

PLANNING COMMISSION
Minutes of January 11, 2010, Meeting

Members Present: Richard Forschler, Melvin McDonald, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner

1. Call to Order:

The meeting was called to order at 5:30 p.m.

2. Approve Minutes of November 9, 2009; November 16, 2009; November 23, 2009; and December 2, 2009 Meetings:

On page two of the November 9, 2009 minutes, the first sentence of Wes Wood's comments will be amended to state, "Mr. Wood is representing the Cassans."

A motion was made, seconded, and unanimously passed to recommend approval of the November 9, 2009 minutes with the stated revision, the November 16, 2009 minutes as presented, the November 23, 2009 minutes as presented, and the December 2, 2009 minutes as presented.

3. Public Hearings:

A. Staff Presentation on Proposed Zoning Code Amendment regarding Multiple Monument Signs within Multi-Family Developments

Jack Dodge advised that Polygon requested additional monument signs to distinguish between various types of living units within their developments. Currently, City regulations allow one monument or free-standing sign on the public right-of-way. Mr. Dodge reviewed the amendment proposal as follows:

Section 15.16.025 General Sign Provisions

- In a mixed use residential site (multifamily and single-family*) of 100 residential units or greater, where units are clustered into defined community units/pods, one monument/freestanding sign would be allowed to identify each community unit/pod containing at least 35 residential dwelling units.

*Language within the parentheses will be deleted.

Section 15.16.040 Multi-Family Residential Zone Classification Signs

- Maximum primary sign height – 15' (square footage determination based on various criteria)
- Maximum Community Unit/Pod Sign height – 6'
- Maximum Sign Area Community Unit/Pod Sign – 20 square feet

B. Public Hearing on Proposed Zoning Code Amendment regarding Multiple Monument Signs within Multi-Family Developments

The Chair opened the public hearing at 5:42 p.m.

Ron Bowen, Polygon Northwest, 11624 SE 5th St. #200, Bellevue: Polygon supports the proposed amendments.

Hearing no further requests to speak, the Chair closed the public hearing at 5:43 p.m.

A motion was made, seconded, and unanimously passed to recommend that the City Council approve the Proposed Zoning Code Amendment regarding Multiple Monument Signs within Multi-Family Developments.

C. Staff Presentation on Proposed Zoning Code Amendment regarding Single-Family Front Yard Setback Departure Standards

Jack Dodge provided the Commissioners with a memo from Brant Schweikl, and a letter from Daryl Tapio, who asked that his comments be entered into the record; the basic tenant of which is to allow a 15' front yard setback, except for garages which must be set back 20' . The proposed amendment is being brought forward because a developer requested a front yard setback reduction if garages were set back and living areas brought forward to avoid "snout houses". Mr. Dodge made a PowerPoint presentation, and reviewed the proposed amendment as follows:

15.13.010 Standards Chart

- A 15' minimum front yard setback would be allowed in the Urban Low Density zone provided that the requirements of SMC 15.13.125 are met

New Section 15.13.125 Single-Family Front Yard Setback Departure Standards

Within single-family short plats or long subdivisions that have received preliminary approval after 7-14-09, a departure to the required front yard building setback of 20' may be granted by the City Manager or designee, subject to the following criteria:

- A setback departure of no greater than 5' would be granted only for the portion of a single-family residence used as livable space (does not include porch or garage)
- A minimum of 50% of the façade of the house facing the front yard must be livable space
- The entrance to the home must face the front yard setback line
- The façade must be modulated via dormer/s or at least a 2' offset of the second story
- Eaves projecting from the roof at least 12" with horizontal fascia or fascia gutter at least 5" deep

- At least one of the following architectural details must be used: (1) 3 ½” trim surrounding all windows and doors; or (2) A combination of shutters and/or 3 ½” trim on all windows and doors
- A hip or gabled roof with at least a 6:12 pitch (dormers may have less pitch)
- On homes with three car garages, the third garage must be set back an additional 2’

The proposed regulations would be limited to new short plats and subdivisions to create a concept or community design within a given development; the 7-14-09 date could be replaced, but a specific date would ensure clarity relative to projects eligible for the departure; the proposed amendment provides additional flexibility for developers; and staff review time would not substantially increase if the proposed amendment was approved.

Discussion was held about how the departure option could be applied to remodeling; how the 15’ setback would be measured; the proposed amendment limiting architectural design options; and whether or not porches and/or a portion of livable space should be allowed within the setback departure.

D. Public Hearing on Proposed Zoning Code Amendment regarding Single-Family Front Yard Setback Departure Standards

The Chair opened the public hearing at 6:04 p.m.

Pam Fernald, 2431 S. 133rd St.: Ms. Fernald read Mr. Tapio’s letter into the record (see Exhibit C-4 for the entire contents.)

Earl Gipson, 17050 51st Ave. S.: Mr. Gipson believes the proposed amendment would give the planning department control over architectural design, regulations regarding trim are ridiculous. He agrees with Daryl Tapio’s setback recommendation.

Brant Schweikl, Schweikl & Associates, 705 S. 9th St. #303, Tacoma: Mr. Schweikl represents the developers of a proposed subdivision at the north end of Angle Lake. They have applied for a variance to construct a private road (28’) to limit public lake access, locate the homes closer to the road, and provide a sense of community by orienting living quarters toward the street and accenting porches. Three-car garages will be constructed, with the third garage set back 2’. He expressed concern about trim requirements, lot width, and 50% of the façade facing the street being livable space. Mr. Schweikl also agrees with Daryl Tapio’s setback recommendation.

Doris Cassan, 3100 S. 176th St.: Ms. Cassan asked that Daryl Tapio’s recommendation be considered.

Richard Rawlings, 11624 SE 5th St. Bellevue: Mr. Rawlings stated that, in six or seven jurisdictions, any portion of the living quarters can be up to 10’ from the right-

of-way with no restrictions. A 70' wide lot may be necessary to allow for a three-car garage.

Hearing no further requests to speak, the Chair closed the public hearing at 6:25 p.m.

A motion was made and seconded to recommend that the City Council adopt regulations to allow a 15' front yard building setback, except for a garage which must be set back 20'. The motion carried, two in favor and one against.

4. New Business:

A. Initial Discussion about Proposed Zoning Code Amendments regarding “Construction Storage/Laydown” as a Temporary Use in the Industrial, Business Park, and/or Commercial Zones

Jack Dodge stated that Water District #20 made a request to use the old Boulevard Park school as an offsite construction laydown storage yard for materials during installation of new water lines in the vicinity. This use is not currently permitted in the City. Mr. Dodge reviewed the proposed amendment as follows:

- The use would be permitted outright in the Industrial zone, only if located on a developed parcel. No Temporary Use Permit is required, but the use is subject to the criteria outlined in 15.20.048B.

New Section 15.10.638.05 Temporary Off-site Construction Lay-Down Storage Yard

- The use of a parcel or parcels for the temporary storage of construction materials such as pipes, electrical wiring, construction equipment, gravel or other material (not including hazardous materials) for the duration of a construction project located off-site.

New Section 15.20.048 Temporary Off-site Construction Lay-down Storage Yard

- This section details required criteria for Temporary Use Permit approval on both vacant and developed sites.

A public hearing is tentatively scheduled for January 25.

B. Initial Discussion to allow vacant Industrial/Commercial sites as temporary Green River Valley flooding “Evacuation Storage Sites”

Jack Dodge advised that the proposed standards would assist businesses in the valley should the Green River flood. He reviewed the proposal as follows:

- The City Manager or designee may issue a temporary and revocable permit for a temporary emergency evacuation storage site in the industrial, commercial, and business park zones, subject to various criteria.

It was suggested that the City be flexible and available to assist other cities as well, in any type emergency that may arise.

A public hearing is tentatively scheduled for January 25.

C. Initial Discussion about Proposed Municipal Code Amendments regarding the Nonproject SEPA Appeal Hearings Process

Jack Dodge advised that an amendment to Title 16A of the Zoning Code is being proposed so the City’s regulations will be consistent with state law. He reviewed the proposal as follows:

16A.17.020 State Environmental Policy Act (SEPA) Appeals

- An appeal of a SEPA decision shall be governed by SMC 16A.23.150 and 16A.23.153

16A.23.150 Environmental Appeals – Project Action

- Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS for a project action as defined under WAC 197-11-704(2)(a)[or as otherwise amended] may file an appeal with the City of SeaTac Hearing Examiner. Appeal of intermediate steps under SEPA..... shall not be allowed.....

16A.23.153 Environmental Appeals – Non-Project Action

- Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS for a non-project action as defined under WAC 197-11-704 (2) (b) [or as otherwise amended] may file an appeal with the City of SeaTac City Council. Appeal of intermediate steps under SEPA....shall not be allowed....

16A.23.180 Notice of Hearing

- Notice of appeal, timely filed, shall be transmitted by the City Clerk to the Hearing Examiner or City Council and the SEPA responsible official. The Hearing Examiner or City Council shall determine the date, time, and place of a public hearing to consider the appeal, and shall notify the parties thereof.....

16A.23.190 Public Hearing

- A public hearing upon appeal of a threshold determination shall be conducted by the hearing Examiner or City Council.....

16A.23.225 Decision of the City Council

- Upon the basis of all of the information received in public hearing, and all information relied upon by the responsible official, the City Council shall prepare a written decision, including findings of fact and conclusions.

16A.23.230 Dismissal of Appeal

- The Hearing Examiner or City Council may summarily dismiss an appeal without hearing when such appeal is determined.....

16A.23.240 Council Review-Limitations for Appeals

- The decision of the City council on appeal from a threshold determination may be appealed only to Superior Court in conjunction with an appeal of the underlying action in accordance with.....

Earl Gipson, 17050 51st Ave. S.: In appealing non-project actions, Mr. Gipson has found checklists to be incomplete; the City has withdrawn two SEPA determinations. He doesn't believe this amendment is necessary, and asked to be provided with the RCW citation. The intent of the amendment seems to be to prevent the public from appealing anything, the language regarding dismissal could be applied to anything, and drives all appeals into Superior Court. These are quazi-judicial hearings so the person appealing doesn't know who will hear the appeal, which creates an ex parte situation, again limiting public discussion.

Jack Dodge explained that the amendment only changes which body (City Council or Hearing Examiner) hears the appeal.

Doris Cassan, 3100 S. 176th St.: John Houlihan submitted comments to City legal staff regarding insulating policy decisions from impartial third-party review, or routing appeals back to the very body that had already approved or created the underlying policy, plan, or program. She asked the Commission to consider Mr. Houlihan's comments when making their recommendation.

Discussion was held about the current procedures, the procedures outlined in the proposed amendment, and appeals to Superior Court.

D. Initial Discussion about the Planning Commission's 2009 Accomplishments and 2010 Goals

Steve Butler reviewed the Commission's 2009 Accomplishments, and 2010 Goals. It was agreed that a joint meeting with the Tukwila Planning Commission would be scheduled in 2010.

A lengthy discussion was held about the draft Mission Statement and Ground Rules for the Zoning Code Update Ad Hoc Committee. Concerns were raised about insufficient latitude, committees typically writing their own mission statement and ground rules,

timeline constraints, and whether or not the entire City is adequately represented on the committee.

Steve Butler explained that adopted plans, procedures, and policies are the prevue of the City Council.

5. Detailed Commission Liaison's Report:

None.

6. Planning Director's Report:

Steve Butler advised the Commission that the Council Co-Chairs of the Ad Hoc Committee are recommending the committee meet on the second and fourth Monday at 5:00 p.m. in the Council Chambers. Therefore, the Planning Commission meetings will need to be re-scheduled to another day.

The Land Use & Parks Committee meetings will now be held on the fourth Tuesday at 2:00 p.m.

7. Planning Commission Comments (including suggestions for next meeting's agenda)

Vice-Chair McDonald thanked Rick Forschler for his time, effort, and leadership in serving on the Planning Commission. Commissioner Chapin wished Rick good luck in his "new job" as a Councilmember.

8. Adjournment:

The meeting was adjourned at 7:45 p.m.