

**PLANNING COMMISSION**  
**Minutes of March 2, 2010, Meeting**

**Members Present:** Melvin McDonald, Tom Dantzler, Roxie Chapin, Barry Ladenburg,  
Daryl Tapio

**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 February 16, 2010, Meeting:**

A motion was made, seconded, and unanimously passed to approve the minutes of the February 16, 2010 meeting as presented.

**3. Public Hearings:**

The Vice-Chair opened the public hearings at 5:32 p.m.

**A. Staff Presentation on the Proposed Zoning Code Amendments regarding “Construction Storage/Laydown” as a Temporary Use in the Industrial, Business Park, and/or Commercial Zones**

Staff is recommending that this public hearing be continued to the April 6 Planning Commission meeting.

**B. Public Hearing and Potential Recommendation to the City Council on Proposed Zoning Code Amendments regarding “Construction Storage/Laydown” as a Temporary Use in the Industrial, Business Park, and/or Commercial Zones**

A motion was made, seconded, and unanimously passed to continue the public hearing on Proposed Zoning Code Amendments regarding “Construction Storage/Laydown” as a Temporary Use in the Industrial, Business Park, and/or Commercial Zones to the April 6, 2010 Planning Commission meeting.

**C. Staff Presentation on the Proposed Zoning Code Amendments to Allow Vacant Industrial/Commercial Sites as Temporary Green River Valley Flooding “Evacuation Storage Sites”**

The City has received numerous requests to use SeaTac vacant or developed properties as emergency evacuation sites in the event of flooding in the Green River Valley. The Land Use & Parks Committee recommended allowing the use subject to specific criteria. Jack Dodge reviewed the proposed regulations as follows:

A Temporary Use Permit may be issued for a temporary emergency evacuation storage site in the Industrial, Commercial, and Business Park Zones subject to the following criteria: (1)

King County has issued an emergency order regarding flooding; (2) The applicant shall submit a signed agreement with the property owner allowing the use; (3) All storm drainage requirements must be met; (4) The emergency storage site shall not interfere with on-site pedestrian and vehicular circulation, occupy any required off-street parking spaces, or remove any landscaping; (5) Uses determined to be hazardous waste disposal facilities will be prohibited; (6) The property shall only be used until the flooded valley property has been restored to usable condition.

Federal Express is proposing to use an existing parking lot at the Alaska Airlines office building off South 208<sup>th</sup> Street to stage a number of trailers in anticipation of possible flooding; staging is not addressed as part of the proposed regulations.

#### **D. Public Hearing and Potential Recommendation to the City Council on Proposed Zoning Code Amendments to Allow Vacant Industrial/Commercial Sites as Temporary Green River Valley Flooding “Evacuation Storage Sites”**

Earl Gipson, 17050 51<sup>st</sup> Ave. S.: The Land Use & Parks Committee did not want this. Mr. Gipson asked if Federal Express is currently storing some equipment on the site, and whether or not they are violating the City’s regulations. (Answer from Jack Dodge: Yes.)

Sam Pace, Housing Specialist, Seattle-King County Association of Realtors: He has participated in writing letters from various Chambers of Commerce in support of cities appealing the FEMA flood maps and legislation to keep businesses in the region. South King County and Northeast Pierce County businesses are a \$65 billion dollar a year economic engine. A flood would cost millions daily, and businesses (along with jobs) may leave altogether as a result. The organization he represents doesn’t think it makes sense to wait until flooding actually occurs, and supports staging to allow businesses to make preparations in advance and thereby minimize their losses.

Robert Jones, Vortex Engineering/Colorado: Mr. Jones introduced Chris Meyers, Special Projects Engineer, Federal Express Ground. They believe it is imperative to allow staging of equipment prior to actual flooding. Meeting storm drainage requirements is of concern as it could cost millions, particularly considering the site is being used temporarily. The temporary structures Fed Ex is proposing to site are pre-manufactured modular structures which will be used to house the operations associated with packages being unloaded from tractor-trailers and loaded into vans for distribution around the region. Other sites are also being prepared, SeaTac would handle approximately 30% of Federal Express’s distribution in the event of a flood. The SeaTac site would be staged for immediate use prior to the rainy season, with equipment removed at the end of the rainy season until the Howard Hansen Dam is declared safe.

A lengthy discussion was held about storm drainage requirements. Concerns were raised about the inevitability of some spillage onto the concrete parking lot due to the many vehicles arriving and departing from the site, and that peak activity times would be one to three hours in the morning and again in late afternoon. Discussion was also held about traffic impacts, and screening.

Jack Dodge explained that the storm drainage requirements are part of the King County Surface Water Drainage Manual, and cannot be deferred or waived. It was suggested that a representative of the City's Public Works Department address the Commission on this issue. Mr. Dodge reiterated the City's recommendation that Federal Express attend a Development Review Committee meeting which could expedite the permitting process.

A motion was made, seconded, and unanimously passed to recommend the City Council approve the proposed regulations with the addition of language to allow pre-staging up to a maximum of six months, and requiring temporary screening if necessary

**E. Staff Presentation on the Proposed SMC Amendment regarding Appeals of Non-Project SEPA Determinations**

Staff is recommending this public hearing be continued to April 6.

**F. Public Hearing and Potential Recommendation to the City Council on the Proposed SMC Amendment regarding Appeals of Non-Project SEPA Determinations**

A motion was made, seconded, and unanimously passed to continue the public hearing on the Proposed SMC Amendment regarding Appeals of Non-Project SEPA Determinations to the April 6, 2010 Planning Commission meeting.

At 6:42 p.m., hearing no further requests to speak, the Vice-Chair closed the public hearing on the Proposed Zoning Code Amendments to Allow Vacant Industrial/Commercial sites as Temporary Green River Valley Flooding "Evacuation Storage Sites". Further, the Vice-Chair reiterated that the public hearing on the Proposed Zoning Code Amendments regarding "Construction Storage/Laydown" as a Temporary Use in the Industrial, Business Park, and/or Commercial Zones, and the public hearing on the Proposed SMC Amendment regarding appeals of Non-Project SEPA determinations were continued to the Planning Commission's April 6, 2010 meeting.

**4. New Business:**

**A. Initial Discussion Regarding the Methods to Determine the Living Area in Accessory Dwelling Units**

An Accessory Dwelling Unit (ADU) must not be less than 220 square feet of living space, nor exceed 800 square feet of living space under certain circumstances. Jack Dodge reviewed the proposed methods of determining "living area" as follows:

For calculating the minimum living space of 220 square feet:

- Bathrooms, closets, utility rooms, and storage areas shall not be included.

For calculating the maximum living space of 800 square feet:

- Bathrooms, closets, utility rooms, and storage areas with internal access shall be included.

Discussion was held; additional information regarding Building Code regulations will be provided at the next meeting.

## **B. Initial Discussion about Potential “Cell Tower” Regulation Amendments Related to a Recent Federal Communication Commission Order**

The Federal Communications Commission passed new regulations requiring municipalities to approve or deny applications for wireless telecommunication facilities within 90 days of issuing an Determination of Completeness. State law and City regulations currently allow 120 days.

## **C. Continued Discussion regarding “Tree Covenants” in Preliminary and Final Short Plats and Formal Subdivisions**

The Land Use & Parks Committee has recommended the following:

- Recorded Short Plats – Send a letter to property owners that they can remove the tree covenant upon request to the City.
- Unrecorded Short Plats That Have Received Preliminary Approval – The property owner may retain the covenants as required under the previous code or conform to the new code requirements.
- Subdivisions – No recommendation. RCW 58.17.212 requires that all property owners within the subdivision sign a petition to remove the covenants. The City Council can then hold a public hearing and take action.

Discussion was held about mitigation requirements if a protected is removed, and that the City Council has determined that private property owners should control their own trees; there being only two platted subdivisions within the City; requirements regulating short plats and subdivisions being consistent; and impacts to adjacent property owners as well as the City’s noticing of all affected and interested parties of an upcoming public hearing regarding the removal of tree covenants in subdivisions.

A motion was made, seconded, and unanimously passed to concur with the Land Use & Parks Committee recommendation regarding tree covenants, with a caveat recommending lowering mitigation requirements for removing a protected tree.

## **5. Old Business:**

### **A. Election of Chairperson and Vice Chairperson**

A motion was made, seconded, and unanimously passed to elect Melvin McDonald Chairperson of the Planning Commission for 2010.

A motion was made, seconded, and unanimously passed to elect Daryl Tapio Vice-Chairperson of the Planning Commission for 2010.

**B. Vote on Proposed Bylaws Amendment Regarding the New Planning Commission Meeting Time**

A motion was made, seconded, and unanimously passed to recommend the City Council approve amending the Planning Commission Bylaws to reflect meeting dates of the first and third Tuesday of each month.

**6. Detailed Commission Liaison's Report:**

Commissioner Chapin reported that the City Council approved an ordinance allowing residential front yard setbacks of 15' for the living area of a home and a minimum 20' setback for garages, in new construction only. She recommended this issue be addressed again at a future date.

Commissioner Ladenburg stated the setbacks were applied in new construction only primarily for aesthetic reasons, and that the Council did intend to revisit this issue early next year.

**7. Planning Director's Report:**

Steve Butler advised that all the Commissioners were invited to a portion of an upcoming Council Retreat, specifically a workshop on Downtown SeaTac, scheduled for Saturday, March 6 1:15-5:00 p.m. The next regular Council meeting is scheduled for March 9, the agenda will include emergency evacuation storage sites. Prior to the April 6 Commission meeting, from 5:00-6:00 p.m., there will be an open house on the 2010 Comprehensive Plan/Development Review Amendment process; as a result, the Planning Commission meeting would begin at 6:00 p.m. Mr. Butler also explained the City's procedure for communicating with the Commission via official City email accounts.

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

A full retreat agenda was requested. Discussion was held about joint meetings with Planning Commissions of adjacent jurisdictions.

**9. Adjournment:**

The meeting was adjourned at 7:00 p.m.