



PLANNING COMMISSION

July 5, 2017

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Commissioner Lee, Commissioner Stephens, Commissioner Copple, Commissioner Shin, Commissioner Moutzouris, and Commissioner Smith. Commissioner Mason was excused.

Staff present included: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Deputy Fire Marshal Karen Stewart of Valley Regional Fire Authority, Parks Planning & Development Manager Jamie Kelly, Planner II, Alexandria Teague, and Planning Administrative Assistant Tina Kriss.

Members of the public present: Mark Hancock and Mark Segale of Segale Properties, LLC, and Wayne Wiltse of the Muckleshoot Indian Tribe.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. June 6, 2017

Commissioner Smith moved and Commissioner Lee seconded to approve the minutes from the June 6, 2017 meeting as written.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

A. Open Space Zoning Code Amendments

Planner II, Alex Teague presented the staff report on the proposed open space zoning code amendments. Ms. Teague distributed a revised staff report. Within the staff report revisions were made to the staff recommendation regarding the Open Space Zoning Code Amendments.

Chair Roland opened the public hearing on the Open Space Zoning Code Amendments at 7:03 p.m.

Staff provided an overview of the revised staff recommendations and additional comment letters received by the city regarding the open space zoning code amendments.

A discussion was held regarding the staff recommendations to exclude the Segale owned properties from the open space zone map amendments. Staff explained the Segale properties are part of a designated special plan area and on the current comprehensive land use map, the long-haul road Segale property is designated as "Institutional" rather than "Open Space" so it is proposed to not be included within the amendment. Through a subsequent amendment process the city will be working with the applicant to change the land use designation and zoning that is appropriate until the sub-area planning process has been processed for the properties included in a sub-area designation.

The Commission and staff discussed the other private properties that has been included in the open space map amendment. One property is owned by a private owner (Chernys) and the other by a home owner's association which is a utility tract within a subdivision.

The Commission and staff discussed the private property owned by the Chernys. Staff explained that the change in designation of this property is only the part closest to and following the river and this area is impacted by the shoreline designation, as well as river buffer under the critical areas regulations. The portion near the river is being recommended for a change to an open space zone designation.

Commissioner Shin stated that without a compelling reason the zoning of private property should not be changed. The Cherny property is already protected by shoreline management as it follows the river so he is unclear why it should be rezoned to open space.

Staff explained that other properties along the shoreline are also being selected to be included as they are all part of the properties along the shoreline that meet the intent of the open space zone. A Commissioner pointed out that the selection of properties to be considered for the open space classification are uniform along the river.

The Commission and staff discussed the Muckleshoot Indian Tribe owned properties. Staff stated, that for those properties within the historic reservation boundaries that are either owned by the Tribe or held in trust status, the Tribe asserts jurisdiction and City does not have jurisdiction over the properties. The City has continued to apply Comprehensive Plan designations and Zoning classifications to properties because so much of the land within the historic reservation boundaries is non-Indian owned. Also, it is important to include the property in the rezone so if the property is sold to a private non-Indian owner it would be covered in the city's land use designation and a zoning classification.

The Commission and staff discussed the option for private parties to submit an application for a comprehensive plan amendment and rezone during the annual Comprehensive Plan Amendments process. Staff confirmed that each year a private party can submit an application for a comprehensive plan amendment and rezone during the annual process.

Staff's revised recommendation is to recommend approval of Auburn City Code Chapter 18.02., (General Provisions) and Chapter 18.35, (Special Purpose Zones) as presented in the materials distributed for the meeting and approval of the amendment to the Comprehensive Zoning Map with the following revisions:

- Except those parcels owned by Levan Auburn Development LLC (Parcel Nos. 7815700095 and 7815700135), City of Auburn Parcel No. 7815700085, and all properties owned by Segale Properties LLC (Parcel No. 2921059002, 2921059021, 2921059044, and 3021059361) which are removed from the amendment to the Comprehensive Zoning Map.

Chair Roland invited the public forward for public testimony.

Mark Hancock, Segale Properties LLC

Mr. Hancock stated he represents Segale Properties LLC and noted that the property owner Mark Segale is also in the audience. Segale appreciates and supports the staff recommendations to exclude the Segale parcels from the Open Space Zoning Map change.

Segale is in agreement with the revised staff memorandum and states there are two reasons to exclude the properties: 1.) The properties are part of a designated special planning area for which a future process is set forth. It is better to master plan the continuous 600 acres plus lands owned by Segale as a whole than to piece meal parts of it before we all know what the future master plan will look like. 2.) The City will re-evaluate the underlying Comprehensive Map in the future amendment cycle in order to refine the boundaries of the open space land use designation.

Mr. Hancock thanked the Planning Commission for their work on the Open Space Zoning plan and thanked staff for helping Segale understand the situation, exchange information, and allow Segale Properties, LLC to share their concerns.

Wayne Wiltse, Planner with the Muckleshoot Indian Tribe (MIT)

Mr. Wiltse, Planner for the MIT, formally asked for an extension of the comment period to review the environmental determination, SEP17-0010, and the proposed code amendment, ZOA16-0009. MIT feels due to the numerous properties listed within the MIT reservation boundaries additional time is necessary to allow their legal, natural resources, and other departments time to review the nature of the proposed changes.

Mr. Wiltse stated they look forward to the long and continued cooperative relationship with the City of Auburn.

Staff explained that if the Commission would like to provide additional time for MIT to expand their review of the proposal, one option is to continue the public hearing to the Planning Commission's August 8, 2017 regular meeting.

The Commission and staff discussed the Muckleshoot Indian Tribe properties, staff stated the City is requesting designation of open space at this time. Staff explained that the properties would potentially not be subject to the jurisdiction of the city but if

the properties are sold to and no longer held by the Muckleshoot Tribe it would benefit the future land owner to understand the zoning and land use of the property.

The Commission asked if staff could make an additional effort to contact the Cherny property owners and also continue to work with the staff of MIT before the August 8, 2017 meeting.

Commissioner Copple moved and Commissioner Smith seconded to continue the public hearing on the Open Space Zoning Code Amendments to August 8, 2017.

MOTION CARRIED UNANIMOUSLY. 7-0

V. OTHER BUSINESS

A. Annual Comprehensive Plan Amendment Docket Discussion.

Planning Services Manager Jeff Dixon reminded the Commission that in 2015 a new Comprehensive Plan was adopted. Staff explained that on an annual basis smaller housekeeping amendments are processed as well as, providing an opportunity for applicants to submit applications for map or text amendments. Under state law, the city is limited to considering amendments only once a year, except under certain circumstances.

In May staff advertised that the City was accepting their Annual Comprehensive Amendments through June 9, 2017. One private map amendment request was received.

Nexus Youth & Family (formerly, Auburn Youth Resources) has submitted a Comprehensive Plan Amendment to change the Comprehensive Plan Map Designation of 3 parcels from "Single-Family" with a "Residential Transition Overlay" to "Light Commercial.

Nexus has also submitted an associated rezone application to change the zoning classification of these same 3 parcels "R-7, Residential" to "C-1, Light Commercial". The 3 parcels total approximately 0.72 acres and are located on the west side of "H" St. SE, west of Les Gove Park and the Senior Center. An environmental decision will also be a part of staff's review of the amendment request.

A recent Ordinance No. 6655, adopted by Council, provides for concurrent processing of both the Comprehensive Map Changes and Zoning Map Changes at the same time. In the past a comprehensive map change would be brought before the Planning Commission for recommendation and moved to City Council for approval. Once City Council had acted on the change, the rezone would then go before the city's hearing examiner for a hearing process resulting in a decision and recommendation to the City Council for the rezone action.

The process is now combined so that one hearing can be conducted by the Planning Commission on both map changes simultaneously with a recommendation on each of the items to go on to City Council. It will result in a more efficient and less time consumptive process for the party submitting the type of changes to the city.

A discussion was held zoning changes and the land uses associated with the approval. Commissioner Stephens stated he would like clarity on the uses because if a property was rezoned and the business or activity failed, folded, or was no longer active, there may be a future use that was not intended for the property.

Staff explained that by making a comprehensive map and zoning change it will allow a set of uses even and if the property ownership changes it would continue to allow the set of uses.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Jeff Dixon reported that on July 3, 2017, Ordinance No. 6642, regarding marijuana regulations, was adopted by the City Council. Council complimented the Planning Commission for the effort that was taken on the marijuana regulations, and the addition efforts for the survey efforts. They were very appreciative of how comprehensive the proposal by the Planning Commission was.

Council adopted Ordinance No. 6654 on June 19th which will go into effect July 23, 2017 regarding the final plat process. Previously, as mandated by state law, the final plat process was a City Council decision. And thus it previously it was a two-step process, requiring a preliminary plat and final plat process before City Council for approval. However, through new legislative action on a state level, the final plat decision can now be processed through an administrative decision. This shortens the process by saving steps of scheduling with the City Council and preparing agenda materials.

GeauX Brewing, located on East Main Street, received their Certificate of Occupancy and business license. The brewery will have a soft opening, consisting of being open Thursday to Saturday in the evening while completing a few interior improvements.

A building permit has been issued for Dave and Busters located in the Outlet Collection Mall (in the old space of Marshalls).

The next meeting will be held August 8, 2017.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:26 p.m.