questions for clarification and stated not being interested in raising the threshold above 10 units and 10,000 square feet. Dhaliwal stated that there were three votes for raising the threshold to 10 units or 10,000 square feet, a consensus. COMMISSIONER LEWIS stated that there is also a consensus regarding incentivizing green built. COMMISSIONER MILLIGAN stated confirmation that there is support for an increase in threshold if green certified but no higher than 10 units or 10,000 square feet. CHAIR VOISS stated that there was a majority in agreement.

CHAIR VOISS opened deliberation on Forested Hillside Preservation.

COMMISSIONER LEWIS stated that the topic was well done with graphics and readability for understanding. In the intent section, a number 8. Habitat Preservation and Wildlife Crossings should be added. Language regarding undergrowth and more other than canopy only is missing from language. COMMISSIONER LEWIS stated support for tiered decking, building

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into the environment. The code reads as implementation of policies set forward, a positive, but more needs to be done.

COMMISSIONER MILLIGAN stated that terraced low walls need to be reconsidered in respect to the lack of tree preservation on a forested hillside, as well as further work on language regarding terraced decks.

COMMISSIONER BADER stated that the graphics were helpful and that a design standard for retaining walls should be included in code.

CHAIR VOISS stated that graphics were excellent and stated agreement that terraced slopes should be tightened. Flexibility has been incorporated.

CHAIR VOISS opened deliberation on Accessory and Temporary Uses.

COMMISSIONER MILLIGAN stated not being sure that community character is addressed. Some decks are allowed to be three feet from a neighboring property regardless of height, but closer to five feet was preferred. COMMISSIONER MILLIGAN asked if there would be any disallowed uses for food trucks, such as a food service use in a commercial district with the 60-day parking rule only an administrative limit and a permanent use permit applied for following the 60-days. Porter replied that the 60-days would be in one location, and a permit could then either be renewed or a permanent permit requested. Commission input was needed on details.

COMMISSIONER LEWIS stated that the proposal was an excellent start. Prescribed uses are very limited, in example, to Christmas Trees, and the community should be more inclusive of different retail uses, food related or not. More language allowing retail in micro pop ups needs to be included. More allowances for small businesses are needed. A solution could be to allow the 60-day permit to be filed for twice followed by a more permanent location for the one-year permit. Seasonality of the holidays or summer encourages the community to come together. A large lot where food trucks are encouraged could be introduced. There is room for addendums in the proposal.

COMMISSIONER BADER stated agreement with COMMISSIONER LEWIS and that options should be available for extensions but not to deregulate. Food trucks can be booked last minute for events which does not allow time to file a location and circulation plan and this requirement should possibly only be for set ups longer than one day. Language regarding construction trailers is contradictory at the table in the proposal.

COMMISSIONER LEWIS stated that construction use should be on site and did not understand why a construction trailer would be permitted to be offsite.

Porter asked for Commissioner input regarding a separate permit being required in addition to a business license. COMMISSIONER MILLIGAN stated not having enough information. Porter stated that a second permit would be required for private property and would allow

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tracking of food trucks in the city. COMMISSIONER LEWIS asked if the intent is to stop food trucks regularly occurring in residential areas. Porter replied that food trucks are not allowed in residential areas. COMMISSIONER LEWIS asked for clarification that if a food truck is operating in a residential neighborhood, however, the city would not know and if a second permit would resolve the issue. Porter replied that a second permit could help, but the rule could still be broken. CHAIR VOISS stated yes regarding requiring a second permit, that the city needs to be aware of businesses. COMMISSIONER LEWIS stated agreement that code should state the difference between a mobile and immobile unit, the ability to move. COMMISSIONER MILLIGAN asked how parking required for a commercial use is still performing to the level intended and asked if a business license indicates where the business is operated. Porter replied yes, when there is a permanent location, but that some food trucks come and operate for one day in different locations. COMMISSIONER MILLIGAN stated that research could be done on putting the responsibility or requirement on the property owner for the use of their land rather than the small business owner. The 60-day permit could be renewable in perpetuity allowing the city to have oversight. COMMISSIONER LEWIS stated that businesses that do not use their property during certain hours could allow for agreements with food trucks similar to shared parking. The intention is to make operating in the community easier and being overly prescriptive is contradictory.

CHAIR VOISS opened deliberation on Through-Block Passages.

COMMISSIONER LEWIS stated support for Through-Block Passages in prescribed communities. Festival streets with built-in fire pits, benches or game areas allow a community to come together. Multi-modal access is a different use. Language regarding how to let community know that the space is not private property could be added. A conversation regarding Through-Block Passages only in Central Issaquah versus city-wide should be held.

CHAIR VOISS stated that Through-Block passages add value to the community and being in favor, leaning toward question number two.

COMMISSIONER LEWIS stated support of question number two.

COMMISSIONER MILLIGAN stated that the goal is a pedestrian friendly, connected community and stated support of combining maps with a minimum standard to allow flexibility for the developer. Overlays should keep standards.

5. Regular Business (02:34)
 a) **Election of Vice Chair, (A)**

CHAIR VOISS stated that VICE CHAIR MONAHAN had left the Commission and that the VICE CHAIR position is open. CHAIR VOISS described the process.

COMMISSIONER MILLIGAN nominated COMMISSIONER BADER for VICE CHAIR. There were no other nominations. COMMISSIONER BADER accepted the position.

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6. Reports
 - a) Council Update

Dhaliwal stated that all buckets have been taken to the Council Committee and more feedback was requested on the parking topic. Padua stated that an email with a link to the August 8, 2022 conversation regarding the white board up to bucket five would be sent.

7. Other Business/Announcements
 - a) Upcoming Schedule

Padua stated that there were no announcements.

8. Adjournment

With no further business to conduct, CHAIR VOISS adjourned the meeting at 9:17 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary