



MINUTES

PLANNING POLICY COMMISSION 6:30 p.m. – Thursday, June 27, 2024

1. Call to Order

The hybrid meeting was called to order at 6:34 p.m. by CHAIR VOISS.

Commissioners Present: Chair Voiss, Vice-Chair Bader, Commissioners Esemuede, Kennedy, Krass (Alt), Milligan (Virtual), Patterson, and Zakharoff (Alt)

Absent: Commissioner Altimore (Excused)

Staff Present: Minnie Dhaliwal, Director, CP&D
Amanda Jackson, Meeting & Records Assistant
Stephen Padua, Long Range Planning Manager (Virtual)
Valerie Porter, Associate Planner (Virtual)

2. Public Comments (General)

Sarah Hoey began testimony but the subject was determined to be for the Public Hearing and not general Public Comments.

- **Connie Marsh**, Squak Mountain, stated that some code updates were not reviewed by all necessary Commissions before coming to the Planning Policy Commission, and expressed disapproval at the exclusion of the community in some city processes.

3. Public Hearing (00:05)

- a) Annual Updates to Issaquah Municipal Code (IMC) Title 18, Land Use Code, Phase 1 (A)

Padua gave the presentation.

VICE-CHAIR BADER asked why an option was chosen regarding Community Meetings. Padua replied that other options listed would require significant changes to the city process or

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require certain investments from the city such as additional staff or resources to streamline processes.

COMMISSIONER MILLIGAN asked for clarification regarding wording in Stadium Lighting. Padua replied that language aligns with language in lighting code where Dark Sky Initiative is addressed in the Purpose section. COMMISSIONER MILLIGAN asked if verbiage *mitigation strategies vetted to an Ordinance* is the same as to comply with an Ordinance and Padua replied yes.

COMMISSIONER KRASS asked, regarding number one, if change would be made after more robust means of communication are in place. Padua replied no, the change is separate from all other improvements proposed. COMMISSIONER KRASS stated that when a mandatory process becomes optional, the ability of people to obtain information needs to be balanced, and asked if number one would be implemented before communication updates. Padua replied that many updates given in the presentation have already occurred, and improvements to the development review process are separate and ongoing, not contingent on any code amendments.

COMMISSIONER ESEMUUDE asked, regarding number two, if flexibility is to reduce the cost to the applicants or another reason. Padua replied that flexibility will result in cost savings for the applicants.

VICE-CHAIR BADER asked, regarding number four, Heat Pumps, if screening would be required after a previous question regarding the ability of a unit to operate efficiently. Padua replied that screening will depend on installation, property, and the building; installers look for locations for heat pumps with one to two feet of clearance space for enough air to work more efficiently.

COMMISSIONER MILLIGAN asked if there is a definition of *permanent amenities*, what would be considered a permanent amenity besides a heat pump or air conditioner, and how impacts on adjacent properties would be measured. Padua replied that the definition is in a sub-section, permanent amenities being heat pumps, air conditioning units, or similar equipment. To the second question, quantifying is difficult, and similar language to code is being used to justify a unit being located as close as possible to a building. COMMISSIONER MILLIGAN asked where noise standards for HVAC are located in Issaquah code and Padua replied that the Noise Ordinance for the Municipal code will be coming back to the Planning Policy Commission later this year for updates. Dhaliwal replied that the state law requirements are adopted in the IMC, and similar to many other jurisdictions, Issaquah does not have a separate noise code, 18.518.020 and Washington Administrative Code (WAC) 173-60-040.

COMMISSIONER PATTERSON asked, regarding number eight, for the timeline of the Urban Forestry Plan. Dhaliwal replied August, 2024. Padua replied that the city Urban Forester will bring draft language to the Environmental Board in August, 2024.

CHAIR VOISS opened the Public Hearing. (00:29)

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- **Sarah Hoey**, Executive Director for the Issaquah Highlands Community Association (IHCA), stated that comments would be regarding 18.508.030 B, Heating, Ventilation and Air Conditioning (HVAC) Setback Requirements. New Title 18 criteria on setbacks not being met has resulted in permit denials to owners who have installed or wish to install new units. Denying owners the right to safe conditions in extreme hot summers should be reconsidered. The rule also may not adhere to local and state Americans with Disabilities Act (ADA) laws pertaining to air conditioning units. IHCA allows window mounted units but not side mounted units on town homes as the Association is legally responsible for the exterior maintenance and no siding penetrations are allowed. In addition, Senate Bill 5973 has gone into effect which prohibits Associations from denying units if the owner requests one. Associations can create reasonable restrictions and may prohibit installation in a common area. If an Association does prohibit a unit, the Association can be penalized with large fines. There are no parameters on how the city would monitor decibel levels. HVAC units should be allowed within setbacks in the zero lot line properties and the city should engage with a certified HVAC technician to discuss potential economic and health impacts to the community, Temporary permits could be allowed during hot summer months until resolution.
- **Rick Conces**, longtime resident and new business owner in Issaquah, stated that there is a conflict regarding monument signs. An application had been rejected by the city although Land Use code allows for the monument sign.
- **Ken Eastman**, Talus, stated being a member of Talus Residential Association, and stated agreement with the comments of **Sarah Hoey**. There are no units manufactured that will meet the 45-55 decibel (db) requirement, 70 db is considered quiet, and any application will likely be denied. The tree code will not work for Talus Open Space, cumulatively 78 acres; compliance was attempted in 2023 but the process was overly complicated and expensive in fees and arborist reports. The tree code does not work for forests. Regarding the durability of landscaping required in code, there is no reference to irrigation standards or appropriate plants, and a white paper has been submitted to the clerk with further details. Regarding developer bonds, if a bond is required but never cashed due to the difficulty of the process, a different process needs to be explored.
- **Connie Marsh**, Squak Mountain, stated that pre-application meetings with Critical Area studies have allowed residents to engage developers early about the land to be developed, but the new proposal would have meetings after complete applications, reverting to the past at the expense of the community. Technical reviews now proposed for earlier in the process and required to be posted online for the community is good, but a specific timeframe needs to be assigned as not having a specified time to post will create issues. The Urban Forestry Management Plan will not include all tree information into one source according to those creating it. Monument signs are helpful.

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- **Marnette Lewis** (virtual), Head of Construction representing Burger Master, stated that the Triple XXX signage color should match Burger Master standards, and hoped to work with the city.

CHAIR VOISS closed the Public Hearing. (00:50)

MOTION by COMMISSIONER PATTERSON to recommend approval of all proposed amendments to Title 18 Part One, General Provisions, Part Two, Procedures, Part Three, Division of Land, Part Four, Zoning, Part Five, Specified Use Standards, Part Six, Development Standards, and Part Eight, Environment, seconded by COMMISSIONER KENNEDY.

COMMISSIONER KENNEDY asked if each proposed change can be addressed in order for clear understanding, and CHAIR VOISS stated agreement, starting with the Pre-Application Meeting.

COMMISSIONER MILLIGAN asked for clarification regarding which applications require a pre-application community meeting. Dhaliwal replied that with no changes today, code states optional for levels two and three unless there are Critical Areas on the property, then required; required regardless of Critical Areas at level four.

COMMISSIONER PATTERSON asked for clarification regarding the application process timeline. Dhaliwal replied that when an application is deemed complete, the city has a 60-day in-house review time to issue a decision.

VICE-CHAIR BADER stated that there is the potential to lose important input into the development design process and community knowledge prior to completed work, and that a meeting later could extend review time. Dhaliwal replied that public can comment during the 14 days of Public Notice, explained on mailed postcards. VICE-CHAIR BADER asked if the city has the ability to make conditions based on community input, and Dhaliwal replied that developers are bound by code and many developers will embrace community input.

COMMISSIONER KENNEDY asked for clarification that the word *Recommended* has been redlined and Dhaliwal replied that a community meeting is required at some point and holding the meeting early in the process is incentivized, respecting that the community desires the ability to give early input. COMMISSIONER KENNEDY asked if the change is to address the potential state regulation and Dhaliwal replied yes, the Bill has passed and is state law taking effect January 1, 2025; the Department of Commerce is to provide guidance which has not been provided to this point. COMMISSIONER KENNEDY suggested tabling until there is more clarity and Dhaliwal replied yes.

COMMISSIONER KRASS stated that making a process optional relies on undetermined human nature and asked for clarification regarding changing the timeline. Dhaliwal replied that while trying to meet the intent of the State Bill, a project can continue to be worked on during the

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extra three to four weeks needed to arrange a pre-application community meeting, not sequential. COMMISSIONER KRASS asked for the definition of a Critical Area. Dhaliwal replied wetlands, water courses, streams, steep slopes, and landslide areas.

COMMISSIONER MILLIGAN asked what the Development Commission feels about the proposed change. Dhaliwal replied that the edit has not been brought to the Development Commission, and only level four will be seen there. COMMISSIONER MILLIGAN stated that knowing what the Development Commission thinks of the terms *recommend* or *required* would be helpful. COMMISSIONER MILLIGAN stated not feeling convinced that the change should be made and that the term *recommend* does not provide predictability to the process.

COMMISSIONER ZAKHAROFF asked when the required time window would begin, and Dhaliwal replied after a complete application. COMMISSIONER ZAKHAROFF asked for clarification that a pre-application meeting is not included in the timeline and Dhaliwal replied correct.

MOTION by VICE-CHAIR BADER to amend the original MOTION, removing 18.204.030, seconded by COMMISSIONER KENNEDY. The MOTION passed.

Dhaliwal explained Technical Document Review.

COMMISSIONER ESEMUUDE asked if the applicant pays for the Technical Document Review and Dhaliwal replied yes.

The change to number three is an update to correspond with the State Bill only.

Dhaliwal explained heat pumps.

COMMISSIONER KRASS stated agreeing with the concept of requiring installation adjacent to the primary structure and asked for a definition of *adjacent*. Dhaliwal replied next to COMMISSIONER KRASS asked at what location decibel levels are measured and Dhaliwal replied at the property line and explained what other cities are doing to comply, but an issue is that some properties in Issaquah are zero lot lines, no side yard setback. State Law requires 90-day notice to the Department of Ecology if a different decibel level requirement than the State Bill is being pursued and the process has been initiated. The setback issue can be addressed now and noise can be addressed in phase two of the bundle. The setback issue goes to the next Commissions on July 9, 2024 with action by Council hoped for on July 22, 2024. COMMISSIONER KRASS stated that a list of approved equipment models could be made public. Dhaliwal stated that another option could be to exempt heat pumps from noise level requirements. Options will be brought back to the Planning Policy Commission.

COMMISSIONER MILLIGAN asked for clarification regarding exemption from a state code. Dhaliwal replied that procedurally, if a change to a State Bill is being asked for, 90-day notice is required. COMMISSIONER MILLIGAN stated appreciating updates but asked that noise management be more explicit, referring to the WAC, because the appliances can be loud to resident who choose not to use, and that there are indoor appliances that would not affect

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neighbors. Permanent amenities language needs to be examined in regard to future technologies. COMMISSIONER MILLIGAN stated agreement with COMMISSIONER KRASS that pre-approved appliances would be helpful as well as funding help for low-income residents.

COMMISSIONER ESEMUUDE asked if the noise limitation is a health issue. Dhaliwal replied livability standards. COMMISSIONER ESEMUUDE asked if studies have been done on units lower than 75 decibels. Dhaliwal replied that there is a quiet mode that can be used. Sustainability staff have been contacted for ideas. The issue now is the screening piece and noise will be addressed in phase two.

COMMISSIONER KENNEDY stated that people need HVAC systems at this time, mitigation needs to occur to restrictions, and that the State required decibel level does not seem to be realistic to units being manufactured, COMMISSIONER KENNEDY stated agreement with COMMISSIONER MILLIGAN regarding permanent amenities language, that specific types of units should be listed.

CHAIR VOISS asked what the life of a typical HVAC or heat pump is. Padua replied between eight and 12 years depending on usage and maintenance. CHAIR VOISS stated agreement with COMMISSIONER KENNEDY that access and equity to units needs to be allowed. If the Fire Department does not have an issue with screening, screening should be allowed regardless.

CHAIR VOISS stated agreement that permanent amenity language should be tightened and asked if the term *mechanical unit* would be acceptable. COMMISSIONER KRASS replied that the specific units should be listed, and without specifying ground-mounted.

CHAIR VOISS asked if an amendment is needed. Padua replied no as there is still intent of the proposal.

Dhaliwal explained Monument Signage.

CHAIR VOISS asked if the city could exempt older buildings while keeping the intent for new businesses. Dhaliwal replied that an inventory of properties with monument signs goes beyond the scope of the housekeeping amendments being discussed. The intent was to not allow a monument sign unless there is already one, and if an existing building is demolished, the monument sign must be removed as well.

COMMISSIONER ZAKHAROFF asked for clarification that new developments are generally closer to the street than older developments and Dhaliwal replied yes, now there are setback and architectural design standards. COMMISSIONER ZAKHAROFF asked if buildings away from the property line could be allowed monument signage.

CHAIR VOISS asked for the city policy on exemptions and variances, and how many requests for monument signs come in. Porter replied that requests are occasional and depending on

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the neighborhood scale. Dhaliwal replied that the variance process is costly and difficult to obtain.

COMMISSIONER PATTERSON asked what staff needs. Dhaliwal replied that City Council needs to know if the Planning Policy Commission agrees with the proposed amendment, and based on received Public Comment, if monument signs should be added to the city work plan. CHAIR VOISS added that as language currently stands, Public Comment at this meeting will not be addressed. Padua suggested options to move forward. COMMISSIONER PATTERSON asked for a third option. Dhaliwal replied that code language should be clarified.

COMMISSIONER ESEMUUDE asked if signs referred to are similar to Boehm's or Triple XXX signs. Dhaliwal replied no, a monument sign is a free-standing sign that has a foundation on a corner or street front of a property, not attached to the building.

CHAIR VOISS asked for clarification regarding rules for Public Comment, and Padua replied that a second Public Hearing can only be held if posted on the agenda.

MOTION by VICE-CHAIR BADER to recommend to City Council that staff be granted time to research monument signs further, seconded by COMMISSIONER KENNEDY. The MOTION passed unanimously.

Dhaliwal explained Stadium Lighting.

VICE-CHAIR BADER asked for clarification that stadium lights can in fact be mitigated to comply with Dark Sky standards and Dhaliwal replied yes.

Dhaliwal explained Landmark Signs.

CHAIR VOISS asked what the benefit is of having a landmark sign. Dhaliwal replied that from the city perspective, unique historical character is preserved. CHAIR VOISS gave an example of the Triple XXX sign seen from the freeway and that Burger Master should not be punished for wanting to advertise the business.

COMMISSIONER PATTERSON stated that what has been presented is good middle ground, allowing a new owner to promote a business while still maintaining what the landmark is. Some fine tuning can be done.

Dhaliwal stated that Burger Master has submitted requested design for the Triple XXX sign, and while the 50% design threshold will probably be exceeded, design intent, scheme, and shape may meet standards. The approval process will include a Public Hearing and the Development Commission.

CHAIR VOISS asked how many landmark signs are in Issaquah and Dhaliwal replied zero, no requests for designations have been received.

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VICE-CHAIR BADER stated appreciating seeing the submitted Burger Master sign design and that the process will be good. CHAIR VOISS stated agreement with VICE-CHAIR BADER.

COMMISSIONER MILLIGAN asked for clarification regarding verbiage *new material* in section C when repairs will emulate the previous material, and that *feasible and practicable* are too relative to be enforceable.

COMMISSIONER KENNEDY stated agreement that two sentences in section C do not work. Porter replied that the intent of the second sentence is that replacement materials for older structures may no longer be available and in such a case what new material is used should be consistent with what was originally there.

COMMISSIONER MILLIGAN stated that the word *removed* should be used, rather than *replaced*.

COMMISSIONER ZAKHAROFF suggested wording, *with intent to keep as much of the original material of the sign*.

COMMISSIONER KENNEDY suggested wording, *deteriorated or damaged portions of the sign will be repaired, when possible, rather than replaced to preserve historical context. When new material is needed, it must be consistent with the sign design, color, and texture*. Padua stated that a formal vote on the amendment is needed.

MOTION by COMMISSIONER KENNEDY to amend with wording, *Deteriorated or damaged portions of the sign will be repaired, when possible, rather than replaced to preserve historical context. When new material is needed, it must be consistent with the sign design, color, and texture*, seconded by CHAIR VOISS. The MOTION passed unanimously.

Dhaliwal explained Tree Removal Tracking.

Dhaliwal recommended that the issue be deferred until more information is available.

CHAIR VOISS stated that the last Agenda item, Neighborhood Planning, would be moved to the next meeting.

Padua stated that a MOTION is needed to defer Tree Removal Tracking

MOTION by VICE-CHAIR BADER to defer Tree Removal Tracking to a later date, seconded by CHAIR VOISS. The MOTION passed unanimously.

Padua stated that the main MOTION needed to be closed.

MOTION by COMMISSIONER PATTERSON to recommend Approval of all proposed amendments to Title 18 Part One, General Provisions, Part Two, Procedures, Part Three, Division of Land, Part Four, Zoning, Part Five, Specified Use Standards, Part Six, Development

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Standards, and Part Eight, Environment, with the additional amendments passed by the Commission this evening, seconded by VICE-CHAIR BADER. The MOTION passed unanimously.

5. Reports

- a) Council Update (02:19)

Dhaliwal stated that there were no updates.

6. Other Business/Announcements

- a) Upcoming Schedule

Padua stated that Planning Commission recommendation will go to the Planning, Development, Environment, and Council Committee on July 9, 2024.

7. Adjournment

CHAIR VOISS adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary