



MINUTES

PLANNING POLICY COMMISSION 6:30 p.m. - Thursday, August 25, 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
Christen Leeson, Senior Planner
Stephen Padua, Long Range Planning
Valerie Porter, Associate Planner

2. Public Comments (General)

- Connie Marsh (virtual), Squak Mountain, stated that, considering the depth of information being provided to the Planning Policy Commission, having the new information presented, a public hearing, and then deliberation in one meeting with only a five-minute public comment period for the topics is not enough. Two long emails have been sent to the Commission regarding the topic of the meeting but there was no time to send an email before the last meeting and so comment was not taken. Marsh stated having gone to the city Council with the concern.

3. Public Hearing (00:05)

- a) Proposed Amendments to Title 18 Procedures and Administration Part 2, (D)
 - General Provisions

Presented by:

Minnie Dhaliwal, Director, CP&D

Christen Leeson, Senior Planner

Valerie Porter, Associate Planner

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Leeson gave the first presentation, Legislative.

COMMISSIONER MILLIGAN asked how spot zoning is avoided. Leeson replied that spot zones are illegal. COMMISSIONER MILLIGAN asked why the item is allowed on the docket. Leeson replied that the public has the right to be heard and the Council has the option to deny.

COMMISSIONER LEWIS asked for clarification regarding application procedures, page 68 of 110, how other Boards and Commissions access Planning Policy Commission information. Leeson replied that the staff liaison of a Board or Commission usually initiates the request when needed. COMMISSIONER LEWIS asked if there had been discussion regarding informing other Boards and Commissions about how they can work with staff for information. Leeson replied no, but how to access information can be shared with the staff liaisons.

Porter gave the second presentation, Major Updates.

COMMISSIONER LEWIS asked for clarification regarding consolidating community meetings as code appears to only discuss when a Developer consolidates permits and not when permit consolidation does not occur. Porter replied that the Community Conference had been eliminated because of feedback from Council. Neighborhood and Environmental meetings are essentially the same meeting and consolidating uncomplicates the process. If a project wants to move forward now, a Neighborhood meeting and Community Conference would be held on the same day, all different groups together. Members of the community have expressed feeling not able to have a good and open dialog with Developers. Neighborhood meetings are more informal. Dhaliwal replied that in terms of consolidation, instead of a series of Public Hearings, consolidation is a part of streamlining required by State law years ago. Applicants can request to be consolidated to a higher level of review. In example, if a project triggers a Variance application level three and also a Development Commission approval level four for the project, the project can be consolidated into a level four at the discretion of the applicant. COMMISSIONER LEWIS asked if code was being aligned to State law without a separate section regarding the path if consolidation is not chosen. Dhaliwal replied that the verbiage is not regarding the decision but the early input that has occurred in different formats and by different names adding to confusion. If two types of meetings are triggered, there is no sense in having the community come to two different meetings. The earlier community feedback meeting is called *Community Meeting* rather than with multiple meetings and labels. COMMISSIONER LEWIS asked if one meeting has been written for, and Dhaliwal replied yes, called *Pre-Application Community Meeting* in the proposed draft.

COMMISSIONER BADER asked for clarification that the purpose is both to consolidate the process and make community engagement easier. Dhaliwal replied that under existing code, when an Environmental Neighborhood Meeting and a Collaboration Meeting are triggered, one is chaired by the Development Commission and the other by staff. A logistical nightmare has been created holding the meetings on separate nights, with community members attending meetings on two separate nights to talk about the same project. Structure in draft is for open dialogue with the Commission able to hear. The way Issaquah currently holds

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different types of meetings is challenging to implement for staff and for community members to understand differences.

COMMISSIONER LEWIS asked about consistency in Adjustment of Standards, not mentioned in code language. Porter replied that sections are being referenced in the draft and the sections will contain approval criteria, still being developed. Dhaliwal replied that what can be applied for is in the draft and the criteria will be in chapters. COMMISSIONER LEWIS asked for clarification that criteria will be presented next, and Dhaliwal replied correct.

Dhaliwal gave the third presentation, Level of Review.

COMMISSIONER MILLIGAN asked for clarification regarding comparing thresholds from existing code and the draft proposal. Dhaliwal replied that there are inconsistent standards in different areas. COMMISSIONER MILLIGAN asked what would occur with a threshold if there were two buildings that are a part of a larger campus. Dhaliwal replied that language can be refined to include *cumulatively*. COMMISSIONER MILLIGAN asked for clarification that the language is currently not in code but can be added, and Dhaliwal replied yes.

COMMISSIONER LEWIS asked if the first option presented was for code to be amended but with thresholds carried over. Dhaliwal replied that Option B is more status quo except for the three-acre piece. In Option One, the high-visibility street option was removed. The proposal is for all to have the same threshold. COMMISSIONER LEWIS asked if there have been any other options explored by staff. Dhaliwal replied that a third option had not been considered but can be. A third option may be no high-priority streets, but the threshold could be lower. COMMISSIONER LEWIS asked if this was at the direction from Best Practices of the administration or Council, and Dhaliwal replied that there is probably legislative history for why the threshold was chosen. COMMISSIONER LEWIS asked, regarding question two, why the city is not held to the same standard regarding Capital Improvement Projects. Dhaliwal replied that the city is held to a higher standard with robust public outreach. Design should meet city code at this point for permitting, already having occurred. COMMISSIONER LEWIS asked about a level of scrutiny not also in place and Dhaliwal asked what the outcome or value of an added redundant process would be.

CHAIR VOISS opened the Public Hearing. (00:43)

A person not at the microphone spoke but was not identified and comments or questions were inaudible on the audio recording.

- Karin Eastby (virtual), stated being in the Public Hearing on behalf of the Master Builders Association of King and Snohomish Counties. Homebuilders depend on vested rights to successfully plan communities on time and within budget, critical to affordability and availability of homes. The Puget Sound region faces a housing crisis and according to a Puget Sound Regional Council estimate, over the next 30 years 1.8 million people will be added to the region. Estimates from the National Organization

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Up for Growth are that we are already over 200,000 homes behind anticipated growth. The housing shortage drives up the cost of home ownership and for each \$1,000 added to the cost of a newly built home in Washington, approximately 2,200 families are priced out of the opportunity to own a home. In Issaquah, both Zillow and Redfin estimates show that the average cost of a home is over \$1 million. Builders take on risk and vesting provide predictability for all parties. Vesting is crucial to ensure stability and fairness in the development process and can contribute to a lower final cost of homes. The Master Builders Association does not support Option One as currently proposed but does support Option Two. The Master Builders Association also suggests a delay to the effective date of the Title 18 update, due to significant Covid related delays that many have faced over the past two to three years. The bulk of option two, with more time, is preferred. More community consultation on vesting options may be needed to ensure that the breadth of viewpoints is heard. Written comments have also been submitted.

- Hossein Khorram, (in person) a Developer in Issaquah, asked that Option Three be considered. All projects that have been in the Site Development Permit stage for the last three years due to Covid and with difficult topography should be granted a six-month extension for turning in a Building Permit to June 30, 2023. Seattle has delayed International Building Code (IBC) because of Covid. Builders need time to come back from the unprecedented delays. Considering the challenges would be humane. RCW 36.708.020 address predictability and fairness.
- Mike Nykreim, Bellevue resident, stated support for Option Three. Home development requires plans with a licensed Architect, Structural Engineer, Civil Engineer, Surveyor, Geo-technician, and Landscape Architect. When regulations are changed, the process must be reset. Option One is out of compliance with the Growth Management Act (GMA), that states that property owners shall be protected from arbitrary discriminatory actions. Changing regulations becomes arbitrary. Another point from the GMA is regarding permits being processed in a timely and fair manner to ensure predictability. A six-month delay may not be long enough following Covid challenges. Follow State law and choose Option Three. A document would be submitted to staff for the record.
- Kyler Danielson (virtual), Land Use Project Manager *with* Lakeside Industries, asked for further discussion regarding changes to definitions as these were not clearly identified in the draft document. A meaningful review cannot be conducted of proposed changes to code. Staff is requested to provide a more comprehensive document which denotes all changes to definitions and summarizes the impacts to related substantive provisions. Then the collective and actual impact of the changes can be understood. The substance of the meeting is hefty and should require more than one meeting for the Planning Policy Commission and the public to fully digest the content and impacts on the future of city development.

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- Suzie Burke (virtual), Fremont Dock Company, stated the importance of giving people time to digest any serious changes from vesting to the application process. Understanding definitions and reading the packet is a long process. Citizens as well as the Commissioners need to know and understand. There are property owners that are not necessarily Developers.
- Susan Neville (virtual), Issaquah resident, stated support for consolidating meetings, but for improving and not losing meetings, and asked who will benefit from subtracting meetings from the process. Neville stated support of the comments of Burke. The Development Commission has stated having issues regarding threshold changes.
- Connie Marsh (virtual), Squak Mountain, stated that the summary presentation by staff does not reflect the words in draft code and the result is not clear. Marsh stated agreement with Danielson and Burke that there is not enough time being allowed for a meaningful review. Meetings presented in the table in draft code are labeled *optional*, so it seems that meetings would be consolidated that don't have to occur. Marsh stated No regarding the consolidation piece. Marsh stated not supporting Administrative Adjustment of Standards or deviations per chapter, without the benefit of organizing per chapter. Critical Areas deviations not allowed is good, but there is not a definition of the word *feasible (...mitigated to the maximum extent feasible...)* and the meaning needs to be clear to all. The notification process is unclear. There is no mention of an Active Projects list or better ways to notify the public. The Master Builders Association should have been present at many more meetings and notification process could encompass an entire separate meeting. Thresholds need to be much lower, or criteria should be created to only allow large projects where there will not be adjacent impact. A five-minute limit is impossible to convey all comments in one meeting.
- Doug Basler stated that in the interest of fairness, supporting Option Three. Builders should be given six-months to recover as the rest of the community also needs.
- Frank Khorram, partner and brother of Hossein Khorram, stated having witnessed growth and skyrocketing housing prices in the area over years and stated support for Option Three, an extension of at least six-months for existing projects.
- A speaker did not come to the microphone and was inaudible. CHAIR VOISS asked if the speaker was supporting Option Three and the reactions appeared to confirm.

CHAIR VOISS stated that there was a majority in support for Option Three. The Public Hearing was closed.

COMMISSIONER LEWIS proposed a brief recess prior to continuing.

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[five-minute break]

CHAIR VOISS opened Commissioner deliberations beginning with Policy Question One from the Legislative presentation. (01:21)

COMMISSIONER LEWIS thanked everyone who has participated, stated that all emails and comments have been very helpful, and thanked staff. The Planning Policy Commission as well as many members of the community have expressed an interest in involving the Development Commission in discussions. COMMISSIONER LEWIS stated not currently agreeing with everything presented and particularly regarding the Table on page 77 of 110, 18.204.040-1 with *optional* and *No* verbiage. COMMISSIONER LEWIS agreed with the staff recommendation to eliminate the Visibility Street Standard, but a higher level of review should be kept. Synchronizing code throughout the city could be achieved with a hybrid model and there does not appear to be an Option presented that will work across the city

COMMISSIONER BADER thanked everyone for different perspectives and stated also not understanding the *optional* and *No* verbiage in the Table mentioned by COMMISSIONER LEWIS. COMMISSIONER BADER asked for clarification regarding moving from several meetings to one meeting and if this was based on public feedback. COMMISSIONER BADER stated agreement with COMMISSIONER LEWIS regarding lower thresholds with a higher level of review.

COMMISSIONER MILLIGAN stated support of the comments of COMMISSIONER LEWIS and COMMISSIONER BADER, and thanked staff and the public, particularly for the number of comments Commissioners agree with but not mentioned. Using the threshold standard from Central Issaquah where larger buildings may be will result in the rest of the city not receiving the wisdom and review of the Development Commission and stated not being in support of the current draft. If public awareness has not been improved, then the update objective has not been met.

CHAIR VOISS stated that there is a collective trauma in Issaquah in response to what happened prior to the moratorium. Streamlined processes and efficiency are needed. CHAIR VOISS stated support for Option One or Two. Issaquah needs to be open to development or risk a reputation of hostility. The ability to review administratively is an opportunity missed.

COMMISSIONER MILLIGAN stated agreement that streamlining should make great projects easier. Every street is a Visible Street.

CHAIR VOISS stated that much work had occurred during the moratorium, being open to discussion, and agreed that every street is a Visible Street. Streamlining processes are needed to achieve building and development desired by Issaquah.

COMMISSIONER LEWIS stated agreement that every street is visible in Issaquah, and that streamlining is a good idea. Using Floor Area Ration (FAR) is a good idea. Staff should come back to the Commission with more options, however.

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Dhaliwal asked for clarification that there is consensus regarding not prioritizing some streets at the cost of others, uniformly and consistently applied. More options will be brought back regarding scale and development.

CHAIR VOISS opened deliberation for Legislative Policy Question Two. (01:35)

COMMISSIONER LEWIS stated that a greater presentation from the city could be more persuasive, more information provided, and that the feeling of COMMISSIONER LEWIS is more hesitant from the information presented. A high level of review should be encouraged.

COMMISSIONER MILLIGAN stated that the level of review does not seem adequate with public money and for a public project. The partnership with the people should have a higher level of review.

COMMISSIONER BADER thanked staff, and stated agreement with a more in-depth process of review. Dhaliwal asked what the criteria to evaluate against should be. COMMISSIONER BADER stated that there may be different public input between initial comments on design and after a design choice has been made. Dhaliwal replied that the parties of record from the beginning of the process should be built in, for one permit.

CHAIR VOISS thanked staff and stated agreement with Option One. The topic was not gone into enough. Public input at the design stage is more than enough. Whether multiple Open Houses are held is one issue, but the critical time for input is before bids are coming in. Every change order pushes projects out farther and costs more. The public usually want to comment on the design stage before bids are submitted.

COMMISSIONER LEWIS stated that the Commission had worked on the issue in the past, and that another issue is that the city does not always successfully regulate. Projects have gone through without adhering to code. More built-in ways are needed to ensure the same standard and level of account occurs. Leeson replied that the Downtown Streetscape Conceptual Plan was adopted in 2014 and can be found on the city website, a reference to the issue worked on in the past.

Dhaliwal asked for clarification regarding what staff is being asked to bring back. What is understood is that there is a consensus on maintenance issues, but that more accountability to adopted standards is needed. Notification and not necessarily a Public Hearing could be required. CHAIR VOISS stated that whatever is decided on should occur prior to bids. The review as presented is negative for the city.

COMMISSIONER MILLIGAN stated appreciating the word *accountability*. Public input is not necessarily always to change design. Public visibility creates accountability.

COMMISSIONER LEWIS stated that half of the packet were definitions, not discussed to this point and asked what the best use of Commissioner time would be in discussing definitions

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considering legal reasons and constraints around what can be changed and why. Definitions have not escaped the Commission and a discussion does need to be held for the next draft.

CHAIR VOISS stated agreement with COMMISSIONER LEWIS regarding definitions and that public comment was very good. For being such a large part of the packet, that definitions were not presented was not appropriate.

CHAIR VOISS opened deliberation for Vesting. (01:52)

CHAIR VOISS thanked speakers for Public Comment. All emails and letters received are read. Email and letters carry the same or more weight, particularly because written comment can be re-read. Regardless of the manner of comment submittal, all are considered. Option Three appeared to be the preference from Public Comment, but the Planning Policy Commission only provides recommendations. There should be some built in delay for projects that have been in permit. The Commission is not the authority that can make it happen, however. There are enough overlays and accountability that latitude should be given to Developers.

COMMISSIONER BADER asked if there are only three separate Options, or if there is Option One and Option Two plus Option Three. Option Three reads as an extension whereas Options One and Two read as how vesting will work going forward. Dhaliwal replied that an Option Four can be developed. COMMISSIONER BADER stated appreciation for Option Three at this time.

COMMISSIONER LEWIS stated that information presented made Option One preferable, because there is not enough information available to know various Land Use applications with Option Two. What State law allows is good, but when *various Land Use applications* are mentioned there is confusion. COMMISSIONER LEWIS stated being uncomfortable with a recommendation of Option Three because although there have been great Public Comments, council needs to relate to the Commission if the Option is desired to be considered. Staff and not council has asked the Commission to consider Option Three. Title 18 needs to be updated as quickly as possible. It is unknown how Draft Number Two will impact Commission calendars at this time. Discussing Option Three is early in dialogue. Comments on Option Three should be reserved for when the time is appropriate in the process.

COMMISSIONER MILLIGAN asked for clarification regarding how a project vests at this time. Dhaliwal replied that the recommendation for new code is what is being asked for. COMMISSIONER MILLIGAN stated that Option Three says that current applicants are having problems vesting with current code and want an extension to stay with current code. Dhaliwal replied that the applicants referred to are projects under review. COMMISSIONER MILLIGAN stated that Options One and Two are not the same consideration as Option Three and asked why applications are not being approved today under current code. If there is not a problem, why would an extension be given. If the Commission had six more months to work on code, that could be the extension. COMMISSIONER MILLIGAN stated not being inclined at face value to grant an extension to code that the city has been working on updating for two years unless there has been a problem with vesting applications. Dhaliwal replied that applicants

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have months to apply. COMMISSIONER MILLIGAN stated that other applications have been able to vest permits over the last two years. If there is no problem, then an extension should not be given. CHAIR VOISS asked if the emergency was the Pandemic and having to meet virtually. From March 2020 through Summer 2020 virtual meeting processes were being set up and problems worked through. Dhaliwal replied that permit processing had not been shut down during the pandemic, and the process was already set up virtually so the transition for the permitting site was not significant. There were issues with payments but resolved. There is a fee for paying by credit card, so checks had to be mailed, only at the issuance of a permit. The permit center is now open, and anyone can make payment in person. CHAIR VOISS stated that the supply chain is a pandemic problem compounded by government. Processes that used to take four weeks now take 12 to 16 weeks. Even though the online application was available, there are still many entities to be met with as a Public Speaker had commented. CHAIR VOISS stated that it is very clear what the public wants. Dhaliwal stated that if under construction with an issued permit, rules will not change. COMMISSIONER MILLIGAN stated confusion regarding the terms *various* and *certain* for Land Use applications. If applicants are unable to become vested under current code in certain Land Use applications by a fault of the city, COMMISSIONER MILLIGAN is in support of an extension, but if the reason is to obtain another six-months with old code that the city has been working on changing for two years, no. If the city is failing to vest, this is a concern. Public commenters seem to be expressing a frustration that is possibly not being discussed.

COMMISSIONER LEWIS stated that the time for the conversation is when the city is done with final draft code, and the Commission cannot prematurely advise on the subject if council is not considering first. Option Three is not linked to Options One and Two at this time. Option Three can be discussed when Title 18 has been completed.

Dhaliwal replied understanding that the Planning Policy Commission is split on the issue of an extension and that comments have been captured.

COMMISSIONER MILLIGAN stated, regarding Variances and approval criteria, that Variances need to be allowed but to also be more predictable for the applicant. Subjectivity needs to be examined. The term *In Harmony* does not seem enforceable or usable. The approval of a Variance could create a precedent for neighboring properties and precedence should not be the only approval criteria. That a variance can only be applied to a *special, unique* circumstance is complex language. Dhaliwal replied that the areas would be examined.

CHAIR VOISS stated that much of the packet is around procedure and legal considerations. There appears to be some redundancy and contradiction, and further feedback will be emailed to staff.

4. Reports (02:12)
a) Council Update

Dhaliwal stated that Title 18 is being reviewed by the Planning, Development and Environmental Committee and bucket five has been completed. Bucket six will be examined

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by the Committee on September 22, 2022. On September 7, 2022 staff has been asked to come back with Bucket Four regarding Building and Design details as well as the Planning Policy Commission feedback regarding Zero Lot Lines and Street Connectivity.

Dhaliwal stated that the whiteboard list was shared with the Planning, Development and Environmental Committee and full council before Bucket Six because of the budget cycle. The Committee decided on three criteria; is the issue covered under existing goals and outcomes, other adopted plans, and level of effort needed. The whiteboard will be back to the Planning Policy Commission in the future. The periodic update of the Comprehensive Plan is upcoming.

5. Other Business/Announcements**a) Upcoming Schedule**

Dhaliwal introduced the new Planning Manager, Christian Geitz.

Dhaliwal thanked the Commission for work on six buckets for Title 18.

COMMISSIONER MILLIGAN asked when the deadline is for applications for the open Planning Policy Commission positions, and COMMISSIONER LEWIS replied August 26, 2022.

COMMISSIONER MILLIGAN encouraged the public to apply and contribute to the city.

6. Adjournment

With no further business to conduct, CHAIR VOISS adjourned the meeting at 8:55 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary