



MINUTES

PLANNING POLICY COMMISSION
6:30 p.m. - Thursday, January 12, 2023

1. Call to Order

The hybrid meeting was called to order at 6:33 p.m. by CHAIR VOISS.

Commissioners Present: Chair Voiss, Vice Chair Bader (Virtual), Commissioners Altimore, Esemuede, Kennedy, Lewis, Longoria (Virtual), Milligan, and Patterson

Absence: None

Staff Present: Minnie Dhaliwal, Director, CP&D
Christian Geitz, Current Planning Manager
Christen Leeson, Senior Planner
Rachel Turpin, Madrona Law

2. Approval of Minutes

CHAIR VOISS asked for changes or comments regarding the December 8, 2022 Minutes. There were none and the Minutes were approved.

(Issues with audio, corrected)

3. Public Comments (General) (00:03)

- Connie Marsh, Squak Mountain, stated that intent in the Title 18 Draft appears to be agreed upon conceptually but language may contradict intent. Marsh asked if definitions are the same throughout the code as small words can make a difference. "Open Space" is a term with little meaning, hard to implement. Marsh asked the Commission to read the code with words in mind and in regard to the flow, asking if a developer will be able to understand enough to know what is needed to be done and at what points in time. There are portions

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of code that need rework, not currently in a uniform tone or language, and intended results may not be realized for the city.

- Brook Lang stated that regarding item 18.404.303, being in support of the draft. Regarding the size of an Accessory Dwelling Unit (ADU), 1,200 square feet maximum, the figure many other cities have adopted, this will allow an elderly couple to remain in their home with 24 hour nursing care. Over 1,000 square feet for ADU could require 150% the size of the minimum lot, allowing people to stay in their homes. The issue should be addressed now in the Title 18 update.

4. Regular Business

a) Title 18 Final Draft, (D) (00:13)

Consolidated Draft
Public Hearing Process
Policy Discussions

Presented by:

Minnie Dhaliwal, Director, CP&D

CHAIR VOISS stated that the presentation at the meeting would not be followed by deliberation. There will be three meetings through January to continue to analyze the information.

Break to address audio issues (00:16)

Dhaliwal began the staff presentation. (00:20)

(00:23) CHAIR VOISS stated that audio technical issues on WebX could not be resolved and asked that the public access the meeting through YouTube or ICTV with Comcast or Xfinity. Also offered was the phone number 206-207-1700, access code 2499 742 4971 #.

Dhaliwal continued the presentation.

CHAIR VOISS asked for Commissioner questions to this point. (00:54)

COMMISSIONER LEWIS asked about easier user interface for the public. Dhaliwal replied that Code Publishing will examine references and definitions. A formalized recommendation will trigger further work. A new website will be created during implementation. COMMISSIONER LEWIS asked if there will be an opportunity for the Commission to interact again, and Dhaliwal replied absolutely.

CHAIR VOISS reiterated that Policy questions should be made stronger and better by Commissioners at this time.

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Dhaliwal continued the presentation with Policy Questions. (00:58)

COMMISSIONER MILLIGAN asked for clarification regarding a difference in a staff recommendation in the draft and packet, and Dhaliwal replied that if a different option were chosen by Commissioners, that option would be used in the draft. COMMISSIONER MILLIGAN asked about approval criteria review and legal limitations. Dhaliwal replied that criteria can be added or removed from recommendations, and that the city Attorney will be attending Planning and Policy hearings. Direct questions are welcomed.

COMMISSIONER PATTERSON asked what vehicle or meeting might take place for public discussion regarding rezone conversations. Dhaliwal replied that there will be a Public Hearing, and that all notice requirements would occur and comments received prior to the Council meeting. COMMISSIONER PATTERSON asked for clarification that the Planning Policy Commission would have another opportunity for comments, and Rachel Turpin replied that there is no legal reason not to, but that the purpose is to draft specific criteria which are not discretionary with a Hearing Examiner making the decisions.

COMMISSIONER LEWIS asked for clarification regarding different tiers of input. Dhaliwal replied that there is complexity and confusion that can be problematic. COMMISSIONER LEWIS stated that dynamic comments can be collected that can allow the city Council to make more informed decisions, and that complexity can bring a richer understanding with more voices into the conversation.

COMMISSIONER PATTERSON asked if there is an opportunity for an open discussion with the Planning Policy Commission, with the ultimate decision from the Hearing Examiner. Dhaliwal replied that the idea can be examined. Rachel Turpin replied that the reason for recommending a third-party neutral Hearing Examiner process is to avoid decisions made based on issues outside of specific criteria; for Quasi-Judicial matters, involving an expert to apply criteria is a Best Practice.

COMMISSIONER LEWIS stated that the conversation is interesting. Retaining even more community involvement is needed. The Planning Policy Commissioners should have access to expert input in decision making. There should be one place which holds the Public Hearing to avoid confusion regarding where community members can become involved, a clear direction in code. Dhaliwal replied that community input will continue and not be reduced. The process regarding what entity will make a recommendation is what requires clarification.

COMMISSIONER LEWIS stated that Citizen Boards are a part of the process to bring in community, and a Hearing Examiner from outside the community is a different direction. Dhaliwal replied that the value is in getting criteria correct, a clear evaluation mechanism.

COMMISSIONER ALTIMORE asked if the Hearing Examiner issue is within in the purview of the Development Commission to make a decision, as the Development Commission currently conducts Quasi-Judicial hearings. Dhaliwal replied that Council can choose to delegate to the

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Development Commission, but Development Commissioner training is on the development side and not policy.

COMMISSIONER MILLIGAN stated that another option from staff may be beneficial at this point for consideration.

COMMISSIONER LEWIS asked if approval criteria should specify that a rezone is not warranted if in conflict with a policy. Dhaliwal replied that more specificity about Land Use development is beneficial. COMMISSIONER LEWIS asked if policy can be included in language and Dhaliwal replied by referencing the Strategic Plan.

COMMISSIONER MILLIGAN asked if a model was used to create criteria. Leeson replied that other cities have been researched, but the only consistency found was public benefit.

CHAIR VOISS asked for clarification regarding Point Six, *will not be materially detrimental*, particularly regarding traffic impacts. Dhaliwal replied that the idea can be examined.

Dhaliwal continued the presentation with Deviations. (01:23)

COMMISSIONER LEWIS stated that deviations for wireless communications appear to be extremely broad and favorable to the provider rather than the community, and asked if language could be added that when equipment is changed, a deviation can be used only if there are no objections from noticed neighbors. As written, the deviation is not limiting and does not include public comment. Dhaliwal replied that if a deviation is not specific, it should not be offered.

Dhaliwal continued the presentation with Outdoor Amenity Space. (01:26)

COMMISSIONER ESEMUEDE asked for clarification that the recommendation is the minimum, and that developers will still have the option to create larger spaces. Dhaliwal replied yes.

COMMISSIONER ALTIMORE asked if staff could be reached out to for an additional option prior to a decision on a policy question, and Dhaliwal replied yes, and stated that developers are still responsible for park impact fees.

Dhaliwal continued the presentation with Steep Slope Buffers. (01:29)

COMMISSIONER MILLIGAN asked for clarification regarding option number one. Dhaliwal replied that the option is based on safety, not preservation, on ungraded sites.

COMMISSIONER ESEMUEDE asked for clarification that option number one factors in a geotechnical study and hydrology. Dhaliwal replied that what the geotechnical report should include is specific. COMMISSIONER ESEMUEDE asked if hydrology and drainage specifically should be added and Dhaliwal replied that hydrology is a part of the geotechnical report and that Stormwater and Engineering review any alteration to hydrology.

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COMMISSIONER LEWIS asked for clarification regarding language in option number one, *current proposed code*, and Dhaliwal replied current proposed code is the final draft and currently in code as well. COMMISSIONER LEWIS asked if there could be an option to remove buffer reduction criteria. Dhaliwal replied that the buffer comes into play depending on space available. COMMISSIONER LEWIS stated that possibly that the applicant should have to prove that reducing a buffer is safe, rather than the city having to prove it is not safe, to present a compelling case to the city. Dhaliwal replied that if within 25 feet, safety standards have been met. COMMISSIONER LEWIS asked for clarification that there is then no option to remove the buffer reduction criteria, and Dhaliwal replied that a technical expert states that there is no basis for a blanket rule, safety driven. An assessment by an expert establishes what is safe or not safe. COMMISSIONER LEWIS asked for further clarification and Dhaliwal replied that a geotechnical report will still always be asked for, but if there is no other indication that there is landslide potential and there is a 50-foot buffer, the situation is okay without an added step.

COMMISSIONER MILLIGAN asked if there is a difference between buffer options presented regarding who would be responsible for proof, payment for studies and initiating review. Dhaliwal replied that the geotechnical engineer and the applicant are responsible in all options. The city hires a consultant to peer review. COMMISSIONER MILLIGAN asked for clarification that all three options are the same in cost burden, and Dhaliwal replied yes.

COMMISSIONER PATTERSON stated that in provided documentation, there is public perception that buffer reductions are granted too often, and that adopting the proposed option one would result in more, and asked if there was data to reinforce how often buffer reductions are granted. Dhaliwal replied that public comment was captured during the first round. Data can be assembled. Buffer reductions have been granted but they have met the standard. COMMISSIONER PATTERSON asked for clarification regarding why option one is favored over option four. Dhaliwal replied with a hypothetical scenario of option four. Staff analysis with a geotechnical engineer concluded that an option four scenario was not an issue in Issaquah. The option is offered if Commissioners wish to explore, however.

Dhaliwal concluded the presentation with Critical Area Code for homeowners. (01:45)

COMMISSIONER ALTIMORE stated that option two had been confusing and asked if language could be refined to be more clear. Dhaliwal replied that the option can be broken down.

COMMISSIONER LEWIS stated agreement with COMMISSIONER ALTIMORE, and asked if there were an administrative recommendation for option one. Dhaliwal replied that option one is currently in code, but administration is open to exploring unknowns in discussion.

CHAIR VOISS asked about a specific age being clarified regarding aging in place and ADUs. Dhaliwal replied that the city Attorney could be consulted.

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COMMISSIONER ESUMUEDE asked if option two is in addition to option one, regarding impervious or green area expansions. Dhaliwal replied that expansion would generally be on impervious area, moving into the required buffer by allowing expansion. COMMISSIONER ESUMUEDE asked for clarification that an expansion would be onto impervious area but the existing state before the expansion has to already be impervious area. Dhaliwal replied that a patio could be enclosed, but grass in a buffer cannot be built on. COMMISSIONER ESUMUEDE asked for further clarification, and Dhaliwal replied that option one allows for expansion only on an existing impervious surface, while option two allows expansion onto grass area as long as the expansion is in the opposite direction of a stream, still within the buffer.

COMMISSIONER MILLIGAN asked how other areas of concern should be brought forward in subsequent meetings. Dhaliwal replied that the Commissioners can reach out to staff for help in framing questions, to be included in presentations, and that any issues can also be raised during deliberations.

COMMISSIONER LEWIS stated that the code does not read as coming from one source, and asked that policy changes be clearly discussed in upcoming presentation as far as old and new code, changes from a previous draft. Dhaliwal replied that there is a consolidated table of changes between drafts, informed by public comment and what Council or Commissioners have asked for. If needed, staff can go through each part for the Commissioner. COMMISSIONER LEWIS replied that a more granular view in upcoming staff packets would be helpful. Dhaliwal stated that staff is available for whatever is helpful for deliberations, while also acknowledging the table of changes being provided. COMMISSIONER LEWIS suggested giving an example, such as Outdoor Lighting, specifically.

COMMISSIONER MILLIGAN stated having difficulty following colored patterns within the table, also. Dhaliwal replied that any color changes are a formatting issue.

5. Reports (02:00)
a) Council Update

Dhaliwal stated that a Contractor Code of Conduct Notice process is being developed and is scheduled for full Adoption by Resolution by Council on February 6, 2023.

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

COMMISSIONER MILLIGAN will not be present for the January 26, 2023 meeting but may be able to submit comments by email.

Leeson replied that issues encountered in joining the meeting on WebX earlier were the result of an internet outage in Issaquah.

7. Adjournment

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

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary