



MINUTES

PLANNING POLICY COMMISSION JOINT MEETING 6:30 p.m. - Thursday, January 26, 2023

1. Call to Order

The hybrid meeting was called to order at 6:31p.m. by CHAIR VOISS.

CHAIR VOISS announced that COMMISSIONER LONGORIA had submitted resignation due to familial obligations.

Commissioners Present: Chair Voiss, Vice Chair Bader, Commissioners Altimore, Esemuede, Kennedy, and Patterson

Absence: Commissioners Lewis and Milligan (Excused)

Staff Present: Minnie Dhaliwal, Director, CP&D
Christian Geitz, Planning Manager
Christen Leeson, Senior Planner
Stephen Padua, Long Range Planning Manager
Emily Appleton, CPD Engineering Manager
Jim Johnson, Consultant

2. Public Comments (General)

There were no requests to speak.

3. Public Hearing (00:02)

- a) Title 18 Final Draft (Parts 5-8: Specified Use Standards, Development Standards, Neighborhood Overlay, Environment) and Shoreline Master Program, (D)

Public Hearing Order:

- Opening Public Hearing
- Staff Presentation
- Clarifying Questions from Commission
- Public Comment

01-26-23 Planning Policy Commission Meeting Minutes

- Close Public Hearing
- Commission Deliberation

Presented by:

Minnie Dhaliwal, Director, CP&D

CHAIR VOISS stated that public comments can be made on any part of the Title 18 Update or the Shoreline Master Program (SMP) while the Public Hearing remains open.

Dhaliwal began the Title 18 Final Draft presentation, Parts 5-8.

CHAIR VOISS asked for Clarifying Questions for Part 5. (00:31)

VICE-CHAIR BADER asked if questions should be regarding policy questions or Parts, and CHAIR VOISS replied Part 5 at this time.

CHAIR VOISS asked, regarding page 205 of 946 of the large binder, a deviation for senior housing standards and disabled or low-income persons, if people of a different generation would be part of senior developments. Dhaliwal replied a belief that existing code language had been carried forward. The area in question was Senior Housing Standards, 18.500.060. Dhaliwal replied that the subject would be investigated.

VICE-CHAIR BADER asked when Outdoor Amenity Space would be addressed and Dhaliwal replied Part 6.

CHAIR VOISS asked, regarding page 255 of 946, how numbers were determined for the General Affordable Housing section, from A Regional Coalition for Housing (ARCH) or a comparative city. Dhaliwal replied that Leeson will have an answer but had dropped from the meeting call.

CHAIR VOISS asked, regarding page 239 of 254 and page 249 of 946, table 18.512.100.A, what an allowable condition would be to obstruct a view or vista with a Wireless Communication Facility (WCF). Dhaliwal replied that under View Corridor Preservation, 18.600, a view shed study must be provided to assess impact. If views will be impacted, a deviation may be approved with further conditions. The View Corridor Assessment is on the white board. Dhaliwal agreed that there should be a link between sections mentioned and amendments will be investigated. Geitz replied with the way in which a wireless carrier will be aware of what is approved, and that the wireless carrier will need to provide evidence for why a tower is needed in a particular location.

Leeson rejoined the virtual meeting and replied to the question of CHAIR VOISS regarding affordable housing, 18.514.020. Numbers were provided by ARCH and are comparable to or the same as other cities.

01-26-23 Planning Policy Commission Meeting Minutes

VICE-CHAIR BADER asked, regarding 18.514.070, if what is mentioned will potentially expand outside of Central Issaquah. Leeson replied that what is mentioned is a part of the Housing Action Plan Implementation (HAPI) grant received and consultants are being worked with currently.

CHAIR VOISS asked for clarifying questions regarding Part 6. (00:53)

VICE-CHAIR BADER asked if the purpose of outdoor amenity space is intended for use of residents within a development, or if there is an intended public benefit. Dhaliwal replied that the intent is for the residents living in a development, and there are requirements for commercial uses for plazas for public space. Trail connections are public.

COMMISSIONER ESEMUEDE asked for clarification regarding the vision for parking, possibly promoting forms of transportation other than gas vehicles that could reduce parking need within the city. Dhaliwal was not able to find the section to address the question, and COMMISSIONER ESEMUEDE stated that an email would be sent to staff for the clarification.

CHAIR VOISS asked, regarding page 370 of 707 of draft code, for clarification regarding a trail abutting private property and gaps in the Green Necklace. Padua replied that, in section 18.608.050, 4A 2, the intention in language is that there is the core network for the Green Necklace, but the section requires that development adjacent will provide a connection to it for the development, not as pass-through but for the development only.

CHAIR VOISS asked for clarifying questions regarding Part 7. (01:02)

Dhaliwal stated that regarding Neighborhood Overlays; Olde Town is 18700, Central is 702, Highlands is 706 and Talus is 708.

There were no questions from the Commissioners.

CHAIR VOISS asked for clarifying questions regarding Part 8. (01:03)

CHAIR VOISS asked for clarification regarding the threshold determination process for SEPA. Dhaliwal explained the State Environmental Policy Act and the process. Different scales of projects require different reviews.

COMMISSIONER ESEMUEDE asked about limiting expansion to existing non-conforming properties within the area. Dhaliwal replied that there are now four classifications for the Critical Aquifer Recharge Area (CARA) and prohibited Land Use is included. An existing business on the prohibited list can continue to exist. There are also protections for non-conforming uses. COMMISSIONER ESEMUEDE asked if the code would address how an existing property in a CARA could expand. Dhaliwal replied that CARA regulations are to protect water quality and not to limit an ability to expand. If a building will be expanded and follows zoning, there is no prohibition, only on negative impacts to drinking water supply.

01-26-23 Planning Policy Commission Meeting Minutes

COMMISSIONER ESEMUUDE asked if language would be looked at more thoroughly and Dhaliwal replied yes.

CHAIR VOISS asked, regarding page 614 of 707, 18.802.190 A3, how Wet Season and the permitting process work together. Dhaliwal replied that the section concerns the mitigation of landslide hazards. If there has been a landslide, prior mitigation should survive a typical wet season. Emily Appleton, Engineering Division and Jim Johnson, Consultant, were introduced virtually. Johnson replied that the section pertains to a proposed mitigation to stabilize a landslide. Code language would say that completed mitigation needs to be shown to be effective following a winter wet season. Most landslides are caused by direct rainfall infiltration or fluctuation in ground water levels.

CHAIR VOISS opened Public Comment. (01:16)

- Kym Lee (present), Director of Real Estate Development at Lakeside Industries and an Issaquah resident, stated that a comment letter had been submitted to staff today following up on previous comments. While concerns with CARA regulations and non-conformance remain, and perhaps more importantly, there is a shared goal of protecting the city aquifer and drinking wells. Lakeside has operated in the same location in Issaquah for 70 years and great measures have been taken to ensure a clean operation and preservation of habitat. Lakeside both lives and works in Issaquah. Over 100,000 trees have been planted on Lakeside property and a sizable land donation to further the city conservation goals has been made. As written, the CARA regulations would deem the Lakeside operation, as understood, a legal non-conforming use, making upgrading facilities in the future challenging if not impossible. In the letter, also noted was that there are other possible impacts to residents and other businesses because of CARA changes. Lakeside has a dedicated Land Use and Environmental department to ensure compliance with rules and regulations and to reduce environmental footprint. Lakeside wants to stay in Issaquah. It is important that code be written so that Lakeside can continue to promote better outcomes for the community and environment.
- Joanna Bueller (virtual), Issaquah resident, stated representing Save Lake Sammamish. A comment letter had been submitted today. Bueller emphasized the need for shoreline buffers particularly on Lake Sammamish. Save Lake Sammamish has worked for almost 35 years on water quality and quantity, and of particular concern is the survival of the wild kokanee. An impact is warmer water temperature in summer and the Lake stratifies. By the end of summer, the top layer of Lake Sammamish is too warm for salmon and the lower portion has no oxygen. There is one area with sufficient temperature and oxygen but is shrinking. More shade on creeks and shorelines are needed. People have removed natural buffers at lakeside. A King County report on Lake Sammamish water quality and kokanee documents the evidence. More cold water is needed in the lake and permits should require revegetation of the shoreline.

01-26-23 Planning Policy Commission Meeting Minutes

- Connie Marsh (virtual), Squak Mountain, stated agreement with Bueller. Enforcement is also an issue. Decisions on location of Wireless Towers is strictly administrative in the code but public comment is needed prior to being allowed. Prior comments regarding Community Spaces are not in the chart being addressed and the chapter is confusing and conflicting. Trails should not be allowed to mitigate offsite after they intrude on a CARA buffer. Buffer reductions are not allowed in one section but at the decision of the Director in another. Banners on Front Street are only allowed for non-profits and activities funded by the city, but there is no language in code guiding use or look. Scheduling of banner applications is vague. Having 150-foot buffers is an upgrade. New criteria are better.

There were no further requests to comment. CHAIR VOISS closed the Public Hearing for this meeting and opened Commissioner deliberations beginning with Part 6. (01:31)

COMMISSIONER ALTIMORE, regarding Community Amenity Space, suggested staff option one, but to not allow balconies to meet the requirement. Option two, 100 square feet, can be cost prohibitive for the development of multi-family housing but there could be criteria or tiering included.

COMMISSIONER KENNEDY asked for clarification that Community Amenity Space, staff option two, is in accordance with comparable cities. Dhaliwal replied correct, and peer city research had been included in the January 12, 2023 agenda packet. COMMISSIONER KENNEDY stated that 100 square feet makes sense.

COMMISSIONER ALTIMORE stated that the Community Amenity Space conversation is occurring in peer cities with advocacy from housing developers, both on the affordability and market rate sides, to reduce impacts to development. Criteria or tiering should be included if option two is selected.

COMMISSIONER PATTERSON stated agreement with COMMISSIONER ALTIMORE. A 300-unit development would require half of a football field of outdoor amenity space. Rooftop can be worked with, and COMMISSIONER PATTERSON stated being in favor of a tiered approach taking into consideration the building size.

VICE-CHAIR BADER asked for clarification regarding the definition of Outdoor Amenity Space. Geitz replied that spaces can be broken into multiple areas; rooftop, ground floor, and private community space not open to the public. There are both indoor and outdoor requirements.

COMMISSIONER ESEMUUDE asked for clarification that in Highlands, 200 to 250 square feet are required. Dhaliwal replied that in existing code, there is a requirement for new parks to be 250 square feet per new unit, no change to new code. COMMISSIONER ESEMUUDE asked if the experience is improved for citizens and stated being in support of 400 square feet per new unit.

01-26-23 Planning Policy Commission Meeting Minutes

VICE-CHAIR BADEN stated that a balcony serves a different purpose than a rooftop or playground and supported an increase to 100 square feet across the board, made up of multiple types of amenity spaces. A loss of space is not what should be allowed in exchange for affordable housing.

CHAIR VOISS stated agreement with COMMISSIONER ESEMUEDE and VICE-CHAIR BADER. Square footage of 48 is minimal and 200 may be too large for Issaquah at this point. CHAIR VOISS stated support for option two, 100 square feet. Peer cities are at 200 or more square feet, and as Issaquah is at 48 square feet, an upgrade is reasonable. CHAIR VOISS asked for a non-binding vote with hands for option two and the result was announced as almost unanimous with one Nay.

Dhaliwal asked for deliberation on Steep Slope Buffer. Staff recommendation was option one. (01:43)

COMMISSIONER ESEMUEDE stated that option one provides a developer with flexibility to move forward with the proposed code at a 50-foot buffer. Evidence of site conditions would be required if a reduction is requested. Only option one could be supported by COMMISSIONER ESEMUEDE from an economic standpoint.

VICE-CHAIR BADER stated support for option one. Dhaliwal replied that while the city has granted buffer reductions on a regular basis, science and geotechnical engineer agreement have always been part of any consideration. VICE-CHAIR BADER stated that other options seemed to be more complicated than necessary.

COMMISSIONER PATTERSON stated agreement with COMMISSIONER ESEMUEDE and VICE-CHAIR BADER and commented that option four seems rigid while option one is the fairest across the board.

CHAIR VOISS stated agreement with COMMISSIONER PATTERSON and asked for a non-binding vote with hands for option one. The result was announced as unanimous for option one.

Dhaliwal thanked and allowed Johnson to leave the meeting.

Dhaliwal asked for deliberation on Critical Area Code for Homeowners. (01:46)

COMMISSIONER ALTIMORE asked for clarification regarding option two, that there would be expansion into the buffer without a Critical Area study. Dhaliwal replied that there would most likely need to be an assessment by the city without a Critical Area study required and this could be challenging to implement. COMMISSIONER ALTIMORE asked if option two could be implemented if out of the buffer. Dhaliwal replied that this is allowed now. Option one could read that a Critical Area study would not be needed if expansion is on impervious surface but also clearly outside of the buffer.

01-26-23 Planning Policy Commission Meeting Minutes

COMMISSIONER ESEMUEDE asked if expansion outside of a buffer would still be bound to water quality standards regarding changing green area to impervious. Dhaliwal replied that Stormwater regulation would still need to be complied with. COMMISSIONER ESEMUEDE stated support for option one.

COMMISSIONER ALTIMORE asked if there is an identified problem. Dhaliwal replied yes and described a situation encountered through the code testing provision. COMMISSIONER ALTIMORE asked if option one solves the issue and Dhaliwal replied correct.

VICE-CHAIR BADER asked if the option applies to homes not previously included because there is now a larger buffer, and Dhaliwal replied that the option would apply to everyone. VICE-CHAIR BADER asked for further clarification and Dhaliwal stated that if minimum standards are met and the buffer will not be affected, a single-family homeowner can be granted a waiver from a study when expanding onto existing impervious surface.

CHAIR VOISS asked if a property would be grandfathered into the previous buffer setbacks, or would the setbacks start to encroach on the property with updated code. Dhaliwal replied that there are special exemptions for wetland and stream buffers in the Non-Conformance chapter, unchanged. New buffers will apply to every property but there are grandfathered rights to rebuild in a footprint.

COMMISSIONER ESEMUEDE asked if impervious area could remain in a Critical Area buffer, and if expansion could occur in the impervious area. Dhaliwal displayed and read from the Non-Conformance chapter regarding changes to existing legal non-conforming structures involving wetland or stream buffers. The policy is existing and only being moved forward.

CHAIR VOISS stated liking the flexibility for homeowners with safeguards, but asked if there can be a better monitoring system from the city. Dhaliwal replied that there would need to be staff training and certifications in delineations and surveying, possibly problematic in cost and practicality.

VICE-CHAIR BADER stated supporting option one but needing to understand option two more. Dhaliwal replied by describing a hypothetical example.

CHAIR VOISS asked if option two is relevant, and Dhaliwal replied that there could be an option three allowing expansion on the other side if there is an interrupted buffer, a policy change.

CHAIR VOISS asked for a non-binding vote with hands regarding option one. CHAIR VOISS announced that the result was 3-3 and asked Dhaliwal for an option three to be brought back. Dhaliwal asked if an option three should cover smaller additions, up to 500 square feet, and CHAIR VOISS indicated yes but not for the audio recording.

VICE-CHAIR BADER asked for clarification that option two offers more flexibility than option one, and Dhaliwal replied yes.

01-26-23 Planning Policy Commission Meeting Minutes

COMMISSIONER ALTIMORE asked for clarification under option one regarding further expansion. Dhaliwal replied not inside but outside the buffer area.

CHAIR VOISS stated that buffers are going to be upgraded and owners are being asked to do less with properties and stated looking forward to an option three. Dhaliwal replied that other options can be developed, one with a study required and one without, and limited expansion in an interrupted buffer. CHAIR VOISS stated that existing homes and not new construction is the subject. Dhaliwal replied that the basic idea will be flexibility and net gain to the environment. If the buffer is already interrupted and expansion is desired on the other side, and enhancements such as planting can be done, the quality of the stream will be improved while limited additions can be allowed. An interrupted buffer can be defined.

CHAIR VOISS asked for any further comments regarding the four parts presented at this meeting. (02:10)

Dhaliwal introduced Ann Marie Soto, Madrona Legal Team, online.

CHAIR VOISS stated that people concerned with the environment will be happy with code as written. Verbiage has been tightened, protections enhanced, language clarified, and there is more focused code. Not everything desired has been accomplished but residents can feel good about environmental code.

COMMISSIONER ESEMUUDE stated being satisfied with code, and that it can be updated periodically if needed.

CHAIR VOISS stated that a business which has submitted public comment regarding legal non-conforming use has been a good public partner for the city and asked if there is a special waiver needed, or simply more clarification. A very long-term business in the area shouldn't have the ability to expand removed because of a change in code. Manufacturing jobs should be encouraged in Issaquah. More information is needed. There is one more Public Hearing meeting and more work to be done.

4. Reports (02:17)
a) Council Update

Padua stated that there were no updates.

5 Other Business/Announcements
a) Upcoming Schedule

CHAIR VOISS stated that the February 9, 2023 meeting is cancelled. Padua stated that the Comprehensive Plan will be the next project.

6. Adjournment

01-26-23 Planning Policy Commission Meeting Minutes

With no further business to conduct, CHAIR VOISS adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary