

CITY OF SEATAC
PLANNING COMMISSION
Minutes of May 3, 2016
Regular Meeting

Members present: Joe Adamack, Roxie Chapin, Tom Dantzler, Robert Scully, Jim Todd
Members absent: None
Staff present: Acting City Manager Joe Scorcio; Acting CED Director Jeff Robinson; Steve Pilcher, Planning Manager; Mike Scarey, Senior Planner; Anita Woodmass, Senior Planner; Justin Rowland, Planning Intern

1. Call to Order

Chair Adamack called the meeting to order at 5:30 p.m.

2. Public Comment

None.

3. Public Hearing on GMA Consistency Amendments re: Environmentally Sensitive Areas (SMC 15.700)

Chair Adamack opened the public hearing at 5:32 p.m.

Planning Manager Steve Pilcher noted that due to a City Hall computer system issue, the packet for this evening's meeting has not been posted to the City's web page. However, the draft code amendments have been posted for approx. 10 days. He suggested that the Commission may wish to continue the hearing for two weeks in light of this issue.

Mr. Pilcher also noted that an email regarding this issue was received this afternoon from Daryl Tapio and was also sent to the Commission members.

Senior Planner Mike Scarey made a presentation regarding the proposed code amendments. He stressed that staff had been notified by the Dept. of Ecology (DOE) that these changes are necessary in order to remain consistent with the requirements and standards of the Growth Management Act and that final adoption needs to occur by June 30, 2016.

In response to a question by the Commission, Mr. Scarey indicated that the proposed definition changes are based upon information received from State DOE and/or Dept. of Commerce, Growth Management Services (GMS). He noted that in some instances, the wetland buffer and mitigation standards are becoming more flexible

Commissioner Dantzler suggested the City hire an expert to provide analysis on the proposal and give a recommendation to the Commission.

Chair Adamack inquired whether the airport is required to follow the same regulations. Mr. Scarey indicated he wasn't sure, as the Interlocal Agreement (ILA) between the Port and City grants the Port regulatory authority on airport properties.

Commissioner Todd inquired as to nature of the changes to the aquifer recharge regulations. Mr. Scarey responded that currently, no regulations exist, so what is being proposed is new. However, as noted, most of the proposed standards are required by various other code requirements that the City or other agencies enforce.

Mr. Scarey then reviewed the schedule for moving forward with this proposal.

The Chair then opened the hearing to public testimony.

Earl Gipson testified that the proposed regulations are "a joke" and provided a perspective of his own historic experience in dealing with drainage and wetland issues in his neighborhood. He advocated that should a property owner pay for a critical area study that determines that a wetland is not present on their property, then the City should reimburse them for the cost of the study. He also expressed concern about the impact of these regulations on affordable housing.

Planning Manager Steve Pilcher read the email for Daryl Tapio into the record, per his request. Mr. Tapio expressed concerns about some of the proposed definitions; the cost of having wetland studies completed and then peer reviewed; the variability of opinion that sometimes exists among wetland biologists; and the mapping of the wellhead protection areas and critical aquifer recharge areas. His email included links to several YouTube videos created by the Freedom Foundation in Washington state.

Cathy Boysen-Heiberg testified that this is a very complex topic. She expressed concern of the impact of these changes upon existing developed properties, as her family owns two sites with Bow Lake frontage. She cautioned that the proposed changes should not overstep State guidelines and should include as much flexibility as possible.

Kathryn Campbell raised the issue of whether the proposal strictly adheres to State guidelines.

Michael Siefkes, SeaTac Mayor, questioned whether all these changes are required and how much modification can be made to the State guidelines. He asked whether staff has conducted an economic impact study and suggested that having the proposal reviewed by an expert would be helpful.

Rick Forschler, SeaTac Councilmember, expressed concern with the concept of "human-induced" change. He testified that CARAs should not be considered the same as wellhead protection areas. The focus should be on protecting areas that are susceptible to groundwater contamination, excluding areas with low risk of contamination. He indicated that based upon his knowledge of this topic, there is uncertainty of what areas are recharging the wells located within the SeaTac city limits. He further expressed concern of the economic impact of this proposal.

Peter Kwon quoted from the Washington Administrative Code (WAC) that addresses what constitutes a qualified wetland scientist. He stated there doesn't appear to be a standard and that wetland studies should be performed by hydrogeologists.

Chair Adamack then closed the hearing to public testimony at 6:42 p.m.

Commissioner Dantzler commented on Mr. Gipson's testimony and asked him to propose language regarding compensating property owners for the cost of providing studies that prove a wetland does not exist on their property. He also asked staff to look at language that will "grandfather" existing development.

Commissioners indicated that a matrix indicating which changes are State requirements and which are City-added would be helpful.

4. Implementing Regulations for the Angle Lake Station Area

Senior Planner Anita Woodmass noted that the draft code language has been provided in part to the Commission. Staff was not able to deliver all of it in advance, due to the City-wide network issue the previous Friday. She stated that the remaining sections of the code will be provided on Wednesday.

Ms. Woodmass then provided a high-level overview of what has been discussed to date and also discussed some of the proposed standards regarding first-floor transparency and weather protection for pedestrians.

Staff is requesting the Commission hold a hearing on Tuesday, May 31st, regarding this proposal. That will allow staff adequate time to complete the draft regulations, the SEPA process, and make additional contacts with the development community to receive their input. A final draft of the code will be provided by Friday, May 20th.

Commissioners inquired whether the code reflects past discussions; Ms. Woodmass stated that it does. They also asked about development incentives and suggested consideration for such things as reduced impact fees. Ms. Woodmass noted that the code has been drafted with "built-in" incentives, in regards to reducing standards that are currently applicable in the City Center and S. 154th St. Station Area.

5. CED Director's Report

Mr. Scorcio mentioned that staff is trying to coordinate a special meeting with the Commission and Land Use & Parks Committee of the City Council, in order to be briefed on the City's challenge of the Phase II NPDES permit.

Mr. Pilcher reviewed a memo from Kate Kaehny, Senior Planner, regarding staff's intention to bring forward code amendments to eliminate the requirement for ground-floor commercial for multifamily development projects in certain zones.

Mr. Scorcio noted there will be a presentation at next Tuesday’s Council meeting regarding the state of the budget. He also reported on a recent “roundtable” held with the Port of Seattle Commissioners and noted their upcoming “flight corridor obstruction project.”

6. Planning Commissioner Comments

Commissioner Dantzer, who will not be at the May 17th meeting, wished to go on record as being in support of the proposal to eliminate ground-floor commercial requirements for multifamily projects.

7. Adjournment

Moved and seconded to adjourn. Motion passed 5-0. The meeting adjourned at 7:25 p.m.

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