



PLANNING COMMISSION MEETING

September 3, 2014
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

II. ROLL CALL/ESTABLISHMENT OF QUORUM

III. APPROVAL OF MINUTES

A. August 6, 2014

IV. PUBLIC COMMENT

Comment from the audience on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Update on Planning and Development Department activities.

VI. OTHER BUSINESS

**A. Proposed Code Amendments to Chapter 17.09 Related to Short Plats*
(Chamberlain)**

Summary: Introduction of an amendment to change the short plat threshold from 4 lots to 9 lots.

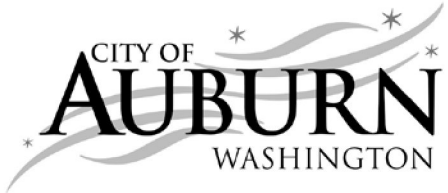
**B. Proposed Code Amendment to Chapter 18.29, Downtown Urban Center*
(Chamberlain)**

Summary: Review a proposed code amendment to the Downtown Urban Center related to Floor Area Ratio standards.

VII. ADJOURNMENT

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



August 6, 2014

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:01 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Couture, Commissioner Mason, Commissioner Baggett, and Commissioner Smith. Commissioner Pondelick is excused.

Staff present included: Planning and Design Services Manager Elizabeth Chamberlain, City Attorney Dan Heid, Senior Planner David Jones, and Community Development Secretary Tina Kriss.

Members of the public present: Suzanne Cheney, Darren and Melanie Capps, Doyle and Gina Beckley, Glenna Smith, D.H. Woolf, Tim Edwards, Jeff Anderson, James Blankinship, Arne Nelson, and Eric Gaston.

III. APPROVAL OF MINUTES

A. July 8, 2014

Commissioner Copple moved and Commissioner Smith seconded to approve the minutes from the July 8, 2014 meeting as written.

Motion carried. 5-0

Commissioner Baggett did not vote due to his absence at the last meeting.

IV. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Planning and Design Services Manager Elizabeth Chamberlain reported that the Auburn School District will be seeking a Certificate of Occupancy on Phase 1 of the new Auburn high School building during the week of August 25, in order to obtain occupancy August 28, 2014; the demolition of the old building has begun.

Merrill Gardens, a senior housing facility with 127 units (the block south of the Trek Apartment project) has submitted their plans for design review and staff expects additional submittals to follow.

At the City Council meeting Monday, August 4, 2014, staff brought forward Ordinance No. 6526, a traffic impact fee extension for the downtown catalyst blocks. Council extended the exemption through December 31, 2016 by adopting Ordinance No. 6526.

In 2002 the State Legislature modified the definition of short subdivisions to allow City's planning under the State Growth Management Act to increase their threshold from 4 to 9 or fewer lots. The City would like to bring forward a proposed amendment to increase the City's threshold to 9 or fewer lots.

VI. PUBLIC HEARINGS

A. ZOA14-0003 – Proposed Amendment to Auburn City Code

Chair Roland opened the public hearing on the proposed amendments to Auburn City Code relating ZOA14-0003, Option 1 or Option 2, at 7:06 p.m.

City Attorney Dan Heid provided background information on the proposed amendments, ZOA14-0003. Option 1 is a prohibition of State licensed marijuana uses and Option 2 is a proposal that would not have the City as the permitting agency of any marijuana activities, but would put the City in the position of enforcing State licensed marijuana businesses.

City Attorney Heid explained the State law is currently opposite to the Federal law. A discussion was held regarding various legal cases that have been and may be brought for those jurisdictions prohibiting the use of recreational marijuana. The Commission and staff discussed the voters' choice to support the initiative, potential future legal issues, and the City not receiving any direct tax dollars from the State collection of taxes on I-502 sales.

Senior Planner David Jones asked the Commission if they had any questions regarding ZOA14-0003, a proposed code amendment to Auburn City Code (ACC). Option 1 (amending ACC 9.22.010) and Option 2 (amending ACC 1.04.060, 5.10.040, 9.22.010, 18.02.020 and 18.07.010). No questions were asked at this time.

Chair Roland invited anyone for or against the proposed options to come forward for testimony:

Eric Gaston, 4423 193rd Ave. SE, Issaquah

Mr. Gaston explained that he and his partners are stakeholders who hold an I-502 retail license in Auburn. Mr. Gaston emphasized that the citizens of the State voted in favor of recreational marijuana. Mr. Gaston provided background information on his family, the I-502 industry, and his desire to bring marijuana "out of the shadows". He believes as businesses move forward to provide recreational marijuana through sales, cities will benefit from the taxes, and more jobs will be created. Mr. Gaston emphasized that he is in favor of Option 2.

James Blankinship, 39307 Auburn-Enumclaw Road SE, Auburn
Mr. Blankinship stated that he is an I-502 retail lottery winner to do business in Auburn. He emphasized that he believes the City will receive benefits through the 25% excise tax collected on marijuana sales. These benefits may come indirectly through the State Basic Health Plan, the Department of Social and Health Services Community Block Grant program, and the allocations to the State's general fund which provides funding to local schools. He is excited to provide employment opportunities to Auburn and feels extra property tax revenue will be generated by allowing I-502 growers and processors to operate within the City. Mr. Blankinship provided statistics on the reduction of Colorado crime due to the legalization of recreational marijuana. Mr. Blankinship is in favor of Option 2.

Darren Capps, 35220 172nd Ave. SE, Auburn
Mr. Capps explained that he has been an aerospace business owner for 17 years in Auburn. He reminded the Commission that the State and City voters said "yes" to recreational marijuana and other states are approving the use of medical marijuana. He believes recreational marijuana is soon to follow. Mr. Capps emphasized that there will be a large amount of money generated for the State, City, and others. He would like the City to approve Option 2 as the state holds struck regulations and would be carrying the majority of the burden.

Suzanne Cheney, 20914 SE 358th Street, Auburn
Ms. Cheney told the Commission that she is a retired postal worker who lives on land zoned as agriculture. She would like to take part in a marijuana growing operation since she has been unable to grow other types of agriculture on her property. Her experience working with the State Liquor Control Board has been positive; she would like to begin a marijuana growing operation and would like the City to select Option 2.

Arnie Nelson, 4423 193rd Ave. SE, Issaquah
Mr. Nelson stated that he drew the second retail lottery license in the City of Auburn. Mr. Nelson emphasized that prohibition has been a massive failure and asked the City to side with the voters and select Option 2 which will bring jobs, tourism, and more people into the community.

Doyle Beekley, 16018 SE 267th Ct., Covington
Mr. Beekley stated that he and Mr. Capps are partners in a business called Hydro Empire Pharmaceuticals which focuses on the medical benefits. He stated that approximately 30 states currently are allowing medical marijuana and that recreational marijuana should not be far behind. He is in favor of Option 2.

Jeff Andersen, 1816 James Busis Rd. NW, Issaquah
Mr. Andersen explained that the company he and his partners will operate will be providing good compliance and cooperation with the City Police Department. He states that they will be providing good paying jobs that are respectful which will benefit the City. He would like the City to select Option 2.

Del Woolf, Bonney Lake

Mr. Woolf is in favor of Option 2, and believes this issue is time sensitive for the stakeholders. He stated Option 2 would suite the stakeholders the best while being the safest route with the least liability for the City.

Chair Roland invited the Commission to ask questions of staff, no additional questions were asked. The Commission and staff discussed indirect benefits the City may receive from the tax the State would receive on I-502. City Attorney Dan Heid emphasized that no direct tax dollars would be provided to the City under the current I-502 provisions the State would receive.

With no further questions from the public, Chair Roland closed the public hearing at 7:54 p.m. on ZOA14-0003. The Commission deliberated.

Commissioner Copple moved and Commissioner Mason seconded to recommend moving Option 2, Ordinance No. 6525, forward to City Council for approval.

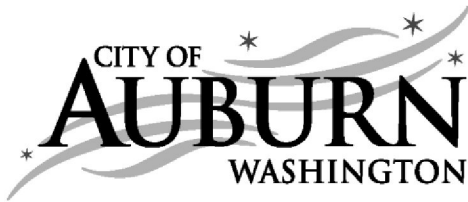
Vice-Chair Copple moved and Commissioner Mason seconded to recommend City Council adopt Option 2, to include the Proposed Planning Commission Findings and Conclusions and Recommendation – Option 2.

Motion approved. 5-1

Staff confirmed that the next Planning Commission meeting will be held Wednesday, September 3, 2014.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 7:58 p.m.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Tate, Assistant Director of Community Development
Elizabeth Chamberlain, AICP, Planning Services Manager

DATE: August 29, 2014

RE: Short Plat Thresholds – City of Auburn Compared to Washington State

Background

Chapter 58.17 of the Revised Code of Washington establishes the legal foundation and framework for subdividing land in Washington State. This statute uses the terms “subdivision” and “short subdivision” to describe the two primary types of land division. A subdivision is defined as a division or redivision of land into 5 or more lots, tracts, parcels or sites. A short subdivision is defined as a division or redivision of land into 4 or fewer lots, tracts, parcels or sites.

RCW 58.17.033 requires that jurisdictions establish land division procedures within their local city code. The City of Auburn has adopted Title 17 which sets forth the City’s land division procedures. Currently, Title 17 of the Auburn City Code provides a definition for subdivision and short subdivision that is consistent with that established in Chapter 58.17 RCW.

Discussion

In 2002, the State Legislature modified the definition of short subdivision to allow City’s planning under the State Growth Management Act to increase the short subdivision threshold from 4 or fewer lots to 9 or fewer lots. While state law allows for this modification of the threshold the City of Auburn has not amended City Code. As a result, land divisions in Auburn are processed as short subdivisions only for proposals that are for 4 or fewer lots.

The primary differences between a short subdivision and a subdivision are as follows:

1. Short subdivisions are administrative decisions that do not necessitate a public hearing.
2. Subdivisions are quasi-judicial decisions that are made by the Hearing Examiner after a public hearing.
3. Subdivisions are substantially more expensive because they incur the cost of the Hearing Examiner’s services, greater permit fees, and costs of public notice. The fee for a Preliminary Subdivision application is \$3,000.00 plus \$120.00 per lot while the

Preliminary Short Subdivision application fee is \$1,449.00 plus \$60.00 per lot. The fee for a Final Subdivision application is \$1,533.00 plus \$52.00 per lot while the fee for a Final Short Subdivision is \$750.00 plus \$25.00 per lot. In addition to the permit fees, the applicant is required to pay for the public notification sign and for the Hearing Examiner's costs to review the file, staff recommendation, conduct a hearing, and write a decision. The fee for a sign is \$130.00 and the Hearing Examiner's fees are approximately \$1,500.00. The following table provides a comparison of the costs of an 8 lot land division processed under the current rules as a subdivision and the costs if it were classified as a short subdivision:

	8 Lot Land Division "Subdivision"	8 Lot Land Division "Short Subdivision"
Preliminary Application Fee (Base)	\$3,000.00	\$1,449.00
Preliminary Application Fee (Per Lot)	\$ 960.00	\$ 480.00
Final Application Fee (Base)	\$1,533.00	\$ 750.00
Final Application Fee (Per Lot)	\$ 416.00	\$ 200.00
Public Notice Sign	\$ 130.00	N/A
Hearing Examiner Costs	\$ 1,500.00	N/A
Total	\$7,539.00	\$2,879.00
Difference	+4,660.00	-4,660.00

4. A subdivision adds significant additional time to the project review timeframe. Specific expanded timeframes are set forth in city code for public notification, public comment, public hearing, issuance of a decision and appeals. At a minimum, a subdivision will add approximately 90 days to the processing timeframes.

While there are a number of procedural and cost differences between subdivisions and short subdivisions, there are no differences in the development standards that must be adhered to in order to obtain approval or the manner in which land may be used once the land division is complete. Both types of land divisions are required to comply with all of the same requirements for density, provision of public improvements (e.g. sidewalks, streets, utilities, etc.), land use, building, protection of environmental features, etc.

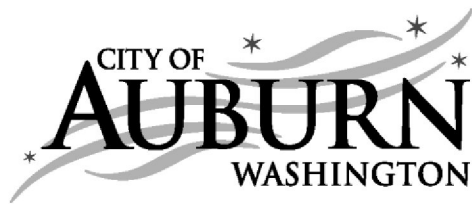
On May 12, 2014 the City Council Planning & Community Development Committee (PCDC) was briefed on the above information. PCDC expressed interest in pursuing a development regulation amendment to change the short plat threshold from 4 lots to 9 lots provided that the amendment focused on simplifying the process but did not compromise or weaken any of the development standards. PCDC requested staff review the development regulations and the engineering design standards to ensure that there would not be an unintended consequence of weakening the development standards.

On July 28, 2014 staff reported back to PCDC that after an extensive review of all development regulations and engineering design standards that there was only one engineering design standard that would need to be modified in order to avoid an unintended weakening of development standards. The reason that the engineering design standard would need to be modified is because the language linked a requirement to the process instead of the number of lots. In other words, the standard indicated that a requirement is triggered based on whether a land division was classified as a "short plat" or a "plat". As such, if the short plat threshold was increased from 4 lots to 9 lots there would be a subsequent change to the corresponding development standard. PCD requested that staff prepare an amendment to this design

standard and bring it forward to the City Council Public Works Committee for consideration. The Public Works Committee is responsible for oversight of the engineering design standards and has the authority to modify the standards. On September 2, 2014 the Public Works Committee is considering the engineering design standard modification.

Conclusion

Staff anticipates bringing forward to Planning Commission a code amendment that would modify Title 17 of the Auburn City Code by increasing the short plat threshold from 4 lots to 9 lots. The purpose of this memo is to provide an advance briefing for amendments that will be before the Planning Commission no later than October 2014.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
 Ron Copple, Vice-Chair, Planning Commission
 Planning Commission Members

CC: Jeff Tate, Assistant Director, Community Development Services

FROM: Elizabeth Chamberlain, AICP, Planning and Design Services Manager

DATE: August 28, 2014

RE: Proposed Code Amendment – Downtown Urban Center Zone Related to Floor Area Ratio

Overview

The Downtown Urban Center Zone was adopted by the City Council February 2007. The shift in zoning took an approach of density through floor area ratio (FAR) standards versus a units per acre density approach. Included in the FAR standard is a different ratio for various uses depending on if the project is located south of Main Street or north of Main Street. The Planning and Community Development Committee has requested that store explore with the Planning Commission an amendment to the FAR section of the Downtown Urban Center Zone.

Floor Area Ratio. Floor area ratio is the cumulative amount of floor area within a building as a multiple of the lot area.

Floor Area Ratio (FAR)

1

For properties abutting the south side of Main Street and to the **south:**

Basic Allowable "As of Right"		Maximum Allowable with Bonuses		
Nonresidential ²	Residential ²	Nonresidential	Residential ³	Combined ⁴
1.0	2.0	1.5	3.5	5.0

Properties abutting the north side of Main Street and to the **north:**

Basic Allowable "As of Right"		Maximum Allowable with Bonuses		
Nonresidential ²	Residential ²	Nonresidential	Residential ³	Combined ⁴
3.0	2.0	4.0	3.5	5.0

Staff is proposing to amend this section of code to not have a difference between north and south of Main Street. Let the market decide what is the best location of residential standalone, mixed-use, and non-residential standalone projects should be located. Our design standards will govern what the structures look like, the pedestrian amenities, parking locations, etc. Auburn's regulations should not stand in the way of market demands. Mixed-use will still have the highest achievable FAR to promote residential development with commercial but open the market up on the south side of Main Street to standalone non-residential projects.

The proximity of the Auburn Transit Station is desirable to not only residents but also businesses so their employees can utilize transit.

The proposed code amendment would be the following:

Floor Area Ratio (FAR) 1

~~For properties abutting the south side of Main Street and to the south:~~

Basic Allowable "As of Right"		Maximum Allowable with Bonuses		
Nonresidential ²	Residential ²	Nonresidential	Residential ³	Combined ⁴
1.0	2.0	1.5	3.5	5.0

~~Properties abutting the north side of Main Street and to the north:~~

Basic Allowable "As of Right"		Maximum Allowable with Bonuses		
Nonresidential ²	Residential ²	Nonresidential	Residential ³	Combined ⁴
3.0	2.0	4.0	3.5	5.0

Next Steps

Staff will move forward with preparing the draft code amendment for public hearing before the Planning Commission at the October regular meeting.

Attachments:

Examples of FAR Downtown

Examples of FAR Downtown

One East Main Street
Non-residential
FAR = 1.92

Project Site: 47,485 square feet
Building Size: 91,002 square feet
Office space and commercial ground floor



Merrill Gardens
Residential
FAR = 3.35

Project Site: 63,302 square feet
Building Size: 208,460 square feet
111 Assisted Living Units + 16
Memory Care Units

