CITY OF SEATAC
PLANNING COMMISSION MEETING

Riverton Room, SeaTac City Hall, 4800 S. 188th Street
September 18, 2018, 5:30 p.m.

MEETING AGENDA

1) Call to Order/Roll Call

2) Public Comment: Public comment will be accepted on items *not* scheduled for public hearing

3) Approval of the minutes of August 7, 2018 regular meeting

4) Worksession on code amendments: frontage road landscaping; light & glare standards; fee-in-lieu wetland mitigation

5) CED Director's Report

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

7) Adjournment

A quorum of the City Council may be present

The Planning Commission consists of seven members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.

All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.

EXHIBIT A
DATE: 09/18/18

CITY OF SEATAC
PLANNING COMMISSION
Minutes of August 7, 2018
Regular Meeting

Members present: Roxie Chapin, Tom Danztler, Brandon Pinto, Jim Todd, and Stanley Tombs

Members absent: Tej Basra

Staff present: Steve Pilcher, CED Director; Anita Woodmass, Acting Planning Manager; Kate Kaehny, Senior Planner

1. Call to Order
Vice Chair Tombs called the meeting to order at 5:32 p.m.

2. Public Comment
None.

3. Approval of Minutes
Moved and seconded to approve the minutes of the July 17, 2018 meeting as written. **Passed 5-0.**

4. Public Hearing on Multifamily Housing Design Standards
Senior Planner Kate Kaehny provided a presentation regarding the project to update the City's Multifamily Housing Design Standards. She noted some of the reasons for revising the regulations and the goals of the project. Ms. Kaehny then provided a summary of the major changes that are included in the proposal:

A. Site Planning: landscaping and building setbacks; neighborhood compatibility standards
B. Recreation Space Requirements: goal is to provide more flexibility to standards
C. Building Design

Ms. Kaehny reviewed potential timelines for moving forward.

The Vice-Chair opened the hearing for public testimony.

Roger Kadeg, long-time SeaTac resident, stated he had submitted written comments but did not wish to review those at this time. He instead wished to speak to the philosophy of trying to attract higher density, more urban projects. He felt that was not a feasible expectation. Mr. Kadeg stated that projects built in conjunction with light rail in Seattle are already beginning to deteriorate. He also stated that the city does not need more affordable housing. He stated that many people in town oppose this type of development, but do not have the ability to adequately address their concerns.

Mr. Kadeg stated that staff needs to work for the citizens, but they have not asked the citizens of what they want. He questioned whether desired development will actually occur, due to the school district and property values. Instead, these standards will encourage low-income housing. Mr. Kadeg stated that people in this area want single family homes. He encouraged the Commission to look carefully at his written comments and consider whether these proposed code amendments are desirable changes for the community.

The Vice-Chair closed the hearing to public testimony at 6:02 p.m.

The Commission discussed the philosophical issue raised by Mr. Kadeg, noting that the proposed code amendments under consideration will not change basic zoning and densities allowed.

Motion and seconded to recommend approval of the amendments as drafted. **Passed 5-0.**

5. Minor Code Amendments
CED Director Steve Pilcher presented three proposals, noted they had been discussed by the Commission back in May and were reviewed with the City Council's Planning and Economic Development Committee last week. They focus on three issue areas:

- Light & glare: staff is recommending crafting code similar to the City of Tumwater's;
- Definition of "frontage road": the Commission previously suggested eliminating this code standard. The PED Committee concurred;
- Fee-in-lieu wetland mitigation: staff suggests adopting language similar to Kirkland's or Federal Way's in order to provide this as an option to developers.

The Commission concurred with the approach being recommended by staff. Staff will develop code amendment language for the next meeting.

6. CED Director's Report
CED Director Steve Pilcher noted:

- City Manager open house tomorrow evening;
- SAMP Environmental process;
- Progress in filling vacant positions in the Planning Division;
- Airport Proviso;
- Retirement of Fire Chief Brian Wiwel

7. Commissioner Comments
Ms. Chapin stated she plans to leave the Commission when her term expires.
Mr. Tombs noted the lack of public participation on issues here in SeaTac. The Commission discussed reasons why people may not participate.

8. Adjournment
There being no further business, the meeting adjourned at 6:34 p.m.

EXHIBIT B
DATE: 09/18/18

MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT

Date: September 14, 2018

To: Planning Commission

From: Steve Pilcher, CED Director

Subject: Minor Code Amendments

The following three code amendments were discussed with the Commission in May and August of this year. The City Council's Planning and Economic Development Committee has also discussed these proposals and concurred with the direction the Commission had given to staff. At this meeting, staff is presenting the proposed code amendment language. If the Commission concurs with these changes, we recommend proceeding with a public hearing on October 16, 2018.

1. Light & Glare

The City Council's former Code Compliance Committee discussed the difficulty of staff being able to provide effective responses to citizen complaints regarding light and glare impacts, whether originating from commercial businesses or other residential properties. Within the current code, tools are limited, especially when new lighting is installed after initial development of a property. (Although Title 17, Crime Prevention through Environmental Design (CPTED) addresses exterior lighting, those standards only apply to new development.)

The current language in the Zoning Code (SMC15.460.030) that addresses glare, is very general/subjective and does not provide a firm basis for initiating a code enforcement action:

15.460.030 Glare

Exterior lighting shall not be used in such a manner that it produces glare on public streets and neighboring property. This restriction also applies to any other nonresidential zone or use adjacent to single-family zones. Arc welding, acetylene torch cutting or similar processes shall be performed so as to be shielded from any adjacent properties or public roads. The glare of the torch shall not extend beyond the property line of the use (residential, commercial or industrial) creating the glare.

Staff examined a number of different codes and is recommending **replacing the language** in SMC 15.460.030 with the following, which is adapted from the City of Tumwater:

15.460.030 Exterior illumination.

These regulations apply to outdoor artificial light sources, including lights on the exterior of buildings or other structures, installed underneath canopies, pole-mounted, freestanding and ground lights, as well as nonresidential interior lights. These regulations shall apply whenever new lighting is installed, whether in new or existing developments.

A. For the purposes of regulating lighting in this section and elsewhere in this title, the following terms shall be defined as stated:

1. "Fully shielded fixture" means exterior lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture as determined by a photometric test or certified by the manufacturer.

2. "Light trespass" means the light emanating from one property (measured at the property line) intruding onto an adjacent property or public right-of-way.

3. "Non-Residential zoned property" means any property zoned P, NB, O/C/MU, O/CM, CB, CB-C, RBX, I, AVC, or AVO.

4. "Opaque" means not allowing light to pass through; not transparent or translucent.

5. "Partially shielded" means the luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer.

6. "Residential-zoned property" means any property zoned HDS-OZ, UL, UM, T, UH or UH-UCR.

7. "Translucent" means allowing light to pass, but diffusing it such that the light source cannot be distinguished.

B. Exterior Lighting Standards. Exterior artificial light sources shall conform to the following requirements:

1. Light fixtures shall be used in a manner such that light is directed downward, and not outward or upward.

2. Light fixtures shall be fully shielded.

    a. Fixtures on non-residential zoned properties that are mounted to the underside of structures such as canopies, awnings, etc. (such as those found at gas stations, drive-through facilities, service stations, and parking structures) shall be flush mounted to the canopy so that the lens does not protrude below the surface to which it is mounted. In instances where the canopy is not thick enough to accommodate a flush-mount fixture, a fully shielded fixture may be utilized and mounted to the surface.

3. Exterior lighting shall not blink, flash, fluctuate, be intermittent, or change color or intensity.

4. Illuminated signs and advertising devices shall also comply with provisions of SMC 15.600. Where conflict occurs, the more stringent standards shall apply.

5. Parking lot lighting shall also comply with provisions in SMC 17.24.020. Where conflict occurs, the more stringent standards shall apply.

6. Exterior lighting on non-residential zoned properties shall be turned off at the close of business or 10:00 p.m., whichever is later. However, lighting which is necessary for after business hours work by employees and lighting that is necessary for security systems to function properly may be utilized at any time provided the lighting is the minimum necessary and is turned off when it is no longer needed or being used.

7. Light trespass shall comply with the provisions of subsection D of this section.

8. Illumination of government flags is allowed provided the light fixtures are equipped with shields and louvers to control the beam spread and to prevent light trespass and glare.

9. Low voltage landscape lighting (thirty volts or less) is allowed provided it is partially shielded (upward-oriented spot/flood lights are not allowed) and does not violate the light trespass standards of subsection D of this section. Rope-style lighting of any voltage is also allowed for residential properties provided it meets the light trespass standards of subsection D of this section.

C. Application Required.

1. A basic lighting plan shall be submitted together with building permit applications that involve the installation or replacement of exterior lighting. The basic lighting plan shall include, but not be limited to, descriptions, illustrations, or photos of the types of lighting fixtures to be installed, a statement or description of how the fixtures comply with the regulations, and descriptions or depictions of the locations of the proposed lighting fixtures.

2. For nonresidential development proposals that are four thousand square feet or larger, the director may require a photometric lighting plan instead of the basic lighting plan. The photometric lighting plan must specify how the project lighting, including both freestanding and building-mounted lighting, complies with the applicable requirements of the SeaTac Municipal Code including this chapter. The photometric lighting plan shall also include the requirements listed for the basic lighting plan as shown in subsection (C)(1) of this section. Where requirements overlap or conflict, the more stringent shall apply.

D. Light Trespass. All light fixtures used on a premises shall be installed and maintained to prevent light trespass, measured at the property line of the originating property (light source), that exceeds one-tenth foot-candle illuminating adjacent to residential-zoned property or one-half foot-candle illuminating adjacent to business-zoned property or public rights-of-way.

E. Exceptions. The restrictions on exterior lighting in subsections B, C and D of this section shall not apply to:

1. Projection equipment for outdoor movie theaters and outdoor movie events.

2. Security floodlights with motion detectors and daytime cutoffs that comply with the light trespass standards of subsection D of this section; provided, that the duration of activation by the motion sensor does not exceed sixty seconds. Light trespass at the property line may be diminished to acceptable levels by using lower wattage bulbs, downward and inward orientation, opaque or translucent shielding, or combinations thereof.

3. Seasonal decorations illuminated no longer than sixty days.

4. Lights on moving vehicles.

5. Sports field lighting.

6. Navigation lights (such as airports, heliports, or tower lighting required by the Federal Aviation Administration).

7. Temporary emergency lighting (such as fire, police, repair workers).

8. Traffic control signals and devices.

9. Exterior lighting approved by the director for temporary or periodic events (e.g., special events, nighttime construction, etc.). Searchlights, lighting displays lasting longer than seven days in any calendar year, and any lighting displays that cause any direct glare into or upon any building other than the building to which the display may be related are all prohibited.

10. Light sources lawfully installed prior to the effective date of these regulations.

11. Public streetlights are exempt only from the light trespass standards of subsection D of this section.

2. Definition of "frontage road"

Another issue concerns a landscaping requirement for properties located adjacent to freeways and/or "frontage roads"; the problem with the above code requirement is that the code does define the term "frontage road." In examining how a frontage road is defined by various states' transportation departments, staff determined that per the typical definition of the term, SeaTac doesn't have any frontage roads. Therefore, the recommendation is to delete the following provision from the Zoning Code:

~~**15.445.260 Landscaping Adjacent to Freeway Rights-of-Way**~~

~~A. **Residential Development.**~~

~~1. Except as exempt under SMC 15.445.010(B), a minimum of twenty-five (25) feet of Type I landscaping shall be provided within all multi-family residential developments and residential subdivisions adjacent to freeway rights-of-way or adjoining frontage roads.~~

~~2. This requirement may be reduced to ten (10) feet of Type I landscaping with construction of an approved sound wall comparable to the type installed by the Department of Transportation along freeway rights-of-way.~~

~~B. **Commercial Development.** A minimum of ten (10) feet of Type I landscaping shall be provided within all commercial development adjacent to freeway rights-of-way or adjoining frontage roads.~~

3. Fee in-lieu wetland mitigation

Planning staff has been approached from both private developers and Sound Transit, asking that when impacts to wetlands occur as part of a development project, that they could use King County's "in-lieu fee mitigation" program, rather than being required to mitigate on-site or within the same drainage basin. Currently, the City's regulations require mitigation actions to preferably occur either on-site or within the same drainage basin. Opting into the King County system would essentially allow mitigation to be "exported" outside the city limits to other sites. However, in order to use King County's system, the code needs to be amended to list this as an option.

The following portions of the critical areas code are applicable to this issue (proposed additional language to address fee-in-lieu is included):

15.700.120 Mitigation, Maintenance, Monitoring and Contingency

A. Before impacting any critical area or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.

2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reduce or eliminate the impact over time by preservation and maintenance operations.

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the required compensation and take remedial or corrective measures when necessary.

15.700.310 Wetlands – Mitigation Requirements

A. **Requirements for Compensatory Mitigation.**

1. Compensatory mitigation for alterations to wetlands shall be used only:

   a. When impacts cannot be addressed by steps 1 through 4 of SMC 15.700.120(A);

   b. And shall not apply to allowed alterations pursuant to SMC 15.700.285(F), (G), or (I);

   c. And shall achieve equivalent or greater biological functions.

2. Compensatory mitigation plans shall be consistent with this chapter and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans, Version 1, (Ecology Publication No. 06-06-011b) or as amended, and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication No. 09-06-32, Olympia, WA, December 2009), or other best available science as recommended by Dept. of Ecology.

3. A performance bond or other approved financial surety is required before any project permits are issued. The purpose of the financial surety is to hold an applicant accountable for implementing the mitigation and monitoring plans. The release of financial surety is contingent on satisfactory completion by the applicant of the proposed construction mitigation and monitoring plans.

4. Mitigation ratios shall be consistent with subsection (F) of this section.

B. **Compensating for Lost or Affected Functions.** Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or

2. Out of kind replacement will best meet formally identified regional goals, such as replacement of historically diminished wetland types.

C. **Preference of Mitigation Actions.** Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

1. **Restoration (Reestablishment and Rehabilitation) of Wetlands.**

   a. The goal of reestablishment is returning natural or historic functions to a former wetland.

   b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland.

2. **Creation (Establishment) of Wetlands on Disturbed Upland Sites Such As Those with Vegetative Cover Consisting Primarily of Non-Native Species or Noxious Weeds.** This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.

3. **Enhancement of Significantly Degraded Wetlands in Combination with Restoration or Creation.** Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

   a. How the proposed enhancement will increase the wetland's/buffer's functions and values;

   b. How this increase in function will adequately compensate for the impacts; and

   c. How all other existing wetland functions and values at the mitigation site will be protected.

4. Preservation of high-quality, at risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement; provided, that a minimum of 1:1 acreage replacement is provided by reestablishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved.

D. **Location of Compensatory Mitigation.** Mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in subdrainage basin opportunities, or on-site and in subdrainage basin opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

2. On-site mitigation would require elimination of high quality upland habitat;

3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions; and

4. Off-site locations shall be in the same subdrainage basin and in the same water resource inventory area (WRIA) unless:

a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions and values have been established and strongly justify location of mitigation at another site; or

b. Credits from a State-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;

c. If compensatory wetland or wetland buffer mitigation is proposed off site, a signed statement of consent is required from owners of all affected properties. This statement shall be submitted to the City and a notice recorded with the King County Recorder prior to approval of a compensatory mitigation plan.

E. **Responsible Party for Mitigation Site**. Mitigation for lost or diminished critical area functions and values for either wetlands or streams shall use the following options:

1. Applicant-Responsible Mitigation – The applicant is responsible for the implementation, monitoring and success of the mitigation pursuant to this chapter.

2. Non-Applicant Responsible Mitigation – In-Lieu Fee Mitigation

a. Funds are collected from the applicant by the sponsoring agency, nonprofit, private party or jurisdiction. The sponsor is responsible from that point forward for the completion and success of the mitigation. The applicant's fee is based on the project

impact and includes all costs for the mitigation, including design, land acquisition, materials, construction, administration, monitoring, and stewardship.

b. Credits purchased by an applicant from an in-lieu program that is certified under federal and state rules may be used as a method of mitigation if approved by the City to compensate for impacts when all of the following apply:

i) The City determines as part of the critical area approval that it would provide equivalent or greater replacement of wetland functions and values when compared to conventional permittee-responsible mitigation;

ii) Projects shall have debits associated with the proposed impacts calculated by the applicant's qualified professional using the credit assessment method or appropriate method for the impact as specified in the approved instrument for the program. The assessment shall be reviewed and approved by the City;

iii) The proposed use of credits is consistent with the terms and conditions of the in-lieu fee program instrument; and

iv) The compensatory mitigation agreement occurs in advance of the authorized impacts, but no later than issuance of the building or grading and clearing permit.

~~E~~.F. **Timing of Compensatory Mitigation.** Mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development causing the wetland alteration. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

~~F~~G. **Wetland Mitigation Ratios.** In the following table the first number indicates the acreage of replacement wetlands and the second number indicates the acreage of wetlands altered.

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on Functions	4:1	8:1	16:1

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

~~G~~ H. **Illegal Alteration.**

1. When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work on the site shall stop and the critical area shall be restored. The City shall have the authority to issue a "stop work" order, pursuant to Chapter 1.15 SMC, to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violating provisions of this chapter.

2. The following minimum requirements shall be met for the restoration of a wetland:

   a. The original wetland structure, functions and values of the wetland shall be restored including hydrologic function, water quality and habitat functions;

   b. The original soil type and configuration shall be restored;

   c. The wetland edge and buffer configuration shall be restored to its original condition; and

   d. The wetland, edge and buffer shall be replanted with vegetation native to the regional ecology which replicates the original vegetation in species, sizes and densities.

3. The requirements in subsection (~~G~~H)(2) of this section may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained.