

Homeless Encampment Ordinance Peer City Documents

City of Seatac

SEATAC CITY COUNCIL

REGULAR MEETING MINUTES

May 24, 2005
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Frank Hansen at 6:45 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Councilmembers Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan. Excused absences: Deputy Mayor Terry Anderson and Councilmember Gene Fisher.

ADMINISTRATIVE STAFF: Bruce Rayburn, City Manager; Craig Ward, Assistant City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Steve Mahaffey, Human Resources Director; Lawrence Ellis, Assistant Parks & Recreation Director; Steve Butler, Planning Director; Jack Dodge, Principal Planner; Bob Meyer, Fire Chief; and Greg Dymerski, Chief of Police Services.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Special Study Session.*)

PUBLIC COMMENTS: No comments at this time.

PRESENTATION:

●Human Relations Advisory Committee Annual Report

Human Resources Director Mahaffey and Human Relations Advisory Committee Chair Lawrence Ellis presented the committee's annual report. Mr. Ellis stated the committee has met with diverse culture groups in the community as well as their teenagers to find out what the City could do to enhance their programs and goals. The groups brought forth good ideas for goals for 2005-6 and beyond.

Mr. Mahaffey stated the committee's current volunteers are Lawrence Ellis, Chair; Connie Lee Cook, Vice Chair; Members Margo Mineard and George Ishii. The committee's major undertaking in the past year has been to reach out to the minority community in the City and find ways to help resolve their needs and frustrations. SeaTac has a very high percentage of foreign born residents in the State, second only to Tukwila in diverse groups. Employment and school issues are the main concerns as well as becoming acclimated to the local culture.

Mayor Hansen stated the City is proud of this committee and take it very seriously.

Mr. Ellis stated one of the 2005 issues is transportation for teens for their activities, hopefully through Metro, as the diversified cultures have limited transportation options. Secondly, the adults are lacking an understanding of the English language and the committee would like to assist in the English as a Second Language (ESL) classes.

CONSENT AGENDA:

- Approval of claims vouchers (check nos. 66889 - 67096) in the amount of \$1,139,281.99 for the period ended May 20, 2005.
- Approval of payroll vouchers (check nos. 43746 - 43775) in the amount of \$129,847.35 for the period ended May 15, 2005.
- Approval of payroll electronic fund transfers (check nos. 42621 - 42790) in the amount of \$271,924.28 for the period ended May 15, 2005.
- Approval of payroll wire transfer (Medicare and Federal Withholding Tax) in the amount of \$53,815.24 for the period ended May 15, 2005.

Approval of Council Meeting Minutes:

- Study Session held April 12, 2005.
- Administration and Finance Committee Meeting held May 10, 2005.
- Public Safety and Justice Committee Meeting held May 10, 2005.
- Land Use and Parks Committee Meeting held May 12, 2005.
- Regular Council Meeting held May 10, 2005.

Acceptance of Advisory Committee Meeting Minutes:

- Planning Commission Meeting held May 2, 2005. (Commission approved May 16, 2005.)
- Senior Citizen Advisory Committee Meeting held March 17, 2005. (Committee approved April 21, 2005.)

CONSENT AGENDA (Continued):

The following Agenda Items were recommended at the May 24, 2005 Study Session for placement on this Consent Agenda:

Agenda Bill #2544

A Motion authorizing the Acceptance of 2005 Justice Assistance Grant (JAG) Funds

Summary: The City has received yearly Local Law Enforcement Block Grant (LLEBG) awards since the 1990's. The Bureau of Justice Assistance (BJA) has changed justice funding mid-year of 2005 and now offers JAG funding for fiscal year 2005. Under unusual circumstances, the notification to the City was made after the official application date (March 31, 2005) had expired. The JAG program is designed to streamline justice funding and grant administration. Local jurisdictions will be given upfront support of a broad range of activities to prevent and control crime. JAG blends the LLEBG program and other programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most. SeaTac Police can use these funds in partnership with the SeaTac Municipal Court to replace a video arraignment system that has been broken for months (\$9,000). Police will need continued support for technologies provided for under older LLEBG grants, such as Nextel phones, Tasers, and Active Shooter and Patrol (ASAP). Police is also researching programs such as a traffic school, which will need some initial financial support. This grant is awarded upfront. The City receives immediate control over the funds. There are no mandatory set-asides, and no required match. The award for fiscal year 2005 is \$24,130.

Agenda Bill #2547

A Motion approving Superior Electric as the Low Bidder for Electrical Work for the Senior Center Project

Summary: This Motion approves Superior Electric as the low bidder for electrical work for the Senior Center project. The budgeted amount with 10 percent contingency and tax is \$104,308.30.

<u>Bidders</u>	<u>Base Bid</u>	<u>w/Contingency & Tax</u>
Superior Electric	\$129,000.00	\$154,387.20
Veca Electric	\$138,657.00	\$165,944.70
Miller Electric	\$160,000.00	\$191,488.00

Contractors were selected from the Public Works Small Works Roster. The discrepancy between the estimated costs and the actual costs is due in part to additional lighting added to the banquet room subsequent to the creation of the estimate. Staff is engaged with Superior Electric in a value engineering exercise to bring the price down without sacrificing the quality of the project.

Agenda Bill #2538

A Motion expressing the City's Preference for the Name of the SeaTac City Center Light Rail Transit (LRT) Station

Summary: This Motion expresses the City Council's preference that the name of the SeaTac City Center LRT Station be "SeaTac City Center/Airport."

Sound Transit has requested the City express a preference for the name of the LRT Station to be located in the City Center area at approximately South 176th Street and International Boulevard (IB). The Sound Transit Board of Directors will take the City's preference under advisement, but is not obliged to honor the City's recommendation.

Agenda Bill #2505

A Motion accepting the Completion of the Des Moines Memorial Drive (DMMD) Study Report

Summary: The Study Report is the product of a cooperative multi-jurisdictional effort of King County (KC) and the Cities of Burien, Des Moines, Normandy Park and SeaTac, as authorized by the DMMD Interlocal Agreement (ILA) and executed on May 24, 2000. The objectives of the ILA were to develop street, landscaping and commemorative standards for DMMD, prepare grant applications for planning and improvements in the DMMD right-of-way (ROW), provide maintenance as needed to preserve the trees and landscaping along the drive, establish, coordinate and advocate through the DMMD Advisory Committee a plan to preserve the World War I Memorial aspects of DMMD, and coordinate with utilities using the DMMD ROW to assure preservation and replacement of trees.

CONSENT AGENDA (Continued):

Agenda Bill #2505 (Continued): The full report was provided to the City Council in February, 2005 and is available on the web at www.metrokc.gov/kcdot/roads/planning/desmoines. The Study Report provides a framework for rehabilitating and enhancing the "Living Road of Remembrance" established in 1921-22 to honor and memorialize men and women from Washington State who gave their lives during World War I. The original memorial, consisting of approximately 10 miles of an elm tree-lined brick road, has experienced many changes and challenges since the 1920s. Many trees have been lost due to disease, road and utility projects or improper pruning, and the remaining trees are reaching the end of their natural life span. The Study Report provides the history of DMMD, describes corridor issues and analysis by road segment, defines memorial rehabilitation and enhancement recommendations for the corridor as a whole and for each DMMD segment (including three affecting SeaTac – the North SeaTac segment, the Sunnysdale segment and the Confluence segment), and makes specific recommendations for implementation and management.

The Study Report is intended to serve as a guide to development of the individual road segments, but is not binding on the affected jurisdictions. The Study Report also satisfies the requirements of a "Corridor Management Plan" for purposes of applying for Federal designation as a "Scenic Byway", which would qualify some project elements for partial Federal funding. In order to provide ongoing implementation of the report's elements, the DMMD ILA will be revised later this year.

MOVED BY DEHAN, SECONDED BY BRENNAN TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS:

Agenda Bill #2515; Ordinance #05-1009

An Interim Ordinance amending the Zoning Code, requiring a Temporary Use Permit (TUP) for a Homeless Encampment and adopting criteria and standards to establish Homeless Encampments

Summary: Homeless Encampments have become increasingly prevalent in the Seattle area since 1990. Since that time, numerous encampments have located in Seattle, KC, Bothell, Woodinville, Tukwila, Shoreline, Kirkland, and Burien. Typically, they move to new locations with little or no notice, usually within residential areas. Two recent court cases have stated that Cities cannot prohibit encampments. Currently, SeaTac does not have any regulations regarding this issue. As a result, staff is recommending the adoption of interim regulations that would allow encampments subject to specific criteria through the TUP process. Approval of the TUP may be through an administrative or Council decision. Final standards will need to be adopted, after the City Council holds a Public Hearing within 60 days after the adoption of the interim regulations.

SHARE/WHEEL (Seattle Housing and Resource Effort and Woman's Housing Equality and Enhancement League) has been the sponsoring agency of the Homeless Encampments, working in conjunction with a host agency such as a church or municipality. This agency typically limits the time of its encampments to 90 days, moving to a new site every 90 days. One of the criticisms of this group moving to the new jurisdiction is moving with little or no notification given. This gives the new jurisdiction and adjacent residents little time to adjust and respond to the new encampment. In some cases, this has caused friction between the Homeless Encampment, adjacent residents, and the municipality.

Two court rulings have been made regarding Homeless Encampments. In one ruling, the City was allowed to require a permit for a temporary encampment and could not evict the Homeless Encampment. The ruling language does not require Cities to permit temporary encampments. The basic message both rulings provided is that a City could not prohibit a Homeless Encampment, but could regulate a Homeless Encampment through a permit process.

Municipalities and adjacent residents have also indicated that a Homeless Encampment has had little or no impact on services and adjacent properties. Homeless Encampments have adopted their own code of conduct and security, which has prevented a rise in crime as a result of encampments.

The interim regulations provide for certain criteria and standards outlined in the Ordinance. Two major criteria would be: 1) a Homeless Encampment is allowed for a maximum of 90 days and shall not exceed 180 days in any

NEW BUSINESS (Continued):

Agenda Bill #2515; Ordinance #05-1009 (Continued): two year period; and 2) approval of the TUP may be terminated if the sponsoring agency does not comply with the requirements of the TUP.

Staff is proposing that Homeless Encampments be regulated through the TUP process, as amended in the Interim Ordinance. The Ordinance states the City Manager or designee would make the decision whether to approve/deny the TUP. A public meeting in the neighborhood would have to be conducted prior to issuing the decision.

KC has recently adopted an Ordinance regulating Homeless Encampments through the TUP process (Ordinance No. 2004-0519). SeaTac's proposed Interim Ordinance is substantially similar to KC's Ordinance in scope regarding the criteria to regulate Homeless Encampments.

MOVED BY SHAPE, SECONDED BY BRENNAN TO ADOPT ORDINANCE NO. 05-1009.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments at this time.

CITY MANAGER'S COMMENTS: City Manager Rayburn had the following items of business: 1) regarding the Highline Forum attended by the Mayor and City Manager, the next meeting is scheduled for Wednesday, May 25 at 2:30 p.m. at Highline Community College; and 2) per Council direction, staff hosted a Parking Tax (PT) Meeting on May 17 at City Hall. All park 'n fly operators in the City were invited and most attended. Mr. Rayburn presented the history of the PT at that meeting. The original PT started in 1993 when the City Council enacted the Ordinance, allowed by State law, enacting \$.50 PT per transaction. That tax was based on the Capital Plan for Transportation projects as outlined in the 1993 Transportation Comprehensive Plan (TCP). In the 1997 ILA, the Port of Seattle (POS) and the City of SeaTac agreed the PT could be increased to \$1 per transaction. Also in the ILA, there was an agreement to undertake a major transportation study called the Joint Transportation Study (JTS) to update the 1993 TCP. The two parties have been working on that subject for several years. To date, a Capital Plan has been agreed upon that includes a minimum of 28 projects totaling approximately \$100 million. There is also a Financial Plan to determine ways to arrive at that money over the next 10 years. All this information was presented at the PT Meeting. Three funding alternatives were presented: a) a combination of a transportation fee plus a revenue fee (\$1 transaction fee and adding a 2.5 percent of the total charge) dubbed the hybrid. Since then, the committee discovered that this alternative is probably not legal because the State statute for PT states it should be either a tax or a fee; b) indicated a 6.5 percent tax only; and c) was considering some combination to allow no charge for any PT on the first two hours of parking. The consensus of the committee was threefold: do not change the PT from a transaction fee to a percent tax; involve the parking operators in the process going forward; and take the time to analyze all the options. The next step would be to hold another meeting with all the parking operators, and per their request provide them with more detailed information conducted in the JTS work.

COUNCIL COMMENTS: Councilmember Shape stated he also attended the PT Meeting and complimented Mr. Rayburn on his conduct of the meeting. It was an excellent opportunity to meet with the business community to hear their opinions, which he felt the committee should consider.

Councilmember Brennan stated he also attended that meeting and complimented both Mr. Rayburn and Public Works Director Dale Schroeder on the excellent presentation. The atmosphere was positive and corporate executives, local operators and business persons were in attendance.

CM DeHan asked if it would be to the City and owners' advantage to hold another meeting and give them more information. Mr. Rayburn stated it would. However, he felt the best way is to ask one or two of the major operators to represent the entire group to discuss the PT issue. CM DeHan recommended this smaller group meeting to include a representative from the hoteliers and the POS as this is a very important revenue stream for all parties.

Mayor Hansen agreed that a smaller group would be more productive. Secondly, he stated he attended a SR 509 Executive Committee Meeting and discussed was the legislature's passage of a 9.5 cent gas tax for \$9 billion, with SR 509 only receiving \$30 million. This is the one State project that is ready to be constructed. However, the

COUNCIL COMMENTS (Continued): funding will provide for continuation of the property acquisition for the ROW and to finish some of the engineering. At that same meeting, KC Councilmember Julia Patterson spoke of the problems with the Regional Transportation Investment District (RTID), which will have to go on the ballot and hopefully, SR 509 will receive some funding from that tax if it passes.

ADJOURNMENT:

MOVED BY DEHAN, SECONDED BY BRENNAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC COUNCIL AT 7:11 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

July 12, 2005
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Mayor Frank Hansen at 6:32 p.m.

COUNCIL PRESENT: Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, Joe Brennan, and Don DeHan.

ADMINISTRATIVE STAFF: Craig Ward, Interim City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Dale Schroeder, Public Works Director; Steve Butler, Planning Director; Bob Meyer, Fire Chief; and Greg Dymerski, Chief of Police Services.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Special Study Session.*)

PUBLIC COMMENTS: Mike Huseby, Manager, Scandia LLC, owner of property on International Boulevard (IB), PO Box 54048, Redondo, spoke regarding the placement of the "kiss 'n ride" lot at South 176th Street and IB and the negative impact it will have on his property. Scandia LLC owns the land that Park and Fly uses. Dollar Development is connected to the south and the two parcels together make up Park and Fly. Under the latest plan, Sound Transit wants roughly 37,000 feet of that land. This would mean a loss of approximately 140 parking spaces for his Park and Fly, translating into an annual loss of over \$620,000 in parking revenue at current rates. The City parking taxes lost annually and the loss of property tax are other costs that must be factored in. There is an alternative site available two blocks up South 176th Street and 32nd Avenue South, which is undeveloped and for sale. This site is across the street from residential housing and apartments, diagonally across from the Marriott Hotel and a short walk from the Hilton Hotel. He felt this site would serve the City residents better and would not become a major drop off spot for the general public accessing the airport.

Mayor Hansen thanked Mr. Huseby, adding staff will need to research this alternative and will be contacting him as to their findings.

CONSENT AGENDA:

- **Approval of claims vouchers** (check nos. 67510 - 67661) in the amount of \$1,829,943.24 for the period ended July 6, 2005.
- **Approval of payroll vouchers** (check nos. 43858 - 43915) in the amount of \$332,456.62 for the period ended June 30, 2005.
- **Approval of payroll electronic fund transfers** (check nos. 43134 - 43310) in the amount of \$262,444.19 for the period ended June 30, 2005.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$655,999.02 for the period ended June 30, 2005.

Approval of Council Meeting Minutes:

- **Transportation & Public Works Committee Meeting** held June 28, 2005.
- **Regular Council Meeting** held June 28, 2005.
- **Special Study Session** held July 7, 2005.
- **Special Study Session** held July 8, 2005.

The following Agenda Items were recommended at the July 12, 2005 Special Study Session for placement on this Consent Agenda:

Agenda Bill #2555; Ordinance #05-1013

An Ordinance amending Section 13.180.010 of the SeaTac Municipal Code (SMC) updating the Electrical Code by adopting the 2005 Edition of the National Electrical Code (NEC)

Summary: The NEC is revised every three years by the National Fire Protection Association. It is also amended and adopted by the State of Washington. The City must adopt it locally to legally enforce it and to provide consistency to the construction industry.

Agenda Bill #2562

A Motion authorizing Final Acceptance of the 2005 Pedestrian Improvements Project

Summary: On April 26, 2005, the City Council awarded the 2005 Pedestrian Improvements Project contract to Dennis R. Craig Construction, Inc. in the amount of \$46,867.42 plus a 15 percent contingency of \$7,030 for a total project budget of \$53,897.42. Work began on May 25, 2005 and was completed two weeks later on June 3, 2005.

CONSENT AGENDA (Continued):

Agenda Bill #2562 (Continued): The project included minor storm work, removal of sidewalk and replacement with concrete sidewalk with bulb-outs and crosswalk striping at the intersection of 24th Avenue South and South 144th Street. The actual cost of the project was lower than the contract amount.

It is recommended that the City Council approve the Motion authorizing final acceptance of the 2005 Pedestrian Improvements Project and establish a 45 day lien period as required by State law.

<u>Expenditures</u>	<u>Bid Amount</u>	<u>Final Cost</u>
Construction Contract	\$ 46,867.42	\$43,149.22
15 Percent Contingency	<u>\$ 7,030.00</u>	<u>\$0</u>
TOTAL	\$ 53,897.42	\$43,149.22

Agenda Bill #2551

A Motion authorizing the purchase and installation of Art Work for the New Senior Center

Summary: Requests for Qualification (RFQ) were sent out for glass artists for the new Senior Center. Staff and the Senior Center project architect, met with the most qualified artist and discussed his proposal for artwork at the new facility. Glass artist George C. Scott presented artwork that will work well for the new facility and will be placed in the lobby of the new center. The artwork will be funded within the Senior Center construction budget and covers the one percent for art allotted for the project. The total cost for the art project is \$10,800.

Agenda Bill #2560

A Motion approving the Airport/City Center Light Rail Station Design Theme

Summary: The City's Design Standards for High Capacity Transit (HCT) Facilities require that "each HCT Station within the City shall be consistent with a locally determined design theme". Sound Transit and City staffs have worked collaboratively on the station design for the SeaTac City Center/Airport Light Rail Station, and the theme of "Flight" is proposed as the design theme.

While the tangible expression of the theme will evolve as the SeaTac City Center/Airport Light Rail Station design matures and artwork is developed for the station, the initial design concept is ready for presentation to the City Council. Input and approval from the City Council at this juncture will help provide certainty to Sound Transit's design process as it progresses.

Compliance with the City's full HCT Design Standards will be ensured through a Conditional Use Permit (CUP), for which Sound Transit plans to submit an application later in 2005.

MOVED BY DEHAN, SECONDED BY SHAPE TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

•Interim Homeless Encampment Standards – Planning

Mayor Hansen opened the Public Hearing at 6:38 p.m.

Planning Director Steve Butler summarized the following Agenda Bill No. 2564. Passage of the following Resolution will adopt Findings of Fact to justify the regulations and continue the Interim Standards for a period of up to six months from the effective date of May 24, 2005.

There was no public input.

Mayor Hansen closed the Public Hearing at 6:39 p.m.

NEW BUSINESS:

Agenda Bill #2564; Resolution #05-010

A Resolution adopting Findings of Fact in support of the Interim Development Regulations for Homeless Encampments

Summary: On May 24, 2005, Council adopted Interim Development Regulations for Homeless Encampments under Ordinance No. 05-1009. The standards became effective on that date and will remain in effect for a period of six months, providing that, pursuant to Statute, a public hearing held within 60 days and Findings of Fact are made in support of the Interim Standards. The criteria and conditions in the Interim Ordinance are typical of those required by other Cities and King County (KC) that have hosted Homeless Encampments.

NEW BUSINESS (Continued):

Agenda Bill #2564; Resolution #05-010 (Continued):

MOVED BY ANDERSON, SECONDED BY BRENNAN TO PASS RESOLUTION NO. 05-010.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: There were no public comments at this time.

CITY MANAGER'S COMMENTS: Interim City Manager Ward had the following items of business: 1) the City was notified by the YMCA that their Board of Directors has approved their Capitol Campaign. That frees their staff to raise funds towards building the YMCA in SeaTac. Council may have been invited by the YMCA to a luncheon tomorrow, July 13 to promote the campaign. Staff has discussed with the YMCA forming a City staff team around this project to ensure that it is dealt with appropriately; 2) there is a team effort in progress with other jurisdictions interested in seeing the SR 509 project to go forward and be funded as part of the Regional Transportation Improvement District (RTID). Mayor Hansen has approved an invitation, along with other jurisdictions and the Port of Seattle (POS) for various elected officials and businesses, to attend a luncheon on July 25 at the Tukwila Double Tree Suites, sponsored by a business interest to further develop a strategy for obtaining widespread public support for the SR 509 funding; and 3) mentioned that Executive Assistant Lesa Ellis became a grandmother yesterday when her daughter, Cassie, delivered a baby boy named Rauleigh. All three are doing fine.

COUNCIL COMMENTS: Councilmember Shape, Administration and Finance (A&F) Committee Chair, stated at their meeting today, the Position Vacancy Review Board (PVRB) presented a recommendation to replace the Parks Operations Supervisor, Curt Brees, who has accepted a new position with the City of Mercer Island. The committee agreed to accept the recommendation.

Mayor Hansen requested a Certificate of Appreciation be presented to Mr. Brees for his service to the City. Council agreed.

Regarding the funding of the Mt. Rainier Pool, Councilmember Shape stated, at the A&F Committee Meeting today, the committee did not approve the requested amendment that was presented by City of Des Moines Mayor Bob Shackler and City Manager Tony Piasecki restating their request of January 2005 for a reduction in their City contribution of \$50,000 for pool operation, which the City of SeaTac had rejected. The committee was not entirely willing to give them the requested reduction. However, if Des Moines was acceptable to an agreement where they owe that amount and at the end of the Interlocal Agreement (ILA), would agree to pay it back, possibly an amendment of this nature could be made. The City of Des Moines will revamp the amendment and bring it back to the committee next month.

Councilmember DeHan stated an article in the Seattle Magazine lists the top 84 Seattle area neighborhoods. Some of the criteria were home price, resale value, diversity, nearby amenities, good schools, commute time, and crime rates to determine the ranking of neighborhoods. SeaTac ranks 20th in the analysis. The community should be proud of its City.

ADJOURNMENT:

MOVED BY ANDERSON, SECONDED BY DEHAN TO ADJOURN THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 6:45 P.M.

MOTION CARRIED UNANIMOUSLY.

Frank Hansen, Mayor

Judith L. Cary, City Clerk

SEATAC CITY COUNCIL REGULAR MEETING MINUTES

October 25, 2005
6:30 PM

City Hall
Council Chambers

CALL TO ORDER: The SeaTac City Council Regular Meeting was called to order by Deputy Mayor Terry Anderson at 6:51 p.m.

COUNCIL PRESENT: Deputy Mayor Terry Anderson, Councilmembers Gene Fisher, Chris Wythe, Ralph Shape, and Joe Brennan. Excused absences: Mayor Frank Hansen and Councilmember Don DeHan.

ADMINISTRATIVE STAFF: Craig Ward, City Manager; Judith Cary, City Clerk; Mary Mirante Bartolo, City Attorney; Dale Schroeder, Public Works Director; Bob Meyer, Fire Chief; and Annette Louie, Administrative Police Captain.

FLAG SALUTE: (*The Flag Salute was performed at the preceding Study Session.*)

PUBLIC COMMENTS: Bob Stutz, 3742 South 192nd Street, stated his property borders on the southern boundary of the new development, "Traditions at Angle Lakes". Mr. Stutz expressed his concern about the process the City has set up for public comments regarding this development. He relayed five incidents where the public came to Council and only one of the concerns was addressed when the Fire Chief responded, who he publicly thanked the Chief for that action. Mr. Stutz urged the Council to keep the public informed as to what is being done with all public concerns presented to Council.

J.B. Freer, 18925 South 192nd Street, spoke in regards to four vehicles parked on her street that have not been moved in over two months. When Ms. Freer notified the Police Department, it took 10 days for one of the cars to be tagged. The vehicles were then moved across the street. She requested the City's assistance as the vehicles are unsightly in the neighborhood. Secondly, the traffic on South 188th Street is heavy and drivers continue to speed. She is also concerned that the proposed YMCA will only add more traffic and vehicles going through her neighborhood.

Linda Snider, 18700 37th Avenue South, stated concern that the Patterson property, which is adjacent to her property and is proposed for a mixed-use project to/from 36th Avenue South, would create a traffic hazard on 36th Avenue South. She requested a traffic study be required for any development. The developers deemed it necessary to have access to 36th Avenue South. They now state that they do not need the access, all they need is a right in and out. The proposed development is for an apartment complex with retail and parking. She felt it would have an adverse affect on the neighborhood as they do not have to have an egress and ingress to South 188th Street.

Mr. Butler stated the applicant has not gotten that far in the application process. Before any project goes forward and wastes money on architects and engineers, they are required to come to City Hall (Planning Department) and discuss with staff their conceptual plans, at no cost. That is all that this developer has done to date. The applicant will have to submit a building application to the Public Works Building Division; copies will be distributed for review to Building and Engineering Divisions and Fire and Police Departments. A project of this size would require a State Environmental Policy Act (SEPA) application, and a determination of completeness will be made as well as a decision to approve with conditions or disapprove the project.

Council discussion ensued as to whether this project would be in the best interest of the community. On the other hand, the City is in the process of encouraging economic development. CM Shape stated that based on the traffic intersections on South 188th Street, he felt the proposed development would be an added stress on the already busy road. The YMCA, once built, will also add to the traffic on that street.

PRESENTATIONS:

•Certificate of Appreciation to Nina Nelson for her service to the Senior Citizen Advisory Committee

Deputy Mayor Anderson stated that Nina Nelson was unable to attend this meeting to receive her certificate. It will be mailed to her. The Council appreciates her service to the City.

•Confirmation of Mayoral Re-Appointment of Della Schmitz to the Senior Citizen Advisory Committee and Appointment of Andy Sevaio as an alternate for the Human Services Advisory Committee

MOVED BY SHAPE, SECONDED BY FISHER TO CONFIRM THE MAYORAL RE-APPOINTMENT OF DELLA SCHMITZ TO THE SENIOR CITIZEN ADVISORY COMMITTEE AND APPOINTMENT OF ANDY SEVAO AS AN ALTERNATE FOR THE HUMAN SERVICES ADVISORY COMMITTEE.

MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA:

- **Approval of payroll vouchers** (check nos. 44271 - 44254) in the amount of \$149,297.77 for the period ended October 15, 2005.
- **Approval of payroll electronic fund transfers** (check nos. 44338 - 44505) in the amount of \$298,881.52 for the period ended October 15, 2005.
- **Approval of payroll wire transfer** (Medicare and Federal Withholding Tax) in the amount of \$57,783.62 for the period ended October 15, 2005.
- **Approval of summary of \$5,000 - \$25,000 purchase requests** for the period ended October 21, 2005.

Approval of Council Meeting Minutes:

- **Study Session** held September 13, 2005.
- **Administration & Finance Committee Meeting** held October 11, 2005.
- **Regular Council Meeting** held October 11, 2005.

Acceptance of Advisory Committee Meeting Minutes:

- **Planning Commission Meeting** held September 26, 2005 (Committee approved October 10, 2005).

The following Agenda Items were recommended at the October 25, 2005 Study Session for placement on this Consent Agenda:

Agenda Bill #2597

A Motion authorizing the City Manager to execute a Contract for Voice Services for the City

Summary: The City's contract for voice services with Electric Lightwave expires in November of 2005. A request for proposal (RFP) was issued in August 2005. Three proposals were received by the August 29 deadline. After reviewing the proposals and some follow-up information, staff is recommending a contract with Integra Telecom because they offered the lowest overall cost, and they can offer analog lines that the current provider cannot offer. This would allow us to transfer analog service from Qwest to Integra Telecom, thus having a single voice service provider for the City. The base monthly price for voice services will be \$988 for our primary digital phone service, plus \$807 for individual analog phone lines.

Agenda Bill #2600; Ordinance #05-1017

An Ordinance adopting the Final regulations regarding "Homeless Encampment", to include amending the Zoning Code, requiring a Temporary Use Permit (TUP) for a Homeless Encampment and adopting criteria and standards to establish Homeless Encampments

Summary: Interim Homeless Encampment regulations were adopted by the Council for six months on May 24, 2005. The regulations provided guideline and requirements to locate a Homeless Encampment in SeaTac through the TUP. Within six months, Council must take action on one of the following: formally adopt the regulations as currently written; amend and adopt the regulations; or do not adopt the regulations. The six-month time frame expires on November 25, 2005.

Summary of Regulations: The interim regulations would provide for the following criteria and standards:

1. Notification: all property owners within 1,000 feet of the encampment would be notified of the establishment of the encampment; and at least one public meeting/hearing would be required 30 days prior to establishment;
2. Site Criteria: The property must be of sufficient size to accommodate the Homeless Encampment; and no permanent structures are allowed.
3. Parking and Transportation: adequate parking is provided on-site for Homeless Encampment residents; and the Homeless Encampment must be within ¼ mile of public transportation.
4. Screening: the Homeless Encampment shall be screened from adjacent residential properties and rights-of-way (ROW); and portable toilets shall be screened.
5. Security: no persons with outstanding warrants would be allowed as inhabitants; and the Homeless Encampment shall be self-policed.
6. Timing: a Homeless Encampment is allowed for a maximum of 90 days and shall not exceed 180 days in any two-year period.
7. Health and Safety: all temporary structures must conform to all Building and Fire Codes.
8. Termination: approval of the TUP may be terminated if the sponsoring agency does not comply with the requirements of the TUP.

MOVED BY FISHER, SECONDED BY WYTHE TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING:

• **Vacating a portion of South 154th Street / South 156th Way from approximately Des Moines Memorial Drive South to 24th Avenue South – Public Works**

Deputy Mayor Anderson opened the Public Hearing at 7:28 p.m.

City Engineer Tom Gut was available to answer any questions. He had reviewed this project at the preceding Study Session (SS). There were no public comments.

Deputy Mayor Anderson closed the Public Hearing at 7:29 p.m.

NEW BUSINESS:

Agenda Bill #2590; Ordinance #05-1018

An Ordinance vacating a portion of South 154th Street / South 156th Way from approximately Des Moines Memorial Drive (DMMD) South to 24th Avenue South

Summary: This ROW is being vacated to allow construction of the Port of Seattle's (POS) Third Runway project. The POS is replacing the roadway in a more northerly alignment. The POS will be dedicating a replacement ROW of approximately the same size.

The POS owns all of the property abutting the portion of the ROW it is requesting be vacated. The POS is constructing a replacement road on POS property. The POS will transfer ownership of the new ROW to the City as compensation for vacating the existing ROW. The new alignment curves further to the north, adjacent to the north end of the Third Runway. This Ordinance vacates the existing ROW with the condition that the Ordinance does not become effective until the transaction transferring ownership of the new ROW has been executed and recorded.

The procedures for vacating a public ROW are defined in the Revised Code of Washington (RCW), Chapter 35.79. A public hearing is to be held to consider the merits of the application to vacate the street in question. The date of the public hearing was set by Resolution passed by the City Council on September 27, 2005 with the notice being posted on October 4, 2005. The date of the public hearing must not be more than sixty days, nor less than twenty days, after the date of passage of the Resolution setting the date for the public hearing. All the utilities serving the City were given notice of the POS request to vacate this ROW. The utilities have responded, and either do not have facilities in the area or have already received easements from the POS.

The City Attorney is currently coordinating with the POS Attorney on the transfer of ownership of the new replacement ROW to the City. Staff will return to the Council to seek approval of the dedication in a separate Council action. This Ordinance will not be effective until the dedication is executed and recorded.

MOVED BY WYTHE, SECONDED BY FISHER TO ADOPT ORDINANCE NO. 05-1018.

MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENTS: Linda Snider reiterated her concern as to the proposed development on 36th Avenue South. She stated that she is not against this project. She felt it would be easier to address concerns before it gets too far into the process. The residents should be considered as to their safety with the increase of traffic.

CITY MANAGER'S COMMENTS: City Manager Ward had the following items of business: 1) informed Council that he received a message from the POS today that their Commissioners took the first step towards adopting the City/POS Interlocal Agreement 2 (ILA-2). Their final action on the ILA is scheduled for November 8; 2) Fire Chief Meyer reported on the four Firefighters who assisted in the relief efforts in the Gulf region due to Hurricane Katrina. One Firefighter came back on October 3, one on October 21 and both are back to work. The other two men are due back this Friday, October 28 and be back to work the first part of November. They were a tremendous help to the displaced residents; and 3) seven senior staff will be in Maryland for the FEMA training. He will be leaving this Friday, October 28, and will be back to work on November 7. He has appointed Public Works Director Schroeder to serve as Acting City Manager in his absence.

COUNCIL COMMENTS: CM Brennan stated he attended the Highline Historical Society (HHS) Forum on Sunday, October 23 at City Hall. A panel of senior citizens, who have been long-time residents of SeaTac, discussed their war-time history and the City's history. It was very interesting.

CM Shape stated City Manager Ward and he attended a meeting at Tyee High School for the Grand Opening of Tyee Community Campus converting to the small school concept with help from nationwide network of exemplary small high schools. They toured the three schools involved and felt the concept will be successful.

COUNCIL COMMENTS (Continued): Tyee High School will no longer be at the end this school year. The campus has been divided into three small schools: Academy of Citizenship and Empowerment (ACE); 2) Odyssey; and 3) Global Connections. For more information on the Coalition of Essential Schools (CES) program go to the Internet: www.essentialschools.org.

CM Fisher mentioned Bob Stutz's earlier comments on the City having better response to citizens' comments. He would like to see a better system for responses to the citizens.

Deputy Mayor Anderson added to CM Brennan's comments on the HHS Forum stating it was a great event and she encouraged citizens to take time to check over items at home that may have historical value. She has done just that and came across some worthy historical photographs. The HHS appreciates any contributions to the museum's artifacts.

ADJOURNMENT:

DEPUTY MAYOR ANDERSON ADJOURNED THE REGULAR MEETING OF THE SEATAC CITY COUNCIL AT 7:40 P.M.

Terry Anderson, Deputy Mayor

Judith L. Cary, City Clerk

**CITY OF SEATAC
PLANNING COMMISSION MEETING**

Tuesday, December 4, 2012

**Council Chambers, SeaTac City Hall, 4800 S. 188th 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.



MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT

Date: November 29, 2012
To: Planning Commission Members
From: Gary Schenk, Interim Director, Department of Community and Economic Development
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

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5:30 p.m. to 7:00 p.m.**

MEETING AGENDA

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 - 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, 2nd 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, 2nd 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 150th 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 150th 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 150th 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 as 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 2nd 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, 2nd 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.

EXHIBIT B
DATE 12/4/12

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 with 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: _____]



City Manager's Weekly Update

November 30, 2012

Dear Mayor, Councilmembers, Residents, and Employees:



Santa Claus is Coming to Town

Once again, the City of SeaTac Fire Department will be bringing Santa to town to say hello to all the girls and boys. You can visit Santa December 8, at any of the locations on the attached flier.

Enjoy a happy and safe Holiday Season.

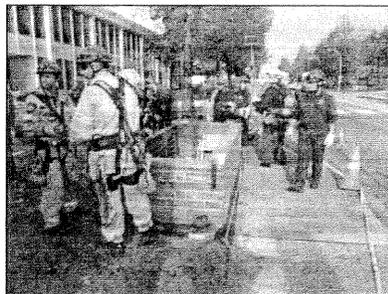
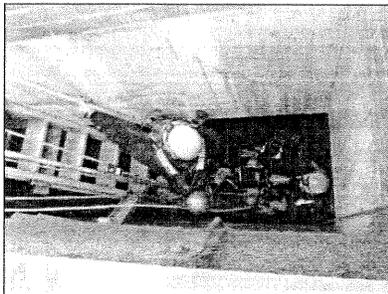
Crime Prevention Workshop for Seniors

SeaTac Police Services will be at the SeaTac Senior Program on Wednesday, December 5, at 12:30 PM. Issues to be addressed include car prowls at the Community Center, basic crime prevention information for the holidays, personal safety tips and ways to identify fraud. There will also be an opportunity for questions. This workshop was coordinated in partnership with Neighbors Without Borders Action Committee and SeaTac Police Services. For more information please call the Senior Program at 973.4690.



Zone 3 Confined Space Rescue Drill

November 6 - 9, SeaTac firefighters participated in a regional Confined Space Rescue drill at the Boeing Space Center located on S. 212th Street. Rescuers from Renton, Burien, North Highline, South King, Port of Seattle, Kent, Tukwila, Valley Regional, and Boeing also participated in the drill. SeaTac firefighters respond as part of a regional team.



SeaTac Fire Responds to Person Who Jumped from Moving Bus

On November 17, at approximately 08:40 AM, SeaTac Battalion and Engine 45 with Medic One and mutual aid units responded to a reported pedestrian down on northbound I-5 near South 188th Street. On arrival crews found a 40 year old male who had jumped out the window of a moving Metro Transit Access van onto the shoulder of Interstate 5. The driver was trying to get

to the side of the road when the man became agitated, but the bus was still going about 35 mph when he jumped. The patient was treated at the scene by Fire and Medic One personnel and taken to Harborview Medical Center by Medic 13 multiple injuries including a pelvic fracture.

Attachments:

Santa Claus is coming to Town

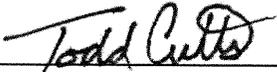
Agendas:

Civil Service Commission

Planning Commission

You can view the City's Event Calendar at:

www.ci.seatac.wa.us/index.aspx?page=16



Todd Cutts, City Manager

SANTA CLAUS IS COMING TO TOWN

SPONSORED BY
THE CITY OF SEATAC FIRE DEPARTMENT
SEATAC FIREFIGHTER LOCAL 2919 & FIRE EXPLORERS

Once again, the City of SeaTac Fire Department will be bringing Santa to town to say hello to all the girls and boys. You can visit Santa at the following locations at the day and times listed below:

SATURDAY, DECEMBER 8, 2012

9:00 AM
Fire Station 45
2929 South 200th Street

1:00 PM
Fire Station 46
3521 South 170th Street

10:00 AM
Madrona Elem. Parking Lot
20301 32nd Ave. S.

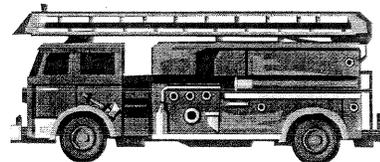
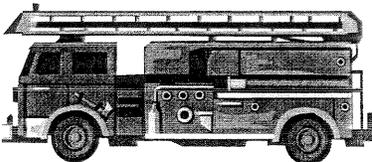
2:00 PM
McMicken Elem. Parking Lot
3708 S. 168th Street

11:00 AM
Bow Lake Elem. Parking Lot
18237 42nd Ave. S.

3:00 PM
SeaTac Community Center
13735 24th Ave. S.

ENJOY A HAPPY AND SAFE HOLIDAY SEASON

Thank you to Highline School District for allowing us to distribute materials to the schools and for the use of facilities. In consideration for the privilege to distribute these materials, the Highline School District shall be held harmless from any cause of action, claim or petition filed in any court or administrative tribunal arising out of the distribution of these materials, including all costs, attorney's fees and judgments or awards.





AGENDA

City of SeaTac

Civil Service Commission

4800 South 188th Street
SeaTac, WA 98188-8605

City Hall: 206.973.4800
Fax: 206.973.4809
TDD: 206.973.4808

Chair: Donna Thomas

Commissioners: Sue Drebert, Erin Sitterley

Chief Examiner/Assistant Chief Examiner: Stephanie Johnson, Alyne Hansen

Meeting: Monday, December 3, 2012

Location: SeaTac City Hall, Conference Room 128

AGENDA

1. **Call to Order** – By Committee Chair
2. **Public Comment** – If requested
3. **Regular Business:**
 - Approval of Minutes:
 - i. Meeting held on November 13, 2012
 - 2013 Battalion Chief Examination
 - Other items from the Commission members
4. **Next Meeting** – Monday, January 14, 2012 at 3:30 p.m. at SeaTac City Hall, Conference Room 128.

Mayor
Tony Anderson

Deputy Mayor
Mia Gregerson

Councilmembers
Barry Ladenburg
Rick Forschler
Terry Anderson
Dave Bush
Pam Fernald

City Manager
Todd Cutts

City Attorney
Mary Mirante Bartolo

City Clerk
Kristina Gregg

**CITY OF SEATAC
PLANNING COMMISSION MEETING**

Tuesday, December 4, 2012

**Council Chambers, SeaTac City Hall, 4800 S. 188th 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 MEETING**

Tuesday, November 6, 2012

**Council Chambers, SeaTac City Hall, 4800 S. 188th Street
6:00 p.m. to 7:30 p.m.**

MEETING AGENDA

1. Call to Order/Roll Call – 6:00 P.M.
2. Approve Minutes of October 16, 2012 Planning Commission Meeting – 6:00 P.M. to 6:05 P.M.
3. Public Hearing on Final Docket of Comprehensive Plan Amendments-6:05 P.M. to 6:30 P.M.
4. Old Business – 6:30 P.M. to 6:45 P.M.
 - a. Continued Review of Proposed City Center Park-and-Fly Code
5. New Business – 6:45 P.M. to 7:00 P.M.
 - a. Review Draft Amendments to Homeless Encampment Regulations
6. Detailed Commission Liaisons' Reports – 7:00 P.M. to 7:15 P.M.
7. Community & Economic Development Director's Report – 7:15 P.M. to 7:25 P.M.
8. Planning Commission Comments (*including suggestions for next meeting's agenda*) – 7:25 P.M. to 7:30 P.M.
9. Adjournment – 7:30 P.M.

**CITY OF SEATAC
PLANNING COMMISSION**

**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, 2nd 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, 2nd 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 150th 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.**
- 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 150th 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 150th 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 as 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 2nd 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, 2nd 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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**CITY OF SEATAC
PLANNING COMMISSION**

Minutes of December 4, 2012
Regular Meeting

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

Members Absent: None

Staff Present: Mark Johnsen, Senior Assistant City Attorney; 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 5:33 p.m.

2. Approve Minutes of the November 6, 2012 Meeting:

On a motion by Chapin, 2nd by Dantzler, the minutes of the November 6, 2012 meeting were approved as submitted by a 5-0 Commission vote.

3. Public Hearing: Proposed City Center Park-and-Fly Code Amendments

Chairman Tapio opened the Public Hearing at 5:53 p.m.

Summary of Staff Presentation

Staff provided an overview of the proposed code amendments including a summary of the key differences in the existing code versus the Zoning Code Update Ad Hoc Committee's proposed revisions. The key differences discussed included the following proposed changes:

- Increasing the base number for park-and-fly stalls from 300 to 1,000 stalls;
- Creating a more generous parking bonus program, especially in regards to the "Commercial/Service/Residential bonus" which would go from 1 stall per 250 SF of space provided, to 1 stall per 25 SF of space provided;
- Requiring more ground floor commercial uses in some developments; and,
- Requiring enhanced building design standards.

No staff recommendation regarding adopting the code was provided in the presentation.

Summary of Public Hearing

The following seven speakers gave testimony at the public hearing. Their names and disposition in regards to the proposed amendments are as follows:

NAME	DISPOSITION
Cathy Boysen-Heiberg (SeaTac Commercial Property Owner)	Support
Ann Lawler (JBSL, PLLC, representing WallyPark)	Against
John Day (L&R/WallyPark General Counsel)	Against
Jack McCullough (McCullough, Hill, Leary, PS, on behalf of MasterPark)	Against
Wes Wood (Dollar Development)	Support
Doris Cassan (Dollar Development)	Support
Earl Gipson (SeaTac Resident)	Support

Summary of Comments in Support of Proposed Amendments:

Cathy Boysen-Heiberg:

- Noted that her family has owned 40 acres in the City Center since 1941, and developed commercial uses starting in 1959, including the former “Kilroy” towers, and hotels such as the Hilton, Radisson and Red Lion, and the 4 acre WallyPark lot.
- Advocated that Council follow the Planning Commission’s preliminary recommendation to adopt the AHC’s proposed amendments, while maintaining the City Center road standards, and reviewing the City Center Road standards and policies at a later date.
- Said that City documents that include illustrations of street grids going through her property and other parcels are detrimental and discourage new development, and that she would like those illustrations removed.
- Discussed her participation on the Ad Hoc Committee for two years and praised the code development process, including the AHC’s hard work and ability to come to a compromise.

Wes Wood

- Said that he is sorry he isn’t an attorney and that listening to them you would guess you could never build a Burger King next to McDonald’s because Burger King can certainly put out a lot of burgers and so can McDonald’s.
- Stated that the park-and-fly on the corner of 176th and International Blvd. is owned by the Cassans and that they were here long before MasterPark and WallyPark but for some reason MasterPark and WallyPark would like to dominate parking in the City.
- Said that park-and-fly has been here for a long time and has been a part of the City.
- The Cassans want to do a project at 176th and it’s a good project. Said that some of the things submitted to the City represent quality and include retail, a hotel and not just a parking structure close to the road. The parking structure needs to be there to provide parking for the development but also to house the park-and-fly operation that’s been in the city for a long time.
- Stated that what is planned actually goes in front of the parking structure and would hide the parking structure – a lot more than MasterPark. MasterPark doesn’t have anything in front of the structure. Noted that at WallyPark you can still see the large parking garage looming over the low retail in front.
- Said that when people talk about losing quality here, it is not true. People talk about the public process and the public has been involved. How much was the public involved with the development agreements that the City signed with MasterPark and WallyPark? Probably none. Said that this is getting a lot of vetting.

- Stated that the area across from the airport is a good place to start the redevelopment of the City Center, and certainly the station area. This particular Ad Hoc Committee submittal that was presented tonight is a start to redevelopment there.
- Stated that codes are always changing and there is nothing wrong with that.
- Is here tonight to encourage the Planning Commission to recommend this particular submittal the Ad Hoc Committee worked so hard on to the Council the way that it was voted on in our Ad Hoc Committee and submitted to you.

Earl Gipson

- Said that we've talked a lot about the Comprehensive Plan and finds it a joke. Said all we're doing is painting ourselves in a corner. We're not allowing for economic development or even doing the math for economic development.
- Stated that we live next to an airport and yet it should be built out but it's not. We're now fixing things that our Planning Department years ago mucked up. They painted themselves in a corner so badly we couldn't get projects done. Some were cancelled, some went elsewhere. It's time to fix that and yes it may not always be fair. That's too bad, life is not fair.
- What is fair is for the City to generate revenue from those properties period. That's why when you look at the place, we have nothing but rats nests for wires, we don't have any sidewalks in the city. We should be a very lovely city with the revenue generated by the airport alone and yet we haven't done it because of the stupid Comprehensive Plan and our reluctance to change it for our city's benefit.
- Said the Growth Management Act should be gutted basically because all it does is limit people. We don't have any say over our jurisdiction anymore, we have to listen to committee upon committee.
- The Ad Hoc Committee was one that was from our citizens and our businesses and we should take that advice and go forward with it.

Doris Cassan

- Said that they would already have a project at the location we're talking about but Sound Transit condemned a piece of property. A few months later, the City of SeaTac had a condemnation on her property for themselves to build a garage. She stated that she believed this was because the Hotel-Motel Committee had determined that they wanted her property to make some heads-in-beds and to make an entertainment center. Said she thinks they used that as an excuse to take her property away.
- Stated that at the same time, they said there weren't going to be anymore surface parking lots, but not too many months later she saw a surface parking lot go in. She thought there was supposed to not be any problem with traffic and cars and that there was going to be some traffic mitigation.
- Said not any cars from the SeaTac rental center were supposed to go on SeaTac roads and that there is a bottleneck on that corner.
- Stated she thinks this little episode is about non-competition. Said that they had staff on the Ad Hoc Committee and that the committee worked a long time. There was give and take, there were contributions from everywhere. It may not be best for everyone, but it was a community effort and when you start taking sides and promoting a few, that isn't wise for the City of SeaTac.

Summary of Comments Against the Proposed Amendments:

Ann Lawler (Please also see written submission from JBSL)

- Stated that she has followed the Ad Hoc Committee and has been involved since the beginning with the City Center standards and Budget and WallyPark development agreements.

- The map provided at the last City Council meeting shows five surface lots that could be developed, three controlled by MasterPark and WallyPark, and two by the Cassan family.
- WallyPark does not want code changes and assumes that those who follow must meet the same standards they had to meet.
- Noted that WallyPark and MasterPark have development agreements with the existing standards and should WallyPark decide to develop, they would develop to the same quality as within the existing standards.
- Said there is no compelling change in circumstance that would require a change to the code.
- Stated the provisions in the City Center plan will not be complied with if there is a higher base stall number and lower bonus for public benefits.
- The proposal does not implement the City Center Plan, specifically Policy 6.2 which says a well-designed community is what the city wants and that developers will invest where quality is matched and reinforced in other projects – that will not happen if you recommend adoption of the new code.
- Said the proposal lowers open space in violation of the existing code and that there is no incentive to add open space, fountains and other public amenities.
- Would like to adopt by inference the arguments by MasterPark.

John Day, L&R/WallyPark General Counsel

- Stated that there are 12 WallyPark locations across the country and they are aggressively expanding.
- They have a \$50 million commitment in SeaTac.
- Said they had to scramble to get alternative financing in 2009, and were able to do it because of the sound fundamentals of their project.
- In the project, they were held to high standards including water features and significant public space.
- Feels that the current system isn't broke. They were held to high standards and are proud of what they built. Not equitable to change standards now.
- In order to change standards and hold future developers to lower standards, there has to be an economic viability reason to do it. Stated that they are living proof that the economics don't require a change. They came out at the hardest of times since the Great Depression. If they could do it and hit high standards, seems like anyone else should be able to do it.

Jack McCullough (Please also see written submission from McCullough)

- Speaking on behalf of MasterPark stated that the amendments are:
 - Inconsistent with the Comprehensive Plan;
 - Not supported by any public policy need in the city
 - Intended principally to benefit one or two property owners
 - Not being considered as part of an appropriate public participation process under GMA (Growth Management Act)
- Said proposal not consistent with the Comprehensive Plan and that there are no materials that talk about the consistency, or the relationship of the proposal with the Comprehensive Plan of the City other than six pages in the SEPA Checklist.
- Stated that the 1990 GMA said zoning is not made in a vacuum arbitrarily. The GMA makes sure that jurisdictions adopt a Comprehensive Plan and makes sure that any time development regulations are changed they have to go to the Comprehensive Plan and show how they relate and are consistent.
- Said that, on behalf of MasterPark, and for the past eighteen months, they have shown where the proposal is inconsistent with Comprehensive Plan policies. This includes Policy 6.2 and those

regarding pedestrian-orientation and mixed uses. Said that mixed uses are a critical objective in the Comprehensive Plan and that the proposal flies in the face of that.

- Also said that a centerpiece of the policy is incentives and this eliminates and cuts open space by 50%.
- Stated that the Planning Commission as a decision making body should have a record of facts of this relationship. The Commission only has letters from MasterPark and comments in the SEPA Checklist. Said this lack of adequate record on this point underscores that the act the Planning Commission takes if they recommend adoption to City Council, will be inconsistent, contrary to Comprehensive Plan and thus illegal under State's GMA (Growth Management Act). Said that thi is not something to take lightly, buildings won't go away.
- Asked about the public need and said that over the last eighteen months, MasterPark, WallyPark, Aeropark and the Port will make available just under 5,800 new stalls.
- The rationale for the proposal the Planning Commission is looking at is that we need more parking. The market already responded in the worst economic climate in eighty years.
- We suggest this is a solution in search of a problem. We don't need more park-and-fly in the Center City. What the city needs is what the Comprehensive Plan calls for, quality development, open space, mixed uses and a good pedestrian environment.
- Said that there has been a lack of meaningful public participation. Asked what criteria the Planning Commission is working under, what checklist, to decide to vote yes or no. The criteria given are that buildings look good and are economically viable.
- The Comprehensive Plan supports the criterion that buildings look good. Said he defied anyone to find criterion in the Comprehensive Plan that the Planning Commission or Council has to provide for economic viability of parking garages. It is a manufactured criteria that doesn't have anything to do with the Comprehensive Plan.
- Noted that the development agreement process is in the code and that this could be "spot zoning".
- Said proposal is "unmoored from Growth Management Act (GMA)".
- Stated "our view is that adoption of this proposal would not be legal under GMA and I can say that MasterPark will take whatever steps it needs to make sure if the Planning Commission and City Council don't appreciate that fact, that we find a forum that does."
 - *Note: At this point, Planning Commission Chair Daryl Tapio stated that there was an Ad Hoc Committee that met for over a year and asked Mr. McCullough what he meant by there not being a sufficient public process. Mr. McCullough responded that there should be a set of Comprehensive Plan criteria for the code.*
 - *Commissioner Jeff Guite then asked Mr. McCullough whether there was an Ad Hoc Committee that put together the original park-and-fly code. Mr. McCullough responded that he didn't know.*
 - *Senior Planner Kate Kaehny said that the City Center Standards were created at the same time as the City Center Plan and that there was a public process during the creation of that Plan.*

Chairman Tapio Closed the Public Hearing at 6:25p.m.

Recommendation:

The Commission tabled the decision on a recommendation regarding the parking code amendments to the January 15 meeting.

4. Public Hearing Addressing City's Approach to Medical Marijuana

Chairman Tapio opened the Public Hearing at 6:34 p.m.

Senior Planner Albert Torrico summarized the proposed code amendments stating that the city's approach would be to not allow any uses that would be contrary to "state or federal law," and that since sale or possession of marijuana remained illegal under federal law, the city would not allow the sale of marijuana in the city. He also stated that if and when the differences between federal and state laws on this matter were resolved, the city would consider any necessary changes to city regulations at that time.

Mark Johnsen, City Attorney's office, addressed a question relating to the conflict between federal and state law on this issue, stating that the proposed amendment maintains compliance with both federal and state law, while preserving the City's ability to address the issue again when the differences between federal and state law are resolved. The proposed regulations also allow for the existing moratorium to be lifted.

There were no public comments.

Chairman Tapio Closed the Public Hearing at 6:35 p.m.

Recommendation:

After some discussion, the Commission recommended adoption of the Medical Marijuana regulations, with three Commissioners voting in favor, and two Commissioners abstaining.

5. Public Hearing Amending Homeless Encampment Regulations

Chairman Tapio opened the Public Hearing at 6:37 p.m.

Senior Assistant City Attorney Mark Johnsen summarized the proposed code amendments stating that the city had received a letter from the Second Amendment Foundation, expressing the view that the city's regulations prohibiting firearms in Homeless Encampments were unconstitutional and contrary to Federal law. While the existing regulations prohibit weapons in homeless encampments, the amendment provides for the lawful possession of firearms, consistent with federal and state law.

Chairman Tapio Closed the Public Hearing at 6:38 p.m.

Recommendation:

On a unanimous vote the Commission recommended adoption of the amendment to the Homeless Encampment regulations.

6. Detailed Commission Liaison's Report:

Responding to a question about how the City Council voted regarding the Comprehensive Plan amendments presented at the November 26 Special Council meeting, Mr. Scarey reported that Map Amendment A-1 (the S 150th St. proposal) was not adopted, but was moved to the 2013 Preliminary Docket for the normal cycle of review during 2013; that map Amendment A-2 (the

Military Rd. proposal) was not adopted, and that the remaining text amendments before the Council (Text Amendments T-2 and T-4) were both adopted.

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 6:44 p.m.

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ORDINANCE NO. 05-1009

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.20.020 of the Zoning Code and adding new Sections 15.10.342, 15.10.347, 15.10.612.5 and 15.20.045 to the City Zoning Code to adopt interim development standards for homeless encampments.

WHEREAS, the City Council is concerned that existing development regulations and design standards governing homeless encampments are not sufficient to protect the public interest regarding the City's health and safety standards; and

WHEREAS, in order to safeguard the public interest regarding health and safety, to protect the character of neighborhoods, to protect the public welfare, and to ensure compatibility with adjacent land uses, interim development standards should be established for the public good; and

WHEREAS, the City anticipates Homeless Encampments may temporarily locate within the City; and

WHEREAS, the Comprehensive Plan supports implementing standards to minimize health and safety impacts and to protect the character of neighborhoods from homeless encampments (Policy 1.2A); and

WHEREAS, RCW 36.70A.390 allows adoption of an interim zoning ordinance for a period of up to six (6) months;

WHEREAS, adopting interim standards allows time for City staff and the Planning Commission to research and formulate permanent development standards that reflect input from sponsoring agencies and the public;

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 permit the City Council to adopt an interim zoning ordinance, subject to a public hearing within sixty (60) days of the date of

adoption of any such interim zoning ordinance, and further subject to findings of fact justifying the interim zoning ordinance at either the time of adoption or following conclusion of the public hearing; and

WHEREAS, the City Council deems it to be in the best interest of the public welfare to provide for interim development standards governing homeless encampments;

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

Section 1. Section 15.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.20.020 Temporary Uses

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site, as a restaurant.
- E. Homeless Encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045.

Section 2. A new Section 15.10.342 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.342 Homeless Encampment

An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.

Section 3. A new Section 15.10.347 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.347 Host Agency

The owner of the site property, being a Church or other organization that joins a sponsoring agency in an application for a City Temporary Use Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 4. A new Section 15.10.612.5 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.612.5 Sponsoring Agency

A Church or other organization that joins in an application with a host agency for a City Temporary Use Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc..

Section 5. A new Section 15.20.045 is hereby added to the SeaTac Municipal Code, 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 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;
 - 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 KC 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, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
8. The sponsoring agency will appoint a 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 or exceed 180 days in any two (2) year period.
2. 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 6. These standards are adopted on an interim basis pursuant to RCW 36.70A.390 for a period of six (6) months from the effective date of this ordinance.

Section 7. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall cause appropriate notice to be given and shall hold a public hearing on the matter of this ordinance not

later than sixty (60) days after adoption hereof, and shall then make findings of fact justifying the same.

Section 8. 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 9. The Ordinance shall be deemed a public emergency ordinance and shall be effective immediately upon passage.

ADOPTED this 24th day of May, 2005 and signed in authentication thereof on this 24th day of May, 2005.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date: _____]

[An Ordinance Adopting Interim Development Standards for Homeless Encampments]

ORDINANCE NO. 05-1017

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.20.020 of the Zoning Code and adding new Sections 15.10.342, 15.10.347, 15.10.612.5 and 15.20.045 to the City Zoning Code to adopt interim development standards for homeless encampments.

WHEREAS, the City Council was concerned that existing development regulations and design standards governing homeless encampments are not sufficient to protect the public interest regarding the City's health and safety standards; and

WHEREAS, to give time to research new standards, while ensuring that the aesthetic character of neighborhoods was protected, the City Council adopted interim standards governing homeless encampments under Ordinance 05-1009; and

WHEREAS, since the adoption of the Interim Standards, City Staff and the Planning Commission have researched and formulated the permanent development standards set forth herein considering input from the public, churches, and SHARE/WHEEL; and

WHEREAS, a public hearing was held on September 26, 2005 on the proposed standards; and

WHEREAS, the Comprehensive Plan supports implementing standards to minimize health and safety impacts and to protect the character of neighborhoods from homeless encampments (Policy 1.2A); and

WHEREAS, the City Council deems it to be in the best interest of the public welfare to provide for final development standards governing homeless encampments;

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

Section 1. Section 15.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

15.20.020 Temporary Uses

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site, as a restaurant.
- E. Homeless Encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045.

Section 2. A new Section 15.10.342 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.342 Homeless Encampment

An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.

Section 3. A new Section 15.10.347 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.347 Host Agency

The owner of the site property, being a Church or other organization that joins a sponsoring agency in an application for a City Temporary Use Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 4. A new Section 15.10.612.5 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.612.5 Sponsoring Agency

A Church or other organization that joins in an application with a host agency for a City Temporary Use Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 5. A new Section 15.20.045 is hereby added to the SeaTac Municipal Code, 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 with 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, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
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 6. 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 7. The Ordinance shall be effective five (5) days after passage and publication.

ADOPTED this 25th day of October, 2005 and signed in authentication thereof on this 25th day of October, 2005.

CITY OF SEATAC

Terry Anderson, Deputy Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo, City Attorney

[Effective Date: _____]

[An Ordinance Adopting Interim Development Standards for Homeless Encampments]

Chapter 15.20 Temporary Uses

Sections:

- 15.20.010 Purpose
- 15.20.020 Temporary Uses
- 15.20.030 Seasonal Uses
- 15.20.040 Temporary Use Permits
- 15.20.045 Homeless Encampment – Criteria/Requirements for Approval
- 15.20.047 Emergency Animal Shelter/Animal Control Offices
- 15.20.048 Temporary Off-Site Parking for Construction Workers at Religious Use Facilities and School Facilities
- 15.20.049 Temporary Emergency Evacuation Storage Sites
- 15.20.050 Conditions
- 15.20.060 Coordination with Other City Codes

15.20.010 Purpose

It is the intent of this chapter to regulate certain temporary uses of property which are not otherwise regulated, beyond business license registration, by other City ordinances or regulations. (Ord. 92-1041 § 1)

15.20.020 Temporary Uses

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site as, a restaurant;
- E. Homeless encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045;
- F. Emergency animal shelters subject to the criteria located under SMC 15.20.047;

- G. Animal control offices subject to the criteria located under SMC 15.20.047;
- H. Temporary emergency evacuation sites in the commercial, business park, and industrial zones, subject to the criteria under SMC 15.20.049;
- I. Public/private parking for off-site construction worker parking on a site containing a religious use facility or school facility with adequate parking spaces, subject to the criteria located under SMC 15.20.048. (Ord. 11-1001 § 1; Ord. 10-1011 § 1; Ord. 09-1038 § 1; Ord. 05-1017 § 1; Ord. 05-1009 § 1; Ord. 04-1010 § 15; Ord. 94-1006 § 15; Ord. 92-1041 § 1)

15.20.030 Seasonal Uses

The City Manager, or designee, may issue a temporary and revocable permit to allow sales of seasonal goods in any nonresidential zone for a period not to exceed ninety (90) days in any twelve (12) month period. The City Manager, or designee, shall consider the following:

- A. The temporary use is not in proximity to a similar permanent use;
- B. The use should be consistent with the permitted uses in the zone;
- C. The use will not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;
- D. The use must provide sanitary facilities if the Health Department finds it is necessary;
- E. The use must not infringe on public right-of-way;
- F. A performance bond, the amount to be determined by the City Manager, or designee, shall be posted to guarantee the removal of the use and that the area be restored to the satisfaction of the City Manager, or designee. (Ord. 95-1012 § 1; Ord. 92-1041 § 1)

15.20.040 Temporary Use Permits

The City Manager, or designee, may issue a temporary use permit to allow a defined temporary use/event if finding the use consistent with the following findings of fact:

- A. No significant capital outlay is required for the use or event to take place;
- B. The use will not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;

- C. The use must provide sanitary facilities if the Health Department finds it is necessary;
- D. A performance bond, the amount to be determined by the City Manager, or designee, shall be posted to guarantee the removal of the use and the area restored to the satisfaction of the City Manager, or designee;
- E. A temporary construction shed or trailer may be located on the subject property or on adjacent property if owned by the same property owner or with permission of the owner. (Ord. 95-1012 § 1; Ord. 94-1006 § 16; Ord. 92-1041 § 1)

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 thirty (30) days in advance of the proposed date of establishment for the homeless encampment and at least fourteen (14) days before submittal of the temporary use permit application. 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 one thousand (1,000) feet of the proposed homeless encampment shall be notified fourteen (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 SMC.
5. No permanent structures will be constructed for the homeless encampment.
6. No more than one hundred (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 (1/4) 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 (i) 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 (ii) 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 twelve (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.** 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. (Ord. 13-1002 § 1; Ord. 05-1017 § 5; Ord. 05-1009 § 5)

15.20.047 Emergency Animal Shelter/Animal Control Offices

The City Manager or designee may issue a temporary and revocable permit for an emergency animal shelter subject to the following requirements and criteria:

- A. King County has issued an emergency order regarding flooding in the Green River Valley to establish an emergency animal shelter or animal control offices;
- B. The animal shelter or animal control offices in Kent need to be temporarily relocated due to flooding in the Green River Valley;
- C. The emergency shelter or animal control office is located at a King County facility located in the park (P) zone;

- D. No more than five hundred (500) animals are to be located at the facility. The animals shall only be from the shelter in Kent or strays collected by King County Animal Control Officers due to flooding of the Green River Valley;
- E. The temporary use permit (TUP) shall be valid for up to one (1) year. Additional TUPs may be issued based upon an emergency order cited under subsection (A) of this section;
- F. All storm drainage requirements are met; and
- G. All health requirements are met and approved by the King County Health Department. (Ord. 09-1038 § 2)

15.20.048 Temporary Off-Site Parking for Construction Workers at Religious Use Facilities and School Facilities

The City Manager or designee may issue a temporary and revocable permit for off-site construction worker parking subject to the following requirements and criteria:

- A. The off-site parking is allowed only for the duration of the construction;
- B. The off-site parking is located within one and one-half (1-1/2) miles of the construction site;
- C. A "traffic plan" shall be submitted. The plan shall illustrate the travel route (s) construction workers will use to access and depart the site. Travel routes to the site shall minimize traffic impacts to residential areas;
- D. For religious use facilities, if the routes the construction workers use to access and depart the site pass by a public/private school, the applicant shall stagger the hours of the arrival and departure from the site to minimize the conflicts between pedestrian and vehicular traffic of children arriving and departing the school site;
- E. If the off-site parking is adjacent to a residential zone, the use of the property for off-site parking shall only be from 5:00 a.m. to 6:00 p.m., weekdays only. Additional days or hours of use may be authorized by the Director of Community and Economic Development;
- F. The property is used only for the parking of the personal vehicles used by the construction workers. No heavy vehicles or equipment may be stored on the site;
- G. The construction worker parking does not occupy parking spaces necessary for the primary use of the site during their normal operating hours;

- H. Parking shall be on an existing paved surface. No additional off-street parking spaces may be created; and
- I. The site must be within one-quarter (1/4) mile of a "principal" or "minor" arterial.
- J. Adjacent property owners, as determined by the Director of Community and Economic Development, shall be notified of the proposed construction parking prior to the decision to issue a temporary use permit. The cost of this notification shall be borne by the applicant.
- K. In the case where off-site construction worker parking will be on a site for more than one (1) year, the applicant shall renew their TUP on an annual basis. (Ord. 11-1001 § 2)

15.20.049 Temporary Emergency Evacuation Storage Sites

In lieu of the criteria set forth in SMC 15.20.040, the City Manager or designee may issue a temporary and revocable permit for a temporary emergency evacuation storage site in the commercial, business park, and industrial zones, subject to the following requirements and criteria:

- A. King County has issued an emergency order regarding flooding in the Green River Valley;
- B. The applicant shall submit a signed agreement with the property owner allowing the use of the property for an emergency evacuation site;
- C. The applicant meets all storm drainage requirements pursuant to Chapter 12.10 SMC;
- D. If located on a developed parcel or site, the emergency evacuation storage site shall not interfere with any on-site pedestrian and vehicular circulation;
- E. If located on a developed parcel or site, the emergency evacuation storage site shall not occupy any required off-street parking spaces for the primary uses of the site;
- F. If located on a developed site, the emergency evacuation storage site shall not permanently remove any required landscaping on site;
- G. Emergency evacuation storage sites are not allowed for hazardous waste "disposal facilities" as defined under RCW 70.105.010; and

H. The property shall only be used for the duration of time the parent property for the business using the emergency evacuation site is flooded and during the time the site is being restored to a usable condition;

I. If the temporary emergency evacuation storage site requires the prestaging of temporary structures for use in the event of flooding, the temporary structures may be located on the site prior to the anticipated flooding. In no case shall the structures be located on site for more than six (6) months in a calendar year. No structures shall be used or occupied if there is no flooding on the parent property in the Green River Valley. A performance bond, the amount to be determined by the City Manager, or designee, shall be posted to guarantee the removal of the use and the area restored to the satisfaction of the City Manager, or designee;

J. Solid screening (consisting of a chain-link fence with a fabric screen) of an emergency evacuation storage site may be required by the Director of Community and Economic Development if the site is located adjacent to residential properties or is visible from an arterial street. (Ord. 11-1002 § 3; Ord. 10-1011 § 3)

15.20.050 Conditions

In order to reasonably mitigate any adverse impacts associated with a temporary use permit, the permit may be conditioned to assure such mitigation. (Ord. 92-1041 § 1)

15.20.060 Coordination with Other City Codes

A. Any temporary use permit shall comply with all applicable adopted City ordinances.

B. Any solicitor who, while selling or offering goods, wares, merchandise or anything of value, displays, advertises, or offers such goods to the passing public while standing on public way or any other place not used and licensed by such person as a permanent place of business, shall secure in addition to a solicitor's license a temporary use permit pursuant to this chapter. Door-to-door solicitors are excluded from this requirement if they are part of a nonprofit organization, school fund-raising project, or charitable organization.

C. Uses regulated by the home occupation regulations (Chapter 15.17 SMC) are not subject to the provisions of this chapter. (Ord. 92-1041 § 1)

The SeaTac Municipal Code is current through Ordinance 13-1009, adopted June 11, 2013.

Disclaimer: The City Clerk's Office has the official version of the SeaTac Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.seatac.wa.us/>
(<http://www.ci.seatac.wa.us/>)
City Telephone: (206) 973-4800
Code Publishing Company
(<http://www.codepublishing.com/>)
eLibrary
(<http://www.codepublishing.com/elibrary.html>)



PLANNING COMMISSION
Minutes of February 14, 2005, Meeting

Members Present: Mark Siegel, Tom Dantzler, Joseph Dixon, Richard Jordan

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

1. Call to Order:

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

2. Approve Minutes of January 24, 2005, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the January 24, 2005, meeting as presented.

3. Old Business:

A. Continued Discussion about the Planning Commission's 2005 Goals/Work Tasks

Various items on the Commission's 2005 Goals/Work Tasks were discussed as follows:

A. UPDATE AND IMPLEMENT THE COMPREHENSIVE PLAN

- **3b, Zoning Code Regulations regarding homeless encampment ("Tent City").** Steve Butler explained that regulations would be developed to be in place in the event that a "Tent City" was sited in SeaTac.
- **3d, Update Concurrency Management System (transportation related).** Steve Butler explained that concurrency requires that proper facilities and services be in place before a development is completed. State law allows developers six years after completion of a project to have non-essential systems in place, or, if mitigation fees are paid, no further action is required. The City has budgeted concurrency in 2005 to ensure compliance with the Growth Management Act. Staff will determine what concurrency issues will be presented to the Commission.
- **3e, Monitor Sound Transit's plans for LRT alignments and station locations between S. 154th Street, the Airport/City Center area and S. 200th St.** It was agreed this item would not be deleted.
- **3f, Review Development Agreements.** Language will be revised to state, "Review development agreements with staff as it pertains to land use and planning issues."

If the State Route 509 link to I-5 is not constructed, access to the airport from the south will continue to be from South 182nd Street off International Boulevard. If the link is completed, or if the interim use of 28th/24th Avenue becomes problematic, the entrance at South 182nd Street will be closed, and the south entrance to the airport will be off South 188th Street. Access from the north will continue to be off State Route 518. The long term vision is access into and out of the airport at South 188th Street for private and commercial vehicles, access into the airport at South 170th Street for commercial vehicles only, access out of the airport at South 170th Street for both private and commercial vehicles, and access into and out of the airport at South 160th Street for both private and commercial vehicles. A single loop system will route all traffic through the airport.

The light rail station at South 170th Street is scheduled for completion in 2009/2010. The Port has concerns regarding grade issues over South 170th Street; however, access to the east side of International Boulevard will be provided. A moving sidewalk may transport passengers from the Sound Transit station to the terminal.

Commissioner Lucas raised a concern about development of Port properties along 28/24th Avenue competing with City businesses. Mr. Cheyne stated that development of that area is not part of their five year plan.

The rental car facility is scheduled to open in 2009 or 2010. Rental cars, now sited on the first and second floors of the general parking garage, will be moved to the new facility, with the two floors of parking then available to the public. Buses will transport passengers to the rental car facility which will remove 20% of the traffic off the roadway system. A new ramp will connect the rental car facility with the northbound expressway; the Port has contributed environmental and design funds toward the construction of another lane on eastbound State Route 518 to alleviate congestion. A second lane over State Route 518 will route traffic into the rental car facility.

Mr. Cheyne stated that the Port and City are working through the issues collaboratively. Avenues to arrive at resolution are outlined in the Interlocal Agreement.

B. Discussion about Potential Joint Meeting with City Council

Commissioner Siegel asked that each Commissioner bring three priority items for a joint meeting with the City Council to the next meeting, and be prepared to discuss what the Commission wishes to achieve.

4. Commission Liaison's Report:

Commissioner Dixon reported that the following items were discussed at the City Council retreat held on March 5: (1) Fire Department - Discussion about facility and personnel issues; (2) Police Department – Funding for a uniformed community school officer to facilitate positive relationship with children, and potential avenues to increase punishment for minors engaging in car jacking and stealing; (3) Economic Development, including the Hovey Report, and a golf course in the City; (4) Working with the Port

regarding light rail; (5) Whether the Hughes Property should be used for a park or to generate revenue; (6) Discussion about the annexation of Boulevard Park.

5. Planning Director's Report:

The Land Use & Parks Committee is scheduled to meet March 10, 2005, at 4:00 p.m. The Planning Commission will now revert back to its regular first and third Monday schedule, with the next meeting on Monday, March 21.

6. Planning Commission Comments:

The King County Council will hold a town meeting in Des Moines at the Wesley Terrace in the near future.

7. Adjournment:

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

PLANNING COMMISSION
Minutes of June 6, 2005, Meeting

Members Present: Mark Siegel, Rick Lucas, Tom Dantzler, Joseph Dixon, Richard Jordan

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 5:30 p.m.

2. Approve Minutes of May 16, 2005, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the May 16, 2005, as presented.

3. Old Business:

A. Continued Discussion about Proposed 2005 Comprehensive Plan Amendments (with a Focus on the Land Use Plan Map Proposals)

Mike Scarey explained that four maps were included for each map amendment i.e. a black and white map, an aerial photograph, a colored map outlining the Comprehensive Plan land use designation, and a colored map outlining the Zoning designations (each colored map includes an abbreviated legend). He then reviewed the amendments as follows:

- **Map Amendment #1**

Proposal is to shift the Urban Center boundary approximately 90' to run along the southern boundary of property located in the vicinity of 21000 & 21010 International Boulevard.

It was suggested the City continue the Urban Center boundary south to South 211th Street. This possibility will be considered and various issues researched to determine feasibility.

- **Map Amendment #2**

Proposal is to change the Comprehensive Plan land use designation on a 60' x 105' portion of 21104 International Boulevard to Commercial High Density to allow for rezone to a classification that allows public/private parking.

Mike Scarey stated that, in the interest of consistency, staff could recommend that the applicant modify the proposal to change the Comprehensive Plan land use designation of the entire property to Commercial High Density. If it is approved, the applicant could then apply for a rezone of the entire property to Community Business.

Lengthy discussion was held regarding this amendment. The Commission agreed to support the staff recommendation. It was suggested that the section between South 208th Street and South 211th Street be included.

- **Map Amendment #3**

Proposal is to change the Comprehensive Plan land use designation to Industrial, and maintain the current Industrial zoning.

Staff does not support a Comprehensive Plan land use change to Industrial.

- **Map Amendments #4 - #9 (Port of Seattle)**

Proposal is to change the Comprehensive Plan land use designation for numerous properties to Airport to allow for rezone to Aviation Commercial.

Commissioner Lucas expressed concern about the Port submitting an amendment proposal that includes properties they do not currently own. An amendment proposal submitted last year was withdrawn because they were unable to acquire properties before the Council took action on all amendments.

Mike Scarey stated that an amendment proposal would be accepted by the City, provided that a purchase agreement contingent on the amendment being approved, was in place.

Barbara Rudge, representing the Port, stated there is no State requirement that an amendment proposal be submitted only by the property owner; this is a City policy; further, last year's Port proposal was actually generated by the City. Ms. Rudge also stated that the Port would withdraw any amendment proposals where the Port had not completed property acquisition prior to Council action.

- **Map Amendment #10**

Proposal is to position the HCT District circle to be consistent with Sound Transit's new station location at South 176th Street.

Mike Scarey advised that the revision is intended to depict where Sound Transit will actually construct the station and provide an indication of a planning area. The City and Sound Transit have worked together for several years to come to agreement between Sound Transit, the Port, and the City.

Commissioner Dantzler, in anticipation of being absent, outlined his recommendations as follows: Map Amendment #1 – Concur with Commissioners to enlarge Urban Center to South 211th Street; Map Amendment #2 – Concur with staff recommendation; Map Amendment #3 – Concur with staff and recommend this item not be included on the Final Docket; Map Amendments #4 thru #9 – Concur with Port’s requests, provided proposals be withdrawn if the Port does not secure ownership of subject properties; Map Amendment #10 - Concur with staff recommendation.

B. Continued Discussion about City’s Proposed 2006-2015 Transportation Improvement Program

Steve Butler invited comments on the document prepared by Tom Gut to answer questions and concerns brought up at the last meeting when he presented the Ten Year Transportation Improvement Program.

Commissioner Dixon expressed concern regarding the method of estimating a project’s cost based on extrapolating from previous roadway improvements based on project length. Other questions were answered to Commissioner Dixon’s satisfaction.

C. Update about Station Area Planning Process and Discussion about Planning Commission’s Role

Steve Butler explained that staff will be recommending that the City Council hire a team led by the consulting firm Makers Architecture & Urban Design. Sub-consultants include an economic real estate analyst firm named Burke and Associates, and Transpo, who will assist with transportation related analysis. The current schedule indicates work will begin in early June.

The Planning Department will be staffing a table at a Sound Transit public meeting to be held next week. Station design, and the essential public facilities permitting process are issues to be considered for both the South 154th Street station and the Airport/SeaTac City center Station. Mr. Butler further stated that the City is not considering land use alternatives on the Tukwila or Port side of the stations; however coordination with both agencies will be encouraged.

4. New Business:

A. Review of Miscellaneous Proposed Amendments to the Zoning Code

Jack Dodge reviewed the proposed Zoning Code amendments as follows:

Revisions

Section 15.12.020 Residential Uses

- Allows “Home Occupations” in the Mobile Home Park (MHP) zone. Currently, home occupations are not allowed.

Section 15.12.040 General, Education, Health Services

- Allows Day Care I and II in MHP zone. Currently, Day Cares are not allowed.

Section 15.13.010 Standards Charts

- Currently, all accessory structures on a site are allowed five (5) feet from the rear property line. The amendment would require the second or third accessory structure to be located 15’ from the rear property line.

Section 15.14.130 Street Landscaping

- The amendment clarifies the requirement for street trees.

Sub-Section 15.16.115B Electronic Signs

- This is a proposed amendment to the timing of the display on an electronic sign. The proposed change would not allow a change in display in less than 2 seconds. Currently, the standard is 1 ½ seconds.

Section 15.35.130 General, Educational, Health Services Uses (City Center Uses)

- The land use table is being amended regarding Wireless Communication Facilities to make the use table for the City Center consistent with the new Wireless Communication Chapter of the Zoning Code.

New Sections

15.14.240 Departure of Landscaping – Crime Prevention Through Environmental Design (CTPED)

- A new section is added to allow departures to the landscape codes subject to criteria, to implement CPTED principles. The criteria are summarized below:

Physical conditions on the site

The elimination of concealment areas

Does not diminish the intent of screen landscaping between dissimilar land uses

15.19.770 Departures from the Small Lot Single-family Standards

- A new section would allow departures from the Small Lot Single-family Standards subject to criteria. The criteria are summarized below:

Physical, sensitive areas on the site

No more than one (1) departure allowed

The project still meets the intent of the Small Lot Single-family Standards

B. Review of Interim Homeless Encampment Regulations

Jack Dodge advised the Commission that the City Council adopted Interim Homeless Encampment regulations on May 24 to provide a process to allow homeless encampments, basic rules to govern the appearance of encampments, basic regulations protecting adjacent property owners, and basic regulations to protect the encampment inhabitants. Site criteria includes that the property must be of sufficient size to accommodate the encampment, no permanent structures allowed, adequate parking must be provided, must be within a ¼ mile of public transportation, screened from adjacent residential properties and right-of-ways, portable toilets shall be screened, no persons with outstanding warrants would be allowed, encampment shall be self-policed. The encampment would be allowed for 90 days subject to the City's Temporary Use Permit process and may be terminated if the sponsoring agency does not comply. The City Manager or designee would approve the TUP, following a public meeting in the neighborhood. Temporary structures must conform to all building and fire codes, all property owners within 1000' would be notified, and at least one public hearing would be required 30 days prior to the establishment of the encampment.

5. Detailed Commission Liaison's Report:

Commissioner Dantzler reported that an executive committee meeting of the 509 Steering Committee was held, primarily to determine how best to gain funding for the SR 509 extension. (Current focus centers on the Alaskan Way Viaduct and Interstate 405.)

6. Planning Director's Report:

A Land Use & Parks Committee meeting is scheduled for Thursday, June 9. Due to the number of agenda items, a second June meeting will be scheduled.

It was agreed that a Planning Commission meeting would be held on June 20. One meeting is anticipated in July, on the 18th, with the Commission taking summer recess during the month of August.

7. Planning Commission Comments:

Commissioner Dixon reported that a meeting was held on May 17 with the commercial parking operators to review the \$1.00 per transaction tax.

Commissioner Dantzler stated that the per transaction tax of \$1.00 may be raised to pay for additional roads, and expressed concern that the private sector may be required to absorb the majority of the tax increase. He suggested that the Planning Commission review economic development impacts to the private sector to ensure a level playing field and that all agencies and jurisdictions pay their fare share.

8. Adjournment:

The meeting was adjourned at 7:45.

PLANNING COMMISSION
Minutes of September 26, 2005, Meeting

Members Present: Rick Lucas, Tom Dantzler, Joseph Dixon

Staff Present: Jack Dodge, Principal Planner; Mike Scarey, Senior Planner; Albert Torrico, Jr., Senior Planner; Mark Johnsen, City Attorney's Office

1. Call to Order:

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

2. Approve Minutes of September 12, 2005, Meeting:

A motion was made, seconded, and unanimously passed to approve the minutes of the September 12, 2005, meeting as written.

3. Public Hearing:

A. Staff Presentation on Proposed Zoning Code Amendments Regarding Final Homeless Encampments

Jack Dodge advised that recent court decisions indicate cities cannot prohibit homeless encampments, but may require permit approval criteria and conditions. The City Council adopted interim homeless encampment regulations in May, 2005, which allow homeless encampments to be sited through the Temporary Use Permit process, and provides basic rules to govern the site. Staff is recommending that the City Council adopt the interim regulations as final.

The interim regulations were provided to all the churches in the City, along with an invitation to attend a public meeting on Wednesday, September 21. To date, there has been no response.

The interim regulations address a variety of issues that include:

- The property has to be of sufficient size to accommodate an encampment;
- No permanent structures are allowed;
- Adequate parking is provided for residents with vehicles;
- The encampment be within one-quarter mile of public transportation or the sponsoring/ host agency must provide access to public transportation;
- The encampment must be screened from adjacent residential properties and right-of ways;
- Portable toilets must be screened;
- Persons with outstanding warrants are prohibited from the encampment;
- The encampment must be self-policed with a check-in and check-out list;

- The encampment will be allowed for a maximum of 90 days, not to exceed 180 days in any two year period;
- No more than one homeless encampment may be located within the City at any time;
- All temporary structures must abide by all building and fire codes;
- All property owners within 1000' must be notified, and at least one public hearing is required 30 days prior to establishment of the encampment;
- Administrative approval of the Temporary Use Permit will be through the city manager or designee.

Concern was raised by Commissioner Lucas that the language regarding the “180 days in any two year period” could be misinterpreted, resulting in a homeless encampment locating within the City for 180 consecutive days. Jack Dodge agreed to revise language to eliminate that possibility.

B. Public Hearing on Proposed Zoning Code Amendments Regarding Final Homeless Encampments

The Chair opened the public hearing at 5:50 p.m.

Hearing no requests to speak, the Chair closed the public hearing at 5:51 p.m.

C. Discussion about Recommendation to City Council about the Proposed Zoning Code Amendments

A motion was made, seconded, and unanimously passed to recommend that the City Council adopt the interim regulations with revisions as discussed.

4. New Business:

A. Discussion about Proposed Zoning Code Amendments Related to Bay Windows and Duplex Design Standards

Albert Torrico stated there were four proposed amendments to the Zoning Code as follows:

- Amend the definition of a “Home Occupation” – SMC 15.10.340
- Provide a definition for “Bay Windows” and amend SMC 15.13.080 Projections Allowed in Setback (Bay Windows)
- Amend the definition for Multifamily Dwelling Unit – SMC 15.10.410
- Amend the Landscape Charts to require landscaping for duplexes – SMC 15.14.060

Home Occupation

The current definition would be replaced by a new definition that states, “A nonresidential use which is clearly incidental and secondary to the use of a dwelling for residential purposes, does not change the character of the dwelling or neighborhood, and is carried on by a member of the family permanently residing within the dwelling.”

The new definition would ensure the home occupation site is owner-occupied. In cases where a renter wishes to have a home occupation, the property owner must provide written approval. Compliance is monitored through the home occupation permit and business license.

Bay Windows

The Zoning Code currently does not address bay windows, which has led to developers interpreting a bay window as more of a “bump out” with a sliding glass or french door that sometimes extends two stories.

The proposed definition of “Bay Window” states: “The combination of three or more individual window units, attached as to project from the building at various angles. The center section is normally fixed, with the end panels operable as single-hung windows, double-hung windows, casement windows, or another type of operable window. The bay window may be rectangular, semi-polygonal, or semi-circular.” In addition, Section 15.13.080 Setbacks – Projections Allowed, will add language to state, “Bay windows shall not include doors of any kind, and shall be limited to one story in height.”

Jack Dodge explained that the additional language in 15.13.080 is applicable ONLY to bay windows that project into the setbacks (20’ front yard, 5’ side yard, 15’ back yard). If a bay window is constructed in compliance with setback regulations, the restrictions in 15.13.080 do not apply.

Discussion was held about whether or not it was appropriate to limit bay windows that project into setbacks to one story. The Commissioners recommended the one-story limitation be stricken from the language.

Multifamily Residential Dwelling Unit

Language will be added to the definition to state, “Multifamily shall also include two or more duplexes on one lot or any combination of three or more dwelling units on one lot.” Landscaping requirements will apply if two or more duplex units are located on one lot (consistent with multifamily landscaping requirements).

Commissioner Lucas suggested that language be revised to state, “multifamily shall be any combination of three or more dwelling units on one lot.”

B. Presentation and Discussion about the 2005 Final Docket of Proposed Comprehensive Plan Amendments (with a focus on Text Amendments 1 and 14, and Map Amendments 1,2,3,8,9,12, and 13

- **Map Amendment #1**

The Planning Commission proposal (Alternative A) would extend the Urban Center boundary to South 211th Street. Mike Scarey met with the affected current and prospective property owners whose preference is that the properties not be included in the Urban Center at this time.

- **Map Amendment #2**

The Planning Commission proposal (Alternative A) to extend the change in the Comprehensive Plan land use designation north to include properties currently designated as Residential High Density/Commercial Medium Density to Commercial High Density. All the affected property owners, with the exception of the northernmost owner, support this proposal. Mike Scarey will meet with the northernmost property owner this week, and report back to the Commission.

- **Map Amendment #3**

Commissioners Dantzler and Dixon support the staff recommendation that the properties remain designated as Business Park, Commissioner Lucas supports the applicant's proposal.

- **Map Amendments #8 & #9**

The Commission had previously raised concerns about whether or not the two vacant parcels on Map Amendment #8 should be included in the amendment proposal, and that City maps accurately reflect which properties the Port owns on Map Amendment #9. The Port's response was that their proposal included only properties they anticipate owning by the end of the year.

- **Map Amendment #12**

The amendment proposal is to strike the area to be considered for rezoning only after the year 2005. Therefore, the map will be removed entirely from the Comprehensive Plan.

- **Map Amendment #13 & Text Amendment #14 (partial)**

The Special Features and Natural & Landscape Features maps have been updated, with corresponding text references in the Community Image Background Report. Commissioner Dixon suggested that the botanical gardens would be more appropriately shown on the Special Features map, with corresponding text in the Special Features section of the Community Image Background Report.

- **Text Amendment #1**

Staff recommends that in the Glossary of Terms, the Essential Public Facilities definition refer to Goal 1.7 in the Comprehensive Plan for more information about EPFs, as well as Figure A1.9 in the Land Use Background Report. The Commission concurred.

5. Old Business:

A. Continued Discussion about the Proposed Amendments to the Zoning Code's EPF Provisions

Mark Johnsen stated that the State legislature codified essential public facility regulations by statute in the Growth Management Act (RCW 36.70A. 200) requiring any issues relative to the Growth Management Act would be heard by the Growth Management Hearings Board (appointed by the Governor) whose findings are binding as a quasi-judicial body in that they follow their own precedent, thereby providing guidance to cities as to how they would rule in a specific situation. It is not the policy of the City to enact or maintain ordinances that could be challenged and ruled against by the Board. The Growth Management Hearings Board has ruled that the City cannot preclude the siting of a essential public facility. The role of the City is to impose conditions to ensure compliance with development regulations.

Mr. Johnsen is currently reviewing the proposed amendments to the City's EPF provisions relative to clarifying the role of the ad hoc committee, and addressing concerns raised by all parties. Further, he anticipates talking with the Des Moines City Attorney to discuss their EPF regulations and their interpretation of the Board's EPF ruling.

Mike Scarey advised that the proposed amendments presentation to the City Council had been pulled from the September 27 agenda, pending further review and language revisions. Revisions will be presented to the Planning Commission at their next meeting on October 10.

Discussion was held about the City's EPF regulations impact on the current renegotiation of the ILA; the ad hoc committee, SeaTac citizens, and its business community having the ability to require mitigation of negative impacts as a result of a new EPF being sited in the City, as well as the ability to require mitigation to offset negative impacts created by an existing EPF.

Mike Scarey stated these concerns could be addressed in renegotiating the ILA or in the environmental review of the Port's Comprehensive Development Plan. He agreed to advise the Commissioners of opportunities for public input.

B. Continued Discussion about the Port of Seattle's Proposed "Landscape Design Standards"

None

C. Update about Station Area Planning Process

Sound Transit is hosting an informational open house regarding the SeaTac City Center/Airport Station on Thursday, September 29 at 6:00 p.m. in the Tyee High School cafeteria.

6. Detailed Commission Liaison's Report:

None

7. Planning Director's Report:

None

8. Planning Commission Comments:

Discussion was held about the Planning Commission Agenda and the timeframes allotted for each issue. It was agreed that the timelines were intended as a guideline and would remain on the agenda.

9. Adjournment:

The meeting was adjourned at 8:13 p.m.

PLANNING COMMISSION
Minutes of February 13, 2006, Meeting

Members Present: Rick Lucas, Tom Dantzler, Joseph Dixon, Richard Jordan, Linda Snider

Staff Present: Steve Butler, Planning Director; Mike Scarey, Senior Planner; Todd Cutts, Economic Development Manager

1. Call to Order:

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

2. Approve Minutes of January 23, 2006, Meeting:

A motion was made, seconded, and unanimously passed to recommend approval of the minutes of the January 23, 2006, meeting as presented.

3. New Business:

A. Presentation about the City's Economic Development Programs (with a focus on the 17-property RFP process), by Todd Cutts, Economic Development Director

Todd Cutts, the City's Economic Development Manager, briefed the Commission on the City's economic development program that began in November, 2005, with the creation of a strategic economic development work plan. A major component was the distribution of a "Request for Mixed Use Development Proposals". In January, the entire RFP package was sent to owners of identified development emphasis sites and about thirty interested developers identified by a consultant team, as well as an RFP summary sent to approximately 300 developers throughout Puget Sound and the Greater Pacific Northwest. Round one proposal submittal deadline is March 10, with the possibility of a Round Two consideration in September, 2006.

The City Council authorized incentives up to \$5 million of hotel-motel funding reserved for tourism-related capital projects, and up to \$13.3 million of the City's unused, non-voted debt capacity for mixed use proposals, primarily along the International Boulevard corridor (17 sites have been identified that encompass approximately 117 acres). It is anticipated that authorization and funding of negotiations will be forthcoming by June, 2006.

The Development Offering & Prospectus Contents include:

The SeaTac Advantage – A gateway location anchored by SeaTac International Airport, direct freeway access to the entire metro area, 5,400 hotel rooms/multiple conference facilities, affordable housing, no local B&O or utility taxes, financially sound city government, major redevelopment sites, public-private commitment, significant corporate presence, and the arrival of light rail.

Structure of Development Offering – The City will entertain proposals that are both site and use specific. The proponent must provide evidence of site control, demonstrate the experience and capacity to complete the project, and be prepared to begin construction within one year of approval. Funding will be made available for uses such as hospitality, corporate office, mixed use, and air logistics. Development should include two or more distinct uses on the project site. Proposals will be prioritized for properties along the International Boulevard corridor.

Incentives Tool Box – A short list of city specific resources that include up-front capital funding and quick start permitting, supplemental resources considered on a case-by-case basis such as public-private partnership, community renewal, and state & federal programs.

Submittal Information – Includes a cover letter, proposed location and site control, proposed project description, project ownership and financing, public development incentives, and other conditions and contingencies.

Proposal Evaluation – Threshold criteria and community criteria will be applied in review of the proposals by a five-member Evaluation Taskforce, followed by review by the STEP/Hotel-Motel Committees, City staff, with final approval by the City Council.

Selection & Negotiation – The City Council will authorize negotiations, deny authorization to proceed, or defer a decision (for up to three months).

Discussion was held about public knowledge and input prior to City Council decisions; the requirement to proceed to construction within one year; and the City's current efforts to streamline the permitting process.

Todd Cutts advised that one or two successfully completed projects within SeaTac would then bring further development into the area. In the same vein, Commissioner Dantzler stated that a successfully completed project could possibly be used as a model for further streamlining of permitting and various other processes.

Mr. Cutts will come before the Commission again in the coming months to update them as the City's economic development work plan evolves.

B. Update on STEP Committee

Commissioner Lucas reported that the STEP and Hotel-Motel Committees may be modified to better meet the needs of residents, property owners, and existing businesses within the City (including eligibility for mixed-use development incentive monies), as well as to assist the City's Assistant Manager and Economic Development Manager with economic development efforts.

C. Discussion about Planning Commission 2005 Accomplishments and 2006 Goals

Steve Butler reviewed the Summary of 2005 Accomplishments, highlighting the annual Comprehensive Plan Amendment process, Homeless Encampment and Essential Public Facilities siting regulations, staff presentations on the "Tukwila South Proposal" and the City's Transportation Improvement Plan, and a presentation by Port staff regarding their Comprehensive Development Plan.

Commissioner Dixon requested that monitoring of fire services, and updating the bylaws be added to the 2006 Goals. He suggested that Commissioners be assigned or volunteer to be responsible to ensure various issues are carried through to completion.

After some discussion, it was agreed that the agenda item "Planning Commission Comments" would contain a reference to suggestions for the next meeting's agenda in parentheses.

A lengthy discussion was held about appropriate interaction between individual Planning Commissioners and individual City Councilmembers, as well as the Planning Commission as a body and the City Council as a body; how the Commission could best serve the Council; the most efficient method of communicating Planning Commission discussions and decisions to the Council; the annual joint meeting between the two bodies and using the annual Planning Commission Report to the City Council as a foundation to develop the agenda for that meeting.

It was agreed that, if deemed necessary, the Commission would invite a Councilmember to attend and/or make a presentation before them. It was also agreed that, if deemed necessary, a Commissioner would be given the opportunity to present Commission findings during a staff presentation to the City Council.

Regarding language in item C3a in Goals, "Interact with City Council Committees", the Commissioners agreed that it was important to have a representative attend the various meetings (specifically LUP and T&PW) and report on issues of interest. C3a will be amended to read, "Have a Commission member attend Council Committee meetings."

An updated draft of the Goals for 2006 will be presented at the next meeting.

D. Review of Planning Commission Schedule for First Quarter of 2006

Commissioner Snider requested that a joint meeting with an adjacent Planning Commission be scheduled and put on the calendar.

Steve Butler will attempt to schedule a joint meeting between the Planning Commission and the City Council for Tuesday, April 11 prior to the Council meeting. Further, he will call the City of Tukwila to schedule a joint meeting between the SeaTac and Tukwila Planning Commissions.

The most current version of the Planning Commission bylaws will be included in the February 27 packet, with the item placed on the March 13 meeting agenda.

E. Election of Chairperson and Vice Chairperson

Linda Snider was nominated for Chairperson in 2006. The motion was seconded, and unanimously passed.

Tom Dantzler was nominated for Vice Chairperson in 2006. The motion was seconded, and unanimously passed.

4. Old Business:

A. Station Area Planning Update (with a focus on the comments received at the City's January 25 Public Meeting)

Mike Scarey reported that the January 25 public meeting was attended by approximately 30 residents and business owners, with about equal representation from both station areas.

The light rail station will run from downtown Seattle to the airport. The area between downtown and the Tukwila International Boulevard station is currently under construction. The City has issued a Conditional Use Permit for the Sound Transit project to move forward from Tukwila to the SeaTac/Airport Station at South 176th Street. Mr. Scarey then presented an abbreviated version of the presentation at the January 25 public meeting used to gather input on the aspects of the proposed plan.

The purpose of the station area planning study is to encourage transit and pedestrian friendly redevelopment of the station areas, higher densities of residential and employment uses, a diverse mix of uses, community oriented businesses, and to build on other City planning efforts such as installation of new infrastructure including new streets, sidewalks, landscaping, etc. Development is expected to occur over time, primarily through private investment.

SEATAC/AIRPORT STATION AREA

Alternative One: Pedestrian Core

This alternative includes a new 30th Avenue South running north and south through the center of the station area. It will be open to vehicular traffic, but designed as “pedestrian friendly” with furniture, wide sidewalks, retail shops, pedestrian-scale lighting standards, and good urban design.

Alternative Two: Pedestrian Perimeter/Service Core

This alternative includes pedestrian-oriented improvements along International Boulevard on South 170th Street and South 176th Street, and on 32nd Avenue South at South 172nd Street with the new 30th Avenue serving more of a vehicular traffic function.

SOUTH 154TH STREET STATION AREA

Alternative One: Focus on 152nd Street:

This alternative identifies improved pedestrian connections across International Boulevard, with the intersection at Military Road/International Boulevard and South 152nd Street closed to vehicular traffic to provide convenient access to the light rail station. Also identified is retail on both sides of South 152nd Street off Military, and open space at the intersections of South 152nd Street/International Boulevard and South 152nd Street/32nd Avenue South.

Alternative Two: Create a Center

This alternative proposes a diagonal northwest to southeast pedestrian connection from South 152nd Street to South 154th Street, intersected by a pedestrian connection west to 32nd Avenue South, bordered on the east and west by neighborhood-oriented mixed-use and on the north by multifamily development. Military Road will remain auto-oriented south to where it connects with International Boulevard. Planning and Public Works staff are currently working with the Washington State Department of Transportation on possible reconfigurations to the off-ramp at SR518.

In answer to questions, Steve Butler explained that within the next two or three weeks it may be clear when the Port intends to begin work on moving the north airport expressway into the airport, development of the Port’s proposed rental car facility on South 160th Street & International Boulevard may be moving forward, and that the Port will likely submit a Comprehensive Plan amendment proposal this year for properties they plan to develop.

City staff and the consultants are currently working on a preferred alternative for each station area to present at a May 10 public meeting. The Commission will continue to be briefed on the progress of the Station Area Planning process.

B. Update on Approval Process for Sound Transit’s Light Rail Transit System

Staff is currently reviewing the various building permit plans. It was agreed that plans would be reviewed at the 30-60-90-100% completion stages to ensure issues of concern are addressed as early in the process as possible. The project is broken into phases e.g., road related improvements, and station design that includes the pedestrian bridge and the kiss and ride lot. Mr. Butler pointed out that the height of the station would be approximately ten stories, with the pedestrian bridge about 40' above grade. The cost of the project from Tukwila to the airport will likely exceed \$300 million.

5. Detailed Commission Liaison's Report:

Commissioner Dixon attended the February 13 Transportation & Public Works Committee meeting and reported that the Des Moines Creek construction project cost estimate has risen from \$18 million to \$24 million. It appears most of funds will be available, but there are still concerns. It is estimated the project will be completed by July.

6. Planning Director's Report:

Steve Butler stated that approval of the final Port Landscape Standards is on the February 14 City Council agenda.

7. Planning Commission Comments:

Commissioner Jordan suggested that the Commissioners drive over the new bridge the Port constructed on South 154th Street. It was well done and is a wonderful asset to the City.

Commissioner Dixon attended the Council Retreat on February 11 and reported that a great deal of time was devoted to fire service issues and concerns, including \$4,800,000 budgeted to replace Station 46, and designate it as headquarters station.

Also discussed at the retreat was the possibility of eliminating the Study Session in favor of one long Regular Council Meeting beginning at 6:00 p.m. with general public comment at the beginning and again before individual agenda bills are reviewed. Each Councilmember would have the opportunity to postpone any given agenda bill for one meeting cycle to allow for further review.

Staff was asked to prepare a letter of thanks from both the Commission and staff to Rick Lucas for his service as Planning Commission Chair.

8. Adjournment:

The meeting was adjourned at 8:00 p.m.