

PLANNING COMMISSION

June 21, 2016

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, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, Commissioner Stephens, Commissioner Shin, Commissioner Moutzouris, and Commissioner Smith.

Staff present included: City Attorney Dan Heid, Assistant Director of Community Development Jeff Tate, Assistant Director of Engineering/City Engineer Ingrid Gaub, Utilities Engineering Manager Lisa Tobin, Storm Drainage Engineer Tim Carlaw, Planning Services Manager Jeff Dixon, Utility Civil Engineer Shannon Howard, and Planning Administrative Assistant Tina Kriss.

Members of the public present: Jon Cheetham and Greg O'Farrell, of Kana B LLC/Lakeridge Paving and Mary Urback, their representative.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 17, 2016

Commissioner Copple moved and Commissioner Moutzouris seconded to approve the minutes from the May 17, 2016 meeting as written.

MOTION CARRIED UNANIMOUSLY. 8-0

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

A. CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment

Planning Services Manager Jeff Dixon provided a PowerPoint presentation of CPA15-0002, the Annual Comprehensive Plan Amendment request by Kana B, LLC to amend the map comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership from the current designation of "Light Commercial" to "Light Industrial" to facilitate a subsequent zoning change. The proposal consists of two parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East) within the SW ¼ of the SW ¼ Section 31, T21N, R5E, Parcel Nos. 3121059036 - 2.33 acres & 3121059033 - 1.32 acres

Staff reviewed the process for annual comprehensive plan amendments, the docket of items slated for change, the circumstances of the properties for the subject request, and the applicable criteria for changes as provided in ACC 14.22, "Comprehensive Plan", as they apply to the parcels identified in the proposed map amendment and reviewed the subject property on the City's updated 2015 Comprehensive Plan map.

He indicated Staff's recommendation is for the Planning Commission to recommend City Council approval of the request by Kana B, LLC (CPA15-0002) for a Comprehensive Plan Map Amendment to change the map designation of two parcels, Parcel Nos. 3121059036 – 2.33 acres & 3121059033 – 1.32 acres from "Light Commercial" to "Light Industrial".

Chair Roland opened the public hearing on the proposed amendments to CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment at 7:15 p.m.

Jon Cheetham of Kana B, LLC/Lakeridge Paving, 21102 Snag Island Drive, Lake Tapps, Washington

Mr. Cheetham stated he is a co-owner of Kana B LLC/Lakeridge Paving Company with Greg O'Farrell. Mr. Cheetham thanked staff for their work and the analysis provided for this project. Lakeridge Paving has been in business for over 48 years and has a history with the City of Auburn having assisted with the establishment and construction of Lake Tapps Parkway and also having dedicated property to the City in the Terrace View Townhomes/Lake Tapps Parkway. Lakeridge Paving is looking to move their paving company operation from the City of Covington to the location off A Street SE (East Valley Highway).

Mr. Cheetham explained that the properties surrounding the subject property are consistent with a Light-Industrial designation and the property is limited for commercial uses due to the size of the property and abutting hillside. The future plan for the site is to build an aesthetically pleasing business office on the parcels and to install landscaping and screening in excess of the requirements of Auburn's code. Mr. Cheetham stated Lakeridge Paving will be a welcome addition to the City of Auburn and appreciates the City working with Kana B LLC/Lakeridge Paving to implement a mutually beneficial future development to enhance the City's transportation infrastructure on A Street SE and the southerly entrance to the City.

Mr. Cheetham stated he believes the development improvements will be mutually beneficial to both the City and Lakeridge Paving.

With no other public present for public testimony, Chair Roland closed the public hearing at 7:18 p.m. on CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment. The Commission deliberated. Commissioner Shin moved and Commissioner Copple seconded to recommend moving CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment to City Council for approval.

MOTION APPROVED. 8-0

V. OTHER BUSINESS

A. Low Impact Development Code Update (ACC Titles 13, 17, and 18)

Assistant Director Tate provided a brief introduction of the City staff that is part of the team working on the stormwater Low Impact Development Code Update. Storm Drainage Engineer Tim Carlaw explained that the City is required by State law to comply with and implement the Department of Ecology's (DOE) Western Washington Phase II Municipal Stormwater Permit (Permit). The current State-issued Permit, effective from 2013 to 2018, requires the City to "review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs)" by December 31, 2016. So far, the stormwater LID techniques have been voluntary.

Assistant Director Tate and Shannon Howard, Utilities Civil Engineer, provided a PowerPoint presentation introduction to Stormwater Low Impact Development approaches and principles.

The Commission and staff discussed the permit process, various techniques and concepts for site planning, and distributed examples of stormwater LID management practices. Staff reviewed the process for amending the various code sections and the anticipated schedule moving forward before the Planning Commission and ultimately City Council.

B. Staff presentation - Planning Commission Training

Planning Services Manager Jeff Dixon and Assistant Director Tate presented a training session for the Planning Commissioners. A review of the foundation of legal basis for planning was provided, including the constitutional (Federal) and statutory (Washington State Statutory) basis along with the Role of the Planning Commission to advise City Council, establish procedures, and the Commission's responsibilities in conducting hearings and making recommendations.

A brief overview of legal considerations such as the Open Public Meetings Act, Public Records Act, and the Appearance of Fairness Doctrine was also provided by staff.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate described several of the current activities of the Department. On June 20, 2016 City Council approved Resolution No. 5235, which authorizes the City to expend funds to abate the litter, junk, weeds, and attractive nuisances in the City of Auburn and authorizing the City's cost thereof. Assistant Director Tate provided a PowerPoint presentation regarding the City's code enforcement abatement process under Resolution No. 5235.

Ordinance No. 6601, Amendments to Title 15 adopting the 2015 International Building Code, Washington State Amendments, and local building code amendments were

adopted by City Council on June 20, 2016. This was based on the Planning Commission's recommendation.

Assistant Director Tate reported that at the June 20, 2016 regular City Council meeting the Council remanded Ordinance No. 6600 back to the Planning Commission to continue additional discussion on the code relating to domestic fowl and yard setbacks applicable to enclosures housing fowl that were the subject of this zoning code amendment. Staff explained that this item was considered by the Council and after receiving additional input from members of the public, Council voted to remand this back to the Planning Commission for further discussion but without specific direction

Staff explained this item will be added to the future July 19, 2016 Planning Commission agenda.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:14 p.m.



July 19, 2016

*Protecting and
Preserving
Puget Sound*

Planning Commissioners
25 W Main St.
Auburn, WA 98001

130 Nickerson Street,
Suite 107
Seattle, WA 98109

Re: Low Impact Development Code Update (ACC Titles 12, 13, 17, and 18)

Dear Auburn Planning Commission;

P 206.297.7002
F 206.297.0409

www.pugetsoundkeeper.org

To protect water quality, Puget Soundkeeper (Soundkeeper) is working to ensure that municipalities comply with the Washington National Pollutant Discharge Elimination System Phase II Municipal Stormwater Permit (Permit). Low Impact Development (LID) is far better than traditional approaches to stormwater management for protecting water quality. Inclusion of LID requirements in the Permit is the direct result of Soundkeeper's strong advocacy and administrative appeal. To protect water quality, Soundkeeper now must ensure that municipalities effectively implement LID to comply with the Permit.

The Permit contains two distinct requirements related to LID: Special Condition S5.C.4.a and Special Condition S5.C.4.f. Condition S5.C.4.a requires each municipality to update its stormwater manual and related portions of the municipal code to meet minimum requirements, thresholds, and definitions established by the Washington Department of Ecology.

Condition S5.C.4.f is a separate requirement. To comply with Condition S5.C.4.f of the Permit,

Permittees shall review, revise, and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require [LID] principles and LID Best Management Practices (BMPs).

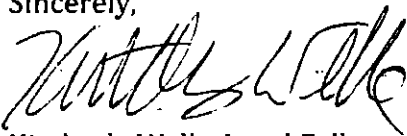
The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development. The revisions shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: *Integrating LID into Local Codes: A Guidebook for local Governments* (Puget Sound Partnership, 2012).

To comply with Condition S5.C.4.f, the City of Auburn is required to update its development-related codes and other enforceable documents. Revisions to the municipal code and enforceable documents must be implemented by December 31, 2016. Failure to adequately revise the codes and documents and implement all necessary changes by December 31 is a violation of the Permit and the Clean Water Act. Permit violations are subject to citizen suit enforcement and penalties of \$37,500 per day pursuant to 40 C.F.R. § 19.4 (2013).

Soundkeeper has reviewed the proposed updates to ACC Titles 12, 13, 17, and 18 and is deeply concerned. The proposed amendments will enact the new stormwater manual, update references to the stormwater manual, and adjust code language for consistency with the stormwater manual. However, it appears that the City of Auburn is not making the changes necessary to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. The manual and code updates the City of Auburn is proposing are necessary to comply with Condition S5.C.4.a, but they do not "make LID the preferred and commonly-used approach to site development," as required by Condition S5.C.4.f of the Permit. It is troubling that the City of Auburn does not appear to be on track to satisfy the requirements of Condition S5.C.4.f as this represents noncompliance with state and federal clean water laws.

The proposed amendments fall short of compliance with the requirements of Condition S5.C.4.f of the Permit. Soundkeeper urges the City of Auburn to comply with the requirements of the Permit and the Clean Water Act by updating municipal codes and enforceable documents to make LID the preferred and commonly used approach to development.

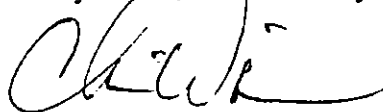
Sincerely,



Kimberly Wells, Legal Fellow



Katelyn Kian, Staff Attorney



Chris Wilke, Executive Director