



PLANNING COMMISSION

March 3, 2020

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in Auburn City Council Chambers located at 25 West Main Street, Auburn, WA 98001.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Judi Roland, Vice-Chair Lee, Commissioner Mason, Commissioner Moutzouris, and Commissioner Stephens. Commissioner Khanal was excused.

Staff present: Jeff Dixon, Planning Services Manager; Doug Ruth, Assistant City Attorney; Steve Sturza, Development Engineer Manager; Jennifer Oliver, Admin Assistant.

Members of the public present: Brianna Thomas

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. January 7, 2020 – Regular Meeting Minutes

Vice Chair Lee moved and Commissioner Stephens seconded to approve the minutes from the January 7, 2020 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

B. February 4, 2020 – Regular Meeting Minutes

Commissioner Stephens moved and Commissioner Moutzouris seconded to approve the minutes from the February 4, 2020 meeting as written.

Vice Chair Lee did not attend the February 4, 2020 meeting and did not vote.

MOTION CARRIED UNANIMOUSLY. 4-0

III. OTHER BUSINESS

A. Floodplain Code Update

Introduction of draft amendments to Chapter 15.68

Staff member Steve Sturza, Development Engineer Manager, presented the information regarding policy updates to the City's Floodplain Development Code

adopted in 2010 to comply with the current requirements set by the National Marine Fisheries Services' (NMFS) Biological Opinion, the National Flood Insurance Program (NFIP) in Western Washington, and Federal Emergency Management Agency (FEMA).

Based on Staff's implementation of the Floodplain Development Code over the years, the Model Ordinance, and input from FEMA and DOE below are the substantive changes to ACC, Chapter 15.68:

- Reorganize ACC, Chapter 15.68 to correspond to the layout of the Model Ordinance. The changes that are transmitted under cover of this memo look extensive because of the amount of strikethrough and underline, however much of that is due to relocating existing adopted code language from one place to another. In other words, underlined language may not be new and may instead reflect a change in the organizational structure of the code. For this reason, staff is identifying this bulleted list of substantive changes.
- Update the definitions section to have the latest definitions per NFIP, NMFS, FEMA, DOE and City of Auburn. This comes from the Model Ordinance and current correspondence with FEMA and DOE.
- Definition of area to be regulated for floodplain development (see further discussion below)
- Designation of the Channel Migration Area (see further discussion below)
- Remove all of the permit application submittal criteria from ACC, Chapter 15.68 and include it in the floodplain development permit application only.
- Information already provided in ACC 18.70.025 for variances is removed to avoid redundancy.
- Establishing a minimum setback for structures of 15 feet from the Protected Area, or if not met, a habitat assessment is required.
- Remove a date for assessing cumulative improvements.
- Increasing the requirements for what is to be addressed in Habitat Mitigation Plans prepared for developments located outside of the Protected Area (Note: Does not change the requirement of whether or not to prepare a Habitat Mitigation Plan).
- Update the Flood Insurance Study and Flood Insurance Rate Map reference dates. This is not reflected on the updated code as we have not been contacted by FEMA to date.

Key Ordinance Change No. 1 - Area to be Regulated

In the 2010 Model Ordinance used by the City for development of its current regulations, the area specified to be regulated is the Special Flood Hazard Area (SFHA) and all Protected Areas. The 2013 revised Model Ordinance specifies that the area to be regulated is the SFHA (inclusive of any Protected Areas that are located within the extent of the SFHA) and removes the reference to "Protected Areas".

Protected Areas include the FEMA-designated floodway, the Riparian Habitat Zone (RHZ), and any mapped Channel Migration Area (CMAs). The RHZ is a dimensioned zone adjacent to rivers and streams located within the SFHA, and varies in width from 150 feet to 250 on each side of the river or stream's Ordinary High Water Mark (OHWM).

In a number of cases in Auburn, the extent of the RHZ reaches beyond the SFHA that the river or stream is located within, resulting in a regulated area that includes the SFHA and the additional area of the RHZ that occurs outside of the SFHA in which that reach of river or stream is located within. One significant area where this occurs is along the western shoreline of the Green River, where there are urban densities of existing single-family and multi-family residences. In a number of cases, these RHZ areas outside of the SFHA are also located behind existing levees, or at elevations that are not expected to experience flooding during the base flood (also referred to as the “100-year” or “1% annual recurrence probability” flood).

While the primary purpose of regulating this RHZ area outside of the SFHA is to protect or preserve critical floodplain habitat for federally-listed threatened and endangered species, many of these areas have previously been heavily developed, and consist of structures, paved or other impervious surfaces, and urban landscaping, and consequently offer little habitat value to aquatic species.

Auburn also has a mapped CMA for the Green River that is presently included as part of its regulatory floodplain as required by the original (2010) Model Ordinance. Similar to the RHZ, the CMA also extends beyond the SFHA area in a number of areas within the City, and in many cases portions of this area are also located behind existing levees.

The third element of the Protected Area, the FEMA-designated floodway, is in all cases located within the FEMA-designated SFHA and therefore does result in any additional areas for floodplain regulation beyond the SFHA under the City’s current regulations.

City staff recommends revising the regulatory floodplain to include the SFHA and the Protected Area as it occurs within the SFHA, unless the area is undeveloped with predominately native vegetation that have benefits to endangered species, in which case the regulations for riparian habitat zones shall apply and be included in the regulatory floodplain. This so that existing built out areas are not exposed to development requirements that don’t make sense when they are expanding or modifying a development. The intent is to apply the critical area and floodplain regulations to areas where it matters most and to not require habitat protection plans or other types of efforts in built out areas.

Key Ordinance Change No. 2 - Designation of Channel Migration Area

The 2010 Model Ordinance required CMAs to be delineated as part of the regulatory floodplain map, in any areas where channel migration areas had previously been mapped and adopted for local regulatory purposes, with the addition of 50 feet. It further specified that if there was no adopted channel migration area map for a water body, that there was no requirement to prepare a new delineation of a CMA for floodplain regulatory purposes.

The 2013 revised Model Ordinance specifies that where a channel migration area has not been mapped/adopted by the community, that a floodplain permit applicant shall either designate the entire SFHA as the channel migration area, or conduct a study to identify the channel migration area in accordance with FEMA’s Regional Guidance for Hydrologic and Hydraulic Studies. The revised Model Ordinance also specifies that the

floodplain administrator shall use the most restrictive data available for determining the channel migration area.

At the time of the City's 2010 flood hazard area amendments, the only established mapped channel migration area in Auburn was associated with the Green River (identified by a 1993 King County channel migration study). As a result, the only CMA that is designated on the City's current regulatory floodplain map is the Green River CMA. A channel migration area has not yet been mapped for the White River or Mill Creek, and there is therefore no CMA designated or required to be evaluated for development applications in the SFHA for these water bodies.

The revised Model Ordinance requires that for any floodplain permit application for development located within the SFHA where a CMA has not yet been mapped (White River SFFIA, Mill Creek SFHA, and portions of Green River SFHA), the applicant has the option of treating the entire SFHA within the project area as a CMA, or to submit a special hydrologic/hydraulic study that establishes the location of the CMA pursuant to FEMA's technical criteria.

City staff recommends that we provide development applicants within the floodplain the option to either provide a study that locates the CMA for their proposed development site as described in the revised Model Ordinance or designate that all areas in the SFHA for which no CMA has been mapped shall meet the requirements for a CMA (i.e. all SFHAs without a mapped CMA would be automatically included as part of the Protected Area).

Presented to the Planning Commission was Chapter 15.68 proposed changes shown by ~~strikeout~~/underline code.

Questions from the Commission:

Roland 709 do individuals still go through their own insurance?

711 Roland – maps are needed Sturza explained that he just received the FEMA info last Monday but will have maps at the next meeting from GIS.

717 Chair Roland – if a homeowner goes into purchase home insurance, they will look at these maps to determine if flood insurance is needed?

717 Chair Roland is this for new buildings or existing bldgs?

718 Chair Roland confirmed that if you do not have a home mortgage and you own the home outright, do you still need the insurance? Steve said no but Roland commented that if you are living along the river you probably should.

719 judi –

727 roland

734 sturza talked about what areas are heavily impacted.

734 judi comments;

735 dixon comment :

735 roland Flood plain administrator: who is that: Jeff Tate.

736 Roland sturza answered longer when a delveopment takes longer that 180 days.

737 roland was it already 180 days or did that change? Stuzza

737 Dimitri will there be a public meeting?

738 Dixon This briefing to introdice code changes, also looking into additional changes still coming through. Code change.

738 roland what were the comments from last night and also want to see maps with the changes.

739 Dixon: understands about maps. We can the pull the maps up. (note additional comments)

740 Steve brought up GIS to show maps

741 Roalnd.

741 Roger lee..

741 Dixon developing code changes to remain consistance with federal authorities

741 Stephens so many changes. Commission discussion. Maybe look at maps with not all of the lines on it. Looking for a clean copy to review and easier to understand it.

7423 Roger lee question while viewing map from GIS. What would account for the change. Steve :

744 Dixon comment on new system and survey maps.

745 Roland

746 stephens

747 Dixon:

748 roland

749 Roger – Old drive in theater area.

750 Roland can they view GIS map on their own. Dixon said not as in detail.

751 Stephens on king co site map. Sturza answered.

B. Review of Planning Commission Rules of Procedures

Annually the Planning Commission reviews their Rules of Procedure and determines if any changes are warranted.

The Planning Commission's 'Rules of Procedure' were last amended on March 5, 2019. Annually, the Planning Commission reviews their Rules of Procedure (Rules) as a content reminder and also to consider any modifications of the Rules. A draft of some relatively minor, house-keeping type changes were identified by Planning Dept. Staff and distributed in advance of the Planning Commission's January 7, 2020 meeting.

These changes included:

- Capitalization
- Correcting the Community Development Dept. name
- Correcting a reference from "Council" to "Commission" to be accurate
- Clarifying Findings of Fact
- Changing the section numbering to agree

The Planning Commission reviewed and discussed these changes at the meeting.

Additionally, at the meeting the Legal Dept. Staff distributed some further changes to the Rules based on recent changes to the City Council's Rules of Procedure. The Legal Dept. Staff reviewed these at the meeting and offered to research the use of disruptive language and instances of how it was handled.

These changes to Section X. 'Public Hearings' (Pages 9-10), include changes to:

- Recognize that not voting is counted as negative vote
- Clarify that the Chair, Member, or Secretary can call for a roll call or hand vote.
- Clarify procedures for abstaining from a vote due to a conflict of interest.

And changes to Section XI. 'Conduct' (Page 11), to:

- Further elaborate on what constitutes "disruption."

Staff Recommendation:

A draft based on input from both the Planning and Legal Depts. is provided for the Planning Commission's consideration. This latest draft shows changes in strike-through (deletions) and underline (additions). If these changes are satisfactory, the Commission can approve.

If the Planning Commission has additional changes, these can be captured by staff and then these changes can be presented in writing and provided at the next regular meeting as provided in Section XIII, 'Amendment'.

Questions from the Commission:

755 Judi: why was it changed to not voting to now its negative? What is the reason behind that? Doug:

757 Judi people creating a scene Doug Examples of what the interruption could be.

758 can a meeting be cancelled if it becomes disruptive? Yes.

758 Phillip: statement.

Motion to approve: Dimitri

Second: Roger Lee Seconded.

5-0

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported...

- Legacy project across the street update: earthwork was site remediation to clean up soil and ground water contamination. Close to getting their building permit and civil plans approved. Building should begin in the next few weeks.
- Auburn school district working with CD on their plans for redevelopment for chinook and lea hill schools.
- Question regarding activity at City of Pacific mobile home park and restaurant. Jeff has reached out to City of Pacific to see what the status is and he has not received any word back from them on what will be going in there.

Questions: Joan Heritage bldg process; Still working on the process of the permits. Making further changes so the permit process is still going on. Still the same owner.

Phillip asked about the property about English Gardens. Dixon; looked up in Permit records for any applications and there are not at this time. '

Judi- What is happening with the old Key Bank site? Dixon: proposed to be divided up into two tenant spaces one which would be a 7-11. Design review will

need to be done. Some work has been done because of a very heavy safe and the floor didn't support.

Mason: Will there be a traffic study with that 7-11? Dixon: not aware if there will be a traffic study consisted of.

Couple of items for packets: Delivering has been the method for getting packets to the commissioners. Are they ok with mailing them?

Everyone agreed that mailing was fine.

Joint meeting for the Commission and the Council members, want to make sure that the communications and the meeting will go well.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:12 p.m.