

PLANNING COMMISSION
Minutes of January 26, 2009, Meeting

Members Present: Rick Lucas, Richard Forschler, Tom Dantzler, Roxie Chapin,
Melvin McDonald

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 January 12, 2009, Meeting:

Additional amendments to the December 8, 2008 minutes were made as follows:

Under 3A, third paragraph, the third sentence will be revised to state, “Chief Meyer explained that the State Fire Code, adopted by the City, requires a 20’ wide, unobstructed, all-weather surface easement; however.....”. A sentence will be added at the end of that same paragraph stating, “Chief Meyer advised that if all portions of a facility can be reached within 150’ of an approved access road (main road), then an access easement would probably not be required, and the apparatus would be parked on the main road.”

A motion was made, seconded, and unanimously passed to recommend approval of additional amendments to the December 8, 2008 minutes as outlined above.

A motion was made, seconded, and unanimously passed to recommend approval of the January 12, 2009 minutes as presented.

3. Old Business:

A. Final Discussion Regarding the Draft Subdivision Code

Jack Dodge reported that the matrix had been modified to reflect that the Planning Commission and staff have agreed on items numbered one through eight; items nine and ten have not yet been resolved.

It was suggested that on item four regarding fencing of private access roads, that the second bullet regarding windows on the side of existing houses adjacent to the new access easement be removed. This would allow adjacent property owners the option of having a fence constructed along their property line provided they are willing to pay 1/3 of the cost of that fence.

Discussion was held about how to craft language to ensure all parties pay their fair share of the fence.

Jack Dodge recommended that a form letter from the City be sent to affected parties early in the process, and if a response is not received within 60 days, a fence along that owner's property line would not be constructed.

Panhandle Lots

Discussion was held about whether or not the various scenarios for which this regulation was developed were so unlikely to occur that item number nine should be deleted entirely. Staff recommends the issue be addressed now so that if an inappropriate situation arises, regulations are in place.

A motion was made and seconded that the section titled, "Panhandle Lots not Allowed in Plats of 3 or Greater Lots" be deleted from the Proposed Subdivision Code. A vote was taken, the motion carried three in favor and two against.

Directors May Modify Existing Standards to Implement the Subdivision Code

It was suggested that this is a good example of where a City ombudsman would be helpful; the Planning Commission's previous recommendation that the City hire an ombudsman was reiterated.

A motion was made, seconded, and unanimously passed to recommend approval of the Proposed Subdivision Code section stating, "Directors may modify existing standards to implement the Subdivision Code"

Additional language revisions in the Proposed Subdivision Code were identified as follows:

- Chapter 14.20.030.B.15 The reference to surveying 100' beyond the boundaries of the proposed plat will be removed. (Other language within the Proposed Subdivision Code, as agreed upon, will be revised for consistency.)
- Chapter 14.26.030.D Another instance where an ombudsman would be useful.

B. Continued Discussion Regarding Creation of "Dumbbell" Lots

Jack Dodge reviewed the configuration of a proposed three lot short plat labeled "dumbbell lots" because of the long, narrow piece of land (in some areas 1') connecting two sections of the same lot.

Discussion was held about possible reasons why this configuration is being proposed; stand-alone garages on residential property currently prohibited within the City (a

revision including a sunset date to allow flexibility may be appropriate); and access for emergency vehicles.

A motion was made and seconded to recommend approval of the proposed Zoning Code amendment prohibiting dumbbell lots. It was agreed that further discussion was advisable; therefore, the motion was recalled, and the issue will be discussed further at an upcoming Planning Commission meeting.

C. Continued Discussion about Zoning Code Amendments Regarding Tree Retention Being Proposed by the Planning Commission and City Staff

A lengthy discussion was held, after which the Planning Commission agreed that their recommendation to adopt Option Four would stand.

D. Continued Discussion about the Planning Commission's 2008 Accomplishments and 2009 Goals

This item was tabled.

E. Review of Planning Commission Schedule for First Quarter

This item was tabled.

4. Detailed Commission Liaison's Report:

Commissioner Chapin advised that at the last City Council meeting, an organization called SCORE (Des Moines, Burien Tukwila, Auburn and Renton) made a presentation regarding construction of a new jail to serve South King County (groundbreaking in late 2009), and SeaTac's possible participation. King County has announced that use of their jail will be terminated after 2012, and busing prisoners to Yakima will cease in 2010/2011. Apparently a site on Port of Seattle property in the vicinity of South 200th Street and 18th Avenue is being considered. Total cost of the project is estimated at \$80 million. Cities would be charged a fee to house prisoners based on current usage. (SeaTac's portion of the cost would be about 3%.)

Commissioner Chapin also attended a Shoreline Master Program Update Citizen's Advisory Committee meeting, and reported they are currently reviewing policies, and the process is moving forward.

Commissioner Dantzler reported that he recently attended an SR 509 Executive Committee meeting which was, unfortunately, not very productive as few executives attended. However, as part of a stimulus proposal, Sound Transit would accelerate the "Sound Transit 2" project which includes an extension of light rail to South 200th Street. With federal stimulus funding (\$30 million) final design and construction could begin in 2009, with completion in 2012. Tolling around the region was discussed at

length; studies will be conducted and results provided upon completion. Letters to state and local representatives will be sent.

Washington State House Bill 1490, amendments to the Growth Management Act, was also discussed in terms of potential impacts to SeaTac.

5. Planning Director's Report:

It was agreed that the issue of dumbbell lots would be included in the public hearing regarding miscellaneous code amendments scheduled for the Commission's February 23 meeting.

Steve Butler advised that he was in the process of making arrangements for a Port of Seattle staff member to come before the Commission for an overall briefing of current Port activities.

The City Council adopted the Parking Bonus Incentive Program in the City Center which includes a sunset provision to expire on February 1. The Commission requested the issue be brought back before them for further review, and requested that modeling of various potential incentive scenarios be provided for clarification.

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

None.

7. Participation in the City Council's Retreat

The Planning Commission adjourned to the Council Chambers to join the City Council at 7:22 p.m.

NOTE: [The minutes of this portion are being prepared by the City Clerk, and will be provided to the Planning Commission upon completion.]

7. Adjournment:

The meeting was adjourned at 8:45 p.m.

PLANNING COMMISSION
Minutes of February 9, 2009 Meeting

Members Present: Rick Lucas, Richard Forschler, Tom Dantzler, Roxie Chapin,
Melvin McDonald

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 January 26, 2009, Meeting:

A motion was made, seconded, and unanimously passed to recommend approval of the January 26, 2009 minutes as presented

3. Public Hearing:

A. Staff Presentation and Planning Commission Recommendation to City Council on the Proposed Miscellaneous Code Amendments Related to Youth Sports League Signage, Monument Signs, Utility Substations in UL Zones, and Dumbbell Lots

Jack Dodge reviewed the proposed amendments as follows:

Non-Profit Youth Sports League Signs

- The signs cannot be more than 3 square feet per side
- Signs may be displayed once per year and shall be limited to 60 consecutive days in any calendar year
- A maximum of 100 signs shall be allowed throughout the City
- The signs shall not impede pedestrian or vehicle traffic
- The signs shall conform to the site distance requirements of SMC 15.13.100
- The Sports League shall obtain a “no fee” temporary sign permit for the signs prior to installation

Monument Signs – Multifamily Zones

- The monument sign must be located on the primary access road to a multifamily development exceeding 30 dwelling units
- Auxiliary projections or attachments provide a single architectural feature unique to the multifamily development
- Auxiliary projections or attachments do not increase the overall sign lettering normally found on a 35 sq. ft. sign
- The monument sign and auxiliary projections and attachments are on a scale commensurate with the size of the development
- Auxiliary projections or attachments shall be reviewed and approved by the Director of Planning & Community Development

Utility Substations in UL Zones

- Use charts would be amended to allow utility substations in urban low and urban medium density zones through the Conditional Use Permit (CUP) process.

Dumbbell Lots

- A dumbbell lot is a lot in which the buildable area is not contiguous and is connected by a “handle”. A handle is defined as a portion of land 30’ or less in width and 15’ or more in length.
- Dumbbell lots would be prohibited within the City of SeaTac

Discussion was held about businesses, particularly those along International Boulevard, being allowed the same monument signage as multifamily developments; landscaping requirements relative to installation of utility substations in residential zones; the proposed definition of dumbbell lots being too restrictive, and deleting 15.13.037 entirely; potential impacts of various dumbbell lot configurations on adjacent property owners; and potential marketing impacts resulting from the creation of dumbbell lots.

Steve Butler explained that staff’s determination is the creation of dumbbell lots is not an appropriate land use, if this one is approved and regulations are not put in place, others may follow.

B. Public Hearing on the Proposed Miscellaneous Code Amendments Related to Youth Sports League Signage, Monument Signs, Utility Substations in UL Zones, and Dumbbell Lots

The Chair opened the public hearing at 5:57 p.m.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson stated that development and review of regulations regarding dumbbell lots is a waste of time. It may be appropriate to approve them on a case by case basis; however, banning them entirely prohibits property owners from creatively using their property, and is not in the best interest of the citizens.

The Chair closed the public hearing at 5:58 P.M.

A motion was made and seconded to recommend that the City Council approve the Miscellaneous Code Amendments related to Youth Sports League Signage, and Monument Signs and Utility Substations in UL Zones as presented. The motion carried, four in favor and one abstention.

A motion was made and seconded to recommend that the City Council approve the Miscellaneous Code Amendments related to Dumbbell Lots as presented. The motion failed, one in favor, three opposed, and one abstention

4. New Business:

A. Election of Chairperson and Vice Chairperson

Richard Forschler was nominated for Chair. The nomination was seconded and Mr. Forschler was elected by majority vote.

Rick Lucas was nominated for Vice Chair. The nomination was seconded. Commissioner Lucas withdrew his name.

Melvin McDonald was nominated for Vice Chair. The nomination was seconded and Mr. McDonald was elected by majority vote.

5. Old Business:

A. Final Discussion on the Draft Subdivision Code

Jack Dodge stated that staff and the Commission had reached agreement on all items except panhandle lots. The Planning Commission is recommending that Section 14.17.030 E “Where an applicant proposes to create five or more lots, or has sufficient land under current zoning to create five or more lots, all lots shall be configured to prevent the necessity for panhandle access” be deleted. Staff is recommending the language be retained.

Mr. Dodge briefly pointed out minor changes to the draft Subdivision Code since the Commission’s last review. Discussion was held, and additional minor modifications will be made for clarity.

A motion was made, seconded, and unanimously passed to recommend that the City Council approve the Draft Subdivision Code with minor changes as discussed (includes deleting Section 14.17.030 E).

B. Continued Discussion about Potential Zoning Code Amendments regarding Tree Retention

Jack Dodge briefly reviewed the draft compromise tree retention regulations (provided in the packet) which were crafted primarily for discussion purposes.

A motion was made and seconded to recommend that the City Council approve the Zoning Code Amendments regarding Tree Retention as presented.

Discussion was held about impacts to property owners, both financial and in terms of property rights; tree retention regulations being eliminated entirely; various revisions to the document without prior discussion; development and review of the proposed tree retention regulations being a waste of taxpayer’s money and everyone’s time; allowing commercial property owners the same freedom to develop their property as private property owners would enjoy (no landscaping requirements, particularly those

buffering adjacent uses); possible discrimination issues; allowing unrestricted removal of trees by a property owner provided no less than three trees remain on the property; various modifications to the regulations without prior discussion; enforcement of penalties resulting from noncompliance with incentive requirements; and tree retention regulations protecting adjacent property owners from the impacts of clear cutting.

The motion was amended to recommend approval with a change to language in Section 15.14.164 B. The new language would state, “Trees may be removed provided that no less than three trees remain on the property as required under SMC 15.14.168. Additional trees may be removed.....”

The motion recommending approval was withdrawn. Tree retention will be discussed at the upcoming Land Use & Parks Committee meeting, the Commission asked that they be provided with documentation of that discussion prior to the next Planning Commission meeting.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson stated that he was a victim of the loophole that triggered development of the tree retention regulations; however, he changed his mind upon review of the proposed regulations. He believes development and review of the tree retention regulations has gone on way too long and is a waste of everyone’s time

Daryl Tapio, 16833 40th Lane South: Mr. Tapio agrees with Mr. Gipson, too much taxpayer money has been spent already, much more could be spent before an agreement is reached. The tree retention regulations should be dropped as soon as possible.

The following suggestions were made: (1) Agreement is near, the issue should not be dropped; (2) If existing tree retention regulations were eliminated, it would remove the motivation for clear cutting; (3) That the Land Use & Parks Committee be apprised that the Commission may be split on eliminating or moving forward with the regulations; (4) That the Commissioners be provided with a link to view the beginning of the June 24 City Council meeting when comments from the public were taken regarding tree retention requirements.

The issue was tabled for future discussion.

C. Continued Discussion about the Planning Commission’s 2008 Accomplishments and 2009 Goals

Steve Butler asked the Commissioners to review the 2008 Accomplishments and 2009 Goals documents, and provide comments.

D. Review of Planning Commission Schedule for the First Quarter of 2009

The Commission requested that the quarterly schedule be made a regular feature of their packet, items dropped and added as appropriate.

6. Detailed Commission Liaison's Report:

Commissioner Chapin attended a recent Shoreline Master Program Update Citizen's Advisory Committee meeting and reported the group was working through procedures. The Commission asked that they be provided (electronically) with agendas, minutes, and other pertinent information.

7. Planning Director's Report:

A LUP meeting is scheduled for Thursday, February 12. The next Planning Commission meeting will be held on Monday, February 23.

The City Council reenacted the existing parking bonus provisions, eliminating the sunset clause. The Commission asked that they be provided with three dimensional graphic modeling of the actual number of parking stalls that would be allowed as a result of the bonus allowances.

Concern was raised about traffic congestion in the vicinity of International Boulevard and South 160th Street. The Port of Seattle has stopped work on the rental care facility, but has not revised the traffic signals/signs. Steve Butler will follow up with the Public Works Director.

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

Letters from the Planning Commission to appropriate Planning Department staff thanking them for their service in 2008 will be drafted for the outgoing Chair's review.

Concern was raised about whether or not Sound Transit was paying their fair share for street improvements in and around the South 154th Street and SeaTac/Airport transit stations. Steve Butler advised that Sound Transit was providing funds for certain improvements. It was suggested that information be publicized.

9. Adjournment:

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

PLANNING COMMISSION
Minutes of February 23, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Al Torrico, Senior Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

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

2. Approve Minutes of February 9, 2009 Meeting:

Language under 5A, last paragraph, will be amended to state, “A motion was made, seconded, and unanimously passed to recommend that the City Council approve the Draft Subdivision Code with minor changes as discussed (includes deleting Section 14.17.030 E).

A motion was made, seconded, and unanimously passed to recommend approval of the February 9, 2009 minutes as amended.

3. New Business:

A. Update on Shoreline Master Program Update Process

The state legislature recently amended the Shoreline Management Act requiring jurisdictions to develop individual shoreline programs. In SeaTac, Angle Lake qualifies as a “water of the state” because it exceeds 20 surface acres.

Al Torrico reported that a Citizen’s Advisory Committee had been formed to assist staff; their input has been, and continues to be, critical. The City is tasked with development of an inventory of the natural characteristics and land use patterns along the shoreline, preparation of a master program to determine the future of the shoreline, development of a permit system to further the goals and policies of the act and master plan, and development of a plan for restoration of impaired shoreline ecological functions. To date, the process is approximately 60% complete. Key deliverables remaining include the restoration plan, cumulative impact analysis, SMP adjustment, final draft shoreline master program, and the SMP submittal checklist (for the state).

Since the Commission's last briefing, the shoreline analysis, and the draft policies and regulations have been made available for viewing on the City's website (additional documents will be added as appropriate).

Upcoming Citizen's Advisory Committee meetings are scheduled for March 4 and 18, a public open house will be held on April 22. Presentations to the Planning Commission on the draft document will begin in April or May.

B. Overview of Major Zoning Code Update Process

Kate Kaehny stated that the goals of the update include: (1) Improve consistency, organization, and usability; (2) Provide a comprehensive update; and (3) Provide focused revisions of chapters as necessary. Phase 1 of the project has been completed. Phase 2, currently under development, includes drafting new language and stakeholder briefings. Phase 3, public review and adoption, is scheduled for April through June, 2009.

Dennis Hartwick reviewed the proposed Table of Contents, both proposed summary and proposed detailed. He reported chapters slated for major revisions include Planned Unit Development, Land Use Definitions, SeaTac/Airport Station Overlay, and Residential/Commercial Incentives.

It was suggested that stakeholder meetings be held for chapters slated for major revisions, and consideration given to who should be invited to participate.

4. Old Business:

A. Continued Discussion about Potential Zoning Code Amendments Regarding Tree Retention

Jack Dodge reviewed a matrix comparing staff regulation recommendations with those submitted by Commissioners Forschler and Chapin.

Discussion items included: (1) Commissioner Chapin clarifying various items on her proposal; (2) Language in item one being revised to state, "3 required to be saved per lot"; (3) The Commission reviewing the entire Zoning Code chapter regarding Development Standards for Tree Retention and Landscaping (15.14), to ensure all issues have been thoroughly reviewed; (4) Allowing the property owner to determine whether or not to retain trees; (5) Clarification of residential versus commercial landscaping/tree retention regulations; and (6) How potential topographical constraints would be addressed.

Commissioner Forschler reported on a conference he recently attended at which the results of a 30-year study, published in 2007, were discussed. The study focused on whether or not chances for survival of endangered species would increase if more

regulations were put in place, both with and without public funding. The study found that an increase in regulations alone actually negatively impacted the species; however, species survival was increased with public funding in spite of regulations. In cases where regulations were in place without public funding, survival of endangered species dropped by 70% to 80%. This relates to tree retention in that increased regulations motivate people to cut down trees.

A motion was made and seconded to recommend approval as follows:

15.14.160 Retention of Significant Trees in New Plats

- #1 3 required to be saved per new lot
- #2 Not Required to be Saved in Following Areas: (1) Trees within the building footprint of a proposed residence and accessory structure (detached carport, garage, or accessory dwelling unit). (2) Trees within any private access easement. (3) Trees within any proposed utility easement. (4) Trees that are inconsistent with the overall plans for the development.
- #3 Trees Protected During Construction: Yes
- #4 Covenant on Property Until Property Transferred: If required, only until final plat filed with KC
- #5 Mitigation for Significant Tree Removed Before Property Transfer: 1 tree per tree removed (deciduous – 1 ½”; evergreen 6’)
- #6 No mitigation of Significant Tree Once Ownership of Lot and Residence Transferred: Yes
- #7 15.14.162 Retention in all Other Zones: Yes (12%)
- #8 Covenant on Property: No
- #9 Mitigation for Significant Tree Removed: 1 tree per tree removed before project completion (deciduous – 1 ½”; evergreen – 6’)

15.14.164 Clearing of Single-Family Zoned Lots

- #10 “No Fee” Clearing Permit for Lots of 14,400 square feet or greater required (significant trees only): No

15.14.165 Clearing in all Other Zones

- #11 “No Fee” Clearing Permit required: Yes
- #12 Criteria to Remove Significant Trees: (1) A tree constitutes a safety hazard to any structures on the property and to any structures on adjacent properties as determined by the City’s arborist; or (2) A tree is dead; or (3) The tree is significantly diseased and will die as determined by the City’s arborist; or (4) The property owners has an approved building permit for a new development on the property. (5) The location of an existing tree is inconsistent with the overall plans for the development.

15.14.166 Minimum Number of Trees per Residential Lot – New Short Plats and Long Subdivisions

- #13 A Minimum of 3 trees per lot: Yes (Also see 15.14.160)
- #14 Minimum Size of Trees: 3 trees per lot (deciduous 1 ½”; evergreen – 6’)
- #15 Minimum Number of Trees Required for Existing Single-family Lot: None

Daryl Tapio related a scenario whereby he was considering the purchase of a lot within a recently completed short plat, and problematic issues arose regarding drainage and tree retention. Mr. Tapio was able to resolve part of the issue through the Public Works Department, but Planning staff interpreted the Zoning Code regulations to the letter and required tree replacement mitigation which Mr. Tapio believes was unreasonable.

Steve Butler and Jack Dodge will research this issue. It was suggested that the Commission hold open meetings on a regular basis to provide citizens a forum for expressing concerns such as this (in the absence of an ombudsman).

A vote was taken and the motion passed unanimously with the caveat that staff compile the results in context of the entire Zoning Code chapter (15.14 Development Standards-Tree Retention and Landscaping).

Steve Butler advised that staff administers the Zoning Code regulations to the best of their ability. In this case, the goal is to develop a tree retention ordinance that is clear to everyone.

B. Continued Discussion regarding “Dumbbell Lots”

This issue has been returned to the Commission for further review. Jack Dodge provided additional information as follows: (1) Staff feels dumbbell lots are poorly designed and do not foster orderly layout of the land (house, garage, yard all in one area rather than separated by a sliver of land); (2) Emergency response time could be increased due to lot configuration; (3) Lots may be difficult to sell; (4) Dumbbell lots result in long distances between the house and garage; and (5) Ownership/trespass issues because of difficulty in determining property lines.

Staff is recommending dumbbell lots be prohibited under the current definition; however, an optional definition of a dumbbell lot is being proposed that states, “A lot in which the buildable area is not contiguous and is connected by a “handle” and where the house and accessory structures are located on different portions of the lot separated by the handle.”

A motion was made and seconded to recommend that Dumbbell lots be prohibited within the City of SeaTac. The motion carried, three in favor, two against.

C. Review of Planning Commission’s Three Month Work Schedule

Steve Butler stated that the Commission may be asked to consider proposed amendments to the City’s development agreement with Washington Mutual at their next meeting. The Cedarbrook Training Facility will no longer be used predominately as a corporate training center, and the new owner is asking for flexibility until a final decision as to its use is determined. This issue will come before the Commission on

March 9, the Land Use & Parks Committee on March 12, and to the City Council on March 24.

Discussion was held about a possible stakeholder's meeting with adjacent residents; local hoteliers being interested in the facility; and potential parking issues.

5. Detailed Commission Liaison's Report:

Commissioner Chapin stated that she attended the last City Council meeting. Agenda items included a new trail from Renton to Des Moines, and the Residence Inn (representatives were asked to provide additional information).

Commissioner Forschler stated that at the recent LUP meeting, the Proposed Subdivision Code (particularly panhandle lots), the Commission's position on tree retention regulations, and dumbbell lots were discussed.

6. Planning Director's Report:

Steve Butler reported the following in response to Commission requests: (1) Planning Commission packets and Master Shoreline Update materials are now available on the City's website; (2) The Public Works Department is following up on signage at the Port's car rental facility, and funding from Sound Transit relative to the South 154th Street improvements. He also asked for a clarification regarding the 3-D model requested outlining the impacts of the parking bonus incentives.

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

Review of the Commission's three month work schedule will be added to the "Planning Commission Comments" section of the agenda.

8. Adjournment:

The meeting was adjourned at 8:15 p.m.

PLANNING COMMISSION
Minutes of March 9, 2009, Meeting

Members Present: Richard Forschler, Rick Lucas, Roxie Chapin

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

1. Call to Order:

The meeting was called to order at 5:35 p.m.

2. Approve Minutes of February 23, 2009, Meeting:

Tabled.

3. New Business:

A. Informal Session for the Planning Commission to Discuss Potential Zoning Code Amendments Regarding Tree Retention with the Public and “Stakeholders”

Tonight’s informal session is intended to encourage open communication. Proposed tree retention regulations were developed by staff (at the direction of City Council) as a result of various complaints the City received about trees being cut down (for example, on the “Traditions at Angle Lake” subdivision site), and the practice of “clear cutting” large properties prior to Short Plat application submittal. Since beginning the process in the summer of 2006, it has become clear this is an important issue to nearly everyone, both for and against, for many reasons.

Represented to discuss this issue are a local developer/builder, various concerned citizens, one City Councilmember, Planning Commission members, and staff.

Discussion included the following statements by the “stakeholders”:

- Up until recently, the short plat process was essentially free of tree retention requirements. The Planning Department then revised its administrative policy to require tree covenants and imposed mitigation penalties for removal of protected trees e.g., two-to-one caliper tree replanting ratio and financially guaranteeing their health for three years (at a potential cost of thousands of dollars).
- The proposed tree retention regulations have been changed many times, costing thousands of dollars in staff time and many hours of citizen participation This process is a waste of taxpayer’s money; it may be appropriate to drop the entire matter.
- The proposed regulations infringe on private property rights and are overly restrictive; citizens already pay increasingly higher taxes and cannot afford

more government; private property owners are capable of successfully managing their property and trees.

- The City has allowed trees to be taken down to accommodate various commercial developments within the City.
- Citizens who have owned and lived on subdividable residential lots for many years are counting on money from the sale of their property for retirement. If government regulations are stringent, property values go down; prospective buyers/developers may go elsewhere.
- Some trees don't add anything aesthetically to a development, the property owner should have the right to make that determination and remove trees at their discretion without penalty.
- Some regulations are necessary to keep the City vibrant and beautiful, to provide buffers between low and high intensity development, and to protect neighboring property owners.
- Property rights versus City control/penalties versus incentives.
- The City views developers and long time private property owners differently in terms of regulations; the proposed tree retention regulations do not preclude residential property owners (not developing their property) from cutting whatever trees they wish without consulting an arborist.

The current Planning Commission recommendation would allow perimeter significant trees to be removed and replaced one for one. The staff recommendation would require that if one significant tree is removed (that doesn't impact the location of the house, driveway, or utilities), three trees (of 2 ½" caliper in size) would have to be planted.

B. Presentation on the Proposed SCORE Jail by Penny Bartley, Interim Executive Director, SCORE

SCORE (South Correctional Entity) is made up of the cities of Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac and Tukwila who have joined together to build a misdemeanor correctional facility. King County jail will not renew contracts with adjacent cities effective in 2012; a contract with Yakima County expires in 2010.

Studies were conducted, and it was determined that 700 beds in south King County would be needed. A joint facility could house one offender for approximately \$104 per day as opposed to the \$110 per day expended in 2008.

A 14 acre site in Des Moines in the vicinity of South 208th Street & 18th Avenue South was chosen. Ms. Bartley provided a PowerPoint presentation showing the site/building layout. SEPA submittal is scheduled for April, with building permits issued in late summer. The core cities would then enter contract negotiations with other cities who have expressed interest in housing prisoners in the facility.

Police Chief Graddon anticipates virtually no negative impact on police services. He sees the proposed facility as a benefit, in part because officers would not have to transport prisoners long distances.

C. Discussion about Proposed Amendments to the City/WaMu Development Agreement

JP Morgan Chase (new owner of Washington Mutual) intends to sell the “Cedarbrook” training facility located off South 188th Street. The proposed amendment to the existing development agreement would clarify its continued, future use. The majority of usage (60% or more) would be as a conference/training center and associated overnight lodging, the remaining 40% (or less) would be used for incidentals such as weddings, family reunions, etc. The facility was not designed as a hotel, partly due to the ratio of hotel rooms to meeting rooms, and parking constraints.

Steve Butler indicated this issue is scheduled to go before the Land Use & Parks Committee on March 12, and to the City council on March 24.

4. Old Business:

A. Continued Discussion about Potential zoning Code Amendments Regarding Tree Retention

Jack Dodge reported that both the YMCA and MasterPark parking garage are in compliance with current City landscaping requirements. In both developments, surrounding property owners expressed concern about the number of trees being removed, particularly large trees that provided screening. New trees can be replanted, but it takes twenty or thirty years to reach a comparable level of screening.

Discussion was held about the Commission and staff submitting separate recommendations to the Council; reinstating the three tree per lot requirement into the Commission recommendation; property owners choosing whatever type of trees they wish to plant and reducing planting caliper to 1 ½”; how best to address both developer and resident concerns; the proposed “no-fee” permit to remove trees; adding items regarding tree covenants currently in place, and proposed changes to department administrative policies to the Commission’s work plan.

The Planning Commission recommendation will be amended as follows: (1) Clearly outline that any required tree covenants as part of a development would expire upon recording with King County, provided the lot contains a minimum of three trees; (2) Retention requirements regarding significant trees as part of a development would expire upon recording with King County, provided the lot contains a minimum of three trees; (4) Requirements related to an arborist will be deleted; (5) Significant or existing healthy trees on lots can be counted toward the three tree per lot minimum.

5. Detailed Commission Liaison's Report:

Commissioner Chapin attended a Shoreline Master Program Update Citizen's Advisory Committee meeting and reported that the sharing of ideas was very productive. She also attended a presentation regarding the issue of homelessness in south King County.

6. Planning Director's Report:

A Land Use & Parks Committee meeting is scheduled for Thursday, March 12, tree retention has been postponed to the April meeting. An open house has been scheduled prior to the Commission's next meeting regarding the 2009 Comprehensive Plan amendment process.

7. Planning Commission Comments (including suggestions for next meeting's agenda and review of the Planning Commission's three month work schedule)

Steve Butler stated that the second Planning Commission meeting in May falls on the Memorial Day holiday, and a decision will need to be made about whether or not to cancel or reschedule that meeting.

8. Adjournment:

The meeting was adjourned at 8:30 p.m.

PLANNING COMMISSION
Minutes of March 23, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Roxie Chapin

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

1. Call to Order:

The meeting was called to order at 6:00 p.m.

2. Approve Minutes of February 23 & March 9 2009, Meetings:

Approval of the February 23, 2009 minutes was tabled.

A motion was made, seconded, and unanimously passed to recommend approval of the March 9, 2009 minutes as presented.

3. Public Hearing:

A. Staff Presentation on Proposed Zoning Code Amendments Regarding Tree Retention Standards

Current tree retention regulations require 12% of all healthy, significant trees (8” caliper-evergreen, 12” caliper-deciduous) to be retained on a property. Jack Dodge showed examples of City short plat and subdivision projects with various tree retention scenarios. There is a need for tree retention regulations to protect tree cover, as well as minimize impacts to private property owners and developers.

Mr. Dodge then reviewed a matrix comparing the Planning Commission and staff recommendations; with particular emphasis on where the recommendations differ.

B. Public Hearing and Possible Recommendation to City Council on Proposed Zoning Code Amendments Regarding Tree Retention Standards

The Chair opened the public hearing at 6:18 p.m.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson stated this issue has been on the table for two years. There’s no accountability for time spent, no trees have been saved or planted; it’s been a waste of time. Private property owners are being penalized for having trees which reduces property value and provides motivation to cut trees down to avoid getting a permit, having an arborist make decisions about whether or not trees can be cut, and potential covenant requirements (which are not codified in the Zoning

Code). Mr. Gipson questioned “who is driving this show” and how much taxpayers are willing to spend. He intends to request a performance audit of this project. When asked, he stated that he preferred the Planning Commission recommendation.

Daryl Tapio, 16833 40th Lane South: Mr. Tapio stated that he has spoken with many property owners who are not in favor of the City getting involved in this issue, government already has too much control; adding regulations is expensive and enforcement creates friction between citizens and the City. The Planning Department has implemented administrative requirements, including harsh replanting schedules, which create added costs for the developer. The City has already spent in excess of \$100,000, it’s time to stop the endless debate and focus resources on more important items. Mr. Tapio recommends the existing tree retention regulations remain in place, and that the current administrative policies regarding tree retention be eliminated. When asked, he stated that he preferred the Planning Commission recommendation.

Daniel Forschler, 13529 Military Road South: Mr. Forschler expressed concern about a recent incident in Monroe where falling trees during a windstorm resulted in death, injuries, and property damage. His understanding was that the neighbors had been concerned about those trees for some time. He asked about City requirements that may prevent a property owner from removing or trimming trees, and if the City could be held responsible.

This issue has been discussed in the past, the City Attorney’s Office has determined the City would not be liable (act of nature). Concern was raised, however, about proposed regulations that restrict the cutting of trees during development of the property. Further, the City of Seattle was sued and paid approximately \$500,000 for damage caused by trees that were required to be retained.

Barry Ladenburg, 19317 46th Avenue South: Councilmember Ladenburg requested and received clarification regarding various aspects of the proposed regulations.

Steven Desimone, 16418 Military Road South: Mr. Desimone stated that he has three properties in SeaTac. He has no current plans to develop, but may cut the trees down to avoid the additional expenses associated with the proposed tree retention regulations.

Discussion was held about the proposal to continue current tree retention regulations; eliminating the administrative policies; and the Commission recommendation requiring three trees if the building footprint were expanded.

The Chair closed the public hearing at 7:04 p.m.

A motion was made, seconded, and unanimously passed to recommend that the City Council approve the Planning Commission recommendation regarding tree retention regulations.

4. New Business:

A. Initial Discussion about Potential Comprehensive Plan Amendments by the Staff and the Planning Commission

Mike Scarey stated that the open house prior to the meeting provided the public an opportunity to get information about the annual Comprehensive Plan and Development Regulation Amendment process, ask questions, and review staff-generated proposed amendments. The deadline for the public to submit amendment proposals is April 24.

Mr. Scarey reviewed the staff-generated proposed amendments as follows:

Map Amendments

Land Use Plan Map Amendments

- Move the Urban Center boundary west to include Port of Seattle property located on the east side of 28th Avenue South at South 200th Street
- Add a new parcel to the map – on the east side of I-5 adjacent to King County Transfer Station
- Potential amendments related to the Major Zoning Code Update

Informational Map Amendments

- Update Existing Land Use Map with current information
- Update Wetlands/Streams Map with current information

Discussion was held about how best to notify adjacent or affected property owners of changes in the Wetlands/Streams map, possibly by posting the map to the City's website and updating it as new information becomes available.

Text Amendments

- Develop Sustainability Element (may be a two year project)
- Update Parks & Recreation Element
- Update Capital Facilities Background Report (both the annual update, and to include projects beyond the six-year timeframe)
- Update Environmental Management Element (if needed, based on completion of the Shoreline Master Program update)
- Update Land Use Background Report

B. Initial Discussion about How to Address Existing Tree Retention Covenants

If the City Council instructs that existing tree retention covenants would no longer be valid, property owners may request a letter from the City voiding the covenants, and submit that to King County for recording. In the proposed regulations, covenant expiration criteria would be clearly outlined. It was agreed to discuss this issue further after City Council adoption of tree retention regulations.

C. Quarterly Review of 2009 Planning Commission Goals

Discussion was held about comparing the 2009 Planning Commission Goals with the Commission's "three month schedule", new projects being added and completed projects deleted; and meeting with the Tukwila Planning Commission on June 8 or June 22 to discuss items of mutual interest and concern.

5. Old Business:

A. Status Update and Discussion about the New Proposed Subdivision Code

Staff is currently reviewing the draft Subdivision Code to ensure all local and state code citations are correct and consistent with other sections of the SeaTac Municipal Code. No substantive changes are being made; however, "stakeholder compromise" language is being proposed to Section 14.17.030 F regarding panhandle lots. The revised language states, "Where an applicant proposes to create three (3) or more lots, or has sufficient land under current zoning to create three (3) or more lots, all lots shall be configured so that no more than two (2) panhandle lots are located adjacent to each other."

Jack Dodge reported that the 25' off-site survey requirement for trees and rockeries would only be required based on a site inspection where it is determined that additional information is necessary for plat review, otherwise just the location of trees and rockeries on-site is sufficient.

A motion was made, seconded, and unanimously passed to recommend that the City Council approve the draft Subdivision code with the above referenced revisions.

6. Detailed Commission Liaison's Report:

Commissioner Chapin attended a Shoreline Master Program Citizen's Advisory Committee meeting. She reported the citizens were doing a great job, and that two councilmembers were attending the meetings.

Commissioner Forschler attended the most recent Land Use & Parks Committee meeting and stated that, regarding the presentation on homelessness, his recommendation was the issue be referred to the Human Services Committee. Steve Butler advised that the LUP committee had requested another presentation by representatives from Seattle and/or Bellevue on their homeless programs. The matter will then be forwarded to the Human Services Committee.

7. Planning Director's Report:

Steve Butler stated that the April 14 Regular City Council meeting agenda includes two "public hearings" (requested not mandated); one on the proposed Subdivision

Code, and the second regarding the Residence Inn's proposal to use the Angle Lake Park access roadway. The next Land Use & Parks Committee meeting is scheduled for April 9. The timelines for the Major Zoning Code Update are being extended to allow sufficient time for citizen, City Council, and Planning Commission review and input.

A motion was made, seconded, and unanimously passed to cancel the May 25 Planning Commission meeting.

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

Discussion was held about administrative policies and how best to ensure public awareness. It was suggested they be documented and posted on the City's website.

How the tree retention regulations may impact commercial property owners will be added to the Commission's work plan.

9. Adjournment:

The meeting was adjourned at 8:15 p.m.

PLANNING COMMISSION
Minutes of April 13, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner; Todd Cutts, Assistant City Manager; Kellie Stickney, Management Intern

1. Call to Order:

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

2. Approve Minutes of February 23 & March 23, 2009:

A motion was made, seconded, and unanimously passed to approve the minutes of the February 23, 2009 meeting as presented.

A motion was made, seconded, and unanimously passed to approve the minutes of the March 23, 2009 meeting as presented.

3. New Business:

A. Informational Presentation on SeaTac’s Demographics by Kellie Stickney, Management Intern and Todd Cutts, Assistant City Manager

The information used to prepare the SeaTac demographics presentation came primarily from U.S. Census data and King County economic development reports. SeaTac has changed racially, ethnically, and socioeconomically over the past twenty years. A brief summary of Citywide statistics are listed below:

<u>Citywide</u>	
Population	26,594 (growth of 1,000 since 2000)
Average Household Size	2.5 (slightly higher than county)
Median Household Income	\$ 42,292 (lower than county/national)
Owner Occupied	53% (down from 2000)
Renter Occupied	47% (up from 2000)
Age	Over 65 – 11%; Under 18 – 23% (higher than county)
Education	Less than high school diploma – 20%; high school diploma – 30%;
White/Blue Collar	white collar – 51%; blue collar – 49%

Between 1990 and 2007, the immigrant populations has increased substantially. Regional statistics indicate that SeaTac is disproportionately diverse in comparison to areas further removed from the airport (a national trend).

Various statistics were compiled for each City neighborhood; Ms. Stickney provided a in-depth review of each, followed by discussion on how the City could best use the information to ensure SeaTac remains a vibrant community of citizens who are actively involved in their local government's decision-making processes.

Discussion was held about the Citywide average household size of 2.5, and median income figures reported for the Angle Lake area; whether or not SeaTac's immigrant population was comprised of those who actually arrived in the United States via Seattle or moved to SeaTac following entrance into the country elsewhere; federal programs/funds that may be available to assist immigrants; having current, updated information readily available via the City's geographical information systems; how many students are attending school; and whether or not in high crime areas of the city, the crimes are being committed by residents or those coming in from outside.

B. Briefing on Recent and Upcoming Airport Activities by Tom Hooper & Peter Lindsay, Port of Seattle Staff

An overview of the Port Comprehensive Development Plan (CDP) and related projects was presented. The purpose of the CDP was to assess facility requirements at "airport capacity" which is 550,000 annual aircraft operations (59 million passengers). The goal of the CDP is to reduce costs, provide sufficient landside and terminal facilities, and enable incremental terminal expansion. Extensive modeling and environmental review was done under that scenario to assess various projects. The Port updates its Master Plan every ten years; in between, planning continues to accommodate changes in airline practices and emerging technologies.

Updates were provided on various projects as follows: (1) It was determined that the existing terminal would be expanded rather than constructing of a second terminal; (2) Queuing arriving aircraft for more efficient gate usage; (3) Relocation of cargo operations to the L-shaped parcel; (4) Construction of a recirculation loop to the terminal; (5) The rental car facility; (6) Relocation of the rental car facility bus maintenance facility; and (7) Construction of warehousing, cargo facilities, and commercial development in the vicinity of South 192nd Street & 28th Avenue South (previously slated for employee parking).

Discussion was held about how the revised plans for the south area may impact maximum capacity and level of service on 28th Avenue South; south access; the SR 509 expansion; and how the Port funds its projects, and related potential impacts to SeaTac and its residents.

Transportation projects that are currently moving forward include: (1) Improvements to South 144th/142nd Streets; (2) A full diamond interchange on SR518; (3) Projects in association with Sound Transit and light rail to the airport; and (4) The South 160th Street loop ramp.

C. Initial Discussion Regarding the Method to Measure the Caliper of Deciduous Trees and Allowing Utility Substations in the “Park” zone

Jack Dodge reported that an amendment to the City’s landscaping standards is being proposed regarding the methodology to measure deciduous trees according to the American Standard for Nursery Stock (ANSI) which is measured at 6” from the ground at the time of planting. Using this standard would provide consistency within the regulations, and allow citizens and developers to obtain trees at a lower cost. Additionally, the amendment changes the caliper required to 2 ½”.

Discussion was held about whether or not trees at the proposed size were readily available at a reasonable price; the weight of trees of the proposed size, and potential additional associated costs; and that the cost of trees may vary depending upon the type, vendor, and time of year.

Steve Butler explained that the standards regarding tree retention, general landscaping, and street tree landscaping were different e.g., street tree landscaping applies to public and private streets in subdivisions, general landscaping applies primarily to commercial and multifamily developments, and tree retention standards would apply to single family residential. It was agreed that language would be developed to clearly outline the distinctions; a matrix will be presented to the Commission at their next meeting.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson stated that two years and many versions later, this is getting sillier by the day.

Pam Fernald, 2431 South 133rd Street: Ms. Fernald expressed concern about the recommendation requiring replacement of three trees at a potential cost of \$600-\$700, plus the cost of hiring someone to plant them. She agreed with the proposal to clarify the language and separate the standards.

Mr. Dodge then addressed the second proposed amendment to allow utility substations as a conditional use in the Park zone. This proposal is in response to a request received by the Highline Water District. In the absence of this allowance, the District would be required to apply for a Comprehensive Plan amendment followed by the rezone process which would delay the project significantly.

The Land Use & Parks Committee recommended utility substations not be allowed in the Park zone. Staff suggested that limiting the parameters to just water and sewer substations may be an option. Revised language will be developed and presented to the

Commission at their next meeting. A public hearing before the Commission on this issue is scheduled for April 27.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson believes the above reference approach is inappropriate, and supports a Comprehensive Plan amendment.

Staff was asked to determine whether or not it was critical to Highline Water District that they expedite construction of this facility.

4. Old Business:

A. Continued Discussion about Major Zoning Code Update

Kate Kaehny advised that the project is currently in Phase 2. A public meeting is scheduled for May 20 to present proposed Use Chart changes and the Planned Unit Development chapter of the Zoning Code. It is anticipated that two additional meetings will be held, one in July and one in September. Completion of the project, and Council action, is anticipated in December, 2009.

Concern was raised about public meetings with the business community during the summer, which is their busiest time of the year; meetings in the fall may be more convenient, resulting in better attendance.

Dennis Hartwick reviewed proposed changes to the Use Charts, which includes consolidating the separate charts currently in use into one use table, a Consolidated Use Table User Guide, streamlining the footnotes, and relocation/deletion/clarification of various uses as appropriate.

Discussion was held about whether or not it was appropriate from a land use perspective to consolidate auto dealer/auto sales uses, and a suggestion that the Commission review use charts from other jurisdictions. It was agreed that uses within the Aviation Business Center zone would be reviewed, with Commissioner Dantzler providing background information as he was involved in the creation of that zone.

Major discussion of changes to the use charts was postponed until the next meeting.

5. Detailed Commission Liaison's Report:

A lengthy discussion was held about tree retention regulations. A third option, submitted by a developer, will be submitted to the City Council in addition to the Planning Commission and Staff recommendations to the City Council. The Council will hold a public hearing on this issue at their April 28 meeting. The Commission will review covenants following Council action on tree retention.

Commissioner Chapin attended a Shoreline Master Program Update Citizen's Advisory Committee meeting, and reported that it primarily focused on preparation for an April 22 open house. It is anticipated that about sixty people may attend, small group discussion will be held.

Commissioner Chapin attended the April 9 Land Use & Parks Committee meeting, further discussion regarding tree retention was held. She stated that there may be some confusion surrounding the Planning Commission recommendation regarding retention of 12% of significant trees up to a maximum of three trees.

Commissioner Forschler expressed concern about the narrow road widths around Angle Lake, particularly in reference to the ability of fire apparatus to reach the homes. It was agreed that Chief Meyer would be invited to address this issue before the Commission at the time they review road widths in general.

6. Planning Director's Report:

Steve Butler reiterated that a Shoreline Master Program open house will be held in the Council Chambers at 6:30 p.m. on April 22.

7. Planning Commission Comments (including suggestions for next meeting's agenda and review of the Planning commission's three month work schedule)

An update to the amendment to the Washington Mutual Development Agreement was provided. Discussion was held about the Commission reviewing the permitting process, this item will be added to the three month work schedule for future review. The Commission will be updated at their next meeting regarding scheduling a joint meeting with the Tukwila Planning Commission.

8. Adjournment:

The meeting was adjourned at 9:00 p.m.

PLANNING COMMISSION
Minutes of April 27, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler, Roxie Chapin

Staff Present: Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner; Jeff Robinson, Economic Development Director

1. Call to Order:

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

2. Approve Minutes of April 13, 2009, Meeting:

On item 3C, page three, a sentence will be added at the end of the paragraph to state, “Additionally, the amendment changes the caliper required to 2 ½”.

A motion was made, seconded, and unanimously passed to approve the April 13, 2009 minutes as amended.

3. Public Hearing:

A. Staff Presentation on Proposed Zoning Code Amendments regarding the Method to Measure the Caliper of Deciduous Trees and Allowance of Utility Substations in the “Park” Zone

The Chair opened the public hearing at 5:51 p.m.

Jack Dodge provided a PowerPoint presentation and reviewed the proposed amendments as follows:

Methodology to Measure Deciduous Trees

The City now uses the Forestry standards to measure the caliper of trees (currently 4’ from the base at the time of planting). The proposed amendment would use the American Standard for Nursery Stock (ANSI) standard used by the American Nursery & Landscape Association (currently 6” from the base at the time of planting). Using the new standard would allow property owners and developers to purchase trees at a lower cost.

• **15.14.040 General Landscape Requirements**

Deciduous trees shall have a diameter (caliper) of at least 2 ½” as measured according to the ANSI standard, at the time of planting.

- **15.14.130 Street Landscaping**

The methodology to measure street trees shall be the ANSI standard.

Utility Substations

Utility substations would be allowed as a conditional use in the Park zone, applicable only to water and sewer pump stations.

This amendment was developed at the request of Highline Water District, who is proposing to locate a water treatment pump station on property currently zoned Park; it is important that the water be properly treated in a timely manner before being pumped to the public.

Discussion was held about the utility substation amendment; the methodology change for measuring trees, particularly the need for consistency within the Code, and that using the proposed standard would result in virtually the same size trees as currently required; the fact that planting 2 ½” trees in commercial developments are less likely to be vandalized; and availability and costs associated with tree size requirements.

B. Public Hearing and Possible Recommendation to City Council on Proposed Zoning Code Amendments regarding the Method to Measure the Caliper of Deciduous Trees and Allowance of Utility Substations in the “Park” Zone

Earl Gipson, 17050 51st Avenue South: Mr. Gipson believes the change to the method of measuring trees makes a huge difference in cost to developers and private property owners, and he doesn't feel like driving all over the city to locate trees of the required size. Further, after working on the tree retention ordinance for two years, now a Determination of Nonsignificance (DNS) has been issued combining the measurement change with allowing utility substations in a Park zone. He disagrees with this approach, the two issues are unrelated and should have been kept separate. The way the DNS is written, utility substations would be allowed in all City parks, and is incorrect in indicating that a Conditional Use Permit would limit this use. Therefore, Mr. Gipson has appealed the DNS.

Mr. Gipson stated that he felt City staff was hiding something from him. Commissioner Lucas responded that bringing up personal issues about staff was inappropriate. Mr. Gipson said this should not be discussed here. Commissioner Lucas then stated it should be discussed here, period.

Jack Dodge explained that, according to state law, a legislative body cannot take action until all appeals are resolved, so the methodology and utility substation issues would not be forwarded to the City Council until the appeal is heard by the City's Hearing Examiner, and a decision is made.

A motion was made, seconded, and unanimously passed to postpone a recommendation until the appeal has been resolved.

Tom Rousch, 21010 International Boulevard: Mr. Rousch indicated that ½” either way on the size of trees was not particularly significant, but 2” trees would be cheaper (particularly when planting 100 or 200 trees), and 2 ½” at 4’ trees are hard to find. He believes trees are more subject to being hit by cars than by vandalism.

Mr. Dodge explained that the Public Hearing Notice that was published in the Seattle Times for this hearing did separate the issues, but since the determination of impacts was the same for both items, one notice was submitted in the interest of economy

At 6:12 p.m., the Chair continued the public hearing to a future date.

Legal staff will be consulted about whether or not the utility substation code amendment could be applied to just one site.

4. New Business:

A. Briefing on SeaTac’s Recent Economic Development Activities by Jeff Robinson, SeaTac’s Economic Development Manager

Jeff Robinson provided a PowerPoint presentation, and stated that the goals and objectives of economic development activities are centered around improving the quality of life in the community, attraction and retention of quality family-wage jobs, augmentation of our tax base, encouraging private investment, continuing to improve the image and identity of SeaTac, to promote tourism, and assist local hotels in attracting more guests.

- **Real Estate Development**

The City is involved in: (1) An interdepartmental process to implement station area plans; (2) Research of entertainment districts to determine “best practices” available; (3) Hiring a consulting firm to do a retail and entertainment market study in the Airport/City Center station area; (4) Meeting with property and business owners in both the Airport/City Center and South 154th Street Station areas to determine interest in redevelopment; (5) Working with the Port of Seattle to develop direction and development concepts for Port-owned property; (6) Tracking property for sale or lease in SeaTac, and providing pertinent information and resources to prospective businesses and developers. Recruiting new business and retaining existing business is a high priority.

- **Tourism**

Mr. Robinson staffs the Hotel-Motel Tax Advisory Committee that advises the City Council on the expenditure of approximately \$1 million in annual revenue generated by the City’s lodging tax.

- **Image and Communications**

In 2008, the City launched its “Everywhere’s Possible” branding campaign in numerous local and regional venues, and staff works regularly with the Southwest King County Economic Development Initiative group to market Seattle Southside.

Discussion was held about providing the Commission with an update on the new 30th Avenue project in the Airport/City Center Station area; the City’s return-on-investment figures (100% of economic marketing is paid by hotel/motel revenue); SeaTac partnering with regional economic development organizations and other jurisdictions in terms of how we could serve the larger community. It was also suggested that a “brand” such as “Northwest Gateway” or “Portal to the Northwest” be used to encourage people coming into the City via the airport to stay and spend time in SeaTac.

Mr. Robinson stated that the City does use “Portal to the Northwest” in its literature, and that “Everywhere’s Possible” is possible right here in SeaTac due to the highly diverse cultural and ethnic communities and businesses within the City

B. Discussion about Comprehensive Plan Amendments Proposed by the Public

Mike Scarey advised that April 24 was the deadline for submittal of 2009 Comprehensive Plan Amendment proposals. Only one was received, from Washington Memorial Park Cemetery, to change the current land use designation of Park to Commercial High Density; if approved, the property would then be rezoned from Park to Community Business. The cemetery is proposing the amendment to facilitate entering into a long-term lease with MasterPark, to expand their Lot C. The affected area is approximately six acres adjacent to the northwest portion of the current Lot C, bordered on the north by South 160th Street, which would be the main ingress/egress point.

Discussion was held about the City allowing more surface parking, and providing the Commission with an estimate of tax revenue that would be generated as a result of this expansion.

C. Initial Discussion about Procedures for the Creation of Administrative Policies (Time Permitting)

This item was tabled.

5. Old Business:

A. Continued Discussion about Major Zoning Code Update

Kate Kaehny advised that a public meeting is scheduled for May 20 to present a draft of all the updates to the public. Tonight’s discussion will focus on completing review of the revised use charts, with some uses being relocated, revised, or deleted, as appropriate. The intent is to ensure that all uses allowed are in line with the defined

purpose of the zone, and to consolidate similar uses or delete those that no longer apply.

Ms. Kaehny provided an overview of revisions made to the residential use charts. Dennis Hartwick then reviewed the revisions to the use charts relative to Neighborhood Business, Commercial, and Industrial zones.

The City has hired a Seattle-based consulting firm to assist staff; exhaustive studies and research has been conducted, with a determination that the trend in planning is toward form-based land use regulations which broaden categories and combine uses with similar land use impacts; the goal being to simplify and provide more flexibility.

Discussion was held about potential effects of changing allowed uses on business and property owners, particularly in terms of financing; uses such as schools, home occupations, and restaurants; auto rental being a separate use from auto dealer/sales, and using the term vehicle rather than auto; the importance of clear, concise definitions for all zoning classifications and the uses allowed within them; and potential impacts of the Code update, particularly the magnitude of content changes and the reasons for them. A map was requested that compares SeaTac's zoning with that of adjacent jurisdictions.

Commissioner Dantzler requested a meeting with staff to further discuss the ABC zone. He would also like to make a presentation to the Commission at the next meeting.

Chair Forschler was concerned with the amount of changes presented. He thought the purpose of this was clean-up.

An issue regarding accessory dwelling units in the Residential Medium zone was raised. The Commission felt they should be permitted. Staff wasn't sure if this was a change or not, and would look into it.

B. Continued Discussion about Shoreline Master Program Update

Jack Dodge reported that a second open house was held on April 22, and attended by approximately 40 people, with most questions centering around single-family development, piers, docks, bulkheads, removal of invasive weeds, beach maintenance, and storm water. (The Commission asked to be provided with this information.)

The Citizen's Advisory Committee (CAC) has been meeting twice a month to meet a June 30 deadline for submittal of a completed draft Shoreline Master Program document to the Department of Ecology.

Chapters three through eight will be reviewed by the Commission; chapters three and four are scheduled for review on May 11. Representatives from the CAC will be invited to provide input and answer questions.

6. Detailed Commission Liaison's Report:

Commissioner Chapin attended the last City Council meeting, and advised that discussion was held about raising permit fees, some quite substantially. The Council agreed that review of road widths would be a future agenda item.

Discussion was held about the current economic climate, and what steps the City could implement to ensure minimum impact to citizens and developers.

7. Planning Director's Report:

Jack Dodge reported that the City Council will hold a public hearing on Tree Retention regulations at their April 28 meeting. Discussion was held about the presentations relative to the staff and Planning Commission recommendations.

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

Commissioner Lucas related a scenario in another jurisdiction whereby SeaTac could possibly use parking tax revenue to hire consultants to assist in procuring federal stimulus monies to complete the SR509 extension.

Discussion was held about changes made to the staff's tree retention recommendation without prior Commission review, particularly the issue of removing one tree per year, and minimum tree caliper requirements. Jack Dodge explained that the staff recommendation would allow removal of one tree per year without mitigation, but that did not change the underlying requirement for a minimum of three trees per lot.

It was suggested that a public hearing be scheduled on the creation of administrative procedures before the Commission proceeded with an in-depth review, possibly a roundtable stakeholders meeting.

9. Adjournment:

The meeting was adjourned at 8:30 p.m.

PLANNING COMMISSION
Minutes of May 11, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Al Torrico, Senior Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

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

2. Approve Minutes of April 27, 2002, Meeting:

Commissioner Lucas stated that he wanted an exchange between himself and Earl Gipson that occurred at the last meeting put on the record. Mr. Gipson stated that he felt City staff was hiding something from him. Commissioner Lucas responded that bringing up personal issues about staff was inappropriate. Mr. Gipson said this should not be discussed here. Commissioner Lucas then stated it should be discussed here, period.

3. New Business:

A. Initial Discussion about the Preliminary Docket of Comprehensive Plan Amendments

Kate Kaehny briefly reviewed the seven proposed Land Use Plan Map amendments, and the nine proposed text amendments that make up this year's Preliminary Docket. The tentative review and approval schedule is as follows:

- July 13 – Planning Commission recommendation on Preliminary Docket amendment proposals to be carried forward onto the Final Docket
- July 28 – City Council action to adopt the Final Docket
- October 26 – Planning Commission public hearing
- November 24 – City Council action to adopt the 2009 Comprehensive Plan amendments

Discussion was held about the proposed amendment to move the Urban Center boundary and related Comprehensive Plan designation and zoning compatibility issues, particularly those related to the Port and the Interlocal Agreement. Commissioner Lucas stated he disagrees with closed negotiations between the Port and the City. Steve Butler explained that the Commission bylaws were recently amended to allow for their future involvement.

Discussion was held about the proposed amendment for a land exchange between the City and Highline Water District. Concern was raised about notification of adjacent

property owners, and a related proposed Zoning Code amendment to allow utility substations as a conditional use in urban low density zones.

In answer to a question about potential soil contamination, Roger McCracken stated that, years ago, the site was brought into compliance with EPA regulations. Recently, EPA changed its regulations, reopened the case, and is requesting additional testing and contamination monitoring; some will be conducted on the site MasterPark is proposing to lease from Washington Memorial. On a separate note, Mr. McCracken estimated that tax revenue generated for the City on a 1000 stall expansion would be approximately \$500,000.

Cameron Smock from Washington Memorial Park provided background information and expressed his support for this proposal. Ingress and egress issues are still being negotiated with the Port.

Commissioner Dantzer recused himself to eliminate the appearance of a conflict of interest on the proposed amendment submitted by Washington Memorial Park.

B. Initial Discussion about Procedures for the Creation of Administrative Policies

It was suggested that a stakeholder's meeting be held on this issue just prior to a 5:30 p.m. Commission meeting.

C. Discussion about Updating SeaTac's Critical Areas Maps

It was suggested that the City conduct a formal study to define critical aqua recharge areas within its boundaries.

4. Old Business:

A. Continued Discussion about Major Zoning Code Update

Kate Kaehny advised that current Planned Unit Development (PUD) regulations are difficult to understand, complicated, rarely used, and do not reflect current best practice. Therefore, the chapter has been divided into one section for single family zones (RPUD), and one section for commercial and multifamily zones (PUD). Tonight's discussion will focus on RPUD regulations designed to maintain the character and scale of single family neighborhoods, allow development of land with physical constraints, create and preserve open space, provide infrastructure, and encourage quality infill development.

Dennis Hartwick provided a PowerPoint presentation and reviewed the details of the proposed new regulations that will allow modifications relative to density, permitted uses, and development standards. He pointed out that retail and commercial would be allowed as part of an RPUD development if located on a principal or minor arterial.

Discussion was held about how the Commission's RPUD review may dovetail with future review of overall road widths, and examples of how other jurisdictions handle planned unit development issues and regulations.

As requested, staff provided the Commissioners with zoning maps of adjacent jurisdictions.

B. Continued Discussion about Shoreline Master Program Update

Al Torrico provided a matrix for discussion, and reviewed Citizen's Advisory Committee recommendations regarding Chapters three and four as follows:

CHAPTER 3 Goals of the Shoreline Management Program

- Economic Development Element – No changes
- Public Access Element
 - Goal 2 - Add language to define “public access”, specifically that access to the lake would only be from public right-of-way
 - Policy 2.1 – Specify difference between utility easements and public access
- Recreational Element
 - Policy 3.2 - Add language focusing on the use of public property to develop trail connections
- Circulation Element
 - Policy 4.2 – Clarify intent of policy, strong emphasis on not wanting public access to the lakefront from private property
 - Policy 4.3 – Delete
- Conservation Element
 - Policy 5.1 – Add clarification language to support ordinary maintenance and invasive weed removal
- Shoreline Use Element – No changes
- Historic, Cultural, Scientific and educational Element
 - Policy 7.2 – Delete
- Flood Hazard Management Element – No changes

CHAPTER 4 – General Shoreline Policies and Regulations

- Archaeological and Historic Resources – No changes
- Environmental Impacts – No changes
- Public Access and Recreation
 - Policy 5 – Delete
 - New Policy 5 – Short plats would not be required to provide public access to the lake
- Vegetation Conservation
 - Policy 10 – Delete
 - New Policy 10 – Ensure noxious weed control and general maintenance would not require permits
- Water Quality, Stormwater, and Non-Point Pollution
 - This section may be edited down to one policy and various regulations

Additional chapters will be reviewed and discussed at future meetings.

C. Continued Discussion about Existing Tree Retention Covenants

Steve Butler stated the Commission was provided with an example letter that would be sent to the King County Assessor's Office authorizing the expiration of covenants; the specific contents of the letter will be based on what the Council ultimately adopts.

5. Detailed Commission Liaison's Report:

Commissioner Forschler attended the May 7 LUP meeting, and reported that discussion was held about the City's code enforcement program. He reiterated the Commission's recommendation for an ombudsman; possibly a volunteer, a committee of volunteers, or the Planning Commission acting as interim body until a final decision is made. Discussion was held about whether or not the City Council clearly understood the need, the prevue of the Hearing Examiner, and successful ombudsman programs in other jurisdictions.

The May 7 LUP agenda also included a presentation on the Major Zoning Code Update, the proposed Segale project in Tukwila, difficulties with recycling bins in the parks, and a presentation on growth targets.

A lengthy discussion was held about tree retention regulations, particularly regarding language in the agenda bill and supporting ordinance to be presented to Council for possible action on May 12. Commissioner Forschler believes the Planning Commission recommendation, staff recommendation, and Daryl Tapio's recommendation should all be presented; he reviewed two agenda bills and supporting ordinances he created.

Further discussion was held about whether or not it was appropriate for the Commission to consider amending their recommendation based on public testimony taken at a Council meeting; preparation of additional documents for presentation to the Council on May 12; whether or not the City Council has sufficient documentation and information to take action on this issue; and the current Planning Commission recommendation not being an accurate reflection due to attempts at a compromise with staff.

A motion was made and seconded to direct staff to prepare two ordinances, one containing the staff recommendation and one containing the Planning Commission's current recommendation for presentation to the City Council. The vote carried, three in favor and two opposed.

A motion was made and seconded to direct staff to prepare a third ordinance for presentation to the Council that reflects the recommendation of the two dissenting Commission votes (remove all existing administrative policies related to tree retention, release all tree covenants on single family properties, and create an annual tree planting event). The motion carried, four in favor and one opposed.

Steve Butler asked for two points of clarification: (1) Whether or not the Commission needed additional discussion to clarify the issue of removing all existing administrative policies related to tree retention; and (2) That recommendations to be presented to Council will include the staff recommendation, existing Planning Commission recommendation (majority report), and new Planning Commission recommendation (minority report).

6. Planning Director's Report:

Steve Butler advised that the next Planning Commission meeting is scheduled for June 8. A presentation on the 30th Avenue project is tentatively scheduled for June 22; it was suggested that a public hearing or stakeholder's meeting be scheduled as soon as possible. A joint meeting between the Commission and Council will be scheduled sometime in July or September.

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

None.

8. Adjournment:

The meeting was adjourned at 8:45 p.m.

PLANNING COMMISSION
Minutes of June 8, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Al Torrico, Senior Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner; Mark Johnsen, Senior Assistant City Attorney; Susan Sanderson, City Engineer

1. Call to Order:

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

2. Approve Minutes of May 11, 2009 Meeting, and Discuss Requested Revisions to Minutes of April 13, 2009 and April 27, 2009:

On page two, last paragraph, last sentence, the spelling of principle will be changed to principal.

A motion was made, seconded, and unanimously passed to recommend approval of the May 11, 2009 minutes as amended.

Mark Johnsen advised that the Planning Department had requested a clarification regarding amending Planning Commission meeting minutes. His recommendation was that, in situations where significant additions or deletions to statements made by Commissioners were being requested, it would be appropriate to direct staff to listen to the original recording and make a determination about accuracy, have a member of the Commission listen to the recording, or request a verbatim transcript of the statement(s) in question. If the correction is minor, it may be sufficient to have it simply identified as part of approving the minutes at the next meeting. If the correction is significant and has been verified, it will also be recorded in the approval of minutes section, but the correction(s) would also be made to the language of the minutes in question.

Minutes from previous meetings that have not been approved will be provided in the June 22 packet.

3. New Business:

A. Presentation on City's Proposed 2010-2019 Transportation Improvement Program (TIP) by Susan Sanderson, City Engineer

Susan Sanderson stated that the annual TIP process is essential for growth management financial planning, and to ensure a comprehensive, coordinated transportation system. The Growth Management Act requires a Transportation Element in the City's Comprehensive Plan which includes a ten year forecast, the City

prepares its TIP accordingly (state law requires six years). The City coordinates both internally, and externally with appropriate jurisdictions and agencies. This item is tentatively scheduled for a public hearing and Council action on June 30. Ms. Sanderson reviewed 2010 and 2011 projects as follows:

2010

- Annual Commute Trip Reduction, Citywide Pedestrian Program, and Street Overlays
- ST-155 SeaTac/Airport Transit Station Area Infrastructure Phase 1
Construct a new north/south 30th Avenue between International Boulevard and 32nd Avenue South, and construct a new east/west street from IB to the new 30th Avenue South. Install traffic signal, utilities, and amenities
- GE-037 Transportation Plan Update
Conduct study to evaluate transportation network without SR509 extension
- ST-848 Westside Trail Phase II
Extend bicycle/pedestrian trail along the east side of Des Moines Memorial Drive South from South 156th Street to the City limits at SR509
- ST-130 South 154th Street (24th Avenue South to 32nd Avenue South)
Reconstruct and widen roadway as necessary
- MP-842 Rental Car Facility Access Ramp (Port of Seattle)
A new one-lane ramp from South 160th Street northbound to North Airport Expressway
- MP-847 South 160th Street & International Boulevard (Port of Seattle)
Widen South 160th Street to five lanes to accommodate the rental car facility
- MP-035 Des Moines Creek Trail Phase 2 (Beach Park to 14th Avenue South) (City of Des Moines)
- ST-131 24th Avenue South Phase 2 (City of Des Moines)
Construct a four to five lane urban arterial
- ST-132 South 216th Street (City of Des Moines)
Construct a four to five lane urban arterial
- ST-125 South 154th Street Transit Station Area Infrastructure Improvements
Reconstruct pavement and widen existing roadways, build new streets as necessary

2011

- Annual Commute Trip Reduction, Citywide Pedestrian Program, Street Overlays
- ST-142 South 152nd Street (Military Road to International Boulevard)
Construct right turn lane, curb, gutter, sidewalk
- ST-065 Des Moines Memorial Drive at South 200th Street
Widen to provide left and right turn lanes
- ST-144 I-5 to SR509 Interim Trail
Construct an interim shared-use trail within the SR509 extension right-of-way
- ST-122 Military Road South from South 160th Street to South 176th Street
Reconstruct roadway

Discussion was held about project ST-155; particularly concerns about traffic impacts, the City's use of its funds to purchase right-of-way, and potential outside funding sources.

Ms. Sanderson explained that the City would not move forward with the purchase of right-of-way without a private development partner. Steve Butler was asked to prepare a list of concerns based on tonight's discussions, to be reviewed by the Commission at their next meeting, and then forwarded to the City Council.

4. Old Business:

A. Continued Discussion about Existing Tree Retention Covenants

Mark Johnsen advised that the Planning Department would be compiling a list of all currently active tree retention covenants within the City. It is his recommendation that this information be reviewed by the City Council prior to their taking any action on this issue. The Commission requested they be provided with the information as well.

B. Continued Discussion about the Preliminary Docket of Comprehensive Plan Amendments

Mike Scarey addressed questions raised at the last meeting, and briefly reviewed the proposed text amendments as follows:

Map Amendment #A-1 – Move the Urban Center line to the west side of 28th/26th Avenue South at South 200th Street. Rezone one Port parcel from AVO to AVC.

- Discussion was held about whether or not it was appropriate to review other properties in this area for possible modification to provide equitable, consistent, compatible land uses.

Map Amendment #A-2 – Amend the designations of the parcels involved in the exchange of land between the City and Highline Water District.

- In conformance with the City's noticing requirements, adjacent property owners were invited to attend a public meeting and provide their input; no opposition was expressed.

Map Amendment #A-3 – Amend the designation of the area of Washington Memorial Park (approximately 6 acres) that will be leased to MasterPark for the purpose of expanding the MasterPark Lot C.

- The City's finance director estimated the proposed additional 1000 parking stalls would generate approximate \$115,000 in tax revenue for the City.

Text Amendment #1 – Amend Policy 1.7 in the Land Use Element to specifically state SeaTac's support for three light rail transit stations in the City: TIB Station, SeaTac/Airport Station, and South 200th Street station.

Text Amendment #2 – Amend the Introduction to add a statement to specify Subarea Plans are a component of the Comprehensive Plan: The City Center Plan, the South 154th Street Station Area Action Plan, and the SeaTac/Airport Station Area Action Plan are all adopted Subarea Plans.

The schedule has been modified slightly, the Commission will be asked to make a recommendation on which proposals should be moved forward onto the Final Docket on June 22. The City Council will take action on establishing the Final Docket on July 14.

C. Continued Discussion about Major Zoning Code Update [including a presentation by Planning Commissioner Tom Dantzler about Aviation Business Center (ABC) Zone background]

Commissioner Dantzler made a presentation outlining the history of how the Aviation Business Center zone was initially studied and created.

In the late 1980's, a group of area property owners began working together to determine how best to develop the approximately 200 acres just south of the airport. Numerous studies were conducted; the results indicated the most appropriate uses would be trade, training, transportation, tourism, and technology.

The Aviation Business Center zoning was established to facilitate high quality, large-scale developments, with various bonuses available to stimulate development such as extra density if mobile home parks were relocated, 75%-85% lot coverage, no setbacks or floor area ratio constrictions, and no height limits except those required by the FAA. The property owners formed an LID, and were assessed at \$5 a square foot, to fund infrastructure to accommodate the envisioned development. The Port of Seattle opted out, and was assessed at approximately \$.50 a square foot. Unfortunately, light rail and the SR509 extension were delayed, and the anticipated development of the area has yet to be realized.

As part of the Zoning Code update, discussions have been held about changing the ABC zoning. Impacts to the property owners who have invested so much would be catastrophic, particularly in terms of available infrastructure capacities that would be consumed by others, and no longer available to those who paid for it. Further, a change could potentially limit square footage allowances currently in place.

Dennis Hartwick reported that it has been determined that the ABC zoning will not be changed. However, continued discussion will be held about designating areas north of 204th Street for retail, condominium, and office tower; areas south of 204th Street would be designated for warehouse and distribution center use.

Discussion was held about the Port being allowed more flexibility in developing their properties along 28th/26th Avenue; and contacting property owners in other parts of the City who may be negatively impacted by the proposed changes to the Zoning Code.

D. Continued Discussion about Shoreline Master Program Update (including the draft shoreline modification policies and regulations)

Al Torrico introduced David Pater, Department of Ecology, who has been assisting the City with its update. Mr. Torrico then reviewed Chapter 7, Specific Shoreline Modification Policies and Regulations. Shoreline modification activities are those actions that modify the physical configuration of qualities of the shoreline area for a permitted shoreline use. The Shoreline Master Program Update Citizen's Advisory Committee has reviewed this chapter, their recommendations have been integrated.

The following items were reviewed and discussed:

- **Table 3 Shoreline Modification**
What shoreline activities are permitted, conditional, or prohibited
- **Clearing and Grading**
This section is consistent with existing City regulations
- **Shoreline Stabilization**
Actions taken to address erosion impacts to property
- **Dredging**
Removal or displacement of earth or sediments
- **Fill**
Placement of soil, sand, earth retaining structure, etc. that raises elevation or creates dry land
- **Overwater Structures: Piers, Docks, Floats and Buoys**
Piers and docks about the shoreline, floats and buoys are anchored off-shore

Discussion was held about permitting requirements, including fees and timelines, for installation of a new dock or maintenance of an existing dock; involvement by other agencies; creating informational brochures to guide the applicant through the various processes and permitting requirements; the CAC's comments and recommendations on the various policies and regulations, and ensuring that all affected residents are supportive of proposed changes to current regulations; and regulating and policing responsibilities on the lake itself.

David Pater commended the City on its public outreach. DOE has not yet formally reviewed the SMP update, but will do so before it is presented to the City Council.

E. Discussion about Joint City Council/Planning Commission Workshop Topics

Steve Butler distributed a list of suggested issues for Planning Commission review compiled by the City Councilmembers. This list was prepared at the request of the Commission to ensure that issues coming before them are a priority to the Council.

It was suggested that topics the Commission wished to address outside their normal prevue be taken before the Land Use & Parks Committee, and then to full Council for approval. Establishing a process would be a good discussion item for the joint City Council/Planning Commission session scheduled for July 14. The Commission was asked to bring forward proposals for additional agenda items.

5. Detailed Commission Liaison's Report:

Commissioner Forschler reported that the City Council approved tree retention regulations at their May 12 meeting; however, what they adopted was not the Planning Commission recommendation nor the staff recommendation. At the following City Council meeting on May 26, Commissioner Forschler was asked to read a statement voicing citizen concerns regarding the amended tree retention regulations the Council adopted.

Commissioner Lucas reiterated his concerns about directing statements against City staff.

6. Planning Director's Report:

Steve Butler advised that the next Planning Commission meeting is scheduled for June 22. The City Council has changed the date of their next regularly scheduled meeting to June 30.

The 6/11/09 LUP agenda has recently been updated to include proposed amendments to two separate development agreements. These proposals will come before the Commission on June 22.

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

None.

8. Adjournment:

The meeting was adjourned at 8:53 p.m.

PLANNING COMMISSION
Minutes of June 22, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Roxie Chapin

Staff Present: Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Al Torrico, Senior Planner; Kate Kaehny, Associate Planner; Mark Johnsen, Senior Assistant City Attorney

1. Call to Order:

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

2. Approve Minutes of June 8, 2009 and Review Requested Revisions to Minutes of April 13, 2009 and April 27, 2009:

June 8 Minutes: At the top of page four, language will be amended to state, “.....presentation by Commissioner Tom Dantzer....”. At the top of page six, language will be amended to state, “.....concerns regarding directing statements against City staff.” Also on page six under Planning Director’s Report, language will be amended to state, “...City Council has changed the date of their next regularly scheduled meeting.....”. A motion was made, seconded, and unanimously passed to approve the minutes of the June 8, 2009 meeting as amended.

A motion was made, seconded, and unanimously passed to approve the minutes of the April 13, 2009 meeting as presented.

A motion was made, seconded, and unanimously passed to approve the minutes of the April 27, 2009 meeting as presented.

3. New Business:

A. Presentation on a Proposed Amendment to the Development Agreement between the City of SeaTac and L&R Development, Inc. regarding Extension of Specific Timelines

Mark Johnsen advised that L&R Investment Company is requesting an amendment to their existing development agreement with the City, a one year extension to November 30, 2011. The extension will provide additional time to fund and construct the project. The Land Use & Parks Committee reviewed this issue on June 11; it is scheduled to go before the City Council on June 30.

Ann Lawler, attorney for L&R, stated that they anticipate the project would be funded and construction would begin sometime this summer.

A motion was made, seconded, and unanimously passed to recommend approval of the development agreement amendment as presented.

B. Presentation on a Potential Amendment to the Development Agreement between the City of SeaTac and K&S Development, Inc. regarding Changing the Requirement for a “Starbuck’s” Retail Establishment

Mark Johnsen advised that K&S Development has requested an amendment to their existing development agreement with the City. The agreement specifically requires that a “Starbuck’s” be open and operating on the corner of South 154th Street and International Boulevard by February, 2010. Due to the economic downturn, Starbuck’s pulled out of the project; K&S is requesting a one year extension to locate an alternate tenant to occupy the space (a list of potential coffee stores will be provided to the City). No changes to the building design or footprint are being requested. This issue was reviewed by the Land Use & Parks Committee on June 11.

4. Old Business:

A. Continued Discussion about the City’s Proposed 2010-2019 Transportation Improvement Program (TIP)

A document outlining concerns expressed by individual Commissioners at their last meeting regarding the SeaTac/Airport Transit Station Area Infrastructure Phase One Project was discussed; particularly funding sources, and potential impacts to affected private property owners

B. Continued Discussion about Major Zoning Code Update

Kate Kaehny reviewed new proposed changes to the Aviation Business Center (ABC) zone as follows:

- North of S. 204th Street uses allowed: Transit and pedestrian oriented development, office, hotel, mixed use residential
- South of S. 204th Street uses allowed: Office, distribution center/warehouse, limited light manufacturing

Discussion was held about car rental/sales/dealerships (would be allowed in the southern portion only); and park and fly parking which would be allowed in both sections, but must be sited in structures in the northern section.

At their next meeting, the Planning Commission will review station area and City Center overlays (standards), and development incentives. A public meeting to review these issues will be scheduled for the fall. Review of the remaining Zoning Code updates, and a final public meeting will be held in September and October. A public hearing before the City Council and Council action is anticipated in November.

Discussion was held about the Commission hosting a stakeholder's meeting; identifying properties that will become nonconforming as a result of zoning updates, and how best to notify affected property owners.

C. Continued Discussion about the Preliminary Docket of 2009 Comprehensive Plan Amendments, including Planning Commission Recommendation to Council about Establishing the Final Docket

Mike Scarey began the discussion by reiterating that all amendment proposals submitted created the Preliminary Docket. Tonight, the Commission will be asked to make a recommendation to the City Council as to which proposals should be moved forward onto the Final Docket for further review. The City Council is scheduled to establish the Final Docket on July 14. A public hearing before the Commission is tentatively scheduled for October 26, followed by a Commission recommendation regarding adoption of the 2009 Comprehensive Plan amendments on November 9. Council action is tentatively scheduled for November 24.

Mr. Scarey outlined map and text amendments not previously reviewed by the Commission as follows:

SeaTac/Airport Station Area Plan/Subarea Plan Amendment #1 (Formerly part of Text Amendment #3)

- Modify the concept plan to remove the pedestrian connection to Bow Lake

Land Use Background Report, Text Amendment #3 – Update related to Map Amendment #5 (Amendments to the Land Use Plan Map related to the major Zoning Code update)

- Residential Medium Density designation will include UM-3600 and UM-2400
- Residential High Density designation will include UH-1800 and UH-900
- Create a new Residential High-Mixed Use designation (RH-MU). This will correspond to the UH-UCR zone (proposed to be renamed to RH-MU as part of the major Zoning Code update).
- Create a definition for the Townhouse designation

Map Amendment B-2 – Amend Map 8.1 “Wetland and Stream Classifications” with current information

- Based on input from the Commission, an internal administrative process has been developed to post an updated map to the City's website as new information is received.

Earl Gipson requested that Map Amendment B-2 be stricken from the docket until a method to identify affected properties and notify owners has been developed.

Discussion was held about the City's process for updating the map through the permitting process, and that property owners within 1000' are notified when the City publishes both the Notice of Application and the SEPA determination. It was

suggested that, on the City's website, permitting information be included as the map is updated for clarification.

Staff is recommending that all Preliminary Docket proposals be forwarded onto the Final Docket with the exception of Text Amendment #9, Develop a Sustainability Element, which has been postponed per City Council direction.

A motion was made, seconded, and unanimously passed to recommend that all Preliminary Docket proposals be forwarded onto the Final Docket except Text Amendment #9.

D. Continued Discussion about Shoreline Master Program Update (including the draft shoreline modification policies and regulations)

In answer to a question from the last meeting, Al Torrico reported that years ago, King County set the speed limit on Angle Lake at eight miles per hour (six knots). The local police department is the primary enforcement agency, but the majority of enforcement is handled by the residents as it is an issue only a few times a year. Many residents have speed limit signs posted on their docks.

Tonight's discussion will focus on chapters five and six, which have been reviewed by the Citizen's Advisory Committee, their recommendations are incorporated. Mr. Torrico reviewed the chapters as follows:

Chapter 5 – Shoreline Environments

Shoreline Designations

- Shoreline designations were created to encourage development that will enhance the present or desired character of the shoreline: High Intensity, Medium Intensity/Urban Conservancy, Shoreline Residential, Urban Conservancy, and Aquatic
- Angle Lake Park and the Hughes property will have two designations e.g., from the ordinary high water mark 100' landward will be urban conservancy, the second 100' will be medium intensity (all other shoreline designations remain unchanged).

Building Height

- Shoreline Residential - maximum 30'
- Medium /High Intensity - 35' to a maximum of 55' (to be allowed the maximum height, the applicant must submit a view corridor study)
- Urban Conservancy – 35'

Shoreline Setback (may be reduced by implementing voluntary enhancements)

- High Intensity/Shoreline Residential - 75'
- Urban Conservancy/Medium Intensity – 100'

Maximum impervious surface coverage, and minimum lot widths are also identified.

Earl Gipson expressed concern about notification to property owners whose properties may become legal nonconforming through this process.

Chapter 6 – Shoreline Use Provisions

Governs specific categories of uses and activities as follows: Agriculture, Aquaculture/ Boating facilities, Commercial Development, Forest Practices, Manufacturing Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific/Historical/Cultural/Educational Uses, Transportation, and Utilities. Mr. Torrico also reviewed Table 1, permitted uses in the various designations.

At their next meeting, the Commission will review Chapter 8.

E. Continued Discussion about Joint City Council/Planning Commission Workshop Topics

Discussion was held about a document outlining Planning Commission standard and non-standard duties, particularly Council approval to undertake non-standard duties. It was suggested this would be an appropriate discussion item for the Joint City Council/Planning Commission workshop scheduled for 5:00 p.m. July 14.

F. Quarterly Review of 2009 Planning Commission Goals

No changes were requested.

5. Detailed Commission Liaison's Report:

Staff was asked to provide literature from a presentation the City of Des Moines made at the June 11 Land Use & Parks Committee meeting. The Commission requested information regarding the Burien City Center project, and Tukwila Village.

6. Planning Director's Report:

Jack Dodge advised that the City commented on the Mitigated Determination of Nonsignificance issued by the City of Des Moines regarding the SCORE misdemeanor facility, specifically regarding screening of residential properties in SeaTac, fire coverage, and traffic mitigation fees. The Commission requested they be provided with a copy of the comment letter.

7. Planning Commission Comments (including suggestions for next meeting's agenda and review of the Planning Commission's three month work schedule)

None.

8. Adjournment:

The meeting was adjourned at 8:15 p.m.

PLANNING COMMISSION
Minutes of July 13, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Rick Lucas, Tom Dantzler,
Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner;
Mike Scarey, Senior Planner; Al Torrico, Senior Planner

1. Call to Order:

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

2. Approve Minutes of June 22, 2009, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the June 22, 2009 meeting as presented.

3. New Business:

A. Discussion about Updating SeaTac's Critical Areas Maps

Concerns have been raised about the wellhead protection/critical aquifer recharge areas and how they're defined, identified and protected within SeaTac.

The City's current ordinance was sent to the Washington State Department of Community, Trade & Economic Development (CTED) for review and comment; the response was that the City's ordinance is adequate in some respects, but that the ordinance should also be forwarded to the Department of Ecology (DOE). The response from DOE included the following: (1) Work with water suppliers to develop a protection plan; (2) Designate categories of critical aquifer recharge areas, such as one category for wellhead protection areas and a second category for the rest of the City; (3) SeaTac's ordinance is indefinite, a Growth Management Hearings Board decision explained that ordinances can't be so vague that they can't be enforced; and (4) If the City were more specific with mapping and designation of critical aquifer recharge areas (Redmond has a good program of categorizing using parcel outlines), it would be helpful to the City, the development community, water suppliers, and the citizens.

Jack Dodge advised that SeaTac has access to information from the Seattle Public Utility on their wellheads within SeaTac, including an assessment of potentially hazardous activities nearby. The City does not currently have any maps of substrata as to vulnerability of wellhead or aquifer recharge areas, this would require an extensive and expensive geotech study.

Discussion was held about who should pay for the mapping of wellheads/critical aquifer recharge areas within SeaTac, and any grant monies that may be available to offset those costs; to what level of detail should mapping be done, and potential corresponding costs; using

existing King County and water district maps; the City's obligation to provide general or finite information; applicable permitting requirements; potential impacts on property values; apparent wetlands created as a result of poor storm water management; what the "umbrella" of critical areas includes (wellhead protection, aquifer recharge areas, wetlands, steep slopes, etc.); and all critical areas within the City being identified on one map.

Steve Butler explained that staff would prepare a budget proposal distinguishing costs between mapping wellhead protection areas only, and mapping wellhead protection areas and critical aquifer recharge areas. The Growth Management Act does not mandate providing ultimate authoritative information on critical areas on every property within SeaTac; it would be all but impossible. Defining by parcel would be extremely expensive, and require substantial field verification, which means getting permission to go onto private property. At this point, City maps are intended for general information only, and not for decision making.

Jack Dodge stated that the City's sensitive areas regulations specifically state that a wetland created by an inadequately maintained storm drainage system is exempt from critical areas regulations. If staff discover vegetation designated as "wetland indicators" during a site inspection, then a wetland biologist would determine whether or not an actual wetland exists; wetlands can exist for years without being discovered or mapped.

4. Old Business:

A. Continued Discussion about the Proposed final Docket of 2009 Comprehensive Plan Amendments

Mike Scarey advised that Map 1.2 in the Comprehensive Plan outlines the City's preferred light rail alignment and station locations to South 200th Street. Last year, the voters approved funding to extend light rail south to Federal Way. Staff is proposing to add an amendment to the Final Docket as a placeholder to allow staff time to prepare alternative preferred light rail alignments south of South 200th Street.

The City of Des Moines is expressing interest in siting a light rail station on the east side of International Boulevard at approximately South 216th Street; approval by Sound Transit could negatively impact the light rail station currently planned for South 200th Street.

Discussion was held about negotiating with the City of Des Moines to gain their support for SeaTac's South 200th Street station; and the City not making public its preferred route south of 200th Street at this time.

A motion was made, seconded, and unanimously passed to recommend that an amendment regarding expansion of Map 1.2 outlining options for SeaTac's preferred light rail alignment south of South 200th Street be added to the Final Docket of 2009 Proposed Comprehensive Plan Amendments.

B. Continued Discussion about Shoreline Master Program Update (with a focus on Chapter 8)

Al Torrico stated that tonight's discussion would focus on Chapter 8, which establishes the administrative system to assign responsibilities for implementation of the Master Program and shoreline permit review, and to ensure all affected persons are treated in a fair and equitable manner. He reviewed the key elements of the chapter as follows:

Shoreline Exemptions & Shoreline Substantial Development Permits

- Development activities exempt from a Shoreline Substantial Development Permit
- Exempt activities may require variances or conditional use permits, must comply with all development standards in the Shoreline Master Program, and must be narrowly construed
- Shoreline Substantial Development Permits are reviewed by the City and heard before the Hearing Examiner, then sent to the Department of Ecology for filing. The Shoreline Hearings Board reviews all appeals.

Shoreline Conditional Use Permit (CUP)

- Required if the proposed use is listed as a conditional use in Chapter 6, Table 1 of the Draft Shoreline Master Program, or if the document is silent
- Approval criteria includes the proposed use is consistent with RCW policies and the master program, will not interfere with normal use of public shorelines, the design is compatible with other authorized uses within the area, and will cause no significant adverse effects to the shoreline or to public interest
- Local governments must consider the cumulative impacts over time of granting additional permits for like actions in the area
- Heard by the City's Hearing Examiner, appealed to the Shoreline Hearings Board.

Shoreline Variance Permits

- Must meet criteria in state regulations, and be consistent with other environmental and use requirements
- Granted only under extraordinary or unique circumstances relating to the property (justifiable need and extraordinary circumstances must be demonstrated by the applicant)
- The City cannot approve a variance for a use prohibited by other state or local regulations. A variance may be required even if the proposed use is otherwise exempt
- Approval criteria includes: (1) The strict application of standards precludes or significantly interferes with reasonable use of the property; (2) The hardship described specifically relates to the property and is the result of unique conditions; (3) Design is compatible with other authorized uses within the area and will not constitute a grant of special privilege; (4) The variance requested is the minimum necessary to afford relief; and (5) The public interest will suffer no substantial detrimental effect.
- Stricter criteria will apply for developments proposed below the ordinary high water mark or in wetlands.

- The City must consider cumulative effects over time of granting additional permits for like actions.

Discussion was held about upcoming Citizen's Advisory Committee meetings and public meetings; whether or not a public hearing will be held before the City Council or the Planning Commission; and possibly scheduling a joint Planning Commission/Citizen's Advisory Committee meeting.

C. Final Preparations before the Joint City Council/Planning Commission Workshop

Steve Butler reviewed the agenda for the upcoming joint meeting. Regarding a sustainability and climate protection element, the Council has directed that a two phase process be implemented. Phase one would be development of guiding principles to identify the City's direction regarding sustainability (and its definition). In phase two, the City would determine how the guiding principles apply to each chapter of the Comprehensive Plan.

A lengthy discussion was held regarding sustainability and climate protection, and that "sustainability" means different things to different people. It was suggested that the title be changed to Sustainability and Environmental Protection, or possibly Environmental and Sustainability Action Plan. A checklist could also be created for comparison purposes. Discussion was also held about options for an approval process when the Commission proposes to undertake "non-standard" functions and duties. It was agreed that any one of the three options could be used under different circumstances, and that this would be a good discussion item for the joint meeting.

5. Detailed Commission Liaison's Report:

At the July 9 Land Use & Parks Committee meeting, a presentation was made on a one-year park pilot program at Riverton Elementary School to allow flying remote-control electric airplanes and helicopters; the pilot program was recommended for approval.

At their June 30 regular meeting, the City Council approved the City's Transportation Improvement Program. Commissioner Forschler, representing the Commission, reported that the Commission had concerns about funding the new 30th Avenue proposed in the City Center area. He suggested that particular attention be paid to financing, and the possibility of using LIDs.

This issue would come before the Commission again during their review of the Capital Facilities Element as part of the Proposed 2009 Comprehensive Plan Amendments.

Commissioner Dantzler will be attending a SR509 Executive & Steering Committee meeting scheduled for July 16 at 11:00 a.m. in the Council Chambers.

6. Planning Director's Report:

Steve Butler stated that existing tree covenants will be discussed at the Commission's July 27 meeting, the Commission will take summer break during August and return on September 14, and that their September 28 meeting will start at 6:00 p.m. due to a scheduling conflict with the City Council.

A joint meeting between the SeaTac and Tukwila Planning Commissions will be tentatively scheduled for sometime in October.

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

None.

8. Adjournment:

The meeting was adjourned at 7:30 p.m.

PLANNING COMMISSION
Minutes of July 27, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Roxie Chapin

Staff Present: Jack Dodge, Principal Planner; Al Torrico, Senior Planner; Dennis Hartwick, Senior Planner; Kate Kaehny, Associate Planner; Mark Johnsen, Senior Assistant City Attorney

1. Call to Order:

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

2. Approve Minutes of July 13, 2009, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the July 13, 2009 meeting as presented.

3. Old Business:

A. Continued Review and Discussion about Major Zoning Code Update

Dennis Hartwick explained that a separate set of regulations, described as an “overlay”, is being proposed for a portion of the SeaTac/Airport Station Area; the boundaries being South 170th Street, 32nd Avenue South, International Boulevard, and South 176th Street (the remainder of the station area will be subject to City Center regulations). These regulations will be very similar to those developed for the South 154th Street Station area.

Kate Kaehny reviewed the proposed overlay regulations as follows: (1) Drive-throughs will be prohibited; (2) Construction of new internal access roads to break up megablocks; (3) 75% of building frontage must be occupied by uses such as retail or restaurants on designated primary pedestrian-oriented streets, 60% on designated secondary pedestrian-oriented streets; (4) A minimum one story of 18’, along with requirements for upper level setbacks, transparency, and minimum depth/ceiling height for street level non-residential uses; (5) Setbacks of 0’ to 20’, façade treatments, and pedestrian-oriented ground floor uses for parking structures along International Boulevard.

Discussion was held about the City’s goal of providing infrastructure, and encouraging development to create an environment to encourage SeaTac citizens, as well as travelers and commuters, to spend their time and money in SeaTac; potential impacts to developers; and citizen concerns about paying for parking (staff is working on this issue, vendor-validated parking tickets may be an option).

Dennis Hartwick briefly reviewed the proposed public participation schedule, and the proposed schedule of briefings to the City Council and Planning Commission; Council action is anticipated on November 24.

Commissioner Forschler expressed his concerns regarding whether or not businesses currently located within the Business Park zone accurately reflect the City's definition/description. He provided pictures of two existing business sites he believes engage in warehousing and heavy trucking, which would fit more appropriately into the Industrial zone. Commissioner Forschler recommended the language in both zoning categories be reviewed, and possibly amended, to ensure that uses reflect the definition and purpose of the zoning category within which they are located, particularly in terms of impacts to adjacent residential zones.

Jack Dodge explained that design standards for the Business Park zone require truck bays to be screened from adjacent residential zoning by way of building location, fencing, and landscaping. The Business Park zone does not allow trucking terminals where trucks are dispatched or heavy repair work is conducted. Staff is reviewing the current definition of truck terminal, and developing a new definition of a distribution warehouse. Business Park design standards will be amended to ensure that screening and sound insulation are in place to minimize impacts to adjacent residential uses.

B. Continued Discussion about Shoreline Master Program Update (with a focus on the Restoration Plan)

Al Torrico updated the Commission on the review process, including upcoming CAC meetings, and LUP and City Council briefings; Council action is tentatively scheduled for November 3.

Commissioner Forschler expressed the following concerns: (1) Whether or not there were old failing septic systems around the lake (he suggested Midway Sewer District be contacted and the issue reviewed prior to completion of the SMP update process); (2) Bulkheads being replaced with stabilization solutions to improve aquatic habitat; (3) Increased use of low impact development, and incentives for developers to follow "Built Green" checklist guidelines. The Planning Commission may want to incorporate review of these items into their work schedule.

All new development must be hooked into the existing sewer system around the lake. However, there may still be some septic systems serving homes built in the 1930's and 1940's. A sample of lake water taken by a citizen volunteer earlier this summer was tested by King County, results indicated the water quality is exceptional.

Al Torrico explained that the restoration plan is a voluntary document. The Department of Ecology considers it a tool to encourage consideration of the environment and potential impacts as property owners develop and maintain their waterfront. Angle Lake is essentially a closed system with only limited impact within the regional watershed. Mr. Torrico briefly reviewed the restoration plan as follows:

Goals include maintenance/restoration/enhancement of watershed processes, fish and wildlife habitat, and water quality. Overall objectives include decreasing the amount and impact of overwater and in-water structures, reducing populations of non-native aquatic vegetation, and improving the health of the lake shorelines.

The City is a member of a sixteen-city WRIA 9 Forum that developed a plan outlining a number of programs aimed at contributing to the recovery of habitat basin-wide. The restoration plan is an important component of furthering the goals and objectives of the WRIA 9 Plan. The vast majority of Angle Lake shoreline is occupied by single-family residences. Therefore, continued improvement of the shoreline ecological functions will be primarily through a more comprehensive watershed approach combining public education programs and lakefront improvements. Prioritizing actions to restore the shoreline involves balancing ecological goals with site-specific constraints. The hierarchy was developed based on scientific recommendations specific to WRIA 9, potential funding sources, and the projected level of public benefit.

Discussion was held about testing the lake water near stormwater runoff/outfall areas to determine potential pollution issues; and that replacing bulkheads with a more natural shoreline could result in property owners losing property and expending resources without any real environmental benefit (since wave action on the lake is minimal).

A motion was made, seconded, and unanimously passed to recommend the Shoreline Master Program Update be moved forward for City Council review, with amendments to be made, if necessary, based on Citizen Advisory Committee or public hearing input.

C. Continued Discussion about Dealing with Existing Tree Retention Covenants

Jack Dodge reviewed packet materials outlining tree retention covenant information on recorded and unrecorded short plats and subdivisions from 1993 to 2009, and a matrix outlining the pros/cons of requiring/not requiring tree retention covenants on recorded and unrecorded lots containing significant trees with/without homes. Tree covenants recorded as part of a long subdivision cannot be arbitrarily removed, conditions are set by the SEPA determination and/or the Hearing Examiner as mitigation for impacts to adjacent properties.

Mark Johnsen reiterated that covenants attached to subdivisions cannot simply be removed; however, the City Council has more flexibility to remove existing tree retention covenants from finalized, developed short plats. The first step is to determine how many properties would be affected to get an idea of potential ramifications. Procedures may need to be developed to address recorded, undeveloped short plats. Staff will work toward implementation once the City Council has determined a preferred option.

4. Detailed Commission Liaison's Report:

Commissioner Dantzler attended a recent SR509 Steering & Executive Committee meeting. He reported that funding has been diverted to other state projects, but attempts are being made to reinstate the SR509 extension project as a priority on a new list being developed by the Puget Sound Regional Council.

Commissioner Dantzler believes diverting the funds was inappropriate because substantial development within SeaTac, including three essential public facilities, was approved based on the assumption that the SR509 extension would be constructed. This is an important point because, without the SR509 extension, SeaTac surface streets must absorb all the traffic, which may negatively impact SeaTac's concurrency compliance mandated by the state Growth Management Act, as well as creating an undue financial burden on SeaTac residents and businesses.

At the July 28 City Council meeting, a presentation was made on code enforcement. Commissioner Forschler presented the Planning Commission position on the need for an ombudsman. He doesn't believe the Commission was sufficiently updated as changes to the code enforcement procedures were developed. A brief discussion was held about the Planning Commission reviewing and making recommendations on "non-traditional" work items

Commissioner Forschler attended a Tukwila Planning Commission meeting, and stated that a joint meeting may be tentatively scheduled for October 15 or October 22 at Tukwila.

5. Planning Director's Report:

None.

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

Councilmember Ladenburg stated the City Council will likely give direction in the near future regarding tree covenants. Further, he is also concerned about the SR509 extension funding.

7. Adjournment:

The meeting was adjourned at 7:30 p.m.

PLANNING COMMISSION
Minutes of September 14, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

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

2. Approve Minutes of July 27, 2009, Meeting:

A motion was made, seconded, and unanimously passed to accept the minutes of the July 27 meeting as presented.

3. Public Hearing:

A. Staff Presentation on a Proposed Zoning Code Change to Allow Hotels as a Conditional Use in UH-900 Zone within the City Center Overlay, Subject to Certain Limitations

The public hearing was opened at 5:32 p.m.

Steve Butler stated that prospective purchasers of the Cedarbrook Training Facility property would continue to use the facility for corporate training, but need the flexibility to also use it as a hotel. The proposed Zoning Code amendment would allow hotels as a conditional use in the UH-900 zone within the City Center Overlay District subject to the following criteria: (1) Hotels only allowed on UH zoned properties south of South 184th Street; (2) The maximum height allowed is 30'; (3) The maximum number of hotel rooms may not exceed 130; and (4) Conference or meeting facilities may not be expanded. If the proposed amendment is approved, a Conditional Use Permit (CUP) will be required. All adjacent property owners will be notified, and a public hearing will be heard by the City's hearing examiner.

Stuart Rolfe, President of Wright Hotels, stated that he and his partner, Jerry Anches, have negotiated an agreement with J. P. Morgan Chase to purchase the seven acre Cedarbrook site, and have no current plans to make any major changes. However, at some time in the future, a proposal may be presented to expand to 130 hotel rooms; SEPA review, traffic impacts, and parking requirements would be addressed at that time. The intended use will be primarily as a conference facility with attendant lodging, as well as overnight lodging accommodations. Uses such as weddings, banquets, and private parties will also be encouraged. Vans will be used to transport

guests to and from the airport and light rail connections to minimize traffic or parking impacts.

Discussion was held about whether or not a more streamlined approach to allowing the hotel use would be appropriate (instead of the CUP process). Steve Butler explained that the CUP process was determined by staff to be reasonable given the sensitivity of the site, and this process is supported by both the Land Use & Parks Committee and the prospective purchasers.

B. Public Hearing on a Proposed Zoning Code Change to Allow Hotels as a Conditional Use in UH-900 Zone within the City Center Overlay, Subject to Certain Limitations

Earl Gipson, 17050 51st Avenue South: Mr. Gipson looked at the property and did not see any other short term or realistic use. He believes the Comprehensive Plan amendment process would be more appropriate, but the CUP process does allow public comment. Traffic impacts need to be reviewed if expansion is proposed.

Randy McClain, 3219 South 186th Street: Mr. McClain is concerned about increased traffic down 36th Avenue, and “cut-through” traffic along 186th Street; he requested speed bumps to slow the cars. He also expressed concern about increased pedestrian traffic in his neighborhood, and stated it is a close neighborhood and they hope to maintain their cherished neighborhood atmosphere.

Michael Kovacks, 3714 South 189th Place: Mr. Kovacks expressed concern about traffic converging at South 188th Street from 36th and 37th Avenues, that configuration no longer functions efficiently or safely due to increased development, particularly that of the recently opened YMCA; additional impacts may result if the proposed apartment complex in the vicinity is constructed.

Tom Kelly, 18421 38th Avenue South: Cedarbrook was a great neighbor, the light on 36th Avenue and South 188th Street did not exist until that facility was constructed. Vehicular traffic from 37th Avenue should be allowed a right-turn only onto South 188th Street. He is concerned about the proposed 250 apartment complex on the Patterson property, and cars speeding as they cut through residential neighborhoods around Bow Lake Elementary. He doesn't believe Cedarbrook expanding to 130 hotel rooms would negatively impact the neighborhood.

Kate Klevier, 3230 South 187th Street: Ms. Klevier agrees with her neighbors concerns regarding traffic, particularly vehicles speeding through neighborhoods. She is very concerned about the proposed apartment complex and an increased number of units at Cedarbrook.

Sherry Hans, 3410 South 187th Street: Ms. Hans agreed with previous public testimony regarding traffic. She expressed concern about property values if the zoning is changed increasing hotel usage, whether or not apartments may be allowed on the

Cedarbrook site in the future, and parking on residential streets to accommodate Cedarbrook guests.

Mr. Kovack wished to go on the record as being opposed to a right turn only onto South 188th Street from 37th Avenue.

Hearing no further requests to speak, the Chair closed the public hearing at 6:34 p.m.

It was suggested that any recommendation by the Commission clearly outline that all applicable regulations run with the land. A motion was made, seconded, and unanimously passed to recommend that the City Council approve the proposed amendment as presented.

Steve Butler will forward all concerns expressed regarding traffic onto the City's Public Works Director.

4. New Business:

A. Update on Proposed Annexation by City of Tukwila

The City of Tukwila is proposing a two-part process to annex approximately 259 acres between I-5 and the Green River north of South 204th Street as part of the "Tukwila South Project". SeaTac has reviewed this proposal, police and fire are requesting that Orillia Road be annexed during the first phase. The Commission will be updated as the process proceeds toward a Boundary Review Board hearing.

5. Old Business:

A. Continued Review and Discussion about the Major Zoning Code Update

Kate Kaehny reported that Dennis Hartwick was leaving the City. A letter of appreciation from the Commission will be prepared for the Chair's signature. Ms. Kaehny updated the Commission on the Zoning Code update as follows:

SeaTac/Airport Station Area Overlay District

- A vehicular & pedestrian access network is being proposed that includes a new 30th Avenue alignment; various existing streets in the area would be extended to connect with the new alignment to provide a framework throughout the station area
- Specific pedestrian-oriented uses will be required for projects on streets intended for high levels of pedestrian activity that include retail, restaurant, entertainment, personal service, and public/cultural uses
 - Primary pedestrian-oriented streets will be required to have 75% of the exterior ground floor facing the street occupied by pedestrian-oriented uses
 - Secondary pedestrian-oriented streets will be required to have 60% of the exterior ground floor facing the street occupied by pedestrian-oriented uses

- Un-designated streets will be allowed no more than 50% of the length of the exterior ground floor facing the street to be used for lobbies, parking garages, vehicle entrances/exits, and elevator/stairwells

South 154th Street Station Area Overlay District

- Ground floor pedestrian-oriented use section was re-arranged to match SeaTac/Airport Station Area overlay

Proposed Changes to Overlay District Use Charts

- Urban High-Urban Center Residential zone (residential mixed-use requirement) – 50% of the gross floor area of the building shall be residential
- Commercial Business zone – Add a mixed-use requirement to most business service, multifamily, retail, and commercial uses
- SeaTac/Airport Station Area Overlay District – Drive-through facilities prohibited
- South 154th Street Station Area Overlay District – Creation of a new permitted use, Commercial/Public parking (park and fly prohibited)

The review schedule includes a public meeting scheduled for September 29, a final public meeting in October, a public hearing on November 9, and anticipated Council action on November 24.

Commissioner Lucas asked staff to take another look at commercial/public parking in the South 154th Street station area. He suggested that the use be permitted as a conditional use.

Construction on the new 30th Avenue won't begin until a catalyst project is proposed. The Commission may want to reiterate their previous recommendation to the City Council regarding the annual Transportation Improvement Program when 30% design has been completed. Further, it may be appropriate to ask a representative from Public Works to address the Commission regarding the proposed road projects within the SeaTac/Airport Station Area.

Concern was raised that the November 24 Council adoption date does not allow sufficient time for discussion and review. Steve Butler explained that some code sections have been slated for review next year. An overview of all changes to date will be provided electronically to the Commission next week for early review.

B. Continued Review of Comprehensive Plan Amendments

Mike Scarey briefed the Commission as follows:

Map Amendment #B-1 – Update Existing Land Use Map

- Pro Logis site – Changed to industrial use
- Soundview Apartments site - Changed to multifamily use
- YMCA site - Changed to public/quasi-public facility use
- Newly built, formerly vacant residential sites – Changed to single family use

Map Amendment #B-2 – Update Wetland, Stream & Shoreline Classifications

Map (formerly called the Wetland & Stream Classifications map)

- Angle Lake classification changed to Aquatic
- Update small wetlands on YMCA site based on new delineations

Note: No other changes to wetland delineations are currently being proposed

Text Amendment #1 – Essential Public Facilities, Policy 1.7A

- Language has been added to clarify that three light rail stations will be located in SeaTac, and the City’s preferred alignment from the Tukwila International Boulevard Station to the southern border of the City at South 216th Street.

Discussion was held and concerns raised regarding light rail alignment and station locations in Des Moines. SeaTac has filed an appeal of Des Moines’ Proposed Comprehensive Plan Amendments to ensure input into light rail alignment from South 200th Street to South 216th Street.

C. Continued Discussion about a Decision-Making Process for the City Council and/or LUP Committee to Address “Non-Standard” Work Items Proposed by the Planning Commission

Steve Butler stated that two options were being proposed: (1) PC to LUP for decision (with the option for other Council committees to be involved where appropriate); and/or (2) PC to LUP for a recommendation to the City Council for decision. The LUP Committee recommended that a form similar to one used by the Council be submitted by the Planning Commission for approval to review “Non-Standard” projects.

It was suggested the proposed form be used for one or two items on a trial basis (not necessarily carrying the issue out to approval). Discussion was held about a scenario in which the LUP Committee denied the request, and how the Commission may request a decision from the full Council.

A lengthy discussion was held about the SR 509 extension funding (the governor diverted those funds to other projects). Commissioner Dantzler believes that Puget Sound Regional Council of Governments (PSRC) required SeaTac to follow the mandates of the state Growth Management Act in siting three essential public facilities within SeaTac under the assumption that the extension would be constructed, while they ignored traffic mitigation mandates in that document by agreeing to shelve the project until 2024. He asked for the City’s assistance in challenging PSRC’s ability to circumvent the very GMA requirements they required SeaTac to comply with. Steve Butler reported that, as part of their 2040 planning effort, PSRC has reinstated the SR509 extension project to a preliminary preferred list. He will prepare a list of recommendation options and possible steps for the Commission’s review that may address this issue with PSRC, and research whether or not the City still has the ability to bring an appeal or action before the Growth Management Hearings Board.

6. Detailed Commission Liaison's Report:

Roxie Chapin attended a Shoreline Master Program Update public meeting on September 3. The meeting was well attended; the majority of questions and concerns were regarding bulkheads, docks, and waterfront maintenance.

Steve Butler was asked to request a brief presentation before the Commission on a potential tennis facility at Valley Ridge Park (a presentation was made at the 9/10 LUP meeting).

7. Planning Director's Report:

Steve Butler briefly reviewed the Commission's three-month schedule and advised that the tree covenant issue would come before the Commission again after the legal department did their review.

A Council budget workshop is scheduled for Monday, September 28. The Planning Commission meeting will begin at 6:00 p.m. that evening.

A date for a joint meeting with the Tukwila Planning Commission has not yet been finalized. If the meeting were to be held in Tukwila, possible dates would be October 15 or October 22.

Discussion was held about the November meeting schedule. Further discussion will be held at the next meeting.

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

Commissioner Dantzler requested that the issue of the personal rapid transit system be added to a future agenda. He would like to show a short video and provide background to the Commission as a proposal is being brought forward to use this system as a collector/distributor for light rail. Steve Butler will tentatively add this item to the October 12 agenda.

9. Adjournment:

The meeting was adjourned at 8:30 p.m.

PLANNING COMMISSION
Minutes of September 28, 2009 Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Rick Lucas

Staff Present: Steve Butler, Planning Director; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner; Anita Woodmass, Associate Planner; Tom Gut, Public Works Director

1. Call to Order:

The meeting was called to order at 6:00 p.m.

2. Approve Minutes of September 14, 2009, Meeting:

A motion was made, seconded, and unanimously passed to recommend the minutes of the September 14, 2009 meeting be approved as presented.

3. New Business:

A. Presentation on Current Status of the SR 509 Extension Project and Discussion about Potential Next Steps

Tom Gut stated that the official name for the project is “I-5/SR 509 Corridor Completion and Freight Improvement Project”. The Washington State Department of Transportation (WSDOT) is the lead agency on the SR 509 portion of the project, and the Port of Seattle (POS) is the lead agency on the “South Access” portion.

Currently, there are no immediate, explicit funding opportunities on the horizon to complete the \$1 billion project. The legislature diverted the project’s minimal funding to other projects earlier this year. The project is being archived by DOT. However, as a result of efforts by the 509 Executive Committee, the Puget Sound Regional Council (PSRC) has included this project onto their draft 2040 Transportation Update Plan priority list.

Discussion was held about how best to monitor this situation to ensure the project is moved forward onto the final 2040 Transportation Update Plan. In order to make the most compelling arguments to at least re-allocate \$35 million to “keep the project alive”, the Planning Commission suggested the following elements should be clearly outlined: (1) Soon after incorporation, the City, along with private property owners who invested millions of dollars, teamed up and were successful in having SeaTac designated as an “urban activity center”. As a result, three essential public facilities e.g., the Criminal Justice Center, the third runway, and light rail were sited within SeaTac with the understanding that SR 509 would be completed to ensure compliance with Growth Management Act concurrency requirements. Currently, SeaTac surface

streets are absorbing the traffic from these facilities, impacting both citizens and businesses. (2) Traffic would be diverted off congested I-5. (3) Freight mobility is negatively impacted. Steve Butler suggested that it would be advisable to review the original documents to determine whether or not the promises made were implied or in writing before proceeding any further.

DOT is conducting a tolling study, and will report their preliminary results to the 509 Executive Committee later this year. Further, the federal government is reviewing the federal gas tax, vehicle miles tax, and tolling to determine if changes are necessary as part of the Surface Transportation Program reauthorization.

The City may want to review how other cities have successfully gained funds for their projects. The goal would be to take a strong, loud, collective voice to regional, state, and federal officials. Determining how best to connect with the right people at the right time with the right message will be critical. The Commission requested they be provided with options for steps they could take to assist in this effort.

In the interest of “brainstorming”, the following suggestions were made:

- Mayor Ralph Shape suggested the City implement tolling at the point where SR 509 exits onto South 188th Street. One dollar per car would generate sufficient funds to “turn dirt” and keep the SR 509 extension project “alive”.
- Councilmember Barry Ladenburg suggested gathering support from affected adjacent jurisdictions such as Tukwila, Des Moines, and Burien. They, along with City representatives, could then collectively go before PSRC and request this project be moved forward, before 2040 if possible.
- Councilmember Mia Gregerson stated that a letter is being prepared for Julia Patterson to enlist her support. Further, if SeaTac tax dollars earmarked for this project were spent elsewhere, tolling residents would effectively tax the citizens of this community twice.

4. Old Business:

A. Continued Review and Discussion about the Major Zoning Code Update

Kate Kaehny updated the Commission as follows:

- A public meeting is scheduled for Tuesday, September 29 from 5:30 to 7:30 p.m.
- The original project goals for the Zoning Code Update include improving the consistency and organization of the existing code, providing a comprehensive update of the Zoning Code, and revisions of development incentives for planned unit development and development standards for the City Center and SeaTac/Airport Station Area.

- A record of content changes was provided to the Commission outlining which chapters received significant, moderate, minor, and no changes. Ms. Kaehny reviewed zone classifications and zoning map symbols, new Industrial zoning classifications e.g., Industrial Low and Industrial Medium, the Commercial High 1 Zone (formerly Aviation Business Center (ABC)), and changes to commercial and mixed use development design standards.

Discussion was held about potential economic impacts of the new and/or revised development standards on property owners; and the overwhelming task of reviewing all the changes and updates. Staff has discussed dividing the project into Phase 1 (2009 adoption of an updated, re-organized Zoning Code tool), and Phase 2 (adoption in 2010 of additional items such as new incentives and new nonconformance chapters).

Steve Butler suggested that the Commissioners each review the overall update, and determine which items they believe will require more in-depth review. Further, he asked that they consider implementing a study group approach, where each Commissioner reviews a portion and reports back to the entire body.

Ms. Kaehny explained that extensive in-house review had been done with assistance from the City's Economic Development Manager and outside consultants with expertise in economic analysis. Research has been conducted on the successes and failures experienced by other jurisdictions in updating their development standards. A new draft of the entire Zoning Code will be posted online by the end of the week.

Discussion was held about a proposed condemnation within the City Center Overlay District and its significance in terms of the proposed new 30th Avenue, and the Commission's related recommendation to the City Council. The Commission would be better able to serve as a tool for the City Council if they are included in these types of issues in the preliminary stages of the process.

B. Continued Review of Comprehensive Plan Amendments

Mike Scarey stated that the Capital Facilities Background Report is a six-year plan that is updated annually as part of the Comprehensive Plan Amendment process. This year's update is not yet completed, but the calculations have been done in terms of whether or not levels of service for various City facilities are adequate; no deficits were found.

Text Amendment #4 represents policy language outlining changes to the existing Land Use map, primarily to reflect vacant properties that have been developed.

Discussion was held about the Port of Seattle's use of parking tax dollars, particularly whether or not the funds are spent exclusively on road projects on Port property.

C. Continued Discussion about a Decision-Making Process for the City Council and/or LUP Committee to Address “Non-Standard” Work Items Proposed by the Planning Commission

Tabled.

5. Detailed Commission Liaison's Report:

None.

6. Planning Director's Report:

Steve Butler reported that the next Commission meeting is scheduled for October 12, the agenda includes a presentation by Commissioner Dantzer on personal rapid transit. The City Council will have a Zoning Code update workshop from 5:00 to 6:00 p.m. prior to their regularly scheduled meeting on October 13; a briefing on the Shoreline Master Program Update is also scheduled.

Commissioner Forschler was asked to contact the chair of the Tukwila Planning Commission to discuss a joint meeting between the two bodies.

The City filed an appeal of the Des Moines Comprehensive Plan Amendments SEPA determination. Concerns center around their maps showing a light rail alignment between South 200th Street and South 216th Street which encroaches into the City of SeaTac, and a clarification that a proposed light rail station at approximately South 216th Street would be an additional station, not a replacement for the currently proposed station at South 200th Street. An appeal hearing was held, Des Moines' SEPA determination was upheld and SeaTac's appeal denied. Discussions with Des Moines staff have resulted in a new map and policy language eliminating references to SeaTac; however, the issue of SeaTac's preferred alignment versus Des Moines' preferred alignment between South 200th Street and South 216th Street remains unclear. The City now has 21 days to determine whether or not to appeal the decision to Superior Court; it is unacceptable for another city's Comprehensive Plan to dictate light rail alignment within the borders of SeaTac.

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

None.

8. Adjournment:

The meeting was adjourned at 8:45 p.m.

PLANNING COMMISSION
Minutes of October 12, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner; Anita Woodmass, Associate Planner

1. Call to Order:

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

2. Approve Minutes of September 28, 2009, Meeting:

A motion was made, seconded, and unanimously passed to recommend approval of the September 28, 2009 minutes as presented.

3. New Business:

A. Presentation on Personal Rapid Transit (PRT) by Planning Commissioner Tom Dantzler

Commissioner Dantzler showed a video on “Taxi 2000” that indicated critical worldwide problems were caused by congestion from automobiles and accompanying pollution. Taxi 2000 is a computerized, electrically-powered system of light-weight three passenger cars moving along an elevated guideway. Passengers purchase a magnetic encoded ticket which will activate the car and choose the most efficient route directly to the pre-selected destination travelling at 40 to 80 kilometers per hour. Construction costs are a fraction of what is required for trains or subways, operating and maintenance costs are approximately one-third less per kilometer mile. The system would be operational twenty-four hours a day, seven days a week and not impacted by weather or traffic delays. The system is equipped with a backup power system and passengers are able to speak directly to the system operator.

Consideration of a PRT system for SeaTac was part of an overall infrastructure review that included light rail, as well as the SR509 extension and related south access. During that time, extensive research was also being conducted by consultants and experts into development of a south gateway into SeaTac. In 1994, the City developed the Transit Supportive Land Use Master Plan in which the PRT system was utilized as a “collector-distributor in conjunction with light rail. Ultimately, private sector funding was recommended, with the City providing rights-of-way and permits. Studies were

also conducted to determine the feasibility of using a PRT system to link light rail stations with the Sounder commuter trains in the valley.

The PRT system is unproven technology. Commissioner Dantzler has been approached about using his property south of 200th Street for a demonstration project; however, sufficient funds have not been raised.

It was suggested that the video be made available for viewing on the City's website.

4. Old Business:

A. Continued Review and Discussion about the Major Zoning Code Update

Kate Kaehny updated the Commission, and reviewed the following items:

Brief Report on 9/29/09 Public Meeting on Overlay Districts

- The focus was on proposed changes to standards within the City Center, SeaTac/Airport Station Area, and South 154th Street Station Area Overlay Districts. Questions were mainly regarding background and clarification on building design and parking structure requirements.

Land Use & Parks Committee Direction on Project Completion

- In response to requests from staff and the Planning Commission, LUP has directed that the project be completed in two phases, with Phase One to be adopted on November 24, 2009, and Phase Two adopted sometime in 2010. Further, LUP requested that the Planning Commission provide the City Council with their specific items of concern.

Overview of Proposed Content Changes

- A Summary of Content Changes that provides the level of change for each of the 45 chapters e.g., significant, moderate, minor, no changes was reviewed.

Review of Division IV Development Standards

- Ms. Kaehny reviewed the twenty chapters contained in Division IV, and explained the level of change, and details of the content changes for each.

Project Review Schedule

- The Commission will continue their review on October 26 and November 23, with a public hearing scheduled for November 9. A public meeting is scheduled for October 20 from 5:30 to 7:30 p.m.

Discussion was held about parking structure setbacks; which items in Division IV the Commission may want to review further; how the magnitude of reviewing all the changes justifies postponing adoption by the Council and additional time to have staff provide clarifications and answer questions; and conducting stakeholder's meetings.

A motion was made, seconded, and unanimously approved to recommend to the City Council that the Planning Commission would complete their review of the Major

Zoning Code Update and make a final recommendation to the City Council on or before the Commission's second meeting in January, 2010.

It was agreed that the Commissioners would email their questions and concerns to staff, which will then be addressed at the October 26 meeting.

Daryl Tapio, 16833 40th Lane South: Mr. Tapio has reviewed the draft updated Zoning Code from a single family property owner/developer perspective. He has a few issues of concern; stakeholder's meetings would be helpful, particularly if property owners/developers are invited to review portions in which they have special expertise.

Discussion was held about the City's efforts to notify property owners and the public, and how best to get the right people involved when large projects are being proposed and reviewed.

B. Continued Review of Comprehensive Plan Amendments

Mike Scarey reported that Map Amendment #A-5 relates to the Major Zoning Code Update in terms of proposed changes to the Comprehensive Plan Land Use Map as follows:

- Add Residential High-Mixed Use zoning category
- Apply Residential High color to parcels zoned UH-900 and UH-1800
- Delete the existing note regarding medium density designations
- Reduce the extent of the SeaTac/Airport HCT District.

Comprehensive Plan Map 1.2 will also be updated to clearly delineate the City's Preferred Light Rail Alignment and Station Locations from South 200th Street to South 216th Street.

C. Status Report/Follow-up about the SR 509 Extension Project Discussion at the September 28, 2009 Planning Commission Meeting

Steve Butler stated that he was asked to convey that the discussion at the last meeting was very helpful. Staff has had discussions with the City's lobbyists, and a written strategy is being developed to keep the SR 509 Extension Project alive in the short term, as well as to do everything possible to ensure the project remains on PSRC's Final Transportation 2040 Work Program. King County Councilwoman Julia Patterson chairs the Transportation Policy Board made up of elected officials who will make the primary recommendation on the regional transportation study. Mr. Butler will report back to the Commission about the best approach in terms of how the Commission can maximize their efforts to support this project.

D. Continued Discussion about a Decision-Making Process for the City Council and/or LUP Committee to Address “Non-Standard” Work Items Proposed by the Planning Commission

The Commissioners were provided with a matrix outlining their “standard” and what would be considered “nonstandard” duties. A request form used by the City Council has been modified for submittal when the Commission wishes to propose review of any “nonstandard” work items.

A motion was made, seconded, and unanimously passed to recommend approval of the request form as presented.

E. Discussion about Updating SeaTac’s Critical Areas Maps and Regulations (with a focus on Wellheads and Critical Aquifer Recharge Areas)

Tabled.

5. Detailed Commission Liaison's Report:

At the last Land Use & Parks Committee meeting, Port of Seattle staff made a presentation on their Part 150 Noise Program which covers approximately a five-year time period. Tree retention covenants were also discussed, the LUP Committee recommended Option Two which does not require tree retention covenants to be filed, and removes existing covenants. A certified letter outlining the new policies will be sent to all property owners who currently have covenants attached to short plat developments.

6. Planning Director’s Report:

Steve Butler reviewed discussion held at the last LUP meeting regarding the proposed kiss and ride east of the plaza at the SeaTac/Airport Station. It appears that Sound Transit will fund an interim kiss and ride parking lot; the City is working toward having eight parking spaces sited either at the Clarion Hotel or Dollar Development’s Park and Fly lot. The City and Sound Transit already have an agreement whereby the City will purchase the permanent kiss and ride site from Sound Transit at a pre-set price.

Earl Gipson, 17050 51st Avenue South: Mr. Gipson takes issue with the City Council authorizing eminent domain on Mr. Cassan’s property, and would tell the City to “do something with that”.

The City Council will be holding a special meeting on the Zoning Code Update at 5:00 p.m. Tuesday, October 13. Discussion was held about a joint meeting between the Tukwila and SeaTac Planning Commissions, it was suggested this meeting be postponed until the first quarter of 2010.

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

Additional discussion was held about the PRT system, and how best to proceed to support such a system in SeaTac. It was suggested the first step would be to get the project on the City's Transportation Improvement Program. It was further suggested that the Port not be included in discussions relative to a PRT system in SeaTac.

8. Adjournment:

The meeting was adjourned at 8:15 p.m.

PLANNING COMMISSION
Minutes of October 26, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Al Torrico, Senior Planner; Kate Kaehny, Associate Planner; Anita Woodmass, Associate Planner

1. Call to Order:

The meeting was called to order at 6:00 p.m.

2. Approve Minutes of October 12, 2009, Meeting:

A motion was made, seconded, and unanimously passed to accept the minutes of the October 12, 2009 meeting as presented.

3. Public Hearing:

A. Staff Presentation on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

Mike Scarey advised that the Commission had reviewed all the proposed amendments with the exception of those related to the Shoreline Master Program and the Capital Facilities Element. Mr. Scarey reviewed the amendment proposals as follows:

MAP AMENDMENTS

Land Use Plan Map

- #A-1 – Move the Urban Center line to the west side of 28th/26th Avenue South at South 200th Street. Establish a Potential Zone of AVC for one parcel currently outside the Urban Center boundary
- #A-2 – Amend the designations of parcels at South 166th Street & 40th Avenue South to accommodate a land exchange between the City and Highline Water District
- #A-3 – Amend the designation of approximately six acres in the vicinity of 16445 International Boulevard that would be leased to MasterPark
- #A-4 – Add a new parcel of approximately 0.8 acres located on the east side of I-5 adjacent to the north side of the King County Transfer Station, establishing Comprehensive Plan and Potential Zone designations

- #A-5 – Amend the Map to reflect changes and provide better coordination between the Comprehensive Plan Land Use Map and the Official Zoning Map (related to the Major Zoning Code Update)

Informational Maps

- #B-1 – Update Map 1.4 “Existing Land Use Map” with current information
- #B-2 – Update Map 8.1 “Wetland and Stream Classifications” with current information

Other Maps

- #C-1 - Amend Map 1.2 “Preferred Light Rail Alignment and Station Locations” to specify the City’s preferred alignment between the proposed South 200th Street Station and the City’s southern boundary

AMENDMENTS TO SUBAREA PLANS

SeaTac/Airport Station Area Plan, Subarea Plan

- #1 – Modify the Concept Plan and page 25 graphic to remove the pedestrian connection to Bow Lake

TEXT AMENDMENTS

- #1 Land Use Element – Amend Policy 1.7 to specify the City’s support for three light rail stations within SeaTac, and the City’s preferred light rail alignment between South 200th Street and the City’s southern boundary
- #2 Introduction – Add a statement to specify that Subarea Plans are components of the Comprehensive Plan
- #3 Land Use Element – Update Background Report related to Map Amendment #A-5
- #4 Land Use Element – Update Background Report related to Map Amendment #B-1
- #5 Capital Facilities Element – Update Background Report to include section for projects outside the six-year timeframe
- #6 Capital Facilities Element – Update six-year Plan
- #7 Parks, Recreation and Open Space Element – Update based on the “2009 Parks, Recreation and Open Space Plan”
- #8 Environmental Management – Update based on update of the Shoreline Master Program

Capital Facilities-related amendments have not yet been completed. Therefore, staff is recommending that tonight’s public hearing be continued to November 9, and that the Commission make their recommendations to the City Council at that time.

Recommendations could be postponed until November 23, but that would preclude their being included as part of the agenda bill presented to the City Council for anticipated adoption on November 24.

B. Public Hearing on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

The Chair opened the public hearing at 6:35 p.m.

Roger McCracken, 2003 Western Avenue #500, Seattle; David Lee, 16445 International Boulevard, SeaTac: Mr. McCracken and Mr. Lee support Map Amendment #A-3 that would allow Bonny-Watson Washington Memorial Cemetery to lease approximately six acres to MasterPark for expansion of their Lot C park and fly for twenty-five years (with extension options); eventually the land will be returned to cemetery use. Regarding ingress and egress at South 160th Street, the SeaTac Engineering Division has determined that traffic impacts are insignificant, peak hour trip generation would be approximately 117. Further, the Port of Seattle has agreed to an intersection configuration that would minimize traffic impacts.

Discussion was held about the rezone application process that would be required subsequent to the proposed Comprehensive Plan amendment being approved, and the process to return the land to cemetery use in the future.

Carolyn Cloutier, 3202 South 162nd Street, SeaTac: Ms. Cloutier submitted a letter outlining her concerns regarding Map Amendment #A-3. SeaTac doesn't need additional surface parking lots, structures would be preferable. The entire hillside, now filled with trees, eagles and hawks, would be asphalt. She is concerned about this project, because trees removed by the Port as part of their rental car facility construction created a situation where residents across International Boulevard in Tukwila can now hear noise created by nearby park and fly lots e.g., back-up bells on shuttles, car alarms, slamming doors, and loudspeakers at 4:00 a.m.

Discussion was held about how best to mitigate these impacts, Mr. McCracken believes it would be more appropriate to address these issues during the permitting process. He also expressed concerns about the Major Zoning Code Update and related proposed changes, specifically that he may not have sufficient time to gauge impacts to his properties prior to the matter going before the City Council for adoption.

Jeremy Delmar, Engineering Operations Manager, Highline Water District: Mr. Delmar strongly supports Map Amendment #A-2, and believes it to be a "win-win" for both jurisdictions.

At 7:02 p.m., hearing no further requests to speak, the Chair continued the public hearing to November 9.

A motion was made and seconded to take a "straw vote" on recommending approval of the 2009 Proposed Comprehensive Plan Amendments as presented, subject to hearing additional testimony on November 9. The vote was four in favor and one abstention.

4. Old Business:

A. Continued Review and Discussion about the Major Zoning Code Update and Related Code Changes

Kate Kaehny reviewed tonight's discussion items as follows:

- **Council Direction**

The City Council is supportive of a Phase 1 and Phase 2 review and adoption process. Phase One adoption date will be December 8, Phase 2 adoption will be sometime in 2010

- **Update of Public Meeting of October 20**

The open house was held from 5:30 to 7:30 p.m. Approximately 16 people attended.

- **Planning Commission Meeting Schedule – Additional Meetings**

An additional meeting has been proposed for November 16; options for additional meetings include November 2, November 30, and December 7.

- **Planning Commission Review Schedule**

November 9 – Division III Overlay Districts

November 16 – Division I & II

November 23 – Review outstanding materials

- **Division IV – Review Proposed Changes**

Provide preliminary approval or identify issues for further discussion

Lengthy discussion was held about the magnitude of this project; confusion regarding deciphering existing code from new code, and the numbering system; stakeholders and property owners not being adequately involved, and ways to increase their participation; unrealistic approval timelines; scheduling additional Planning Commission meetings; and meeting with staff during business hours to review proposed changes.

Ms. Kaehny reported that materials and updates are regularly posted to the City's website, presentations have been made to the SeaTac Business Committee and the Hotel/Motel Tax Advisory Committee, the South County Chamber of Commerce emailed their membership regarding public meetings, the City has hosted four public meetings, mailings have been sent out, and extensive input has been provided by both staff and an outside consultant. It is anticipated that an updated version will be posted to the City's website soon, and distributed to the Commissioners before their November 9 meeting.

Anita Woodmass provided a overview of proposed changes to chapters in Division IV.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Accessory Dwelling Units. The vote was four in favor and one opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Gasoline/Service Stations. The vote was four in favor and one opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Mobile and Manufactured Homes Standards. The vote was three in favor and two opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Mobile Refueling Operations. The vote was four in favor and one opposed.

A motion was made and seconded to recommend approval of the Division IV chapters regarding Security for Residential Developments, Service and Utility Areas, and Subsidiary Uses. The vote was three in favor and two opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Dimensional Standards. The vote was four in favor and one opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Accessory Structures. The vote was three in favor and two opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Cargo Containers. The vote was three in favor and two opposed.

A motion was made and seconded to recommend approval of the Division IV chapter regarding Fences and Walls. The vote was four in favor and one opposed.

Cathy Boysen-Heiberg, representing family-owned, commercially-developed contiguous properties from South 176th Street to South 188th Street: Ms. Heiberg expressed concerns regarding the Division IV chapter regarding open space that incorporates Bow Lake as a focal point. She asked when this provision was added; as a major stakeholder, its inclusion had never been brought to her attention.

This provision is part of existing code outlined in the City Center Standards which was adopted in 1999. Steve Butler will research this issue to determine if the provision was added subsequent to the 1999 adoption date, and suggested that a proposal to amend the requirements be submitted via established City procedures.

A motion was made, seconded, and unanimously passed to schedule an additional Planning Commission meeting on November 16, the Major Zoning Code Update will be the only agenda item, and a public hearing will be conducted; an open house and stakeholder's meeting will also be incorporated, times to be determined.

B. Continued Discussion about Methods to Deal with Existing “Tree Retention” Covenants

Tabled.

C. Discussion about Updating SeaTac’s Critical Areas Maps and Regulations (with a focus on Wellheads and Critical Aquifer Recharge Areas)

Tabled.

5. Detailed Commission Liaison's Report:

Commissioner Chapin attended an emergency awareness meeting about Tukwila and SeaTac working together in the event of flooding in the Green River Valley.

At a recent budget workshop, the City Council rejected funding for a wellhead protection study. Steve Butler reported that a modified version, conducted by staff, may be considered.

6. Planning Director’s Report:

The November Land Use & Parks Committee meeting will be held on Thursday, November 5. The October 27 City Council agenda includes presentations on the Major Zoning Code Update and 2009 Proposed Comprehensive Plan Amendments.

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

None.

8. Adjournment:

The meeting was adjourned at 9:15 p.m.

PLANNING COMMISSION
Minutes of November 9, 2009, Meeting

Members Present: Melvin McDonald, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

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

2. Approve Minutes of October 26, 2009, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the October 26, 2009 meeting as presented.

3. Public Hearing:

A. Staff Presentation on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

The Chair opened the public hearing at 5:35 p.m.

Mike Scarey advised that all proposed amendments have been reviewed except a portion of the Capital Facilities amendments. Tonight's discussion will focus on the Sources and Uses of Funds tables. Using Community Parks as an example, dollar amounts for the years 2010 through 2015 are provided for Sources of Funds (new funds and existing funds), and Uses of Funds, Capacity and Non-Capacity Projects. The bottom line balances are zero, indicating no funding deficits. Sources and Uses of Funds tables are prepared for City Hall, Community Park, Park Facilities, Community Center, Fire Services, Surface Water Management, Transportation, and Station Areas. At the end of the Capital Facilities Background Report is a new section titled, "Projects Outside the 2010-2015 Capital Facilities Planning Time Frame" to track Station Area Plan projects that will be implemented after 2015.

Discussion was held about item #17 in the above referenced new section, New 30th Ave. S. Phase II, specifically how much of the \$8.4 million was slated for property acquisition, and the benefits of the LID process being used to fund the new avenue.

A motion was made, seconded, and unanimously passed to recommend to the City Council that the New 30th Avenue South within the SeaTac/Airport Station Area Overlay District be funded via the LID process.

A question was raised about the Military Road project (South 160th Street to South 176th Street), and why this project is not on the list.

Concern was raised that the Commission had not received a presentation on the new parking structure proposed for the SeaTac/Airport Station area. Steve Butler will try to arrange for a presentation at the Commission's November 16 meeting.

B. Public Hearing on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

Shauna Decker, 321 3rd Ave. S. #402, Seattle, WA 98104: Ms. Decker read the definition and purpose for the "Park" Zone, and stated she is not anti-development but is in favor of responsible, thoughtful development in an appropriate place to protect and enhance environmental and recreational opportunities in the community. She quoted from a memorandum from the Washington State Department of Health to the Department of Ecology stating that soil and groundwater contamination on the parking lot site poses a potential threat to the underlying regional aquifer. The report suggests a potential health threat, and that SeaTac Public Works and utility companies should be notified to prevent exposure to subsurface vapors. In summary, the report states there's not enough information to fully conclude the threat to people's health. An amendment that would allow clearing of vegetation for a parking lot would aggravate this issue. Ms. Decker wrote another letter addressing SEPA issues, specifically that three of the six required criteria have not been met; she believes a full Environmental Impact Statement should have been required. Ms. Decker strongly encourages the Planning Commission to vote against the proposed amendment (Map Amendment #A-3).

Doris Cassan, 2737 77th Ave. SE, Mercer Island, WA 98040: Ms. Cassan asked that the Commission review pages A4-77/78, and stated that the "176th property acquisition" was not an acquisition, but a condemnation takeover of property the Cassans have owned and operated as a park and fly for 42 years; she questioned whether or not the citizens would want their resources spent in this manner. For the cost of a parking garage, the City could repair a lot of streets, and complete the Military Road project. Ms. Cassan urged the Commission to recommend against approval.

Wes Wood, 8730 133rd Ave. NE, Redmond, WA: Mr. Wood is representing the Cassans. It was explained to Mr. Wood that tonight's public hearing is regarding the Final Docket of Proposed 2009 Comprehensive Plan Amendments; however, he was invited to make his comments relative to the Major Zoning Code Update. Mr. Wood encouraged the Commission to read the entire Zoning Code and not just the PowerPoint presentations which do not include a number of items objectionable to both property owners and developers. Mr. Wood will return and speak in more detail at the November 16 public hearing.

Earl Gipson, 17050 51st Ave. S.: Mr. Gipson believes the Zoning Code and Comprehensive Plan issues are tied together. He is a regulatory consultant, and sees structural failure in the City's process e.g., every time he attends a Planning Commission meeting, there are more changes and the ramifications are not being fully explored. At some point, amendments should be finalized so the public can review and comment on exactly what the Planning Commission and City Council will be voting

on. The City's current process needs to be changed, citizens are neither adequately involved nor provided with adequate information. Mr. Gipson expressed concern about the proposed public parking garage and related condemnation action, and the SEPA determination on Map Amendment #A-3 (for which he has not seen adequate traffic studies). Further, the Major Zoning Code Update needs additional citizen involvement and better briefings to both the Commission and the Council before adoption is considered.

Roger McCracken, 2003 Western Ave. #500, Seattle: Mr. McCracken stated the Commission had heard his presentation on the benefits of Map Amendment #A-3, including \$650, 000 in annual tax revenue. He reiterated that it was his understanding the proposed Comprehensive Plan amendment was the first step in the process; if approved, the second step would be the Rezone process, which includes SEPA review. All relative environmental issues, landscaping issues, etc. will be addressed during the Rezone/SEPA/permitting process. The SeaTac Engineering Division has already determined there are no significant traffic impacts. Mr. McCracken addressed the contamination issue, stating that pertinent parties and the Department of Ecology have agreed upon a clean-up plan. All underground tanks have been removed, contaminated soil has been removed, and a process is underway to remove the gasoline from the aquifer.

At 6:35 p.m., hearing no further requests to speak, the Chair continued the public hearing to November 16.

PLEASE NOTE: AT THIS POINT, THE AUDIO EQUIPMENT FAILED, AND THE REMAINDER OF THE MEETING WAS NOT RECORDED. FROM THIS POINT FORWARD, THE MINUTES REFLECT NOTES TAKEN BY PLANNING STAFF.

C. Continued Review and Discussion of Comprehensive Plan Amendments

None.

4. Old Business:

A. Continued Discussion about Methods to Deal with Existing "Tree Retention Covenants"

The Land Use & Parks Committee (LUP) has extensively discussed the issue of tree covenants on existing lots. Based upon this discussion, the LUP Committee is making the following recommendation regarding covenants on short plats that have been recorded, and short plats that have received preliminary approval but have not been recorded:

Short Plats That Have Been Recorded (lots with or without homes)

- Send a letter to the property owners that they can remove the tree covenant upon request to the City.

Short Plats That Have Received Preliminary Approval, but Have Not Been Recorded (lots with or without homes)

- Allow the property owner the option to retain the covenants as required under the previous Code or conform to the new Code requirements.

The LUP Committee is not making a recommendation regarding recorded long subdivisions with tree covenants (plats of five or more lots). Under RCW 58.17.212, all property owners within the subdivision must sign a petition to remove the covenants before the Council could take any action. Should all property owners sign the petition, then the Council could hold a public hearing regarding the removal of the covenants.

A proposed schedule for future action has not yet been created, but this issue will likely be sent to the City Council for action before the end of 2009.

Commissioner Dantzler suggested that further discussion be continued to the next regular Planning Commission meeting on November 23 to allow Commissioner Forschler to participate and provide input.

B. Continued Review and Discussion about the Major Zoning Code Update and Related Code Changes

Kate Kaehny presented three discussion items for the evening e.g., the LUP Committee's direction on proceeding with the Zoning Code Update project, the November 16 Zoning Code Update Open House and Stakeholder Roundtable, and review of the SeaTac/Airport Station Area Overlay District.

Kate then discussed the LUP Committee decisions regarding the Major Zoning Code Update project including extending the project into 2010, creating a Citizen's Advisory Committee (CAC) to help provide input on Phase 1 and Phase 2 of the Zoning Code Update project, and moving forward with adoption of the SeaTac/Airport Station Area Overlay District on December 8, 2009.

Kate then gave an overview of the public notification process for the November 16 Open House and Stakeholder Roundtable which included distributing meeting flyers to parties of record, property owners within the SeaTac/Airport Station Area Overlay District, SeaTac members of the Southwest Chamber of Commerce, members of the Hotel/Motel Tax Advisory Committee, and an ad in the Highline Times.

Then Kate proceeded to highlight the proposed changes in the SeaTac/Airport Station Area Overlay District. Commissioner Dantzler raised concerns about the proposed change in the vertical variation requirement. The proposal would revise the existing requirement for vertical variation to be provided after 100' of building façade and then at 80' increments. The new proposal is for vertical variation to be provided for every 40' of building façade. Commissioner Dantzler also raised concerns about the proposal to change the existing requirement for parking structures to be set back 100' from International Boulevard. The new proposal would allow parking structures to be set

within the regular 0' to 20' setback from International Boulevard, but would require the building to look like a hotel or office and also require additional ground floor uses. Commissioner Dantzler said he believed this would be unfair to existing businesses who have had to comply with the 100' setback regulation.

After some additional discussion, a motion was made and then retracted to provide preliminary approval to these proposed changes in order to wait until after the 11/16 public hearing, open house, and stakeholder roundtable.

5. Detailed Commission Liaison's Report:

None.

6. Planning Director's Report:

Steve Butler told the Commission that there was a "special" LUP Committee meeting, scheduled for Nov. 10, starting at 4:30 p.m. The sole focus of that meeting was a King County proposal to locate a temporary animal shelter and "office trailer" for Animal Control Officers on the Sunset Playfields site during a flood emergency, and Potential Code Amendments. He also mentioned that the Work Schedule document would be revised, based on the requests made at tonight's meeting.

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

None.

8. Adjournment:

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

PLANNING COMMISSION
Minutes of November 16, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Kate Kaehny, Associate Planner;
Todd Cutts, Interim City Manager

Please Note: Due to a malfunction of the audio equipment, there is no formal recording of this meeting. the following minutes are a compilation of Planning staff's notes

1. Call to Order:

2. “Stakeholders’ Roundtable” Discussion about the Major Zoning Code Update

John Houlihan (Dollar Development):

- Street overlays established by Code (cloud on the title) impacts value
- Number one issue – street “established”
- Constitutionality of Code

Architect for Jet Motel

- Eight story Marriott
- Change in street layout
- Difficult to comply with more than other jurisdictions
- Catalyst to Entertainment District
- Street alignment prohibits this hotel

Jeff Williams (Gordon Tang’s Attorney)

- Marriott Hotel used the Station Area Action Plan as a basis
- Concerns about street layout
- Zoning regulations
 - More limiting
 - Want to do it now
- Proposed amending prohibitive street alignment
- George Tang used 2006 action plan proposed changes and road

Gordon Tang

- Property is very impacted (ordinance amending new streets)
 - Hotel proposals cost: from \$150,000/room to \$250,000/room, due to code (financially infeasible)
 - Eight stories high
 - Three acre site – street alignment cuts it down to one acre (from three acres)
 - Skinny tower – exponential cost
 - 60 then 10’ back would make skinny tower
- Urgency? Why? Would like more coordination with property owners

Earl Gipson

- Why not have it be part of Citizen’s Advisory Committee (CAC)

- Not evaluated by property owners
- Put it off
 - Todd Cutts said: Can't open the light rail station before standards in place
 - Question: True? Steve Butler: Don't believe that is what todd said, but the answer is no.
- Subjective things in proposed code

Ted Boysen, Jr.

- Oppose any additional regulations
 - Health tax base
- Opposes regulations that would hinder business
- Oppose any restrictions that impede property owners to succeed, such as setbacks and 50% requirements.

Cathy Boysen-Heiberg

- 40 contiguous acres – code would make large part of properties undevelopable
- Doesn't see need to hurry – should be part of CAC
- Existing businesses need flexibility to make successful.

Larry Heiberg

- Concerned about urgency – should be part of CAC review – should encourage business not stifle business

Wes Wood

- Rushing into it like crazy
- Concerns about CAC not looking at it
- 9 items on his list
- Rushing in – why?

Chip Marshal

- Looking to do a MXD with James Cassan; not much is going to happen in next two years anyway
- Major impacts on retail
- Take code away from a “czar”
- Take more time
- Slow down
 - Economic downturn
 - Glass tinted
 - Ceiling height
- Cost
- Worst economic condition in many years – no need to rush

Roger McCracken

- A lot of impacts
- Costs with be escalated
- How will overlays be interpreted as part of the overlays (adding another layer)?
- Concerned about percentage of retail
- Development stage of large complex on the site
- In favor of redevelopment on station area, don't want restrictions to kill development

- Owns 1/3 of station area – very concerned about rushing – would like more time, would like more clarification about how all codes are related

Rick Lucas

- A lot of the property owners have been here since day one
- Example of peat bog and Boysen family
- Vested interest
 - If everything stayed “status-quo”, could everyone live with current codes or should existing codes be amended?
 - Would anyone be okay with existing code?

Earl Gipson

- Not looking at status quo, just want more time to look at code

Rick Lucas

- Planning Commission has been appointed to help make SeaTac a better city.
- What direction do you want the City to go?

Cathy Heiberg

- Talk about existing codes
 - Bow Lake access plus 100’ setbacks, plus.....
 - Want to look at Sensitive Areas Ordinance
- City Center standards from 1998
- 100’ setback

Doris Cassan

- Had a nice project
 - Hotel; some parking; mixed use
 - Need a reliable code
- Hotel/parking/mixed use project – don’t know why City didn’t allow

Wes Wood

- Existing code is better than the proposed one
- Hurts business
- Why amend everything?
- Moving target
- Don’t redo the whole thing
- Some changes are needed – go back and review needed ones

Roger McCracken

- Codes we have now are some of the most restrictive
- Difficult to go through the process with his parking garage
- Want to make it easier to do development in desired areas. Hard to figure out existing code and how it applies to their property
- Don’t want to kill development (but it will)
- Existing codes are some of the most restrictive in region – should be more friendly for business with all restrictions that are making difficult for developers – should simplify code, not adding more codes that kills development
 - Contractor said development process difficult
- Make some areas more favorable
- Growth without restrictions

- 12 pieces of property in City

Gordon Tang

- Why ram it through by December 8
- 800 page document
- Retail – “put it here”
- Traffic be damned
- Rammed down our throats
- Market studies
- More time should be put in by property owners
- Sounds like take it or leave it – would like to know basis for these decisions – Manhattan/LA? Should have more coordination with property owners

Rick Lucas

- If streets are taken out, would the rest be okay?
- If no streets, are other things in document okay?
- Like rest of code

John Houlihan

- “Moving target”
- Set up “backwards”. Set up a CAC after Zoning Code draft is done
- Commercial property owners should be treated the same as residential property owners (should be some control)
- Planning Commission thought Cassan’s project was a good one
- Combination of sections difficult
- “Fighting uphill”
- Would like explanation of why the rush

Rick Lucas

- Cassan and Tang should be able to do with their property as they see fit
- Can slow it down; schedule isn’t as tight
- Staff has done a lot of hard work, at the direction of the City Council
- CAC should have two groups (1) Overlay District; (2) Rest of Zoning Code Update
- Should have opportunity to develop their properties
- Doesn’t make sense that city wants parking garage when City said no to Cassan
- Jet Motel is Mr. Tang’s retirement
- Maybe have a few of these meetings that majority would be comfortable with

Rick Forschler

- Important format amendments in the proposed code
- May need to segregate different pieces of the code

Chip Marshall

- Need to go through Wes’ issues in more detail
- Need to be competitive

Tom Dantzler

- Most of property owners in this area are here with the exception of KCHA
- Piecemeal
- Discretionary power of Department of Planning & Community Development (one person to make the decision, “planning czar”) – small group, even three

- Blank walls (being visible)
- Horizontal facades (10' versus 5' or 6')
- Ceiling height – 13' (versus 12')
- Station area – 2.5 feet above grade
- Ground floor transparency
- Please send it back to staff. “Okay, if they will look at it.”

Wes Wood

- Piecemeal
 - Power of director
 - “Planning czar”; not have design review
- Blank walls – “visible” nebulous term (40')
- Horizontal façade 60'
 - Why 10'? Why not 5' or 6'?
- Ceiling heights
 - Why not 12'? Sheetrock 8' x 4'
- 2.5' above grade residential 30' ramp handicaps
 - Why? What's wrong with grade?
 - What's lightly tinted? What does it mean?
 - Not solar shades
- Setbacks every 60' – ceiling heights 13' – handicap ramps for 4' above grade – ground floor transparency

John Houlihan

- Where did it come from
 - Staff and outside consultants
 - Divorced from “on-the-ground builders”, “drafted in a vacuum”
 - No one has “value-engineered” the standards
- Use Tables - What businesses are limited in the Station Area Plan
 - No big-box
 - Rental car in hotels
 - Airport-support facilities
 - Manufacturing of computer equipment
 - Dental labs
 - Methadone-halfway houses
 - Day care facilities
- Substantial disconnect between vision and real “on the ground” developers

Gordon Tang

- One person with all that authority
- Same thing as in China in the 1940's; going backwards
- 800 pages in ivory tower with no economics in mind
- Looks like code prepared without input from outside
- Todd Cutts said that cost estimate was \$25,000 per stall – approximately \$25 million for parking garage

Rick Forschler

- Everyone is in favor of delaying the Overlay District and delaying implementing the approved code

3. Approve Minutes of November 9, 2009, Meeting:

4. Public Hearings:

A. Staff Presentation on the Major Zoning Code Update and Related Code Changes (with a focus on Creation of a “SeaTac/Airport Station Area Overlay District” Chapter)

- Public parking structure
- Major Zoning Code Update presentation
 - Project goals and timeline
 - Phase 1 and Phase 2 overview
 - Establish CAC and stakeholder meetings
 - Why proceed with station area
 - Summary of revisions

B. Public Hearing on the Major Zoning Code Update and Related Code Changes (with a focus on Creation of a “SeaTac/Airport Station Area Overlay District” Chapter)

Rick Forschler

- Almost certain Planning Commission wants to delay December 8 decision
- Would like to hear all comments

Public hearing portion at 6:55 p.m.

Hearing continued to 12/2

Hearing actual start @ 7:00 p.m.

Jeff Williams for Gordon Tang

- Street alignment
 - Specific layout different than Station Area Plan
 - Curve (creates by-pass route) rather than 90 degree place to stop
 - Were told that there were grade issues and traffic lights and how they work
 - Tiny postage stamp left to develop
- Upper level setback 60’ – not affect pedestrians
- Hotel different from office building
- Pedestrian-oriented uses – not hotel lobby
- Zoning 13’ clear height – doesn’t work very well for hotels
- Pedestrian-oriented uses – not allowed currently (hotel lobbies)

John Houlihan

- Specific street layout is different from Station Area Action Plan
- 13’ heights – other cities impose, but need some flexibility (except hotels with different uses)
- 60’ different for hotels
- Hotel lobbies not allowed

Cathy Heiberg

- A lot of the pictures show trendy design

- Street grid
 - Not pedestrian-friendly
 - Takes up a lot of property
- Issue with City Center overlay zone (maximum height allowed)
- Where's flexibility for creativity?
- Would like someone to explain City Center Use Chart
- Hotel/motel maximum height allowed 30', 130 rooms
- Land use 8 of 9 hotel/motel maximum height of 30' (Cedarbrook)

Wes Wood/Gordon Tang

- Three questions: (1) Uses for Class C streets; (2) Streets; (3) Pictures show 5' and 6' undulations – “misleading”
- What about a motion to extend beyond December 8?
- Class C streets – explain permitted uses better
- Illustration on vertical façade variation
- Questions on façade treatments
- Push-off to beyond December 8
- Question for Kate re: Class C streets

Daryl Tapio

- A lot of the code written without input from property owners
- Clear that property owners haven't been involved in the process – code down without their input
- Try to make code a lot better
- Compete with neighboring cities
- Asked PC to ask Council not to approve on December 8
- Code needs stakeholder input to help create better code

John Houlihan

- Requests that Planning Commission recommend that December 8th time deadline be extended
- Street Grid
 - Where is authority for City to take the street grid?
 - If allowed, a taking under state and federal constitution; also, targets park and fly industry
 - Does the street have to go in? Are they public or private?
- Forces property owners to abandon their uses. Will existing parking lots not be allowed to continue?
- Jobs and City revenues
- Code mandates development, but he reads it as surface park-n-fly put out of business by City
 - Specifically targets park and fly
 - Code needs to be addressed at a policy perspective
- Economic study for station area

Gordon Tang

- Don't like the road
- Jet Motel being carved into four pieces

- Action Plan went around his property
- Three acres
- Roads reduce property too much – green area will only be used by KCHA tenants
- Talked about protecting this area from hypodermic needles, etc.
- Would set aside green area for hotel use
- Biggest developable piece is a three acre piece (vs. one acre skinny land)
- \$150,000 to \$250,000/a room would not justify building a hotel
- Whole piece of land would be blight
- KPG said road was based on synergy & contour
- 2006 Action Plan
 - City made Tang create contour the way it is today (extension vault \$1 million)
 - Now using it as an excuse for road
 - Could change contour other way
 - KPG says most economical, but should count acquisition of land
- Tang is going to fight
- Drives up development cost with current road alignment

Earl Gipson

- Don't leave decisions up to one individual staff person
- Manuals should not be so rigid – need flexibility

Ted Boysen

- 50% restriction on remodeling is dangerous; recommends that it be stricken from the code

Robert Sanger, Marriott International

- Difficulty of retail space
- Don't want space to “go dark”
- Has a market study been done?
- What is supporting the 1,000 stall garage?
- Feasibility of entertainment uses?

John Houlihan

- Economic report – troubling
 - Projections are fairly robust; but footnotes are telling
- Economic development study
 - Doesn't believe it studied retail issue
 - Troubling – projected tax dollars derived from entertainment district

Planning Commission Discussion - we've heard enough to know that December 8 is not a realistic date, and we need more time.

Rick Forschler

- Has staff gone out to property owners and asked what they're going to do in the next ten years?
- Should better educate Planning Commission about Station Area implementation activities
- Staff should meet with individual property owners

Gordon Tang

- Work with us and not against us

Tom Dantzler

- Appreciate comments – succinct
- Motion after December 2

Steve interjected - there are issues of at least two projects that might try to vest before the council takes action.

Rick Forschler

- Continue public hearing

A motion was made, seconded, and unanimously passed to send a letter to the City Council recommending they postpone adoption beyond December 8, 2009.

At 7:40 p.m., the Chair continued the public hearing to December 2.

-

C. Staff Presentation on the 2009 Final Docket of Proposed Comprehensive Plan Amendments – Mike Scarey made a presentation.

D. Public Hearing (continued from 11/9/09) on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

Roger McCracken

- Trees and traffic will come later
- In response to Robin Loudon letter, we are meeting all of the obligations of the Development Agreement

John Houlihan

- He will save comments for the next meeting

E. Continued Review and Discussion about the 2009 Final Docket of Proposed Comprehensive Plan Amendments

5. New Business:

A. Presentation on Public Parking Garage Concept for the SeaTac/Airport Station Area – this presentation was made by Todd Cutts, Acting City Manager.

B. Discussion about a Proposed Zoning Code Amendment Regarding Setback Departure for Innovative Single-Family Residential Design

Brant Schweikel

- Private road variance granted by Public Works, but variance request for a reduced front setback was recommended for denial by staff, do to strict variance Criteria. But staff supports the concept, with certain conditions in place.
- Brant Schweikl made the following statements: low impact development concepts
- Concept: Reduce amount of “open space” in the front yard
- “Closeness of the buildings” makes it more private looking
- Porches and front of residences made more prominent (plus makes back yards larger)
- Private road LID’s
- Private versus public streets
- Staff was directed to develop a proposal and bring it back to the Planning Commission for further discussion.

6. Detailed Commission Liaison's Report:

7. Planning Director's Report:

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

9. Adjournment: 9:30 p.m.

PLANNING COMMISSION
Minutes of November 23, 2009, Meeting

Members Present: Richard Forschler, Tom Dantzler, Rick Lucas, Roxie Chapin

Staff Present: Steve Butler, Planning Director; Mike Scarey, Senior Planner; Kate Kaehny, Associate Planner

1. Call to Order:

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

2. Public Hearing:

A. Staff Presentation on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

Mike Scarey explained that the SEPA Determination of Nonsignificance issued by the City on the 2009 Final Docket of Proposed Comprehensive Plan Amendments has been appealed, and will go before the City's Hearing Examiner. Therefore, the City Council will not take action on the proposed amendments until all appeals have been resolved.

B. Public Hearing (continued from 11/16/09) on the 2009 Final Docket of Proposed Comprehensive Plan Amendments

The Chair opened the public hearing at 5:46 p.m.

Earl Gipson, 17050 51st Avenue South: Map Amendment #3 has been presented as a temporary use; the proposal includes a 25 year lease with optional extensions up to 40 years, as well as a rezone to commercial. This amendment proposal should be viewed as a permanent commercial use.

John Houlihan, 3401 Evanston Ave. N. #C, Seattle, WA 98103: On behalf of his client, Mr. Houlihan filed an appeal of the City's SEPA Determination of Nonsignificance, questioning whether or not the applicant complied with SEPA requirements and potential environmental impacts were thoroughly evaluated. He encouraged the Planning Commission to recommend against adoption of the amendments. Mr. Houlihan believes it is premature to include budget line items for an entertainment district in the SeaTac/Airport Station area before the City Council holds a public hearing on the issue. To fund station area improvements, the City may float \$30 million in general obligation bonds, which staff is proposing be repaid through increases in car tab fees, utility taxes, and vehicle financing. He asked the Planning Commission to recommend against adopting line items in the 2010 station area budget, including \$14+ million for property acquisition.

Wes Wood, 3100 S. 176th St., SeaTac: Mr. Wood asked if minutes from the November 17 meeting would be available since an equipment failure prevented the meeting from being recorded. He encouraged both the Planning Commission and City Council to consider that Map Amendment #3 does not comply with approval criteria.

Cathy Boysen-Heiberg, 810 58th Ave. NE, Tacoma: Ms. Heiberg encouraged the Commission to review the City's proposed Capital Improvement Program. She is alarmed at the aggressive land acquisition and property takings being proposed over the next six years, especially in the SeaTac/Airport Station Area and City Center.

Sharon Mann, 4452 S. 160th St., Tukwila, WA 98188: Ms. Mann is concerned about surface parking along International Boulevard, particularly the blight of chain-link fences and barbed wire; structured parking in support of restaurants and offices is more appealing. She believes the surface lot proposed in Map Amendment #3 will not be a temporary use, and asked the Planning Commission to consider recommending against approval of any new surface parking lots.

Pam Fernald, 2431 S. 133rd St., SeaTac: The capital improvement plan for an "entertainment district" is troubling because it is unclear what kind of businesses would be allowed. She would prefer no more surface parking lots, and asked the City to consider structured parking or other methods to meet parking needs. SeaTac citizens have expressed their concern about loved ones buried adjacent to the parking lot proposed in Map Amendment #3.

Roger McCracken, 2003 Western Ave. #500, Seattle: Cameron Smock, owner of the Washington Memorial Cemetery, considers the proposed lease with MasterPark to be temporary because all improvements must be removed when the land reverts back to cemetery use. Mr. Smock should have the right to develop his property as he wishes, this arrangement would provide an important revenue source. The parking lot will be landscaped to provide screening from the adjacent cemetery. The site is zoned Park, but is raw land; Mr. Smock has ongoing problems with squatters and illegal dumping. Mr. McCracken believes if SeaTac prohibits surface parking, businesses will site in adjacent jurisdictions. The 25-year lease is necessary to get bank financing.

At 6:41 p.m., hearing no further requests to speak, the Chair continued the public hearing to Monday, February 8, 2010.

C. Continued Review and Discussion about the 2009 Final Docket of Proposed Comprehensive Plan Amendments, Including a Recommendation to City Council

Discussion was held about the following, all pertaining to the SeaTac/Airport Station Area Overlay District: (1) Owners developing their private property as they see fit;

(2) The City’s proposed parking structure; (3) Public support and funding of the proposed entertainment district; and (4) The City’s proposed eminent domain action.

A motion was made, seconded, and unanimously passed to recommend that the City Council withdraw from the 2010 budget all expenses relating to property acquisition, construction of roads, and the proposed parking structure within the SeaTac/Airport Station Area Overlay District.

It was agreed that the Commission would not make a recommendation to the City Council on the proposed amendments until the public hearing has been completed, and all appeals have been resolved.

3. New Business:

A. Presentation on a King County Proposal to Locate a Temporary Animal Shelter and “Office Trailer” for animal Control Officers on the sunset Playfields Site during a Flood Emergency, and a Related Proposed “Interim” Code Amendment

In the event of flooding in the Green River Valley due to structural problems at the Howard Hansen Dam, King County must provide a flood-stray shelter, co-located animal/human shelters, and protect or replace the existing Kent facilities. Criteria were established, and numerous sites were researched. It was determined that the Sunset Parks Maintenance Facility in the vicinity of South 136th Street & 18th Avenue South was the most appropriate. Improvements to the site would include installation of six job trailers, limited tenant improvements to the aquatics warehouse, and other site improvements as necessary. Stray cats and some control staff would be housed in trailers, all dogs and additional cats would be housed in the aquatics warehouse. There would be no expense to the City of SeaTac.

Steve Butler explained that this item was presented at the last LUP Committee meeting. Staff has prepared emergency interim development standards to accommodate a temporary emergency animal shelter and animal control offices in the Park zone.

4. Old Business:

A. Status Update and Discussion about the Proposed “SeaTac/Airport Station Area Overlay District” Chapter in the Zoning Code

Kate Kaehny reviewed final edits and revisions as follows:

Re-Organization of Ground Floor Use Requirements

- The section was re-organized for clarity, no content changes were made.

Revisions to the Layout and Width of the Streetfront Pedestrian Zone

- The Director of Public Works has been added to approvals related to trees and amenities within the right-of-way.

Re-Organization and Clarifications in Parking Structure Section

- Re-organized to match framework of other chapters, information added where parking structure requirements apply, added sub-sections to clarify where transparency and weather protection requirements apply. No other content changes were made.

Definitions Added for Uses in Use Charts

- 44 Definitions added to define new and revised uses

Discussion was held about the definition of park and fly, particularly related to hotels; potential impacts of a new 30th Avenue configuration on affected property owners, and whether or not their concerns were being seriously considered by the City; implementing an LID process to fund the new 30th Avenue South; whether or not siting retail along International Boulevard is economically feasible; how the City can best assist existing property and business owners to develop their properties effectively, and survive in the current economic climate; limiting development restrictions; stakeholders reviewing the entire Zoning Code; and the Commission implementing quarterly stakeholder roundtable discussions.

Ms. Kaehny explained that the station area planning process included discussions of various street alignment options with all the affected property owners.

Cathy Boysen-Heiberg: Attendance at the roundtable, and the exchange of comments and ideas was fantastic; unfortunately, no Council members were present. She encouraged the Commission to give the City Council a “proper accounting” of the discussions. Recently, Ms. Heiberg attended a South King County Economic Development Initiative meeting about how to maintain retail and office properties in the current economic climate. SeaTac does not want to duplicate the failures of other jurisdictions, and needs to find a middle ground with business owners.

John Houlihan thanked the Commission for their recommendation to delay a decision on the SeaTac/Airport Station Area Overlay District. He expressed concern that issues and comments raised at the November 16 meeting have not been implemented.

Doris Cassan asked that the record reflect Gordon Tang’s comment about “going back to 1949 when I left China” as he was referring to proposed regulations in the SeaTac/Airport Station Area Overlay District.

5. Detailed Commission Liaison's Report:

Commissioner Chapin attended a Council budget workshop. A considerable portion of the meeting was conducted in executive session.

6. Planning Director's Report:

Steve Butler reported the following: (1) The November 24 and December 8 City Council meeting agendas include consideration of the Major Zoning Code Update; (2) A special Planning Commission meeting is scheduled for Wednesday, December 2, the only agenda item will be the staff presentation and continued public hearing on the Major Zoning Code Update and Related Code Changes; (3) The King County Boundary Review Board has approved Tukwila's petition to annex property adjacent to the southeastern border of SeaTac; and (4) Everyone is invited to an open house scheduled for Monday, December 7, from 5:00 to 7:00 p.m. at the Holiday Inn regarding the SeaTac/Airport Station Overlay District.

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

None.

8. Adjournment:

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

PLANNING COMMISSION
Minutes of December 2, 2009, Meeting

Members Present: Richard Forschler, Melvin McDonald, Tom Dantzler,
Rick Lucas, Roxie Chapin

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

1. Call to Order:

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

2. Approve Minutes of November 16, 2009, Meeting:

Tabled.

3. Public Hearing:

A. Staff Presentation on the Major Zoning Code Update and Related Code Changes

On November 24, the City Council imposed a moratorium on development within the SeaTac/Airport Station area (north of S. 176th St. only). Findings of Fact will be presented by the City Council at a public hearing on January 12, 2010. The moratorium sunset date is May 15, 2010; no land use, development, or building permit applications will be accepted in the interim. An Ad Hoc Committee will be appointed to review proposed standards, meetings will likely start in January. Staff recommends that the Planning Commission formally close the public hearing after tonight's testimony, as public hearing dates for 2010 have not yet been finalized.

Anita Woodmass reviewed the original goals of the Zoning Code Update process, and summarized the status of the project and next steps as follows:

The project has been split into two phases

- Phase 1, tentative adoption date May/June 2010
- Phase 2, tentative adoption date end of 2010

Proposed changes in the SeaTac/Airport Station Area Overlay District

- New street network to make the area more pedestrian-friendly
- New ground floor use requirements to activate the street and provide destinations for pedestrians
- Minimum building heights and other revisions to better address pedestrian-oriented building design

- Revisions to parking structure requirements to better integrate parking structures into the pedestrian-oriented environment

B. Public Hearing (continued from 11/16/09) on the Major Zoning Code Update and Related Code Changes

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

Chris Boysen, 18718 6th Ave. SW, Seattle, WA 98166: Mr. Boysen represents family-owned, 40 contiguous acres on International Boulevard across from the airport. The businesses have been successful because the highest and best use of the properties has always been airport-related. The City should be cautious in risking millions of taxpayer dollars attempting to force the market to accept non-airport related retail businesses. Surrounding cities have failed, resulting in high vacancies and bankruptcies. With adoption of the Major Zoning Code Update delayed, greater representation may create a more realistic code for those who have to implement it. Property owners' concerns focus on public usage of private Bow Lake, and excessive street grid requirements upon redevelopment (costly street grids do not promote efficient use or the pedestrian-friendly concept).

Earl Gipson, 17050 51st Ave. S.: Mr. Gipson studied the overlays, and believes the process is not being conducted in an organized fashion, approval authority should be spread amongst a consortium of people. Now, the City is "slapping" a moratorium on property owners who had plans to develop. It has not been proven that an entertainment district will provide a return on the citizens' investment; \$14 million for a capital improvement project is ridiculous. The ad hoc committee should review the SEPA Determination of Nonsignificance issued by the City. Impacts are extremely significant and the determination should be appealed; SEP08-00020 appeal submittal deadline is 5:00 p.m. December 7.

John Houlihan, 3401 Evanston Ave. N. #C, Seattle: Mr. Houlihan requests the Planning Commission recommend against adoption of the proposed SeaTac/Airport Station Area Overlay District, and the condemnation action targeting his client's property be rescinded. These actions make for an unlevel playing field when trying to negotiate with the City. His client faces a significant taking of private property for a plan that may never come to fruition.

Wes Wood, 3100 S. 176th St., SeaTac: Mr. Wood doesn't understand why property owners in the station area are not as important as the Phase 1 and 2 areas where the Zoning Code is being held off until an ad hoc committee can be appointed. None of the items discussed at the November 16 meeting have been changed, it must go in one ear and out the other, they're not considered important enough for the City to make changes. Two projects were submitted, the City's response was to "run" and pass a moratorium; they want to put in a parking garage.

Steve Butler explained the proposed overlay district design standards would be part of the ad hoc committee's Phase 1 review.

Daryl Tapio, 16833 40th Lane S., SeaTac: Mr. Tapio supports appointing an ad hoc committee to study the Major Zoning Code Update. Good suggestions from property and business owners, and citizens should be considered. Zoning Code regulations should not "micromanage" to the point where only one design style is acceptable. He agrees that businesses adjacent to an international airport should utilize that traffic flow as a primary revenue source.

Gordon Tang: Mr. Tang is not sure how much staff tried to convince the Planning Commission and City Council to approve a road configuration that would cannibalize his perfect three acre piece into four pieces, including an inaccessible triangle. What would have been a green area for all to enjoy will only be enjoyed by residents of an adjacent apartment complex who leave needles and beer bottles. He wishes to build a hotel on the site and is scheduled to sign a franchise document by the end of the year. He believes the motives and competency of staff should be questioned, and a consulting firm was hired to justify an end result that staff had already decided upon. Instead of building on a three acre site, he would be forced to build a twelve-story skinny tower on approximately one acre. Construction costs would be \$300,000 per room instead of \$150,000 per room, which translates into a nightly rate of \$300. Mr. Tang is the only one willing to put money on the line and be a catalyst to bring additional development to the area. He signed a settlement agreement with the City in May, 2006, allowing him to operate the Jet Motel until the time was right for redevelopment. Further, he spent \$1 million to implement requirements in that agreement, and now the City wants to cut up his property. Mr. Tang left China years ago because officials could dictate what was to be done. He would like to meet with each City Council member and Planning Commissioner to further explain his new hotel project which would increase employment and draw hotel patrons who now stay in Seattle.

James Cassan, S. 176th St., SeaTac: Mr. Cassan believes there has been a lot of "chicanery" between staff and property owners; staff decided to condemn various properties and convinced the consultants to approve their preferred street alignment. He believes alternative configurations should be considered, and is concerned about taking a risk on an entertainment district.

Mr. Tang and Mr. Cassan agreed to consider an LID process. Commissioner Dantzler suggested that a representative from each property be appointed to the new ad hoc committee.

Jamie Boysen-Motland, 19419 5th Ave. S., Des Moines, WA 98148: She had questions about how the new ad hoc committee would be formed, and how best to express interest in being appointed.

Hearing no further requests to speak, the Chair closed the public hearing at 7:52 p.m.

C. Continued Review and Discussion about the Major Zoning Code Update and Related Code Changes

A motion was made, seconded, and unanimously passed to recommend to the City Council that membership in the Ad Hoc Citizen's Advisory Committee include at least one person from each property within the SeaTac/Airport Station Area, and that membership be open, as opposed to assigned.

A motion was made, seconded, and unanimously passed to recommend that the City Council not adopt the current SeaTac/Airport Station Area Overlay District on December 8, but include it as part of the Ad Hoc Citizen's Advisory Committee's process for the station area.

A motion was made, seconded, and unanimously passed to recommend that the City Council rescind the current condemnation action proposed in the SeaTac/Airport Station Area and refrain from imposing further condemnation actions within the area until the Ad Hoc Citizen's Advisory Committee has made their recommendations.

A motion was made, seconded, and unanimously passed to recommend to the City Council that the Ad Hoc Citizen's Advisory Committee review and make recommendations on the street layout in the SeaTac/Airport Station Area.

A motion was made, seconded, and unanimously passed to recommend that the City Council lift the moratorium on development within the SeaTac/Airport Station Area.

Please Note: Steve Butler raised several points of order regarding the Commission discussing and making recommendations on items not published on the December 2, 2009 Planning Commission meeting agenda.

4. Detailed Commission Liaison's Report:

Commissioner Forschler attended the November 24 City Council meeting, the moratorium was discussed at length.

5. Planning Director's Report:

Steve Butler advised that a Land Use & Parks Committee meeting is scheduled for Thursday, December 10. He also invited everyone to an open house the city is hosting regarding the SeaTac/Airport Station Overlay District that will be held at the Holiday Inn on December 7 from 5:00 to 8:00 p.m.

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

None

7. Adjournment:

The meeting adjourned at 8:00 p.m.