



PLANNING COMMISSION

April 4, 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 Mason, Commissioner Lee, Commissioner Stephens, Commissioner Copple, Commissioner Moutzouris, and Commissioner Smith. Commissioner Shin was excused.

Staff present included: City Attorney Dan Heid, Assistant Director of Community Development Services Jeff Tate, Planner II Alex Teague, and Administrative Assistant Tina Kriss.

Members of the public present: Turan Wright representing the Washington State Food Truck Association.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. March 21, 2017

A Commissioner pointed out that the Approval of Minutes motion to approve the minutes needs to be revised to indicate Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the March 21, 2017 meeting.

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the March 21, 2017 meeting as corrected.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

A. Temporary Uses, Mobile Vendors, and Food Trucks

Assistant Director Tate presented the staff report Temporary Uses, Mobile Vendors, and Food Trucks, file No. ZOA16-0008. Staff explained that this item has been scheduled for Public Hearing this evening but staff is still waiting for a response to the state agency review and the public comment that is out for the State Environmental Policy Act (S.E.P.A.). Staff asked the Commission if they would hold the public hearing and open the record for testimony and close the public testimony

and leave the record open in order to engage more members of the community, complete the state agency review, and complete the SEPA process. The Commission concurred.

Chair Roland opened the Public Hearing on Temporary Uses, Mobile Vendors, and Food Trucks (ZOA16-0008) at 7:18 p.m.

Assistant Director Tate explained modifications of the draft amendments based on the feedback provided by the Commission at their March 7, 2017 meeting.

- On Page 6 of the Chapter 18.46A draft amendments, under section ACC 18.46.A.050.K, the timeframe for exempt portable storage containers has been increased from 30 days to 60 days.
- On Pages 8 and 9 of the Chapter 5.20 draft amendments, under section ACC 5.20.260.B new section 1.b has been added to specifically exempt vendors from a City business license when they are set up in conjunction with a city sponsored event such as the Auburn International Farmers Market.

The Commission and staff discussed the approval process to have large tents on your property for weddings and other events. Staff explained that a Temporary Use Permit is required which assists the city in their review of the fire ratings for the tent products and the ability to be assured the tents are designed appropriately for ingress and egress for emergencies and the site location of the tent.

In answer to a question from the Commission, staff reviewed the difference between temporary storage containers that requires a temporary use permit or building permit.

Chair Roland invited the public forward for public testimony:

Turan Wright, 130 F Street SE, Auburn

Mr. Wright stated he is before the Commission on behalf of the Washington State Food Truck Association. Mr. Wright stated that the Advance No Parking Notification Sign requirement of 48 hours should be reduced to 24 hours or after another food truck vacates space the previous day, whichever is appropriate. Mr. Wright also informed the Commission that in Seattle and Tacoma other vendors in the food truck industry are working together to post signage notifying the public to keep the space clear during a specific timeframe that food trucks occupy the parking space.

Assistant Director Tate explained that there are two primary examples of where food truck policy comes up: 1). Food trucks established on private property; and 2). Food trucks located on the public right-of-way, the street. The second instance is where notification requirements or signage would be required in order to reserve a space in a public street for a private party or vendor. The current proposed regulations under ZOA16-0008 pertain to private property only, not the city right-of-way.

Staff stated that while the comments by Mr. Wright are valid staff will bring the comments to the City Engineer who oversees the permitting process for activity within the city right-of-way. Currently staff is not proposing changes to the process

within the City right-of-way as those do not fall under the responsibility of Community Development services which oversees the permitting and licensing of everything that happens on private property.

Staff explained that an application has been received for food trucks within the public right-of-way and believes the comments regarding the Advance No Parking Notification may have been generated from that application. Mr. Tate stated this is not dismissing the comments by Mr. Wright and at the close of the public hearing he will meet with Mr. Wright discuss his comments.

The Commission and staff discussed the requirements of the public right-of-way and management of those regulations by the City engineer.

With no other testimony from the public, Chair Roland closed the public testimony portion of the public hearing on the Temporary Uses, Mobile Vendors, and Food Trucks (ZOA16-0008) at 7:27 p.m. left the record open in order to complete the additional outreach and environmental review procedures.

OTHER BUSINESS

A. Open Space Zoning District

Alex Teague, Planner II, stated the City of Auburn adopted a new Comprehensive Plan at the end of 2015 that includes a new land use map designation of "Open Space". At the March 7, 2017 meeting staff reviewed the proposed zoning code that provides the allowed uses and zoning development standards and the Commission requested additional information from staff. Ms. Teague reviewed the following information; the acreage of each of the privately owned (non-governmental agency) parcels; former and current land use designations of the "other public" parcels (specifically, the parcels owned by the Muckleshoot Indian Tribe (MIT) and within the MIT reservations boundary); and, former and current land use designations of privately owned parcels.

The Commission and staff reviewed the properties that are designated "Open Space" based on the 2015 Comprehensive Plan and the Commission expressed their concern in providing notice to the property owners that would have the Open Space land use map designation and proposed changes to the allowed uses and zoning development standards.

Staff informed the Commission that prior to the public hearing each of the land owners will receive a Notice of Public Hearing informing the property owner that the City is proposing new land uses and development standards for the Open Space designation for their property. Each property owner be provided notice of the public hearing and at the public hearing be able to make public comment.

After reviewing the Muckleshoot Indian Tribe (M.I.T.) properties the Commission asked what jurisdiction do those properties fall under. Staff explained that the properties are either owned by the MIT or held in trust by the Federal Government on the tribe's behalf, currently not under the jurisdiction of the City of Auburn. Staff pointed out that although the land may not be under the jurisdiction of Auburn at this time property ownership changes when bought and sold so providing land use

designation zoning uses and development standards would provide clarity for any changes in ownership in the future.

The Commission and staff discussed the Segale mining property which also has property designated as a special planning area per Auburn's Comprehensive Plan. Staff pointed out that a subarea plan has not been adopted but will be during the subarea planning process in the future. Staff reported that as part of the reclamation plan by the State Department of Natural Resources for the Segale property, the plan indicates a future use of residential after reclamation.

The Commission and staff discussed the options if a property owner would like to change their Open Space designation. Staff explained that annually requests can be made by private parties to change their land use designation during the annual Comprehensive Plan Amendments.

Staff stated that moving forward the next steps would be to hold a public hearing on the proposed Open Space Zoning District to receive public comment on the proposed code language for the allowed uses and the zoning development standards. Staff also clarified that the land use designations were adopted as part of the Comprehensive Plan Amendments of 2015 and are currently in place, no map changes are being made but what is being proposed by staff is a need to identify what types of uses and intensity of uses are allowed on the properties. Prior to the 2015 Comprehensive Plan Amendments where the open space land use designations were adopted and great deal of analysis was conducted for these properties identifying the constraints that existed for these properties, from shoreline regulations to critical area regulations. The goal is to provide the rules that apply to these properties, addressing the allowed uses and zoning development standards.

A. Planning Commission Rules and Procedures* (Tate)

Assistant Director Tate reviewed the proposed updates of the Planning Commission Rules and Procedures as requested by the Planning Commission at their March 21, 2017 meeting. Staff noted that language was added to section X.3. PUBLIC HEARINGS, Testimony of Proponent, if applicable; the additions provide a 3-minute time limit and the protocol for testimony. Staff pointed out that this process has already been in practice at the Planning Commission public hearings but it is now included in the Rules and Procedures and allows the Chair to have flexibility to modify the timeframe if so warranted.

Staff pointed out language was added to XI. Conduct. The language was taken from other jurisdictions and previously reviewed by the Planning Commission at the last meeting and incorporated into the Rules and Procedures.

After reviewing the proposed amendments, the Commission asked for the following updates:

- X.3. PUBLIC HEARINGS, Testimony of Proponent, if applicable. Change the word address to addressed, "All remarks will be addressed to the Commission as a whole".

- X.5. PUBLIC HEARINGS: Questions of staff or persons presenting testimony. Add the following sentence: Questions by Planning Commission members, intended for persons who have presented, shall be directed through the Chair, and questions shall be relevant to their testimony”.
- III.2. ELECTION OF OFFICERS: Clarify that the election of officers shall take place once each year at the Commission’s first regular meeting of each calendar year or soon thereafter as practical.
- III.3. ELECTION OF OFFICERS: Remove the first sentence as it is addressed in other sections. Clarify that it would be the Planning Commission that would re-elect the Chair or Vice-Chair for a vacancy of the elected position.
- X.9.D. PUBLIC HEARINGS: Provide language to clarify that if a member intends to abstain from an issue they provide notice that they are abstaining prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain.
- XII.2. CONFLICT OF INTEREST: In the 2nd to the last paragraph, clarify the language that states No member may participate in any decision if the member had not heard the testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing and review the staff report provided as part of the record to satisfy this requirement.

Staff will work on the updates to the Rules and Procedures and bring the draft back to the Commission at the next meeting.

V. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate reported that the Planning Commission recommendations for the modification to the C-1 commercial zoning designation, Ordinance No. 6644, will be introduced to City Council at Study Session on April 10, 2017 with the intention to bring it before City Council for action on April 17th, 2017.

The City received the building permit application for the brewery off Main Street, GEAUX BREWING. The intention is for the brewery is to open May 23, 2017.

Staff reported that Marshalls has moved from The Outlet Collection to a Covington location and Dave & Buster’s has begun the permit process to occupy the former Marshall’s space. The Dave and Buster’s in Auburn will be the first location placed in Washington State; they are a nationwide establishment where folks can and eat, drink and play/watch sports all in one facility, it includes billiards and bowling. The permits were applied for as a landlord improvement for the pre-work by The Outlet Collection. Staff expects to receive applications by Dave & Buster’s Inc. shortly.

Assistant Director Tate reported that the City’s 2017 façade improvement program has been approved by council. The program allows downtown business owners to apply for grant money for improvements to a building to improve the appearance, the applicant provides a portion of the cost of the improvements. Staff reviewed several projects that

have been funded and are proposed to be funded by the façade improvement grant program.

Staff distributed the materials provided by Sound Transit in early March, 2017, at their open house regarding the Auburn Station Access Improvements Project. The materials provide an overview and status of the project.

Assistant Director Tate stated that at the May 2nd, 2017 meeting staff will bring back to the Commission activities from the state legislature regarding marijuana for discussion.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:15 p.m.