



# MEMORANDUM

## COMMUNITY & ECONOMIC DEVELOPMENT

Date: November 29, 2012  
To: Planning Commission Members  
From: Gary Schenk, Interim Director, Department of Community and Economic Development *GS*  
Subject: Upcoming Meeting – Tuesday, December 4, 2012

Agenda items for Tuesday's meeting are as follows:

### 1) Draft Minutes of November 6, 2012 Planning Commission Meeting

*Background:*

Draft minutes of the previous meeting presented for approval.

*Exhibits Associated with this Item:*

Exhibit A: City of SeaTac, Planning Commission, Draft Minutes, November 6, 2012

### 2) Public Hearing on Proposed City Center Park-and-Fly Code Amendments

*Presenters:*

Kate Kaehny, Senior Planner  
Anita Woodmass, Associate Planner

*Background:*

The purpose of this Ordinance is to revise the existing City Center Park-and-Fly code standards. The proposed code revisions reflect the recommendations of the Zoning Code Ad Hoc Committee which worked over the last year and a half on the proposed code. Now, after completing the SEPA environmental review process, the proposed code amendments are being forwarded for the public hearing and the Planning Commission final recommendation.

The proposed amendment can be found at the following link on the City's website at: <http://www.ci.seatac.wa.us/index.aspx?page=629> (or alternatively you can search for 'SeaTac Park-and-Fly Code Amendments' in the search field at the top of the website page).

*Exhibits Associated with this Item:* No exhibits.

*Anticipated Schedule for this Item:*

- Agenda Bill 3479 and the corresponding ordinance will go to the Council Study Session after the Planning Commission has provided its recommendation.

- If the Planning Commission makes its recommendation at this meeting, the Agenda Bill will be presented at the Council Study Session on 12/11/12, and potentially be forwarded for Council action on 1/8/13.
- Alternatively, if the Planning Commission provides a recommendation at the following Planning Commission meeting which is scheduled for 12/18/12, the Agenda Bill will be presented at the Council Study Session on 1/8/13, and potentially be forwarded for Council action on 1/22/13.

### **3) Public Hearing Addressing City's Approach to Medical Marijuana**

*Presenter:*

Albert Torrico, Senior Planner

*Background:*

The purpose of this Ordinance is to replace the current moratorium on medical marijuana, and provide the City with a simple way to regulate any use that is illegal under local, state or federal law. The current moratorium on collective gardens will expire on February 1, 2013, which is also the effective date of the proposed ordinance.

*Exhibits Associated with this Item:* Exhibit B: Draft ordinance amending Section 15.05.060 of the SeaTac Municipal Code related zoning and development regulations.

*Anticipated Schedule for this Item:*

Agenda Bill 3482 and the corresponding ordinance will go to the Council Study Session on 12/11/12 and back the City Council meeting on 1/8/13 for Council action.

### **4) Public Hearing on Amending Homeless Encampment Regulations**

*Presenter:*

Albert Torrico, Senior Planner

*Background:*

The SeaTac City Attorney's Office has notified the Planning Division that a change to the City's Homeless Encampment Regulations is needed. The required change is the result of a recent court case, and addresses the prohibition of firearms in homeless encampments. The draft amendment is shown in subsection C.7 of Section 15.20.045 in the attached Exhibit C.

*Exhibits Associated with this Item:*

Exhibit C: Draft Ordinance amending SMC Section 15.20.045 related to Development Regulations for Homeless Encampments.

*Anticipated Schedule for this Item:*

This item will likely go to Council Study Session and City Council meetings in January 2013.

*Anticipated Schedule for this Item:*

This item will likely go to Council Study Session and City Council meetings in January 2013.

If you have any questions or comments about Tuesday's meeting, please feel free to call me or Mike Scarey at (206) 973-4750.

**CITY OF SEATAC  
PLANNING COMMISSION MEETING**

**Tuesday, December 4, 2012**

**Council Chambers, SeaTac City Hall, 4800 S. 188<sup>th</sup> Street  
5:30 p.m. to 7:00 p.m.**

**MEETING AGENDA**

1. Call to Order/Roll Call – 5:30 P.M.
2. Approve Minutes of November 6, 2012 Planning Commission Meeting – 5:30 P.M. to 5:35 P.M.
3. Public Hearings – 5:35 P.M. – 6:40 P.M.
  - a. Proposed City Center Park-and-Fly Code Amendments
  - b. Addressing City's Approach to Medical Marijuana
  - c. Amending Homeless Encampment Regulations
4. Old Business – None
5. New Business – None
6. Detailed Commission Liaisons' Reports – 6:40 P.M. to 6:50 P.M.
7. Community & Economic Development Director's Report – 6:50 P.M. to 6:55 P.M.
8. Planning Commission Comments (*including suggestions for next meeting's agenda*) – 6:55 P.M. to 7:0 P.M.
9. Adjournment – 7:00 P.M.

CITY OF SEATAC  
PLANNING COMMISSION

DRAFT Minutes of November 6, 2012  
**Regular Meeting**

**Members Present:** Daryl Tapio, Chairman, Roxie Chapin (Vice-Chair), Tom Dantzler, Jeff Guite, Joe Adamack

Members Absent: None

**Staff Present:** Gary Schenk, Interim Director, Planning and Community Development Department; Mike Scarey, AICP, Senior Planner; Albert Torrico, Senior Planner; Kate Kaehny, Senior Planner; Anita Woodmass, Associate Planner

**1. Call to Order:**

Chairman Tapio called the meeting to order at 6:02 p.m.

**2. Approve Minutes of the October 16, 2012 Meeting:**

On a motion by Chapin, 2<sup>nd</sup> by Adamack, the October 16, 2012 meeting minutes were moved to discussion. Commissioner Adamack noted that the Minutes reported a vote incorrectly. On a motion by Dantzler, 2<sup>nd</sup> by Chapin, the minutes were moved and accepted as amended by a 5-0 Commission vote.

**3. Public Hearing: 2012 Final Docket of Comprehensive Plan amendments**

Mr. Scarey gave a presentation of the proposed amendments, going over the steps in the annual amendment process, summarizing each of the amendments, and focusing primarily on Map Amendment A-1 and A-2. The presentation included the applicant's stated purpose for the amendment, and an analysis by staff of the issues associated with each, generally summarizing the information in the written Staff Report. That information included a comparison of the uses allowed in the current zone and the proposed future zone, the staff recommendation for each proposed amendment, and the factors leading to the staff recommendation for each amendment proposal.

The staff recommendations were presented as follows:

- Map Amendment A-1 (3050 S 150<sup>th</sup> Street): **Do not adopt.**  
Staff offered an alternative recommendation to not act on the amendment, but move it directly to the 2013 Final Docket. This would avoid the 2-year wait period that would apply if the proposal was denied, while allowing time for the City's Riverton Property Site Planning and Feasibility Study to be completed.
- Map Amendment A-2 (19740 Military Road): **Do not adopt.**

**EXHIBIT A**  
**DATE 12/4/12**

- Map Amendment B-1 (informational, update the existing land use map): **Adopt**
- Text Amendment T-1 (pertaining to land use forecasts): **Withdraw**
- Text Amendment T-2 (update the existing land use information): **Adopt**
- Text Amendment T-3 (pertaining to the housing element): **Withdraw**
- Text Amendment T-4 (update Capital Facilities Plan): **Adopt**

The Chair opened the Public Hearing at 6:32 P.M. The following people spoke:

NAME	ADDRESS	AMENDMENT	DISPOSITION
Margie Rose	3049 S 148th St	A-1	Against
Councilmember Pam Fernald	2431 S 133rd St	A-1	Against
Dave Cronk	19415 Military Rd S	A-2	Against
Clyde Hill	19449 Military Rd S	A-2	Against
Tom Landry	19715 Military Rd S	A-2	Against
Jim Thompson	19729 Military Rd S	A-2	Against
Dan Winston	19679 Military Rd S	A-2	Against
Gary Ryan	19706 40th Place S	A-2	Against
Maudette Richards	19649 Military Rd S	A-2	Against
Rosalyn Zylkowski	19477 Military Rd S	A-2	Against
Earl Gipson	17050 51st Ave S	A-2	Other
Jeffrey Lindstrom	19740 Military Rd S	A-2	Supporting
Victor Lindstrom	19740 Military Rd S	A-2	Supporting
Bo Lindstrom	19740 Military Rd S	A-2	Supporting
Claes Hagstromer	11295 Wing Point Dr NE, Bainbridge Is. (SeaTac property owner)	A-2	Supporting

The speakers opposing Map Amendment A-1 (3050 S 150<sup>th</sup> Street) based their opposition on the desire to preserve the residential character of the single family neighborhood, and stated that the City should not carve additional multi-family land out of the single family area.

Speakers opposed to Map Amendment A-2 (19740 Military Road) cited impacts to the Angle Lake neighborhood on the other side of Military Road including:

- change in the character of the area;
- increased traffic on Military Rd. and associated issues including:
  - pedestrian and cyclist safety;
  - safety of children accessing the school bus;
  - increased potential for vehicular accidents;
  - impacts to parking;
- decreased property values;
- loss of vegetative noise buffer;
- loss of views.

Speakers supporting Map Amendment A-2 (19740 Military Road) cited:

- applicant's efforts to select and design a project that would be acceptable to the neighborhood;
- parking would be located within the new structure;
- structures would be better sound mitigation than vegetation;
- project impacts can be mitigated through design;
- need for additional housing density as population increases.

Other comments recommended amending the Zoning Code to limit combining convalescent center/nursing home with multi-family uses.

The Commission Chair closed the Public Hearing at 7:14 P.M.

The Planning Commission then discussed their recommendations for the Comprehensive Plan amendments. The Commission first discussed Map Amendment B-1, and Text amendments T-1, T-2, T-3 and T-4, **voting 5-0 to concur with the staff** recommendations.

The discussion then turned to Map Amendment A-1 (3050 S 150<sup>th</sup> Street). After considering the alternative recommendation (to move the amendment proposal to the 2013 Final Docket) and deciding against it, the Commission **voted 5-0** to recommend that **Map Amendment A-1 not be adopted**, citing:

- impacts to surrounding properties; and
- the fact that neither the applicant nor any party representing him has appeared before the Commission to state his case in support of this proposal.

The discussion then turned to Map Amendment A-2 (19740 Military Road). The Commission **voted 4-1** to recommend that **Map Amendment A-2 not be adopted**. The discussion noted that the nursing home idea was a good one, and that the applicant had tried to deal with some of the community's objections such aesthetic and traffic impacts, and that buildings probably did offer better sound mitigation than trees, but in the end voted to reject the proposal, citing the following:

- the change being considered is a change to the land use, and allows uses other than those proposed;
- approving the requested change wouldn't necessarily result in the applicant's proposal being built but would open the door to other high density residential projects;
- changing the character of the existing neighborhood; and
- lack of community support

#### **4. Old Business:**

##### **A. Continued Review of Proposed City Center Park-and-Fly Code**

Ms. Woodmass discussed the 6 options the Planning Commission will consider as potential recommendations at a later Commission meeting. Those options included:

- Option 1 – Adopt the proposed code and keep existing City Center Road Standards;
- Option 2 – Adopt revised code and keep existing City Center Road Standards;
- Option 3 – Adopt proposed code and keep existing City Center Road Standards and recommend review of the City Center & Comp Plan at a later date;
- Option 4 – Adopt revised code and keep existing road standards and recommend a review of the City Center ad Comp Plan at a later date;
- Option 5 – Pause, take no action on proposed code and review City Center Plan and Comp plan first, and then come back to parking code at a later date; and
- Option 6 – Keep existing code.

Commissioner Dantzler asked some clarifying questions regarding Option 1 and how they would affect the existing road standards, as well as, how this option would affect vesting rights and the ability of projects to move forward. He also asked if a potential project could follow the Development Agreement process.

Chair Tapio clarified that what is before the Commission is not a recommendation on passing one of the options, but rather a preliminary recommendation to keep the process moving forward and hold a public hearing.

Chair Tapio commented that he would like to keep the scope narrow and not create a larger project. He recommended that the Commission reviews and holds a public hearing on the Ad Hoc Committee's recommendation and review road standards separately at a later date.

He also commented that given the time that has gone into the process, Option 3 would be the appropriate approach.

Commissioner Adamack commented that he isn't comfortable endorsing new code that he isn't familiar with and would like time to better understand what is being proposed. Staff commented that they could meet with Commissioner Adamack to help him better understand the proposed code changes.

Chair Tapio supports the efforts of the Ad Hoc Committee and feels the process needs to move forward.

Commissioner Dantzler made a motion to select Option 3 as the preferred option if the Commission is asked to weigh in on the subject, it was 2<sup>nd</sup> and a brief discussion followed.

The Commission voted 4-0, with one Commissioner abstaining, to select Option 3 as their preferred preliminary recommendation to the Council.

## **5. New Business:**

### **A. Review Draft Amendments to Homeless Encampment Regulations**



Mr. Torrico briefly discussed the minor code amendment to the Homeless Encampment regulations. He explained that the City received a letter from the Second Amendment Foundation who took issue with one section of our Homeless Encampment regulations that restricted the possession of fire arms with the camp. They asserted that this violates state law and requested that the code be amended. The City Attorney reviewed the letter, our code and state law and concluded that we did need to amend the code.

On a motion by Commissioner Dantzler that the code amendment as proposed by staff should be moved forward, 2<sup>nd</sup> by Commissioner Guite, the Commission voted 5-0 in favor of the code amendment.

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

None

**7. Community & Economic Development Director's Report:**

None

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

None

**8. Adjournment:**

By the consensus of the Commission, the meeting was adjourned at 7:55 p.m.

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**DRAFT**

**ORDINANCE NO.** \_\_\_\_\_

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 15.05.060 of the SeaTac Municipal Code related to zoning and development regulations.

**WHEREAS**, it is necessary to amend the Section 15.05.060 of the SeaTac Municipal Code in order to ensure that the City's development regulations are consistent with local, state or federal laws; and

**WHEREAS**, federal law prohibits the manufacture and possession of marijuana as a Schedule I drug under the Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C 801 et seq; and

**WHEREAS**, the City Council deems it to be in the public interest to amend Section 15.05.060 of the SeaTac Municipal Code to clarify that any land use which is prohibited under Federal, State, or local law is not allowed in the City of SeaTac.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Section 15.05.060 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.05.060 Interpretation - General**

A. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.

C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

D. The word “shall” is mandatory and the word “may” is discretionary.

E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future words defined in this title; all words and terms used in this code shall have their customary meanings.

F. The City Manager, or designee, shall issue administrative interpretation on the Zoning Code in order to clarify the intent and standards. The interpretation shall have the stated issue, findings of fact, and conclusions and shall be considered during the annual review of the code for inclusion as a standard.

[G. This Title does not allow any use which is in violation of any local, State, or Federal laws, regulations, codes and/or ordinances.](#)

**Section 2.** The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Commerce within ten (10) days after adoption, and to the King County Assessor.

**Section 3.** This Ordinance shall be in full force and effect February 1, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and signed in authentication thereof on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF SEATAC**

\_\_\_\_\_  
Tony Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Kristina Gregg, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

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**DRAFT**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE of the City Council of the City of SeaTac, Washington amending Section 15.20.045 of the SeaTac Municipal Code related to Development Regulations for Homeless Encampments.

**WHEREAS**, it is necessary to amend the Section 15.20.040 (C)(7) of the SeaTac Municipal Code in order to ensure that the City's development regulations are the State preemption of firearms regulation;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. Section 15.20.045 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.20.045 Homeless Encampment – Criteria/Requirements for Approval**

The City Manager or designee may issue a temporary and revocable permit for a Homeless Encampment subject to the following criteria and requirements.

**A. Procedure for Approval**

1. The sponsoring agency shall notify the City of the proposed Homeless Encampment a minimum of 30 days in advance of the proposed date of establishment for the Homeless Encampment and at least 14 days before submittal of the Temporary Use Permit. The advance notification shall contain the following information:
  - a. The date the Homeless Encampment will encamp.
  - b. The length of encampment.
  - c. The maximum number of residents proposed.
  - d. The host location.

2. The sponsoring agency shall conduct at least one (1) public informational meeting within, or as close to, the neighborhood where the proposed Homeless Encampment will be located, a minimum of two (2) weeks prior to the submittal of the Temporary Use Permit application. The time and location of the meeting shall be agreed upon between the City and sponsoring agency. All property owners within 1000 feet of the proposed Homeless Encampment shall be notified 14 days in advance of the meeting by the sponsoring agency.

**B. Site Criteria**

1. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the Homeless Encampment.
2. The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:
  - a. Sanitary portable toilets in the number required to meet capacity guidelines;
  - b. Hand washing stations by the toilets and by the food areas;
  - c. Refuse receptacles; and
  - d. Food tent and security tent.
3. The host and sponsoring agencies shall provide an adequate water source to the Homeless Encampment, as approved by the local Water District and the City.
4. No Homeless Encampment shall be located within a Sensitive (Critical) Area or its buffer as defined under Chapter 15.30 of the SeaTac Municipal Code (SMC).
5. No permanent structures will be constructed for the Homeless Encampment.
6. No more than 100 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.
7. Adequate on-site parking shall be provided for the Homeless Encampment. No off-site parking will be allowed. The number of vehicles used by Homeless Encampment residents shall be provided. If the Homeless Encampment is located on a site with another use, it shall be shown that the Homeless Encampment

parking will not create a shortage of on-site parking for the other use/s on the property.

8. The Homeless Encampment shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
9. The Homeless Encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.
10. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

**C. Security**

1. An Operations and Security Plan for the Homeless Encampment shall be submitted to the City.
2. The host agency shall provide to all residents of the Homeless Encampment a “Code of Conduct” for living at the Homeless Encampment. A copy of the “Code of Conduct” shall be submitted to the City at the time of application.
3. All Homeless Encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so shall result in the noncompliant resident’s immediate and permanent expulsion from the Property.
4. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept for a minimum of six (6) months.
5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver’s license, government-

issued identification card, military identification or passport from prospective and existing encampment residents.

6. The sponsoring agency will use identification to obtain sex offender and warrant checks from the King County Sheriff's Office or relevant local police department.
  - a. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then sponsoring agency will reject the subject of the check for residency to Homeless Encampment or eject the subject of the check if that person is already a Homeless Encampment resident.
  - b. The sponsoring agency shall immediately contact the SeaTac Police Department if the reason for rejection or ejection of an individual from the Homeless Encampment is an active warrant or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.
7. The sponsoring agency shall self-police and self-manage its residents and flatly prohibit alcohol, drugs, weapons (except the lawful possession of firearms), fighting, abuse of any kind, and littering or disturbing neighbors while located on the property. Nothing in this subsection is intended to require a sponsoring agency to allow the lawful possession of firearms.
8. The sponsoring agency will appoint an Executive Committee member to serve "on-duty" at all times to serve as a point of contact for City of SeaTac Police and will orient the Police as to how the security tent operates. The names of the on-duty Executive Committee members will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

**D. Timing**

1. The duration of the Homeless Encampment shall not exceed ninety (90) days.



2. No additional homeless encampments may be allowed in any 12 month period beginning on the date the homeless encampment locates on a parcel of property.
3. No more than one (1) Homeless Encampment may be located in the City at any time.

**E. Health and Safety**

1. All temporary structures within the Homeless Encampment shall conform to all Building Codes.
2. The Homeless Encampment shall conform to the following Fire requirements.
  - a. Material used as roof covering and walls shall be of flame retardant material.
  - b. There shall be no open fires for cooking or heating.
  - c. No heating appliances within the individual tents are allowed.
  - d. No cooking appliances other than microwave appliances are allowed.
  - e. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department.
  - f. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department
  - g. Adequate separation between tents and other structures shall be maintained as determined by the Fire Department.
  - h. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
3. The sponsoring and host agencies shall permit inspections by SeaTac staff and the King County Health Department at reasonable times without prior notice for compliance with the conditions of this permit.

**F. Termination**

1. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may

result in immediate termination of the permit. If the City learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the Temporary Use Permit may be immediately terminated.

**Section 2.** The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

**Section 3.** This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and signed in authentication thereof on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF SEATAC**

\_\_\_\_\_  
Tony Anderson, Mayor

ATTEST:

\_\_\_\_\_  
Kristina Gregg, City Clerk

Approved as to Form:

\_\_\_\_\_  
Mary E. Mirante Bartolo, City Attorney

[Effective Date: \_\_\_\_\_]

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