



MINUTES

PLANNING POLICY COMMISSION
6:30 p.m. - Thursday, October 13, 2022

1. Call to Order

The meeting was called to order at 6:34 p.m. by VICE-CHAIR BADER.

Commissioners Present: Chair Voiss (joined virtually at 00:07), Vice-Chair Bader, Commissioners Esemuede, Kennedy, Lewis, Longoria, Milligan, and Patterson

Absence: Commissioner Altimore (Excused)

Staff Present: Christen Leeson, Senior Planner
Valerie Porter, Associate Planner
Minnie Dhaliwal, CPD Director

2. Approval of Minutes

VICE-CHAIR BADER asked for changes or comments regarding the September 29, 2022 Minutes. There were none and the Minutes were approved.

The October 3, 2022 Minutes were on the agenda for approval but were not addressed.

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

Ken Konigsmark stated representing Our Savior Lutheran Church (OSLC), 745 Front Street South, Issaquah. The church has a rezone request submitted. The Church is in partnership with the Issaquah Food and Clothing Bank (IFCB) to relocate operations to the Church property in a new and better facility. The IFCB Board is meeting to discuss the plan within the next few weeks and a decision from the city is hoped for. In a review of conceptual plans with Doug Yormick, City of Issaquah, there were no environmental or other issues identified that would prohibit the concept. A rezone request is based on the partnership and in support of future potential for further progress, possibly a

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hosting of social services such as the Together Center in Redmond, co-located on one property to those most in need, which the rezone would enable. The Food Bank project will require the rezone due to the height limit effecting current zoning which would be increased with multi-family zoning applied. The Church is neither a developer nor landowner seeking a rezone for purposes of increasing development value of a property. For the common good, a rezone is justified and will be beneficial. The IFCB is partnered with to the degree possible now in food drives and preparation for school year. A rezone will provide an opportunity to do much more tomorrow, directly supportive of the goals of the city Human Services Strategic Plan close to the downtown core. The map included in Commissioner packets will show that the rezone is legitimate, logical, practical, and justifiable. The Church property is an isolated island of single-family zoning surrounded by multi-family high and multi-family medium, out of place. The rezone will keep in character the nature of the neighborhood that already exists. The Church urges the Planning Policy Commission to follow the staff recommendation to approve the rezone.

4. Public Hearing

Recommendation on 2022 Comprehensive Plan and Zoning Map Amendments, (A)

Presented by:

Christen Leeson, Senior Planner

Valerie Porter, Associate Planner

CHAIR VOISS recused from the Wildwood and Our Savior Lutheran Church rezone requests due to residential proximity. In the interest of a seamless meeting, VICE-CHAIR BADER would lead all topics and CHAIR VOISS would participate in voting for the Newport rezone.

VICE-CHAIR BADER stated that COMMISSIONER KENNEDY would vote on all three rezones. COMMISSIONER LONGORIA would vote on Wildwood and Our Savior Lutheran Church rezones only.

Leeson began with the Newport rezone request presentation. (00:10)

There were no Commissioner questions. VICE-CHAIR BADER opened Public Comment on the Newport rezone. There were no Public Comments and Public Comment on the Newport rezone was closed. (00:20)

MOTION by COMMISSIONER LEWIS to approve the Findings of Fact in the Commissioner packet for Amendment number one. MOTION seconded by COMMISSIONER MILLIGAN.

There were no Commissioner comments. Leeson expanded the MOTION language to include *approve to rezone parcel number 2024069119 from Community Facilities to Multi-Family Residential and a rezone from Community Facilities Recreation to Village Residential*. The MOTION passed unanimously.

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CHAIR VOISS was made a virtual attendee for the Wildwood presentation.

Porter gave the Wildwood rezone request presentation. (00:22)

VICE-CHAIR BADER asked for clarification regarding a submitted petition mentioned during the presentation. Porter replied that the two-page petition is from a community member who is against rezoning the Wildwood Boulevard site, signed by neighborhood residents.

COMMISSIONER LEWIS asked for clarification regarding taking comments from the public individually versus a petition possibly being third-party hearsay. Leeson replied being grateful for the community participation in the process, but a petition submitted by one person representing multiple people would not be considered other than for the individual submitter comment. Dhaliwal replied that the petition had been emailed to Planning Policy Commissioners with signatures and is a part of the record. Leeson displayed and read the email received at 5:53 p.m. on October 13, 2022 and stated that there are 17 addresses listed. COMMISSIONER LEWIS asked for clarification regarding language in Findings of Fact, page 77 of 83. Leeson replied with the details of the process for Findings of Fact.

COMMISSIONER ESEMUUDE asked if there is a protocol for a required number of names on a document. Leeson replied the document is only for consideration.

There were no further Commissioner questions. VICE-CHAIR BADER opened Public Comment on the Wildwood rezone.

- Dave Ricketts, 385 Front Street South, stated that there are two year-round streams down the hillside with a mine shaft beneath the subject property. There are limited site retention possibilities for the surface water run-off. The impervious surface of multi-family development would create more of a problem for the river below. There is a steep slope where landslides have occurred. The parcel is environmentally fragile.
- Peter Condyles with Toyer Strategic Advisors stated representing the applicant. A letter had been sent to the Commission. A small portion of the site is developable, far from slopes and streams and further down the road from single-family developments. The owner is seeking a rezone for more flexibility in what can be done with the site. Any development will not hinder Central Issaquah development and will be helpful to the city.
- Brad Book, Ridgewood Circle, stated having resided on Squak Mountain for over 38 years and stated opposition to the rezone. Although having been a member of the Park Board, Book stated not representing the Park Board. Issaquah has evolved to provide a diversity of housing. There is an importance to preserve character within each zone. Existing multi-family developments are located away from Wildwood Boulevard and not noticeable from the city road. Wildwood Boulevard is a main entry to the Squak Mountain area and multi-family housing will be an eyesore. The area is a

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gateway for residents and the trail. Multi-family housing was intended for Central Issaquah and designed as such. Higher density would be challenging due to environmental concerns. The creek corridor is intended to have a trail system from Squak Valley Park to Lake Sammamish State Park and multi-family housing would be averse to the intention.

- Luliana Marinov, 185 Southwest Hepler Lane, stated opposition to the Wildwood rezone. First, Marinov stated having children who use the Wildwood Boulevard path. Second, wildlife is present attempting to reach the stream and development may prevent access. Lastly, Wildwood Boulevard is small and increased traffic is of concern.
- David Toyer with Toyer Strategic Advisors stated working with the applicant. Whether the area develops under the existing or a future zone, the part that is developable is what will be developed and will not change depending on the zoning applied. Critical areas and topographic items are reviewed and backed up with studies and technical review during the Development Review process and not a rezoning process. Toyer stated not agreeing with staff findings, specifically in criteria two and four. Community benefit is housing in a region with a housing shortfall. Additional housing units would be close to existing trails, transit, and businesses. Pressure would be taken from other developments and potentially avoid displacement of people in affordable housing. Zoning policies and designations need to be changed to address the housing issue in the region and approving the rezone will move Issaquah closer to resolving challenges. An exhibit was submitted that shows that there are eleven other multi-family housing developments within the immediate vicinity and the site is not inconsistent with what currently exists in the area. The developable area will not change with rezoning and success will depend on how the development is efficiently maximized. The rezone should not be viewed as competition against other development opportunities.

There were no further Public Comments and Public Comment on the Wildwood rezone was closed. (00:53)

Porter asked Commissioners to review the staff recommendation on page 12 of the packet and specified that criteria number four is the criteria **not** met.

MOTION by COMMISSIONER LEWIS to **not** approve the Findings of Fact in the Commissioner packet for Amendment number two, parcel number 3324069121. Leeson expanded the MOTION language to include *that the recommendation is to **not** approve the redesignation rezone of parcel number 3324069121, the Land Use designation from low density residential to multi-family residential and zoning designation from single-family small lot to multi-family medium.* MOTION seconded by COMMISSIONER MILLIGAN.

COMMISSIONER MILLIGAN stated agreement with the recommendation of staff to **not** approve the Wildwood rezone. While information provided is appreciated, the rezone request is site specific and there are specific criteria for a determination. In addition to criteria numbers two and four, number three Growth controls will not comply with criteria as well. Capacity in

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Issaquah to meet housing targets is four times as much as required. Approval criteria states that a zone request shall be granted only if all the approval criteria are met.

COMMISSIONER LEWIS stated that the comment of COMMISSIONER MILLIGAN was well stated and agreed with staff opinion. The criteria are not met for the current proposal, but a productive use of the parcel can still be developed. The applicant may need to examine other ways to develop the parcel such as Conservation.

COMMISSIONER ESEMUUDE stated that the area can still be developed within the current Land Use and zone.

Porter clarified that the site **meets** criteria number two, but that staff determined that criteria number four is **not** met. COMMISSIONER MILLIGAN thanked Porter for the clarification.

There were no further Commissioner comments. MOTION passed unanimously.

[Five-Minute Break]

Leeson gave the final presentation, Our Savior Lutheran Church (OSLC) rezone request.
(01:07)

COMMISSIONER LEWIS asked if the existing single-family home on the site will be in the buffer. Leeson replied that the buffer may extend further than shown on a map, and so a new single-family home probably could not be built. COMMISSIONER LEWIS asked if the percentage of the site currently impervious surface is high, approximately 70%, and Leeson replied possibly.

COMMISSIONER ESEMUUDE asked if the adjacent lot will be pervious surface and Leeson replied yes. COMMISSIONER ESEMUUDE asked if the Food Bank could be moved with the current zoning. Leeson replied that existing zoning will allow for the Food Bank, and that the applicant had written a letter indicating a higher building than allowed by existing zoning was desired, but no application has been submitted. COMMISSIONER ESEMUUDE asked if moving the Food Bank from the current location would benefit the current area in terms of safety and traffic. Leeson replied that the situation has not been examined, as highest and best possible uses are looked at and not specific uses at this stage.

COMMISSIONER LEWIS asked if a transit stop could be added in a multi-family high zone. Leeson replied that transit stops are determined by Metro and not Issaquah. Transit stops require a lot of density. COMMISSIONER LEWIS asked for the maximum amount of density and Leeson replied 29 dwelling units per acre, factoring in environmental constraints and parking.

COMMISSIONER ESEMUUDE asked if uses would be limited to the site acreage, and Leeson replied that any permitted uses allowed now are limited to that property.

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COMMISSIONER PATTERSON asked if the single-family home on the lot was present prior to the Master Shoreline Plan and Leeson replied yes, the plan was updated in 2021.

COMMISSIONER PATTERSON asked for clarification that redevelopment of the single-family lot would not allow a new building to be built, and Leeson replied likely not, and that the existing houses is legally non-conforming use.

COMMISSIONER LONGORIA asked to view the presentation slide showing environmental factors.

COMMISSIONER KENNEDY asked if there is a reason for not placing conditions. Dhaliwal replied that conditions can be problematic, tied to criteria carefully. Conditions are not a contract. Implementation over years and with new owners is challenging. COMMISSIONER KENNEDY asked for clarification that permitted uses under the zoning designation would not allow for a warehouse to be built and Leeson replied correct.

There were no further Commissioner questions. VICE-CHAIR BADER opened Public Comment on the OSLC rezone request. (01:26)

- Ken Konigsmark representing OSLC stated that regarding traffic, any development proposal is required to go through normal processes in which traffic is evaluated and is not an issue for the rezone request. The current Food Bank and Church are approximately one to two blocks apart, and traffic will remain the same. The rezone will provide the flexibility to achieve a site such as the Together Center in Redmond. The site will not be developing condominiums or apartments.
- Gary Hanson, 1601- 247th Avenue Southeast, Sammamish, stated that an important consideration for the congregation of Shepherd of the Hills Lutheran Church to join with OSLC was to ensure that members would be able to maintain strong support and connection to IFCB. Now that the church merger has completed, the commitment has continued. OSLC has been steadfast in work to bring the campus to the greater service of the Issaquah community.
- Josh Friedmann, Attorney for OSLC, stated that a substantial part of the current site is impervious due to automobile usage in the 1960s. A new development proposal would be to standards of today. If a redevelopment occurs, there will be an opportunity to return more of the site to pervious conditions. The uses permitted do not mean the site can accommodate. Additional height from 30 feet to 40 feet is desired to accommodate, in example, rooftop refrigeration and forklifts. The existing single-family home was possibly built as a parsonage for the original church campus, but probably would not be rebuilt if a new church were built today. Zoning sets permissible density but does not dictate what can be built due to, in example, topography, access, and fire lanes. New zoning would technically make a grocery store permissible, but the site would be challenging. The church has been a neighbor for over 50 years and plans are only to expand services.

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- Laurie Sperber, 700 Front Street South, #C102, stated being in favor of the new Food Bank, but asked about negative impacts to traffic on already congested Front Street. Possibly 70% of drivers on Front Street do not spend money in Issaquah but use the Street to drive through Issaquah. Infrastructure at Issaquah Highlands is successful. Sperber expressed hesitation at the claim that no multi-level living units will ever occur in the future which would make Front Street undrivable. Sperber stated approval for the Food Bank but not approving of a new zone that would allow housing unless Front Street improvements are also made.

There were no further Public Comments and Public Comment for the OSLC rezone was closed. (01:41)

MOTION by COMMISSIONER PATTERSON to approve the Findings of Fact for the recommended approval of the proposed Land Use designation and zoning Amendment for Proposal Three, Our Savior Lutheran Church parcel 3432069217. MOTION seconded by COMMISSIONER LEWIS.

COMMISSIONER MILLIGAN stated approval of redevelopment of the property in a mission-driven way for the community, but that the site-specific rezone request does not meet all criteria, specifically Growth Controls. COMMISSIONER MILLIGAN stated not approving of simply up zoning the site. Also under criteria three, a Development Agreement must be approved as a part of the rezone proposal, which is not before Commissioners at this time.

COMMISSIONER LEWIS stated that the request for the up zone presents challenges although there is huge potential. A huge amount of impervious surface exists and while there would be due diligence for the creek bed and additional trips to accommodate, the proposal in front of the Commission is not at the right time. A potential years-long delay mentioned is not what is in front of the Commission and there are serious concerns. Having the site actualized in the way the community needs would be very good, however.

COMMISSIONER KENNEDY stated being excited about the Food Bank, and that rezoning the site similarly to surrounding areas makes sense. There is an argument to be made that the site should be zoned consistently with the rest of the area.

COMMISSIONER ESEMUUDE stated that the efficiency of the Land Use would be a positive. The Growth Control aspect has been expressed in Public Comment, however. A recommendation can only be made based on information available at this time.

VICE-CHAIR BADER asked if there is a possibility to obtain a variance for a higher height within the existing Land Use. Leeson replied that maximum height in multi-family high is up to 65 feet with conditions. A variance to build above the maximum height of 30 feet is not allowed within single-family. Dhaliwal replied that anyone can apply for a variance, but meeting the criteria is difficult as unique circumstances are required, a Hearing Examiner process.

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COMMISSIONER MILLIGAN stated that the adjacent uses can be evaluated, but the challenge is that under these circumstances, an up zone to multi-family cannot be approved because the definition does not necessarily achieve the objective being heard from the applicant.

COMMISSIONER LEWIS stated that the Commissioners need to know the options available. There is the recommendation of administration, but the Commission role in advising Council may be to relay that information at this time does not make sense for a rezone approval, but that the potential of the project is supported.

COMMISSIONER KENNEDY asked if conditions in a Memo of Understanding (MOU) could be attached, although these are understood to be challenging for the city.

COMMISSIONER MILLIGAN stated she trusts that staff will characterize the deliberations.

COMMISSIONER ESEMUUDE stated that in the recommendation to the Council, the benefit to the community can be highlighted, the intent of the church.

Amendment to the MOTION at hand by COMMISSIONER LEWIS that the Planning Policy Commission recommends that Council engages with the applicants to form a Development Agreement to pursue details for the property. Amended MOTION seconded by COMMISSIONER KENNEDY.

COMMISSIONER LEWIS stated that the church has been a great partner in the community and that every chance to pursue appropriate opportunities to serve the community should be considered, a case made separately from the MOTION.

COMMISSIONER PATTERSON stated agreement with COMMISSIONER LEWIS. A decision cannot be made to move forward correctly at this time. Continuing the conversation rather than forcing a delay in application should occur.

COMMISSIONER MILLIGAN stated agreement with COMMISSIONER LEWIS. A Development Agreement will allow details to be worked out that could possibly allow for a different zoning configuration than a flat multi-family high and uses at this time. Creativity in a Development Agreement could be well-applied in this instance.

VICE-CHAIR BADER stated agreement with the amended MOTION.

COMMISSIONER LONGORIA stated agreement with the amended MOTION, that the applicant engage with city Council in discussions on a Development Agreement. Leeson replied that Development Agreements are voluntary and cannot be required of the applicant.

COMMISSIONER LEWIS rescinded the Amendment to the MOTION and made a second MOTION, that the Planning Policy Commission encourages further work on the parcel by city staff and Council holding a discussion with the applicant to enter into a possible Development

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Agreement to create a legally binding framework. MOTION seconded by COMMISSIONER MILLIGAN.

The first MOTION to recommend approval of Findings of Fact for OSLC was unanimously not passed.

The second MOTION to recommend further work on the parcel as stated previously was unanimously passed.

Dhaliwal asked for clarification regarding concerns to be addressed for Council. COMMISSIONER MILLIGAN replied that criteria number three is why an up zone could not be approved. The possible Development Agreement is where a rich discussion and commitments can occur to protect the vision over time. COMMISSIONER LEWIS stated that if different information were being presented, a different vote may have been possible, but she is fully in support of the applicant plans for the property. Leeson conducted a poll of Commissioners; COMMISSIONER MILLIGAN was the only Commissioner to specifically state the concern and next steps desired, and if included in the Findings of Fact for the Council, the rest of the Commission will need to express support. Conditions of the Development Agreement are needed. COMMISSIONER MILLIGAN replied that the only issue before the Planning Policy Commission at this meeting was if the zoning and use should be changed. Dhaliwal replied that the intent of voting the first MOTION down needed to be captured. COMMISSIONER MILLIGAN replied that while focusing only on one reason, there are many complicated issues including urban growth centers, mass transit, and funding. Lack of only one criterion was needed to reject. Dhaliwal asked for confirmation that all Commissioners support that criterion three is not met and the Commissioners replied yes.

CHAIR VOISS resumed leading the meeting and thanked VICE-CHAIR BADER.

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

Dhaliwal stated that Title 18 has been reviewed and next steps are to engage with testing. Findings will be shared with the Commission. SEPA is upcoming and Public Hearings will be held in November. Council is considering the whiteboard in budget discussions; stream buffers, Missing Middle, and parking.

COMMISSIONER MILLIGAN asked for a printed version of Title 18 consolidated draft. All Commissioners subsequently asked for a printed version. COMMISSIONER LEWIS asked if there is an expected date for the document and Dhaliwal replied that after the document is cleaned, the target is end of October. Both digital and printed versions will be available. COMMISSIONER MILLIGAN stated appreciating that the whiteboard would be coming back to the Commission and Dhaliwal replied that a date would be scheduled. COMMISSIONER LEWIS asked if a more formal list for Council should be compiled from the whiteboard and Dhaliwal replied that the whiteboard would be maintained. COMMISSIONER MILLIGAN asked

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if the whiteboard is ready for the next version. Leeson replied that additional items will continue to be added to the whiteboard but that the current list can be provided.

6. Other Business/Announcements (02:20)
 - a) Upcoming Schedule

COMMISSIONER MILLIGAN thanked all new Commissioners.

COMMISSIONER LEWIS asked for a reminder of upcoming meetings. Leeson replied that the October 27, 2022 meeting has been cancelled because it is a cultural holiday. The next meeting is November 10, 2022. There will be a Public Hearing on November 17, 2022 and a final Public Hearing on December 1, 2022.

7. Adjournment

With no further business to conduct, CHAIR VOISS adjourned the meeting at 8:56 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary