CITY OF AUBURN WASHINGTON

PLANNING COMMISSION

June 5, 2018

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

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, and Community Development Administrative Assistant Tina Kriss.

Members of the public present: No audience members were present.

b.) PLEDGE OF ALLEGENCE

II. APPROVAL OF MINUTES

A. April 3, 2018

Chair Roland asked the Commission if after reviewing the minutes they had any corrections or additions. The Commission asked that the minutes be corrected to note Commissioner Shin's absence. Staff confirmed that the minutes would be corrected.

Chair Roland asked for a vote to approve the amended minutes. The Commission voted to approve the amended minutes.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

No items were brought forward for Public Hearing.

V. OTHER BUSINESS

A. Initial Discussion of New Definition for Nexus Youth & Families

In recounting the history, Senior Planner Gouk noted that Nexus applied for and was approved for, an amendment to the Comprehensive Plan Land Use Map Designation (from 'Single Family Residential' to 'Light Commercial') and an associated change in the Zoning Classification (from 'R-7, Residential' to 'C-1, Light Commercial') last year

for 3 properties. The Planning Commission held a public hearing on these map change requests on November 1, 2017 and unanimously recommended approval of the requests to the City Council. City Council then approved the requests on December 18, 2017.

The entirety of the Nexus campus is now zoned C-1, Light Commercial. As briefly mentioned in the presentation by Staff at the public hearing, a future zoning code text amendment would be brought forth to the Planning Commission for a new definition to encompass all of the services and uses that Nexus will be offering as their campus expands, staff reported Nexus provided a conceptual campus master plan included in the packet.

Staff explained creating the new definition was the second step in the process after the rezone. Nexus representatives and city staff worked together to develop a new definition that was agreeable to the city staff and Nexus. Staff reviewed the proposed use/definition that would be added to the definition's section of the zoning code and reported that a new line would also be added in the use table to identify this new use as an outright Permitted Use in the C-1 zone under the "Services" category. The new definition also references other land use definitions that are already in the zoning code for coordination. Staff stated that the proposed definition is agreeable and amenable to both the city and Nexus.

The Commission asked what other similar human service type businesses exist in town and if the definition restricts these other businesses within the city. Staff explained that the definition would provide other organizations the equal ability to provide the same or similar services in the C-1 zone based on the proposed definition guidelines and regulations.

Staff explained that the definition was crafted more for Nexus' services, which are oriented to provision of services for youth as the clientele but also not having unintended consequence of opening the door too widely in terms of allowing other types of non-profit or service organizations. These other service organizations due to traffic generation or populations being attracted may not be compatible with a light intensity commercial area, and thus may warrant a more in-depth review through an administrative or conditional use permit to control impacts.

Chair Roland referenced the conceptual campus master plan provided by Nexus and asked if the Arcadia building would no longer be in the same location. Staff explained Arcadia is proposed to be supportive housing to replace the supportive housing that is currently located in the same location. Permits have been submitted to demo the existing building and replace it; city staff are currently reviewing the permit applications.

The Commission noting that the clientele is mainly youth, expressed a concern that proper security be provided by Nexus for the campus. Staff reported that an on-site manager is proposed to be on campus.

The Commission noted that a few years ago the state had proposed a residential use for released prisoners and there was a great deal of community concern and

expressed a concern that the definition may open the door to these halfway house uses within the C-1 under the definition. After discussing options, City Attorney Heid provided language that could be added to the definition to avoid this concern as follows:

- This definition does not include facilities providing housing for criminal justice, parole, or probation programs.

The Commission and staff discussed requiring a conditional use permit prior to allowing the use within the C-1 zone. City Attorney Heid expressed his concern in requiring a conditional use permit due to the court case City of Edmonds, WA v. Oxford House, Inc. In this instance, the Supreme Court ruled that not allowing the use would violate the Federal Fair Housing Act, as it would be excluding the use where other residential facilities are allowed to occur.

He added, the city is not only dealing with the State Fair Housing Act but also the Federal Fair Housing Act and considering the City of Edmonds, WA v. Oxford House, Inc. ruling, the city should be cautious of requiring a conditional use permit. City Attorney Heid stated if the city is interested in considering a conditional use permit they should review the Federal and State Fair Housing Act and the City of Edmonds, WA v. Oxford House, Inc. case.

Commissioner Shin stated it looks like the City of Kirkland requires a Conditional Use permit and feels the extra layer of decision-making would be helpful if done lawfully. Chair Roland stated it would be helpful to know how many facilities they are currently operating and how many are planned for the future and in what communities.

The Commission asked staff to provide the following addition information for Planning Commission consideration:

- The City of Edmonds, WA v. Oxford House, Inc. case and ruling
- Proposed security for the Nexus campus
- Statistics on youth homelessness, drug addiction, and mental health issues within the age demographic Nexus would serve
- The number of facilities Nexus operates and planned future facilities

The Commission asked staff to return with more information requested by the Commission.

B. Planning Commission Rules of Procedure

City Attorney Heid explained that the Commission was previously provided a copy of the proposed Rules of Procedure as reviewed by the Commission at their April 3, 2018 meeting. It was distributed at this prior meeting, but not acted upon. He reviewed a few additional corrections that were not captured within the version that was distributed with the packets to the Commission, noted below:

- Page 20 of 25, under AGENDA, 3. "Public Comment" should be stricken.

- The numbering with the removal of "Public Comment" would be reformatted with "Public Hearings" as number 3 and renumbering the remainder of the section.

- Page 21 of 25, 10. Voting, under F. This was moved from Page 25 under "Appearance of Fairness".

City Attorney Heid pointed out that highlighted text within the version reviewed this evening was to be stricken.

The Commission asked staff to make the following changes:

- Change the wording of number 1. Under XI. CONDUCT to read:
    - These rules are intended to promote an orderly system of holding public meetings and public hearings.

- Change the wording of number 2. Under XI. CONDUCT to read:
    - Any person making personal, impertinent or slanderous remarks or noises while addressing the Commission at the public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.

- Change the wording of number 3. Under XI. CONDUCT to read:
    - No comments shall be made from any other location other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making irrelevant, distracting or offensive comments or noises may be subject to removal from the meeting.

After discussion and review the Commission took action on the proposed Rules of Procedure.

Vice Chair Lee moved and Commissioner Stevens seconded the adoption of the proposed Rules of Procedures as edited and proposed.

MOTION APPROVED. 6-0.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon reported the Promenade mixed use project has received occupancy for all of the residential buildings except for one building as they finish landscaping and other site features. The commercial building on the SW corner of this site is proposed to be occupied by the YMCA as a day care facility and it is not yet complete as they are finishing up improvements on the inside of the building with completion anticipated for August.

'The Reserve', senior and multi-family housing project, is still in the construction phase and the city is unaware of the targeted completion date of the project.

The Planning Commission asked about the status of the Heritage Building in downtown. Staff reported they were completing some asbestos studies prior to demolition.

After discussing the Planning Commission meeting schedule, the Commission would like to meet July 17, 2017.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:13 p.m.

Planning Commission Meeting
July 17, 2018

Additional Information for Item III(A): **Proposed Zoning Code Text Amendment to Add New Land Use Definition.**

Included:

- Proposed Modification (no change to the actual text) to the text amendment, moving a portion of the definition to the "Standards for Specific Land Uses" code section.

- Maps; including Vicinity Map showing the Nexus Campus in relation to it's surroundings, map of the existing conditions of the Arcadia House site, and a draft site plan of the new Arcadia House.

Proposed Modification to Nexus Code Change

Based on discussions with the new City Attorney, Steve Gross, it was recommended to make the following modifications to the proposed code change:

Remove the highlighted sentence from the definition and move to a new subsection under the section titled "Standards for Specific Land Uses", and under the "Services" category.

> *""Community Support Facility" means a building, or a group of buildings within a campus setting, owned and operated by a nonprofit corporation or government entity that provides supportive services to children and young adults (under the age of 26) and families (with a child or young adult under the age of 26), who are homeless, at risk of homelessness, at risk of exploitation, experiencing a disability that presents barriers to employment and housing stability; or generally require structured supportive services to be successful living in the community; by providing counseling and case management, transitional housing (housing for no more than two years), temporary housing (i.e. limited to overnight stay), and daytime drop-in services (e.g. meals, showers, counseling, etc.). Community Support Facilities shall be located within 500 feet of a transit stop, and connected via sidewalks or an approved pedestrian facility. This definition does not include facilities providing housing for criminal justice, parole, or probation programs. Community Support Facilities are not stand-alone "supportive housing" or "communal residences"."*

Add a link in the table to the new subsection (highlighted).

(Partial excerpt from ACC Table 18.23.030)

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Community Support Facility	*X*	*P*	*X*	*X*	*X*	*X*	*X*	*X*	ACC 18.57.040(E)

Add the text from the definition to a new subsection "E" under Chapter 18.57 ACC "Standards for Specific Land Uses":

18.57.040 Services

A. Animal Daycare.

1. All Zones Where Permitted.

a. All pets shall be properly licensed.

b. For any dog that has been designated as a "dangerous dog" or "potentially dangerous dog" as defined by the Auburn City Code (ACC), the operator shall verify that the owner has complied with the

regulations (on noticing, licensing, certificate of registration, restraining, etc.) contained in Chapter 6.35 ACC, Dangerous Dogs. The owner shall ensure the facility meets the requirements for a "proper enclosure" as set forth in ACC 6.01.010(A)(27).

c. All fenced exercise areas must be at least 50 feet from a habitable residential structure.

d. Adequate screening shall be required when abutting any residential use.

e. General care of pets must be confined to inside of building and under supervision.

f. Pets are permitted to be walked or exercised outside of building only under supervision and in accordance with all other applicable ordinances and laws.

g. The exterior appearance of an animal daycare building must be compatible with the appearance of neighboring properties.

B. Animal Sales and Services.

1. All Zones Where Permitted.

a. All sales and services shall be for household pets only.

b. Overnight boarding is allowed within a completely enclosed building; however, animal services or sales uses over 20,000 square feet in gross floor area that use a majority of their gross floor area for retail sales shall have no more than 15 percent of their gross floor area devoted to overnight boarding.

c. Animal sales and services use must be completely enclosed except that outdoor animal runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are allowed subject to compliance with the following conditions:

i. Outdoor runs shall not be permitted within 50 feet of a habitable residential structure.

ii. The outdoor run may operate only between the hours of 8:00 a.m. and 6:00 p.m.

iii. The facilities shall be constructed, maintained and operated so that neither the sound nor smell of any animals boarded or kept on the premises during the time that full enclosure is required can be discerned on other lots.

C. Kennels, Animal Boarding.

1. All Zones Where Permitted.

a. All pens shall be enclosed in an enclosed building.

b. The property on which the kennel is to be located shall be no closer than 100 feet to any residential zone.

c. Limited outdoor exercise runs or facilities shall be permitted so long as their hours of use are restricted to the hours between 8:00 a.m. and 6:00 p.m.

d. The facility must be air conditioned.

e. Exercise runs or facilities shall be a minimum of four feet by 10 feet.

f. The facility shall maintain a minimum total of 25 square feet of kennel area per animal. This area may be comprised of cage area, runs, or exercise facilities.

g. Any outdoor areas used for animal containment or exercise shall be maintained by removing animal waste on a daily basis for proper disposal as solid waste.

h. Any runoff, wash-down water, or waste from any animal pen, kennel, containment, or exercise area shall be collected and disposed of in the sanitary sewer after straining of solids and hair and shall not be allowed to enter the stormwater drainage or surface water disposal system.

i. Strained solids and hair shall be properly disposed of as solid waste.

D. Repair Service – Equipment, Appliances.

1. C-1, C-2, and C-4 Zones.

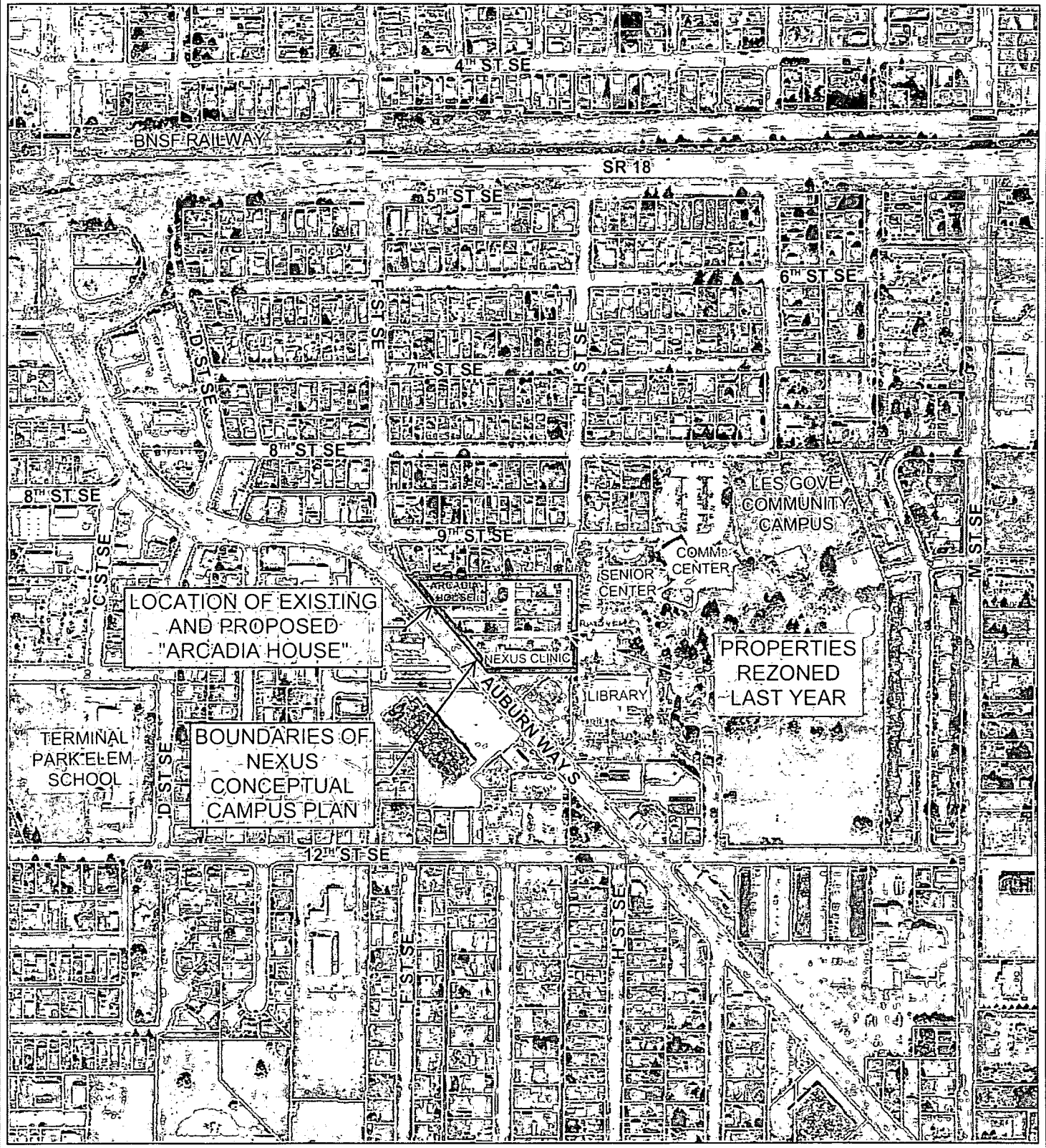
a. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprises.

E. Community Support Facility.

1. Community Support Facilities shall be located within 500 feet of a transit stop, and connected via sidewalks or an approved pedestrian facility.

VICINITY MAP - NEXUS

Printed Date: 9/25/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015

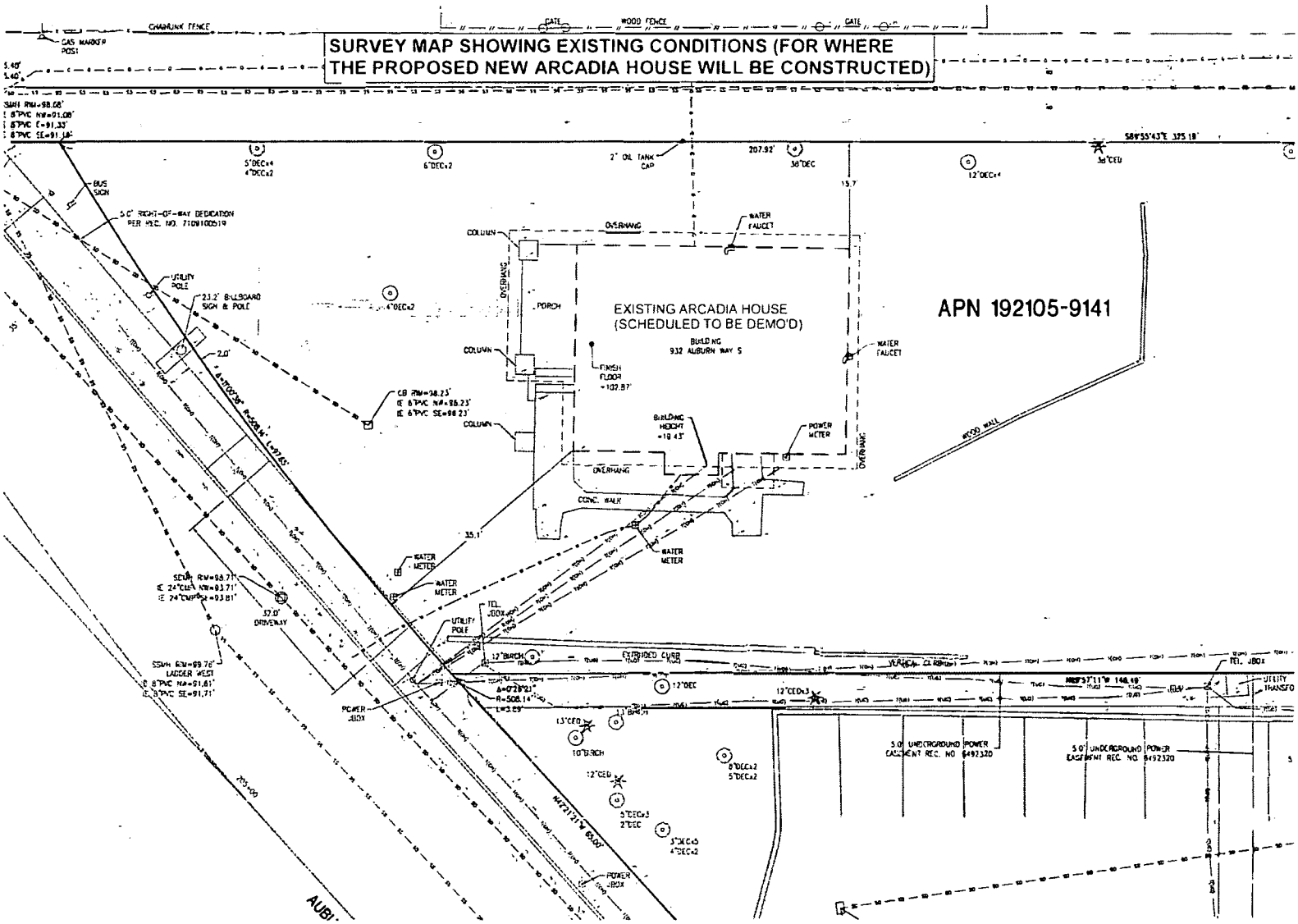


0.2 0 0.1 0.2 Miles

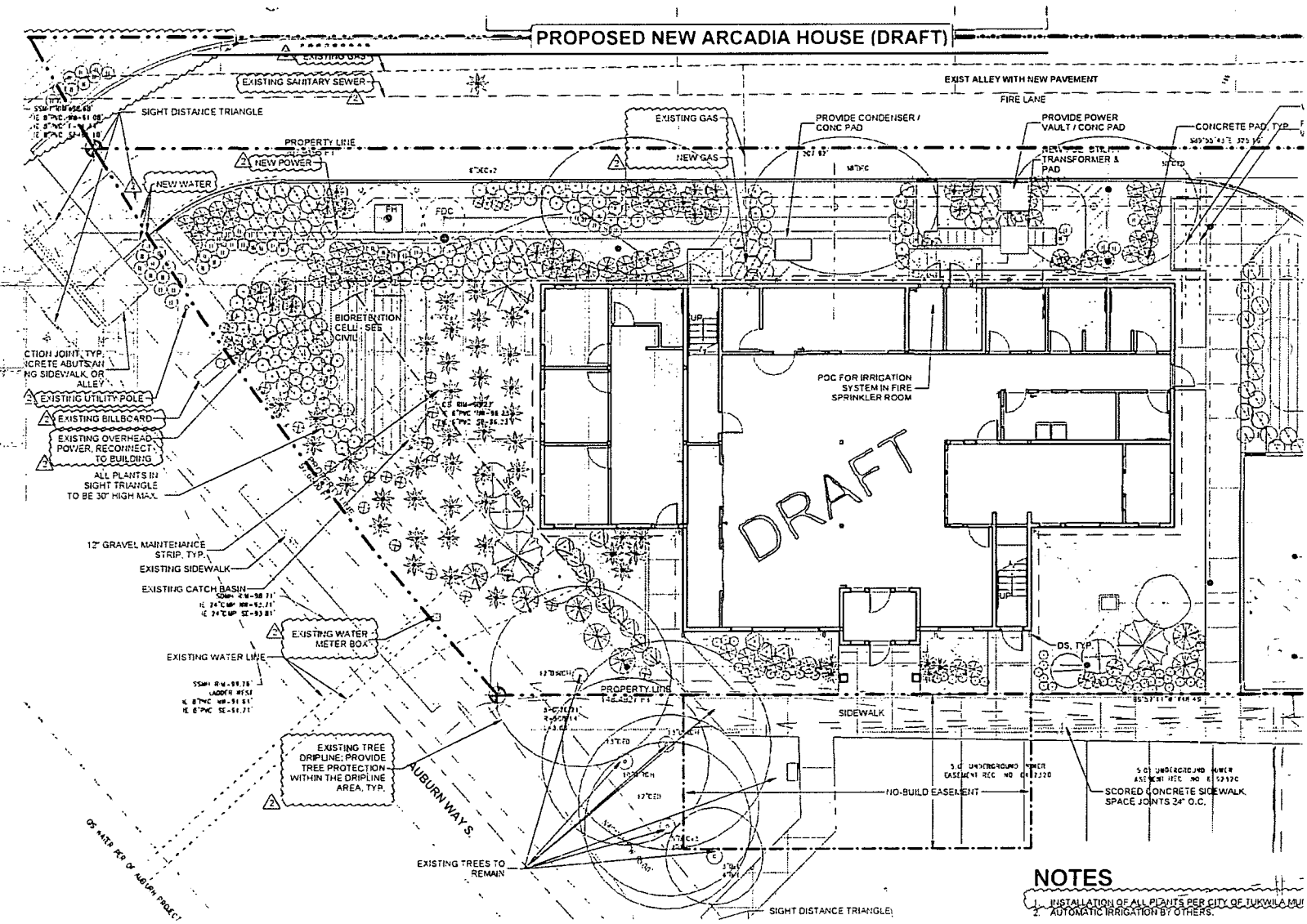
NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

NORTH


SURVEY MAP SHOWING EXISTING CONDITIONS (FOR WHERE THE PROPOSED NEW ARCADIA HOUSE WILL BE CONSTRUCTED)
EXISTING ARCADIA HOUSE
(SCHEDULED TO BE DEMO'D)
BUILDING
932 AUBURN WAY S
APN 192105-9141
PORCH
OVERHANG
COLUMN
WATER FAUCET
POWER METER
WATER METER
CONC. WALK
FINISH FLOOR
BUILDING HEIGHT
BUS SIGN
UTILITY POLE
23.2' BILLBOARD SIGN & POLE
5.0' RIGHT-OF-WAY DEDICATION PER REC. NO. 7109100519
CHAINLINK FENCE
WOOD FENCE
GATE
GAS MARKER POST
2" OIL TANK CAP
DRIVEWAY
POWER JBOX
TEL. JBOX
EXTRUDED CURB
5.0' UNDERGROUND POWER EASEMENT REC. NO. 8492320
WOOD WALL
AUBI

PROPOSED NEW ARCADIA HOUSE (DRAFT)



NOTES

1. INSTALLATION OF ALL PLANTS PER CITY OF TUKWILA MU
2. AUTOMATIC IRRIGATION BY OTHERS.