CITY OF AUBURN WASHINGTON

FINAL
PLANNING COMMISSION

June 4, 2019

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 Khanal, and Commissioner Moutzouris.

Staff present included: City Attorney Steve Gross, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk and Community Development Administrative Assistant Jennifer Oliver.

Members of the public present: John Fisher from Inland Construction and Scott Morris from Inland Construction.

b.) PLEDGE OF ALLEGENCE

II. APPROVAL OF MINUTES

A. May 7, 2019

Vice Chair Lee moved and Commissioner Khanal seconded to approve the minutes from the May 7, 2019 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC HEARING

No Items brought forward

IV. OTHER BUSINESS

A. Proposed Zoning Code Amendment Application for Inland Construction

Proposed changes to three sections of the zoning code; the chapter dealing with the Planned Action (ACC 18.08) – this is provision that deals with the SEPA processing, the development standards of the C-4, Mixed Use

Commercial zoning district (ACC 18.23) and the chapter on specific development standards associated with mixed use development (ACC 18.57).

Planning Services Manager, Jeff Dixon briefed the Planning Commission on Inland Construction's application and gave an overview of the Auburn Gateway Project. The Auburn Gateway Project was previously proposed by Robertson Properties Group (RPG) in 2004 for the redevelopment of the former Valley 6 Drive –In Theater site and associated parcels RPG acquired in NE Auburn. The site was the subject of a previously executed Development Agreement with the City. The project site is approx. 70 acres and includes a few nearby and adjacent parcels that RPG acquired during the time of processing their applications.

At the May 7, 2019 Planning Commission meeting, Inland Construction representatives John Fisher and Scott Morris presented their vision for the project in anticipation of Inland Construction acquiring the site. Inland Construction is a residential development company and their focus is the first phase, which would be 500 multi–family dwelling units within the south side of the site. The City is anticipating the north part would continue to be developed with commercial uses consistent with what was evaluated in the Environmental Impact Statements that were prepared. Previous approvals for RPG that Inland Construction would like to continue using would need to be revisited by the City. The modification of the past approvals would happen at various levels such as City Council actions to amend the previous development agreement, as well as approving the zoning code amendments, and the architectural design standards. The Planning Commission will be asked to make a recommendation to City Council to make the necessary zoning code changes. Staff will also have to approve a number of construction approvals. Those include approval of civil plans for utilities and road improvements, building permits, environmental decisions, design review decision for the architectural design and layout and the land use approvals.

Inland Construction LLC submitted an application on May 17, 2019 (File No. ZOA19-0002) for a zoning code text change to modify three provisions of the zoning code as part of the various approvals needed for the proposed 'Auburn Gateway Project'.

The focus of the discussion tonight is code changes for three different provisions of the zoning code. It affects Chapter 18.08, the planned action ordinance; Chapter 18.23, the chapter that deals with the allowed land uses and zoning development standards for commercial and industrial zoning districts; and Chapter 18.57, containing the specific development standards for mixed-use projects. Referring to the PowerPoint presentation, Dixon went on to explain the changes in each chapter.

ACC 18.08 Planned Action Ordinance is a separate code chapter that is specifically for this development proposal and is being modified for project

changes, which include allowing horizontal distributed mixed use in addition to vertical distributed mixed use, recognize the preparation of additional environmental review documents, and any other project changes and associated mitigation measures.
The code changes include:
*Allow horizontal distributed mixed use in addition to vertical distributed mixed use.
*Recognize the preparation of additional environmental review documents.
*Department name change/punctuation changes.
*Recognize that the development agreement may change certain code standards (see ACC 18.08.070)
*Any other project changes and associated mitigation measures (Amending Exhibit 1 to the original Ordinance No. 6382. Planned Action Ordinance).

ACC 18.23 Commercial and Industrial zones: the unique zoning district of C-4, Mixed Use Commercial, is proposed to be changed to also allow horizontal distributed mixed use in addition to vertical distributed mixed use, to allow an "outdoor recreation use for profit" as an allowed use subject to an administrative use permit (land use approval), and to allow density standard greater than 20 dwelling units/per acre, if necessary.
The code changes include:
*Change the C-4, Mixed Use Commercial zone purpose statement to strike requirement that ground floor must consist of a commercial use.
*Change the set of uses to recognize the listed use of "outdoor recreation use for profit" in the zoning district is subject to an administrative use permit (land use approval)
*To allow density standard greater than 20 dwelling units per acre, if necessary.

ACC 18.57.030 Mixed-use development standard: To allow mixed use commercial to be changed to allow multiple family residential to occur in advance of the commercial uses.
The code changes include:
*Allow mixed-use to be horizontal distributed in addition to the vertical distributed mixed use allowed currently. (Noted that vertical mixed-use is not actively being pursued for this project.)
*Changes from requirement that the multi-family residential must be concurrent or subsequent to other uses developed in the C-4 zone.
*Add C-4 zone section to allow horizontal distributed mixed use.
*Allow multi-family residential in advance, if utilities are provided and half-street improvements are completed to serve future commercial development.

Chair Roland asked if the code change for allowing "outdoor recreation for profit" was for the purpose of events to be held at the center area of the proposed community known as "the Heart". Staff responded that yes that it

would be for events open for the community that is proposed to be developed, as well as, all residents of Auburn. The code change would allow such events as wine tasting, small-scale outdoor concerts or movies, and other similar types of events.

The Commission asked how many stories are proposed for the mixed-use development. Staff responded that horizontal distributed mixed use would be four stories of multi-family residential.

The Commission was concerned with adequate emergency response and access to the new development. Staff responded saying that no construction applications have been submitted, but it is anticipated the City will be carefully evaluating those details in the review of the applications as part of the plan review. City staff will work with Valley Regional Fire Authority on those specifics. The city does not have authority for wireless communication service sufficiency.

Commissioner Stephens asked if the two lots that are nearly surrounded by the C-4 zoning district will be acquired and the development is dependent on, or if there is a need or desire to change the zoning on those two lots? Staff responded that Inland is only seeking to acquire the sites that RPG had owned but not any additional sites near the RPG site and the lot are not necessary. The Commission asked how development of the commercial portion could be ensured. Staff replied that staff is seeking to address this through revisions to the development agreement by assuring completion of the infrastructure to serve future commercial to increase the likelihood. Changes from the type or amount of land uses that were previously studied would require re-opening the environmental review and re-evaluating the impacts.

The Commission asked if the changes being discussed to the C-4 zone would impact other City of Auburn sites that are zoned C-4. Staff responded that this is currently the only area in the city where that C-4 zoning exists.

Chair Roland asked City Attorney Steve Gross if the Inland Construction representatives that were present at the meeting could come forward to give more information and answer questions tonight. City Attorney Gross said yes, it is at the Commission's discretion to allow public comment. The chair suggested they could after the staff presentation concludes.

Planning Services Manager Jeff Dixon shared with the Commission that tonight's meeting was to focus on what the code changes generally consist of, and then with the permission of the Commission, go forward with a Public Hearing. Staff also volunteered that because this is a multi–family residential and over 40 dwelling units and because of the design review process that is

necessary, the applicant is required under City Code to conduct a "neighborhood review meeting". So, while it is required process, the City staff does not participate in that meeting but the City asks the developer to separately meet with the neighbors and properties owners after sending notice to those within 300 feet of the development. Under this process, a Public Notice is sent out to the public with a meeting time and place where the developer and the public can meet and go over details of the development and receive input from neighbors on the concept of the design. The public input and comments helps with improvement of the developer's design.

The Commission asked if feedback from the neighborhood meeting would be submitted. Staff responded the City requests that a summary of the input with the materials they provide back to the City.

Chair Roland asked that Inland Construction representatives to come up to the podium to help answer questions.

Scott Morris from Inland Construction reintroduced himself to the Commission and addressed the question regarding the timing of changes of Exhibit 1 and the completion of the Environmental Report. That is due no later than Monday, June 10, 2019. Mr. Morris stated that we should see those very soon. He said it is anticipated that the environmental review document is going to show minimal changes because the scope of this project compared to the scope of the original project is gone down in scale. However, the mitigation measures are not just being dictated by what is required by environmental review. Inland is also negotiating with the City through the development agreement (DA) and discussing certain improvements to infrastructure that are not otherwise triggered by traffic and other things. He acknowledged that the construction of I Street and 49th Street are very important to the city so they are working closely on negotiations with the City which of these will also be addressed by the DA. As far as the 500 residential dwelling units, that is the threshold under the previous environmental review process and there is no ability to add more unless they go through another SEPA (environmental review) process. It was brought to the attention of the Commission that Inland Construction is there to answer any questions that they have.

The Commission verified that Inland Construction was indeed from Spokane and not California. RPG was indicated as from California. It was confirmed by Mr. Morris that they are from the Spokane area. In response to a question, Mr. Morris indicated he was general counsel for Inland.

John Fisher from Inland Construction reintroduced himself to the Planning Commission and thanked the Commission for their time. Mr. Fisher explained that his intent for tonight was to gauge the Planning Commission's reaction to

their proposal. They are requesting changes including horizontal mixed use in addition to vertical distributed mixed use and to keep options open. He said they seek to get an idea where the Planning Commission is leaning towards and if Inland should continue moving forward with their plans. They greatly appreciate any feedback the Planning Commission can provide. A lot of work has been completed so far with staff and they understand more information will be brought back formally to the Planning Commission soon.

Chair Roland asked what the timeframe was for the Public Hearing on the Code Changes. Staff responded that that we would like to conduct a public hearing in July. It was discussed amongst the Commission and staff that if there was an understanding of the types of Code changes they were seeing, that the Public Hearing could be scheduled July 16, 2019. Some further tweaks to the code may be necessary.
The Commission asked when the meeting would be held with the neighborhood and Inland Construction regarding the Gateway Project. John confirmed that it would be tomorrow evening, June 5. It is being hosted at the Elementary School closest to the site.

John Fisher added that, in reply to a question at the last meeting, Inland Construction met last week with the Superintendent of Auburn School District. At the meeting, Inland provided them information and they had a great dialogue on impacts to schools and when buildings would be occupied and turned over. Provision of this would allow the District to begin projecting student population and Inland also provided demographics from similar projects they had developed in Puyallup and Lacey.

B. Shoreline Master Program and Critical Areas Ordinance Updates.
Senior Planner Thaniel Gouk presented to the Commission updates on the Shoreline master program (SMP) and critical areas code (CA) updates. He reminded the Planning Commission that they reviewed Chapters 1-3 at the May 7, 2019 meeting and this evening's review will consist of the first portion of Chapter 4 of the SMP and the sections of the Critical Areas Ordinance (CAO) pertaining to wetland and stream buffers and wetland replacement ratios.

He explained, attached in strikeout and underline format, as Exhibit 1 is the first portion of Chapter 4 of the SMP. The major changes to this section are:
* Changes to the dollar threshold of what constitutes substantial development permit.
* Adding a new subsection under where the SMP applies relating to developments that are not subject to shoreline permit. It is unlikely any of these instances would come up in Auburn; however, it is a required addition per WAC 173-27.

*Removal of the Critical Areas regulations from the SMP. This will help reduce confusion about if the SMP or the CAO applies when located in two places in city documents, it will also reduce potential inconsistencies if one of the documents is updated in the future.

He said the city is continuing to draft changes to the sections of the document regarding non-conforming shoreline standards.

In response to a question there was discussion about how the dollar threshold was established by the state.

Gouk reiterated that at the May 7, Planning Commission meeting, he presented information on the Critical Areas Ordinance Update: Sections ACC 16-10.080, -.090, -.110. He indicated Rick Miraz, Wetland Specialist with the WA State Dept. of Ecology, also made a presentation on wetlands and streams and the purpose of buffers and how they apply.

He explained that the packet includes strikeout and underline format as Exhibit 2 of the CAO that apply to the methodology used to rate and classify wetlands and streams, updated buffer widths for wetlands and streams, and updated wetland modification ratios.
The CAO would be updated to reflect the most recent wetland rating (or classifications) methodology. Currently, the CAO references an out-of-date 2004 document. The language would be updated to reference the most current document and the description of the types of wetlands would be updated as well.

The minimum buffers for wetland will be updated to reflect current Ecology recommendations. The proposed buffer table (Page 56) shows options for using "minimization measures" to have lower buffer widths, and what the widths would be if the minimization measures were not implemented. He said the Commission could recommend leaving the table with changes shown or could recommend adopting the table in a manner to require the minimization measures and only have the smaller buffer widths in the table. Chair Roland asked if the Commission have a choice. Senior Planner Thaniel Gouk confirmed that yes, the table could be adopted to require the observance of the specified minimization measures.
It was pointed out that having the Table specify circumstances both, with and without the minimization techniques could also benefit the enforceability.

There was discussion by the Commission about the basis for the proposed changes in the wetland buffer dimensional standards. Generally, the "low" is being reduced but an increased standard is added as "medium" and "high". The severity of the changes was recognized. A decision on the Table does not need to be made tonight.

Gouk suggested moving to the next topic. He described changes related to "buffer averaging" (Pages 57-58). He pointed out that the recommended changes also include not requiring mitigation for the smallest sizes of wetlands (Page 57).

On the next section, he indicated the changes were related to the names of the stream classifications; S, F, Np & Ns and the corresponding buffer standards.

The Commission asked if a person had the hypothetical circumstance of a stream running through their yard next to an existing shed or structure and that structure were to fall down, could they rebuild that shed, do these updates apply. Staff responded that it really depends on consideration of all of the circumstances. It is proposed to be addressed by non-conforming provisions begin worked on.

The Commission asked if water retention areas that are man- made are exempt. Staff responded that yes, artificially created wetlands from non-wetland areas and not constructed as mitigation would be exempt.

Commission asked who maintains these wetlands. Senior Planner Gouk responded that most of the wetlands are owned and maintained by Homeowner's organizations (HOAs) or if it is a warehouse, that warehouse owner would be responsible for the area. If it is a mitigation site, monitoring by the owner is required to be prepared and submitted to the City for a period of time.

Chair Roland said she had a general question. It was asked whom does these Dept. of Ecology (DOE) changes go through before it comes to the City. Staff replied saying the Dept. of Ecology is the approving agency for our Critical Area regulations and the SMP. The Dept. of Ecology said that these standards are recommended minimums. Jurisdictions are free to perform their own studies to justify critical area standards, such as buffers, however, staff is aware of instances of local jurisdictions performing their own studies to justify critical area standards, and then losing on appeal and then adopting DOE recommendations. The Commission expressed concern about the authority for the standards recommended by DOE. City Attorney Steve Gross mentioned that DOE's rule making is delegated to them by statute and they go through a rule making process including a public notice and inviting comment process before it is finalized. It is vetted through an administrative process before received by the jurisdictions. Staff replied that critical area regulations are required to be based on "best available science" (WAC 365-195-915) and DOE changes are based on a compendium of latest evolving

science to avoid the time and expense of each jurisdiction having to develop their own analysis and justification. .

Gouk added that the recommendations are not dissimilar from what other jurisdictions use. The Commission wanted to ensure that the recommendations are not just due to the passage of time. The Commission asked if guidance is based on new scientific studies. Staff responded that at the last meeting Rick Miraz, the scientist from DOE described the studies that were prepared. Gouk added that this was a decade long study for what works for buffers and what doesn't work. The buffer distances are the result based on considering the land uses and effectiveness over the years of studies considered.

Gouk then directed the Commission to the changes to mitigation ratios on Page 62. He explained this really addresses off-site mitigation, which is less common. He added off-site mitigation could include participation in the King County fee-in-lieu program.

At the next meeting July 16, 2019, Staff will bring additional materials to the Planning Commission for review. Scheduled to be included is the second part of the Chapter 4 along with Chapters 5 and 6 and the other changes proposed for the CAO.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that there was nothing new unless the Commission had questions. There were no questions.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:30 p.m.