



## MINUTES

### PLANNING POLICY COMMISSION JOINT MEETING 6:30 p.m. - Thursday, February 2, 2023

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#### 1. Call to Order

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

Commissioners Present: Chair Voiss, Commissioners Altimore, Esemuede, Kennedy, Lewis, Milligan, and Patterson

Absence: Vice-Chair Bader (Excused)

Staff Present: Minnie Dhaliwal, Director, CP&D  
Christian Geitz, Planning Manager  
Stephen Padua, Long Range Planning Manager

#### 2. Public Comments (General)

There were no requests to speak.

#### 3. Public Hearing (00:01)

- a) Recommendation on Title 18 Final Draft (Parts 1-8: General Provisions, Procedures, Subdivisions, Zoning, Specified Use Standards, Development Standards, Neighborhood Overlay, Environment) and Shoreline Master Program, (A)

Public Hearing Order:

- Opening Public Hearing
- Staff Presentation
- Clarifying Questions from Commission and DOE
- Public Comment
- Close Public Hearing
- Commission Deliberation and Recommendation

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*Presented by:*  
*Minnie Dhaliwal, Director, CP&D*

CHAIR VOISS opened the third and final Public Hearing. (00:02)

Dhaliwal began the presentation.

CHAIR VOISS opened clarifying questions on the Policy question previewed. (00:09)

COMMISSIONER MILLIGAN asked if only one of three options regarding Critical Areas could be chosen from. Dhaliwal replied that the three options were an attempt at simplification by staff and that the Commission can develop the options. COMMISSIONER MILLIGAN asked if two of the three options could be chosen, and Dhaliwal replied yes.

CHAIR VOISS asked Dhaliwal if direction should occur following Public Comments, and Dhaliwal replied yes. CHAIR VOISS asked for clarifying questions regarding all parts.

COMMISSIONER LEWIS asked for clarification regarding code for bicycle racks and asked how code language was arrived at considering past Commission discussion. Padua replied that language includes suggestions from the Planning Policy Commission as well as the Transportation Advisory Board and the Development Commission. Construction and engineering detail will move into Street Standards. What is specified in Title 18 is where to locate. COMMISSIONER LEWIS asked if there will be an opportunity to amend language later, and Padua replied that the Commission can either recommend an amendment to code at this meeting as part of deliberations or recommend as part of a Letter to Council to consider bicycle standards to be changed. COMMISSIONER LEWIS asked if bicycle standards would be addressed in Title 9 and Padua replied Title 12. COMMISSIONER LEWIS asked if an amendment can be made to language in Title 18 when Title 12 is discussed in depth later, and Padua replied yes.

COMMISSIONER LEWIS asked if there is the possibility of human scale in language and diagrams regarding Wireless Facilities. Dhaliwal replied yes. Geitz replied that implementation of code will include describing things defined by other entities. COMMISSIONER LEWIS stated that a graphic of a person next to a pole or equipment would provide understanding of scale. Dhaliwal asked if the question was regarding making graphics more clear, but not changing definitions, and COMMISSIONER LEWIS replied yes, for usability.

COMMISSIONER MILLIGAN asked if site specific rezone criteria not included in the staff packet could be added to the Letter to Council. Dhaliwal replied that criteria can be displayed during deliberation and a Motion can be made to amend the criteria and discuss, or a Motion can be made to add to the Letter to Council. COMMISSIONER MILLIGAN asked for clarification regarding when the action could occur at this meeting, and Dhaliwal replied during deliberation.

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COMMISSIONER LEWIS asked for clarification regarding choosing a set number of deviations. Dhaliwal replied that deviations should be evaluated on specific merits rather than given to a number and that staff does not recommend a flat choice of a certain number of deviations. COMMISSIONER LEWIS stated a hypothetical situation regarding multiple deviations, and Dhaliwal replied that from a practical standpoint, not all will apply to one project as each project is specific and unique. Criteria is either met or not and this is the evaluation. If Commissioners disagree with a deviation, a deviation can be removed, however. Choosing an arbitrary number, in example, an applicant can use five of ten deviations, is not recommended. COMMISSIONER LEWIS asked for clarification that the better route would be to limit deviations allowed. Dhaliwal replied based on what the deviation is for, in example, a deviation to allow a setback between retaining walls to be less in order to preserve trees versus that no deviation should be granted in any situation.

CHAIR VOISS asked why *vesting* is not a part of definitions. Dhaliwal replied that there is a section regarding vesting, but the definition is a universal term.

CHAIR VOISS opened Public Comment. (00:22)

- Brook Lang (present) stated that the size of an Accessory Dwelling Unit (ADU) was of concern. People should be able to remain on property with an ADU while aging and nursing care is needed. Lang asked that the issue be put into the draft to continue the discussion. A proposal during Public Comment two weeks ago was for an extra 200 square feet at a minimum one-to-ten ratio is desired. Lang explained scenarios regarding different lot sizes. The section is 18.514.
- Karin Eastby (virtual), King County Manager at Master Builders Association, stated appreciating engagement throughout the update process, responsiveness and transparency. Changing the short plat threshold and introducing a process for subdivisions to facilitate homeownership opportunities are also appreciated. A remaining concern is regarding potential impacts of vesting in chapter two. Feedback received from members is that Site Development Permits should be allowed to vest, providing predictability to builders. Without the change, some projects will become infeasible or more expensive. Vesting should be provided at the Site Development Permit stage.
- Kym Lee (virtual), Director of Real Estate Development at Lakeside Industries and an Issaquah resident, stated appreciation of staff regarding Title 18 concerns and updated language is anticipated in the next consolidated draft. Comments were submitted before the meeting regarding Transfer of Development Rights (TDR). Lakeside is in full support of a TDR revamp, not only because of the Lakeside Urban Village project but because the program will make significant process in advancing Open Space preservation goals. TDR is one part of an overall puzzle. Lakeside agrees with Eastby regarding Site Development Permits and vesting.

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- Connie Marsh (virtual), stated that the draft comment letter for Council did not reflect the many meetings held in tone, and a more realistic tone was desired. Scaling for housing targets in the site-specific rezones as criteria was not changed in a list of changes. The Environmental Board have met and one topic that was unclear to the Board was that the Level One review for technical documents is only for stand-alone documents, and that Level Two through Four reviews would trigger community meetings, which should be explicitly clear in code. A larger impact to a Critical Area should be Level Two. Regarding deviations for retaining walls, net-gain should be required to be proven. There was mention of a different draft with all inclusions and changes to be given to Council at the Environmental Board meeting, and Marsh asked for clarification regarding what product the Council will be receiving, to know if more comments will be needed. Marsh stated appreciating the Planning Policy Commission for an awesome job.
- Steve Pereira (virtual) thanked the Commission. First, the word *environment* should be further enhanced as *natural environment* in code. Second, homeowners should be required to produce a review regarding environmental impact from any changes to be made. The cost should not be the responsibility of the city to understand the situation, but the responsibility of the property owner who is seeking to make changes. Third, regarding the threshold for SEPA requirement changes, the benefits strategically or historically should be investigated before moving forward. While attempting to protect the environment and pay for mitigation, valuable regulations cannot be lost. Fourth, there needs to be an enforcement mechanism, long term.
- Elizabeth Maupin (virtual), 100 Big Bear Place, Issaquah, stated that affordable housing is desperately short and modular manufactured housing has become better, and asked if there are provisions for people in mobile homes. Properties with changes occurring tend to have information signs parallel to roads with fast traffic and nowhere to pull over, and to read a sign is very difficult. The public may not be aware enough to make comments. A better plan for affordable housing is needed, not only in the central growth area but across the region.

CHAIR VOISS thanked everyone who have commented through the entire process and closed the Public Hearing. (00:46)

CHAIR VOISS stated that during deliberations, there would be four Motions required:

- Recent Policy changes discussed during the last two meetings
- Shoreline Master Program (SMP)
- Complete Title 18 draft
- Letter to Council

Motion by COMMISSIONER LEWIS to consider adopting Policy Changes presented. Motion seconded by COMMISSIONER ALTIMORE.

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COMMISSIONER LEWIS stated, regarding the Steep Slope Buffers option, that the Commission has settled on option one which is effectively business as usual. There were four options. COMMISSIONER LEWIS asked if there were still a consensus for option one. The Commission has been divided regarding technical review for geological standards and adequate information may not have been provided to advise on the issue. COMMISSIONER ALTIMORE stated still being in support of option one, as the other options will bring unnecessary technicality. COMMISSIONER MILLIGAN stated that business as usual has not been satisfactory. COMMISSIONER ESEMUDE stated still being for option one, business as usual, but with the protection of the geotechnical study. CHAIR VOISS stated support for option one. COMMISSIONER PATTERSON stated support for option one, and while exploring the potential of option four in the past, staff had reassured that full reviews would occur.

COMMISSIONER LEWIS asked that, prior to a vote, the final Critical Aquifer Recharge Area (CARA) Policy questions be discussed. COMMISSIONER LEWIS proposed including both option one and option three together, that if not within the Critical Area buffer that work can be done on currently impervious surface and with a proper study. COMMISSIONER MILLIGAN asked if the proposal was an amendment. COMMISSIONER ALTIMORE asked if option three refers to an existing study not past a five-year expiration, a new study, or a combination of both. Dhaliwal replied that if still valid and under five years a study would be accepted, but if past five years, a new study would be required. Because homes are older, there will probably not be recent studies. COMMISSIONER ESEMUDE asked if *pervious* should be changed to *impervious* at the stream being protected. Dhaliwal replied that results will be cumulative, not to one individual homeowner. Mitigation at 1:1 is meant to offset with gains to the environment, but plantings must be maintained over time. There are pros and cons. COMMISSIONER ALTIMORE asked for clarification that option three, a required Critical Area study, is the current code. Dhaliwal replied that option three does not allow expansion into the buffer. The only expansions allowed in existing code are onto an existing pervious surface. CHAIR VOISS stated support between options two and three, requiring a study to mitigate what could wrong with option two. Dhaliwal replied that option two allows an expansion on the opposite side, only applying to non-conforming structures; if property is limited to the current footprint in perpetuity or allowed to expand in exchange for enhancements to the Critical Area. CHAIR VOISS asked for clarification regarding a company who through no fault of own will now be within the buffer because of the code update. Option two would allow some flexibility and option three would take flexibility away with the Critical Area study if there is a reason. Dhaliwal replied that option three would require that a Biologist be hired to prepare a report and mitigation plan, not only property owner led. Option three would be more costly but will provide a professional study. The only difference between options two and three is that option three would require a report. CHAIR VOISS asked what the report would look like for a typical homeowner. Dhaliwal replied that the boundary of the wetland or stream needs to be determined by a Biologist and Surveyor, a few thousand dollars. CHAIR VOISS expressed concern regarding cost for a homeowner versus a large business which would have the funds to easily achieve. COMMISSIONER ESEMUDE asked if there is a cost of the study to homeowners plus the cost of mitigation as well and Dhaliwal replied correct. COMMISSIONER ESEMUDE stated that the decision should be for the homeowner while still protecting the environment. COMMISSIONER PATTERSON asked, if there is no Critical Area

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study in option two, how what to mitigate would be known. Dhaliwal replied that the city would need to assist, and city resources would be used to help homeowners. COMMISSIONER PATTERSON stated supporting a compromise of option one and three combined, for the flexibility of option one and the environmental oversight of option three. COMMISSIONER ESEMUEDE asked if option three adds 500 square feet whereas option one is only building over impervious area, and Dhaliwal replied correct, CHAIR VOISS asked again for clarification regarding an existing business about to experience the buffer moved into property due to changing code. While the environment should be protected, property owners should not be punished by moving buffers. Dhaliwal replied that the provisions are regarding a non-conforming structure, already not complying with code, both homeowners and larger property owners. CHAIR VOISS asked for clarification that non-conforming use does not necessarily refer to the structure. Dhaliwal replied by describing a situation on a displayed slide. With buffers increasing, a structure that now becomes non-conforming can be maintained but with limitations to expansion. COMMISSIONER LEWIS stated sharing the concern of CHAIR VOISS and stated that the cost of a Critical Area study should not be prohibitive. COMMISSIONER ALTIMORE stated that businesses in Critical Areas still have a responsibility to use what has been learned about environmental impacts over time to continue to protect, in example, drinking water and salmon, a reality that must be faced in conversations. COMMISSIONER ESEMUEDE asked for clarification that the Critical Area discussion is separate from the Aquifer discussion where existing property may be over a recharge area, and Dhaliwal replied that the topic is only regarding wetlands and streams and how existing code is written. COMMISSIONER ESEMUEDE stated that 500 square feet would be acceptable in a wetland or stream scenario but not in a recharge area. Dhaliwal replied that what is decided by the Commission will still need to be approved by the Department of Ecology as part of the Shoreline Master Program. Ann Marie Soto, Deputy City Attorney, asked for clarification that the Motion made was to approve all Policy decisions. A Motion to amend may be needed.

Motion by COMMISSIONER LEWIS to amend the last Policy presented to include options one and three. Motion seconded by COMMISSIONER ALTIMORE. CHAIR VOISS announced that the result was unanimously in favor after a show of hands. (01:13)

Motion by COMMISSIONER ESEMUEDE to recommend the approval of the policy changes to the January 11, 2023 version of the draft code as discussed at the January 19, 2023 and January 26, 2023 Planning Policy Commission meetings. Soto stated that there was currently a Motion on the floor and no new Motion would need to be made.

CHAIR VOISS asked for a voice vote. COMMISSIONERS KENNEDY, ALTIMORE, ESEMUEDE, LEWIS and PATTERSON voted Aye, COMMISSIONER MILLIGAN voted to abstain, and none were opposed. Soto stated that an abstention is an Aye vote and therefore the result was unanimously in favor.

CHAIR VOISS continued with the SMP. (01:18)

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Motion by COMMISSIONER LEWIS to adopt the Shoreline Master Program as stated in draft code. Motion seconded by COMMISSIONER PATTERSON.

COMMISSIONER MILLIGAN stated that the SMP has needed an update with clearer language and improvements. COMMISSIONER LEWIS stated that currently, Issaquah has been instructed to designate salmon bearing streams as important by the Department of Ecology; however, all waterways are vitally important to the community. A request should be made to Council to put more funding into non-salmon bearing streams as well as for better information regarding water protection and how water flows and contributes while being threatened by heavy development. The SMP is good but can be better with more guidance.

CHAIR VOISS asked for a vote and announced that the result was in unanimously in favor after a show of hands.

CHAIR VOISS continued to the Title 18 draft. (01:21)

Motion by COMMISSIONER LEWIS to adopt Title 18 as drafted. Motion seconded by COMMISSIONER MILLIGAN.

MOTION by COMMISSIONER LEWIS to amend part two, a Hearing Examiner as the final arbiter for site-specific reasons to Council. The Planning Policy Commission should hold a meeting to discuss and advise on how a rezone application could conflict with a city Policy as the primary holder of Policy familiarity. The letter of opinion would be submitted to the Hearing Examiner and as an official comment on the record to city Council. Motion seconded by COMMISSIONER ESEMUEDE.

COMMISSIONER LEWIS stated that the Planning Policy Commission is the first and primary body responsible for soliciting and hearing public input on land matters in the community. Planning Policy Commission members bring an important expertise to the consideration of plans and implementations that reflect the perspectives, experience, and values of the community. The Planning Policy Commissioners listen to staff recommendations and public input, weight all evidence, pay attention to relevant criteria, and make a thoughtfully considered recommendation to city Council. While in support of a Hearing Examiner to make final recommendations, COMMISSIONER LEWIS stated not believing that the voices of the community will be adequately held. COMMISSIONER LEWIS asked to reopen the idea that the situations would come before the Planning Policy Commission not as a Public Hearing but instead to give the advice of the current Commission on the record to city Council through the Hearing Examiner for site specific rezones. COMMISSIONER KENNEDY stated that while respecting the desire, the purpose of the Hearing Examiner would be defeated. Issaquah citizens have the ability to attend meetings and submit personal feedback. Bringing the Planning Policy Commission into a formal discussion with comments given to the Hearing Examiner for the city Council is an extra step, making the process more onerous than previously and sidestepping the change to Title 18 which is to have the process through a Hearing Examiner versus the Planning Policy Commission. COMMISSIONER KENNEDY stated support to keep the draft as-is, to change the process to a Hearing Examiner as has been

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proposed. COMMISSIONER MILLIGAN stated agreement with COMMISSIONER KENNEDY that the reason for moving to a Hearing Examiner is for more technical review, and while not agreeing with all criteria in site specific rezones, that there will be very specific criteria for the Hearing Examiner to make an objective decision. A technical review will be available for city Council. COMMISSIONER MILLIGAN stated that Public Comment needs better criteria, and the Hearing Examiner will still be able to do the job.

CHAIR VOISS asked for a vote by hands. The Motion was defeated 6-1.

Motion by COMMISSIONER MILLIGAN to amend the Title 18 draft, deleting the growth targets bullet to be replaced with other language. Motion seconded by COMMISSIONER LEWIS. (01:28)

COMMISSIONER MILLIGAN stated that criteria regarding meeting a growth target in the future should be struck, but asked for suggestions regarding what criteria would help a Hearing Examiner, protection to not exceed city growth targets. COMMISSIONER LEWIS stated support for the amendment. CHAIR VOISS asked if the amendment is to eliminate growth targets being used against the city and COMMISSIONER MILLIGAN replied yes, that the current language will not be able to be used every time a new target is set, a meaningless measure. A more meaningful measure could be that there is a growth target that should not be exceeded. COMMISSIONER ALTIMORE stated that growth targets are the minimum to meet both population now and that is anticipated, and stated being okay with the term *not to exceed*, but more concerned about percentage proposals that would unnecessarily hold back development.

COMMISSIONER ESEMUUDE asked for clarification regarding criteria for new development. COMMISSIONER MILLIGAN explained the disallowance of a site-specific rezone. Dhaliwal asked COMMISSIONER MILLIGAN if the amendment is to the language of 2B, and COMMISSIONER MILLIGAN replied that the amendment is to strike the language of 2B and add that a rezone would not be allowed outside the regional growth center if growth targets have been met. Dhaliwal asked for clarification that the proposed amendment is the same goal of 2B. COMMISSIONER MILLIGAN replied that growth targets would never be met. COMMISSIONER LEWIS replied that striking 2B would result in not measuring additional density outside of where density is desired, by a target in the future. The target is constantly moving that is generally 15-20 years ahead. Allowing the language now, areas will be upzoned where growth is not wanted. Dhaliwal replied that the language may have not captured all of the essence desired, and asked for clarification that the amendment is to strike 2B and replace with language indicating that rezones outside of regional growth centers are not permitted if the housing targets have not been met. COMMISSIONER MILLIGAN replied that if the housing targets have been met, a site-specific rezone outside the regional growth center is not allowed. CHAIR VOISS replied that the majority of the time, the target has not been reached so building can continue, but using a table that the city will always be under is not reasonable. COMMISSIONER MILLIGAN replied that Highlands and Talus passed growth targets quickly and long before due. COMMISSIONER LEWIS asked Dhaliwal if further clarification is needed before a vote. CHAIR VOISS replied that the goal is to put development into the regional

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growth center and the question is how to encourage development in the regional growth center. Dhaliwal asked if policy direction is to not allow upzones outside of regional growth centers in any situation and CHAIR VOISS replied that the language is coming closer. COMMISSIONER MILLIGAN asked how 2B language is different from prior language. Dhaliwal replied that the intent has not changed, but that the organization has changed, A, B, and C rather than all in one paragraph. The previous language can be shown. COMMISSIONER ESEMUEDE asked where rezones could occur if the target is reached. Padua stated that language originated from the Comprehensive Plan, encouraging but not restricting development to the regional growth center. In order to incorporate into development regulations, the direction needs to come from the Comprehensive Plan first. The subject may be a discussion for the periodic Comprehensive Plan update, before Developmental Regulations.

Motion by COMMISSIONER MILLIGAN was withdrawn by the author. Motion seconded by COMMISSIONER LEWIS.

Motion by COMMISSIONER MILLIGAN to amend the Title 18 draft, site-specific rezone criteria, by removing 2B. Motion seconded by COMMISSIONER LEWIS.

COMMISSIONER ALTIMORE asked if the amendment would preclude a site rezone outside of the regional growth center. Dhaliwal replied yes, the consequence being that a rezone for additional housing would not be allowed outside of the regional growth center. COMMISSIONER MILLIGAN stated that there is a beneficial situation where building capacity exceeds growth targets. There is a fairly new Comprehensive Plan and city overlays that show where growth is wanted because of economic development and transportation planning, in example. If there were not enough building capacity, then entertaining site specific upzones might be needed. There is already enough capacity, however. COMMISSIONER ESEMUEDE stated that the amendment would limit the city and puts the onus on future Commissions to continue to address. COMMISSIONER ALTIMORE stated that there are nine criteria and not a wide-open path for increasing density. Limiting the increase in density into the regional growth center is too limiting. There is a housing crisis and Issaquah is one of few communities that has land remaining. The criteria will keep growth from becoming out of control. Dhaliwal explained the change from existing code. COMMISSIONER LEWIS stated that information from staff over time has not indicated that Issaquah has a housing crisis across the board in the way the region overall does and Issaquah is the only municipality that has met housing targets and well. Issaquah has been working for many years on increasing housing, and it is very important that the increase is where desired, located with transit and multiple services. Issaquah needs a variety of housing types. CHAIR VOISS stated agreement with the amendment but wondered if language is too rigorous. COMMISSIONER MILLIGAN stated that the backstop is the Development Agreement. Further benefits were bargained for recently for added density. COMMISSIONER ESEMUEDE stated that having B in place supports growth targets, a safeguard in policy.

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CHAIR VOISS asked for a vote. COMMISSIONERS KENNEDY, ALTIMORE, ESEMUDE, PATTERSON, and VOISS, Nay, COMMISSIONERS MILLIGAN and LEWIS Aye. The amendment was defeated.

Motion by COMMISSIONER LEWIS to amend the ADU square footage. Motion seconded by COMMISSIONER PATTERSON. (01:54)

COMMISSIONER LEWIS stated that the subject has been brought up by the public but that the Commission has not had the opportunity to discuss with staff. COMMISSIONER LEWIS stated the belief that city Council had set the maximum ADU square footage at 1,000, large compared to a typical apartment space. Discussion is needed to understand the needs of the community and if needs are not being met by 1,000 square feet. COMMISSIONER ALTIMORE stated having researched and that 1,000 square feet is generous when looking across a variety of communities. Three bedrooms plus kitchen, communal living space is a full second dwelling on a property. COMMISSIONER ALTIMORE stated being comfortable with a 1,000 square foot limit, still in the high end compared to both local and national cities. COMMISSIONER MILLIGAN stated agreement with COMMISSIONER ALTIMORE, that the amount of square footage removes the unit from an accessory category and agreed with remaining with 1,000 currently. COMMISSIONER PATTERSON asked where the figure of 1,000 square feet had come from. Dhaliwal replied that there had been a robust code update and public outreach when ADU legislation was passed. Cities generally range from 800 to 1,000 square feet. The public comment earlier was regarding tying the limit to lot size. CHAIR VOISS stated agreement with COMMISSIONER LEWIS that there has not been enough information to make a decision.

CHAIR VOISS asked for a vote by show of hands. The amendment was defeated unanimously.

Motion by COMMISSIONER LEWIS to amend the current zero lot line development standard, to end the zero lot line and therefore removing the 7.26 dwelling acres. Motion seconded by COMMISSIONER MILLIGAN. (02:00)

COMMISSIONER LEWIS stated being encouraged by adding zero lot line to code, a useful tool when discussing micro-housing and diversity of housing types. However, concerns still need to be addressed. COMMISSIONER MILLIGAN stated that upon reconsideration, agreement with the amendment of COMMISSIONER LEWIS. COMMISSIONER LEWIS repeated the amendment proposal, and that zero lot lines would only apply to Central Issaquah, Highlands and Talus, and striking the addition of single-family dwellings that reside on 7.26 units per acre.

CHAIR VOISS asked for a vote by show of hands. The amendment passed unanimously.

(02:04) COMMISSIONER MILLIGAN stated that a discussion on the original Motion was needed and stated appreciation to all work that has been done by all. COMMISSIONER MILLIGAN stated support to pass the Title 18 draft. CHAIR VOISS stated agreement with COMMISSIONER MILLIGAN. COMMISSIONER LEWIS stated agreement also, and

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acknowledged everyone who have worked on the document but are no longer a part of the process, and to other Board and Commission voices.

Repeated Main motion by COMMISSIONER LEWIS to approve Title 18 as amended.

CHAIR VOISS asked for a vote by show of hands. The Motion passed unanimously.

CHAIR VOISS thanked everyone who have helped to draft Title 18.

Padua asked for any questions before discussion of the Approval Letter to city Council. (02:08)

COMMISSIONER MILLIGAN asked for clarification regarding deviations in code chapters.

Padua replied that the issue had been given to staff after distribution of the packet to Commissioners but had been added to the presentation to facilitate discussion.

COMMISSIONER LEWIS asked for clarification regarding where deviations are located.

Dhaliwal replied in various parts. COMMISSIONER LEWIS asked if deviations would be put

into Additional Recommendations in the Letter to Council. COMMISSIONER MILLIGAN replied that Additional Recommendations are for the future. Padua replied that there can be general recommendations at the beginning of the letter or part two addressing the full list of deviations. COMMISSIONER MILLIGAN asked that deviations be in general recommendations.

COMMISSIONER LEWIS asked to withdraw edit number 11 as no longer needed, and noted that language still needed to be changed in five.

Motion by COMMISSIONER LEWIS to add a new bullet to general overall comments, *This Commission recognizes that an extensive review of this document has not been done by this Commission given the time constraints presented for the final draft.* Motion seconded by COMMISSIONER MILLIGAN. (02:13)

COMMISSIONER LEWIS stated that it will be important to specify that the Planning Policy Commission has not been given the time to review Title 18 with the granularity necessary. The main goal is to pass Title 18 to Council for enrichment and implementation. COMMISSIONER KENNEDY stated that there is a paragraph in the letter that expresses the same.

COMMISSIONER ALTIMORE stated agreement with COMMISSIONER KENNEDY.

CHAIR VOISS asked for a voice vote. COMMISSIONERS KENNEDY, MILLIGAN, ALTIMORE, ESEMUEDE, and PATTERSON Nay. COMMISSIONER LEWIS and CHAIR VOISS, Aye. The Motion was defeated.

Motion by COMMISSIONER LEWIS to add a bullet to general overall comments, *The Commission would appreciate the opportunity to fully evaluate the impact of the Development Regulations as part of the Comprehensive Plan Periodic Update.* Motion seconded by COMMISSIONER PATTERSON. (02:15)

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COMMISSIONER LEWIS stated that it is important to include in general comments that there is an expectation regarding how Title 18 will be used as well as a usability aspect.

COMMISSIONER ALTIMORE asked for clarification regarding comment two verbiage.

COMMISSIONER LEWIS replied that wording should allow the Planning Policy Commission the ability to circle back on impacts of regulations being changed. COMMISSIONER KENNEDY asked if Development Regulations would go to the Development Commission, or if the request is to have Development Regulations also come to the Planning Policy Commission. CHAIR VOISS replied that some things in Title 18 should be addressed in the Comprehensive Plan because the Planning Policy Commission is not the Environmental Board or Equity Board. Restrictive language has been included and a review of the impacts will be appreciated.

CHAIR VOISS asked for a objections. CHAIR VOISS announced that the Motion had passed.

Motion by COMMISSIONER MILLIGAN to add a bullet to the general overall comments, *The Commission requests that the city Council evaluated the purpose of all deviations and subject matter sections.* Motion seconded by COMMISSIONER LEWIS. (02:21)

COMMISSIONER MILLIGAN stated not having been present for a discussion regarding when deviations are allowed. Some seem arbitrary such as window transparency and opacity limits on ground floor retail. COMMISSIONER LEWIS stated agreement with COMMISSIONER MILLIGAN. COMMISSIONER MILLIGAN stated that a major goal of the Title 18 update was to create more predictable code. Vague code is risky, time consuming and expensive. Adult entertainment locations are vague. COMMISSIONER ALTIMORE stated that the wording is concerning, putting the onus on Council, and asked if an amendment to the Motion should be made that the Commission recommends further evaluation of deviations without designating the Council as responsible. COMMISSIONER LEWIS asked the author if the proposed amendment language was acceptable. COMMISSIONER KENNEDY asked for clarification regarding designating responsibility versus suggesting further evaluation in general. COMMISSIONER MILLIGAN replied no to a change in amendment language and stated a desire to retain the original wording for a vote during the Title 18 topic.

CHAIR VOISS asked for a voice vote. The Motion passed unanimously.

Motion by COMMISSIONER LEWIS to add in part one a bullet, *The Commission encourages additional language to this document that supports increasing community engagement. Currently, all levels have no oversight from the community, and further tracking and increased opportunities for public engagement are needed.* Motion seconded by COMMISSIONER PATTERSON. (02:29)

COMMISSIONER LEWIS stated that a goal for Title 18 was an increase in transparency. Metrics should be included in tracking of how the code is using transparency and add language regarding further opportunities for neighborhood meetings. COMMISSIONER ALTIMORE stated that there is a good amount of public involvement, and stated there does not need to be absolutely and definitively more. COMMISSIONER MILLIGAN stated agreement with

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COMMISSIONER ALTIMORE, and that while the public should never be prevented from engaging in substantive decisions, public engagement at level one adds cost and less predictability to a developer. COMMISSIONER MILLIGAN stated always being in support of public engagement, however.

CHAIR VOISS announced that COMMISSIONER ESEMUEDE had left the meeting. (02:32)

COMMISSIONER PATTERSON stated agreeing with the spirit of the Motion, but that, in example, a posting in a newspaper will not provide the same engagement as previously, and that calling attention to continuing to evolve how the community will be engaged may be a way to promote transparency, community involvement and evolving communication standards.

CHAIR VOISS asked for a vote. COMMISSIONERS KENNEDY, MILLIGAN, ALTIMORE, AND CHAIR VOISS, Nay COMMISSIONERS LEWIS and PATTERSON, Aye. The Motion was defeated.

Motion by COMMISSIONER LEWIS for greater prior visibility and review by impacted communities by Wireless Communication Facilities than currently included. Motion seconded by COMMISSIONER MILLIGAN. (02:35)

COMMISSIONER MILLIGAN suggested an edit, to ensure public awareness rather than greater visibility. COMMISSIONER KENNEDY stated that greater visibility could be removed as the point if for the impacted community can review first. Dhaliwal replied that there is a Notice of Application for Level Two. Community members receive prior notification. COMMISSIONER LEWIS asked for clarification that there is notice but no community meeting unless there are Critical Areas present. Dhaliwal replied that the draft code is the same as existing code with a change in terminology. COMMISSIONER ALTIMORE asked if the word *visibility* could be changed to *community transparency*. COMMISSIONER LEWIS accepted the change.

CHAIR VOISS asked if there were any objections and there were none. The Motion passed unanimously.

Motion by COMMISSIONER LEWIS that greater environmental expectations of development are needed to fully support environmental policies, additional language to the current first bullet of part six, item number seven. Motion seconded by COMMISSIONER MILLIGAN. (02:39)

COMMISSIONER LEWIS stated that Title 18 still does not meet with policies in the Issaquah Climate Plan. More should be expected of development regarding environmental impacts. COMMISSIONER MILLIGAN stated that there is still work to be done.

CHAIR VOISS asked for a voice vote. CHAIR VOISS was the only Nay. The Motion passed (5-1).

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Motion by COMMISSIONER LEWIS to add language in part six that in future updates, the Planning Policy Commission will appreciate further discussion regarding enforcement. Motion seconded by COMMISSIONER MILLIGAN. (02:42)

COMMISSIONER KENNEDY stated appreciating in general but stated concern regarding tracking and enforcement practicality and staff time. COMMISSIONER LEWIS stated that there is no measurable way in code as written to be able to track, that a unified framework has not been created and needs discussion.

CHAIR VOISS asked for a voice vote. COMMISSIONERS KENNEDY was the only Nay. The Motion passed (5-1).

Motion by COMMISSIONER PATTERSON to add a bullet to part six, *The Commission supports expanding the minimum outdoor amenity space to recognize the importance of outdoor space in the community.* Motion seconded by COMMISSIONER LEWIS. (02:46)

COMMISSIONER PATTERSON stated that the conclusion to increase outdoor amenity space should be brought to the attention of the Council in the Letter. COMMISSIONER MILLIGAN stated agreement with COMMISSIONER PATTERSON.

CHAIR VOISS asked if there were any objections, and there were none. The Motion passed unanimously.

COMMISSIONER LEWIS stated that the Planning Policy Commission has not been given adequate time to question code or the evolution, part eight. The Planning Policy Commission should voice support for the Letter by the Environmental Board. Tree Preservation has not been addressed in the final draft. Regarding number 12, COMMISSIONER LEWIS stated not believing that there is an ill effect from updating code to be more state of the art in how groundwater is protected. Public comments are appreciated, and staff will be able to find anyone impacted by CARA a way forward. Changes made to CARA in Title 18 should be championed. There are still resources that Council would need to give to administration to examine impacts further.

Motion by COMMISSIONER LEWIS to edit number 10, *The Commission supports the recent work on the Environmental section and believe that further protections are needed with funding from city Council to support strengthening our environmental practices.* Motion seconded by COMMISSIONER PATTERSON. (02:50)

COMMISSIONER ALTIMORE asked if the need for number 10 would be precluded if the letter is supported. COMMISSIONER LEWIS replied that, following conversations with staff, understanding that Council would need to budget for availability for studies. The Commission can recommend to Council that further resources need to be given to staff. COMMISSIONER MILLIGAN stated agreement with COMMISSIONER LEWIS, but stated not believing that Title 18 is the place to advise Council on what or when to fund. COMMISSIONER LEWIS read the

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first bullet and COMMISSIONER MILLIGAN stated agreement, because constrained wording does not imply that work is complete.

CHAIR VOISS asked for a voice vote. COMMISSIONERS KENNEDY, MILLIGAN, ALTIMORE, PATTERSON, and CHAIR VOISS, Nay. COMMISSIONER LEWIS, Aye. The Motion was defeated (5-1).

Motion by COMMISSIONER LEWIS to remove bullet three. Motion seconded by COMMISSIONER ALTIMORE. (02:54)

COMMISSIONER MILLIGAN asked for the purpose of removing the bullet. COMMISSIONER LEWIS replied that the advancements made to CARA in Title 18 are not captured in the bullet. Dhaliwal replied that the CARA discussion has generally been regarding the Prohibited Uses list and intent needs more clarity, that existing businesses can remain. COMMISSIONER LEWIS stated that language suggests that the Commission has suggested additional refinements, but that a discussion regarding how CARA is written has not been held. The discussion regarding part eight was minimal and the CARA map was not mentioned. The language should be struck from the letter. CHAIR VOISS stated feeling that existing uses are of most concern.

CHAIR VOISS asked for a voice vote. COMMISSIONERS KENNEDY abstained, COMMISSIONERS MILLIGAN, ALTIMORE, PATTERSON, and CHAIR VOISS, Nay. COMMISSIONER LEWIS, Aye. The Motion was defeated (4-1).

Motion by COMMISSIONER LEWIS to add a bullet to part eight, *The Commission supports the Letter of Recommendation by the Environmental Board and seconds their concerns and joins their enthusiasm for what has been achieved.* Motion seconded by COMMISSIONER PATTERSON. (02:58)

CHAIR VOISS stated that a very concise letter is being compiled and words such as *enthusiasm* should not be incorporated. COMMISSIONER MILLIGAN stated that the sentiment is to point to good work and asked if the author would consider removing the second half of the sentence, beginning with *and seconds*. COMMISSIONER LEWIS replied yes.

CHAIR VOISS asked if there were any objections and there were none. The Motion passed unanimously.

Motion by COMMISSIONER LEWIS to add to the Additional Recommendations section, *We recommend future additional review of the following topics to advance the city vision within Land Use code.* Stronger language for mitigation banking, increased transparency through greater public involvement, review of usability of Title 18, and continued environmental protections. The Motion was not seconded. (03:00)

COMMISSIONER ALTIMORE stated that the word *housing* was missing after *missing middle*. Transparency and the public has been discussed and COMMISSIONER ALTIMORE asked if

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usability or the other topics had been addressed in other places. COMMISSIONER LEWIS withdrew 16 but stated support for the other topics 14 and 15.

Motion by COMMISSIONER LEWIS for an amendment to Additional Recommendations for continued environmental protections. Motion seconded by COMMISSIONER PATTERSON.

CHAIR VOISS asked if there were any objections and there were none. The Motion passed unanimously.

Motion by COMMISSIONER LEWIS for an additional bullet to Additional Recommendations, *A review of the usability of Title 18 code*. MOTION seconded by COMMISSIONER PATTERSON. (03:04)

COMMISSIONER PATTERSON suggested that the word *accessibility* be used in addition to *usability*. COMMISSIONER LEWIS stated accepting the additional word, *accessibility*.

CHAIR VOISS asked if there were any objections and there were none. The Motion passed unanimously.

There were no further amendments.

Motion by COMMISSIONER MILLIGAN to approve the Letter to Council on Title 18 complete draft as amended. Motion seconded by COMMISSIONER ALTIMORE. (03:06)

CHAIR VOISS asked for a vote and announced that the Motion passed unanimously.

**4. Reports (03:07)**  
 a) **Council Update**

Padua stated that all recommendations will be brought to Council on February 7, 2023.

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

Dhaliwal thanked the Commissioners for hard work.

COMMISSIONER MILLIGAN thanked CHAIR VOISS for work and contributions in the Chair position as well as VICE-CHAIR BADER.

CHAIR VOISS thanked all Commissioners and staff from beginning to end of the Title 18 process.

Padua stated that the next meeting on February 23, 2023 would begin introductory discussions of the Comprehensive Plan and Housing.

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6. **Adjournment**

With no further business to conduct, CHAIR VOISS adjourned the meeting at 9:42 p.m.

Respectfully submitted,

Carolyn Garza, LLC  
Recording Secretary