



CHAIR HEIDI WATTERS; VICE-CHAIR LOUSIE STRANDER; COMMISSIONERS DENNIS MARTINEZ, SHARON MANN, KAREN SIMMONS, DIXIE STARK, AND ANDREA REAY

CITY OF TUKWILA
PLANNING COMMISSION (PC) PUBLIC MEETING
VIRTUAL MEETING VIA MICROSOFT TEAMS
DECEMBER 10, 2020 - 6:30 PM

To Participate in the Virtual Meeting at 6:30 pm:

By Phone: Dial +1 253-292-9750, Access Code 863124167 #

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- I. Call to order
- II. Attendance
- III. Adopt November 12, 2020 Minutes.
- IV. Housing Plan Briefing - Meredith Sampson.
- V. Adjourn



PLANNING COMMISSION (PC) PUBLIC HEARING MINUTES NOVEMBER 12, 2020

Date: November 12, 2020
Time: 6:30 PM - 10:45 PM
Location: Virtual Meeting - Microsoft Teams

Present: Chair Heidi Watters; Vice-Chair Louise Strander; Commissioners Dennis Martinez, Sharon Mann, Karen Simmons, Dixie Stark, and Andrea Reay

Staff: Deputy Director Minnie Dhaliwal; Senior Planner Jaimie Reavis; Assistant Planner Meredith Sampson; Business Relations Manager Brandon Miles and Planning Commission Secretary Wynetta Bivens

Adopt Minutes: Commissioner Strander moved to adopt the November 5, 2020 minutes. Commissioner Martinez seconded the motion. Motion passed. Commissioners Mann, Stark and Reay were absent on 11/5/20 and abstained from voting.

CASE NUMBER: L20-0106
PURPOSE: Consider updates to subdivision procedures in Tukwila Municipal Code Title 17 (Subdivisions and Plats) and Title 18 (Zoning).
LOCATION: City-wide.

Jaimie Reavis, Senior Planner, Department of Community Development (DCD) gave the presentation for staff. The intent of the public hearing was to consider amendment to the subdivision regulation within the Tukwila Municipal Code and Title 17 for subdivisions and plats and Title 18 for zoning. Ms. Reavis provided background information on the subdivision process; explanation of why the code amendments are being proposed; gave an overview of the proposed changes and options; went over the approval process; as well as the proposed amendments and staff's recommendations. She also answered several clarifying questions.

PROPOSED AMENDMENTS / STAFF'S RECOMMENDATIONS

1. Modification of a preliminary approval

This process is not currently in the code, the process would be added to modify a preliminary approval of any type of subdivision, after the preliminary approval and before final approval.

STAFF'S RECOMMENDATION: The DCD Director makes the determination whether the modification is a minor or major modification and can require conditions to ensure conformance with the criteria.

NOTED: The DCD Director will use proposed criteria in determining if the modification is minor. If the modification is determined to be major the applicant needs to apply for a new application.

2. Final plat approval

STAFF'S RECOMMENDATION: The decision is made by the DCD Director.

3. Phasing of final approval

STAFF'S RECOMMENDATION: The phasing plan be submitted and reviewed by the Hearing Examiner at the

time of preliminary approval; after preliminary approval if it turns out that it is better to phase subdivisions staff is recommending that a modification to the preliminary plat be submitted and it be reviewed by the DCD Director.

NOTE: Concern was expressed in having the Director review and approve phasing proposed after the preliminary approval has already been issued. There was discussion on how phasing proposed after preliminary approval should go back to the Hearing Examiner (or the Planning Commission if there was an associated design review).

4. Expiration and Extensions (language clean-up for expiration and phasing extensions)

NOTE: Currently the existing code requires the first phase must be recorded within five years. Concern was expressed that if a subdivision is phased and does not meet the deadline another application needs to be submitted and the applicant must start over.

STAFF'S RECOMMENDATION: The DCD Director may extend a preliminary plat for a project that has received phasing approval for up to three additional years, for a total maximum of eight years from the date of preliminary approval.

NOTE: There was extensive discussion on this proposed amendment, the PC expressed concern that the recommended extension was not long enough. After multiple suggested amendments to staff's recommendation, the PC added several more recommendation options in addition to staff's recommendations.

PUBLIC TESTIMONY

Mike Pruett, for Segale Properties said that it is important for the PC to understand the whole pre-plat final plat process and that approximately 90% of the effort is in the pre-plat. He explained that it involves preparation of all sorts of different plans and infrastructure, not just the pre-plat plans. He said it is a time consuming and expensive process, and all subdivisions are not created equal. He said it will probably take 15 to 20 years to develop the 20 lots, and he would like the pre-plat to stay alive as long as possible. He said all the pre-plats will be built out under the current regulations, and all the public infrastructure that could change over time is already built. He also commented on the language and process for minor modifications. He said they are in favor of flexibility for the life of the pre-plat.

Nicole DeLeon, Attorney, Cairncross and Hempleman, representing Segale Properties, went over the highlights of the comment letter submitted on behalf of Segale Properties. She stated what is driving Segale's interest in this amendment is the amount of infrastructure, and work that goes in during the preliminary plat phase. She reiterated Mr. Pruett's comment that 90% of the effort, such as planning, work, and infrastructure goes in during the preliminary plat phase. She said if the preliminary plat expires, you have done 90% of the work, expense, time, and investment and suddenly you are just out of luck. She said they are requesting flexibility, and it is critical to be granted flexibility for an extension up to 12 years on the extension approval process. She said if the extension is granted that there are certain guards that would prevent any concerns on the city's part in granting the extension. She commented on the discussion pertaining to the department review process, and said she researched and found code TMC18.104.180, which states the review process is required by all departments. They are proposing their project is revised to a minor modification, as a Type 1 decision. She provided clarification on why they are focused on a 10-lot standard. She said that state law does allow for approval of a longer extension. In addition to the other revisions requested, she suggested that a provision for fewer lots be included to eliminate any ambiguity.

There was no additional public testimony.

Following are some of the clarifying questions raised by the PC.

Commissioner Mann asked Mr. Pruett considering he said that most of the improvements are complete, what are their concerns with what staff is proposing? Mr. Pruett said through the initial pre-plats, he said the risk associated with providing a longer timeframe is small because the improvements are done. However, the pre-plat underlines all their future development plans that will expire over and over while they are building out the project over 15 to 20 years.

Commissioner Martinez asked Ms. DeLeon if they were okay with staff's language pertaining to the preliminary plat phasing approval? Ms. DeLeon said it captures the concept that they are comfortable with.

Commissioner Stark asked staff how they came up with the recommended extension period of 3 years, considering the comment letter mentions a 12-year period. Staff said that the recommendation was based on review of other cities' codes. Commissioner Stark asked whether staff had found a city that offers an extension greater than 3-years, staff noted that one example was found where a total of 11 years was allowed, with extensions provided in increments of two years.

Commissioner Simmons asked how many of their current sub-plats are subject to expire? Mr. Pruett responded one.

Commissioner Reay asked if a total of seven-years extension would be sufficient, or would additional years be more prudent? Mr. Pruett said they would need more years, and they would need to re-apply at least once, or multiple times before the project is complete. He said the longer timeframe the City approves the better.

Commissioner Watters asked staff to clarify where the Tukwila South project is in the subdivision process. Staff noted that it is not clear why Tukwila South has been set up as such a large subdivision with future development tracts that will also need to be subdivided. Given that most of the infrastructure has been constructed, Commissioner Watters asked what would expire if the preliminary plat is not extended? She noted a balance between a developer having to continually resubmit new applications for preliminary plat approval, and having development be subject to things like environmental regulations that get updated, since we want to use best available science and fulfill the City Council's vision for the City. Mr. Pruett said they need additional flexibility for the length of time a preliminary plat can stay alive.

Commissioner Stander asked Ms. DeLeon to provide clarification on the language in the comment letter regarding item #6 on page 2. Ms. DeLeon said they are asking for a revision to the modification criteria to allow a proposal to modify conditions of the original preliminary plat approval to qualify as a minor modification. Commissioner Strander asked clarifying questions about the proposed 12-year timeframe, and whether it provides the flexibility for the decision-maker to determine how much time the extension would be provided for, *up to 12 years*. Ms. DeLeon said that the Director under the various criteria could reduce the amount of time of the extension to be less than the maximum allowable.

Commissioner Martinez inquired whether the City Attorney reviewed the comment letter. Staff confirmed the City Attorney reviewed the letter and staff's recommendations and agreed with staff's recommendations. The City Attorney felt they met the balance of providing flexibility without the vesting period being a concern. Therefore, the City Attorney did not feel any additional changes to staff's recommendations were necessary.

DELIBERATIONS

Request: Commissioner Stander requested to add the proposed revision to the minor modification #1 language as listed in the comment letter. Note: (motion #1, first bullet)

Request: Commissioner Stander requested to add the proposed revision to the minor modification #6 language, as listed in the comment letter. Note: (motion #1, second bullet)

Request: Commissioner Mann requested that a statement is included under minor modifications that all departments (Planning, Building, PW, and Fire) must be part of the review process. Note: (motion #1, third bullet)

Commissioner Watters said the proposed amendments are a good addition, and she agrees with the City Attorney and staff, as recommended.

MOTIONS

1. Modification of a preliminary approval

Commissioner Mann moved to approve and forward to the City Council with the additional modification language in bullets 1-3.

- Minor modifications do not increase the number of lots in the subdivision beyond the number previously approved or which maintain the number of lots or decrease the number of lots in the subdivision below the number previously approved’.
- Minor modifications are consistent with the conditions of the preliminary approval, provided that a minor modification may revise conditions of the preliminary approval so long as the revisions are consistent with the minor modification limitations set by TMC 17.14.020.E.1-5.
- All departments must be part of the minor modification review process (Planning, Building, PW, and Fire).

Commissioner Stark seconded the motion. Motion Passed. Commissioners Watters and Simmons opposed.

2. Final plat approval

Commissioner Mann moved to approve and forward to the City Council as recommended by staff, Option A. Commissioner Watters seconded the motion. Motion passed. Commissioner Martinez opposed.

3. Phasing of final approval

Commissioner Watters moved to approve and forward to the City Council as recommended by staff. Commissioner Simmons seconded the motion. Motion failed. Commissioners Martinez, Strander, Mann, and Stark opposed.

Commissioner Mann moved to approve and forward to the City Council, Option B as listed in the staff report, for approval by Hearing Examiner or Planning Commission. Commissioner Martinez seconded the motion. Motion passed. Commissioners Watters, Simmons, and Reay opposed.

Chair Watters called for a two-minute recess.

4. Expiration and extensions (language clean-up for expiration and phasing extensions)

The PC asked staff to type and show on the screen their proposed language of several revised options of recommendations in addition to staff’s recommendations, and then they voted on the options.

Commissioner Strander moved to approve and forward to the City Council the following recommendation as amended, The DCD Director may extend a preliminary plat that has up to 2 phases three additional years beyond the period provided in TMC 17.14.050, A. For plats that have more than 2 phases approved as part of the preliminary plat the DCD Director may extend a preliminary plat for a total of 9 years with the first extension of 3 years and two subsequent extensions of three years each. In no case shall the total time between the date of preliminary approval and the date of recording of the final phase of a phased development exceed 14 years. Commissioner Stark seconded the motion. Motion passed. Commissioners Simmons and Watters opposed.

The public hearing was closed.

- The briefing on the housing plan was continued to December 10th.

Adjourned: 10:45 p.m.

Submitted by: Wynetta Bivens
Planning Commission Secretary