



**Planning Commission Meeting
September 5, 2018 - 7:00 PM
City Hall Council Chambers
AGENDA**

I. CALL TO ORDER

- A. ROLL CALL/ESTABLISHMENT OF QUORUM**
- B. PLEDGE OF ALLEGIANCE**

II. APPROVAL OF MINUTES

- A. July 17, 2018 Minutes from the Planning Commission regular meeting

III. PUBLIC HEARINGS

- A. REZ17-0006 - New Zoning Code Definition requested by Nexus Youth and Families
Proposed amendment to Title 18 ACC (Zoning) that would create a new definition titled "Community Support Facilities" and allow for this use in the C-1, Light Commercial zoning district. This amendment was requested by Nexus Youth and Families.

IV. OTHER BUSINESS

- A. **Introduction to State-Mandated Shoreline Master Program**
- B. **Open Public Meetings Act (OPMA) & Public Records Act (PRA)**
City Attorney Steve Gross to provide a review of the Open Public Meetings Act (OPMA) and the Public Records Act (PRA) with the Commission

V. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VI. ADJOURNMENT

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present: Assistant City Attorney Steve Gross, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, and Administrative Assistant Tina Kriss.

Members of the public present: Shelly Pricco and Michael Jackson of Nexus Youth and Families.

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. June 5 – Regular Meeting Minutes

Commissioner Stephens moved and Commissioner Lee seconded to approve the minutes from the June 5, 2018 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

III. PUBLIC HEARING

No items were scheduled for public hearing.

IV. OTHER BUSINESS

A. Proposed Zoning Code Text Amendments to Add New Land Use Definition

Senior Planner Thaniel Gouk provided an overview of the Planning Commission discussion from the June 5, 2018 meeting on the proposed definition for “community support facilities” developed in response to the application by Nexus Youth and Families, formerly known as Auburn Youth Resources (“AYR”).

At the June 5, 2018 meeting, the Commission requested information for further discussion. The requested information was provided in the packet distributed in advance and includes information to address security at Nexus, zoning information for Valley Cities Counseling and Lakeside-Milam Recovery Center and statistics on the number of clients. A map was provided to show the location of Nexus facilities and the proposed future expansion.

Staff explained that language was added to the proposed definition to prohibit parole/probation programs as was previously requested by the Commission. A summary of the court decision was also provided on the case: City of Edmonds, WA v. Oxford House which was discussed with City Attorney Heid at the June meeting. Staff reviewed the information that was provided to the Commission.

Senior Planner Gouk explained that in order to avoid the written structure of having standards contained within a definition, the City Attorney Steve Gross suggested a portion of the definition be moved to the "Standards for Specific Land Uses" of the zoning code without changing the actual text. A hard copy of the proposed modification was distributed to the Commission for review.

A vicinity map showing the current Nexus campus and its surroundings and the future site plan with the location of the Arcadia House was also distributed.

A further discussion was held regarding the definition of "Community Support Facility" and the ages of the youth and families served. A representative of Nexus, Shelly Pricco, provided clarification that the future Arcadia House will service young adults, ages 18-24. She stated that the transitional housing that consists of five, three-bedroom units, would service ages 18-21.

The Commission asked about the statistics on number of clients. Ms. Pricco stated the Nexus statistics within the HUD Annual Performance Report for 2017 include a combination of drop-in, shelter, and transitional housing services. The statistics within the report are provided from the HMIS database and data from Nexus Youth and Families. Clarification was provided that of the 288 served in 2017 they did not include behavior, health, and substance use disorder services.

Commissioner Lee asked why more 18 or over vs. 18 and under aged youth were served. Ms. Pricco stated that the South King Youth Shelter (SKYS) – serving ages 12-17 was closed in 2017 and reopened in 2018. Nexus also began working with the office of homeless youth in 2018 and increased outreach to those under 18. The 2018 statistics will show an increase to youth under 18.

The Commission and staff discussed noticing requirements for Nexus' Arcadia House project. Staff explained that the approval of the demolition permit does not require public noticing but during the earlier comprehensive plan amendment and rezone of the site public notice was provided and no comments were received from the surrounding property owners.

The Commission and staff discussed the next steps in the process and staff stated the item could be scheduled for a public hearing after providing public notice if the Commission concurs. The Commission acknowledged, they are comfortable with bringing this item forward for a public hearing.

A discussion was held regarding adequate parking for the site. Staff reported that due to the unique land use, Nexus has hired a traffic consultant to review the parking generation while working with the City to determine the number of spaces required. With no comparable facilities in the area and no comparable requirements specifically listed in the zoning code parking table, the city's traffic engineer will be working with Nexus to obtain the correct number of spaces to suit their needs. Staff reported that overflow parking is currently available on the site.

Staff will provide notice to the WA Department of Commerce, which requires a 30-day comment period, and complete the public noticing requirements before bringing the item back before the Commission.

In answer to the question if Valley Cities Counseling would be included under the new definitions, staff clarified that Valley Cities would not be included under the new definition because their existing facilities are not located in the C-1 zoning district and the new land use definition is proposed to only be allowed in the C1 zone.

B. Introductory Discussion of Items Docketed for Consideration as Comprehensive Plan 2018 Annual Amendments

Planning Manager Jeff Dixon explained the City amends its Comprehensive Plan annually. These are “annual amendments” that the City considers routinely each year as distinguished from the “major update” of the Comprehensive Plan that was adopted at the end of year 2015.

Private applicants are afforded an opportunity to submit either Map or Text amendments, which were accepted through June 8, 2018. City initiated amendments have also been brought forward as part of the annual amendment.

Staff presented the following items docketed for consideration as Comprehensive Plan 2018 Annual Amendments:

Comprehensive Plan Text Amendments

- P/T #1 – Auburn School District Capital Facilities Plan
- P/T #2 – Dieringer School District Capital Facilities Plan
- P/T #3 – Federal Way School District Capital Facilities Plan
- P/T #4 – Kent School District Capital Facilities Plan
- P/T #5 – City of Auburn (COA) Capital Facilities Plan
- P/T #6 – Change Volume 1, Land Use, to clarify and distinguish the discussion of the various subcategories of "Special Plan Areas".
- P/T #7 – Change Volume 6, Economic Development, to reflect preparation of the COA Ten-Year Economic Development Strategic Plan.
- P/T #8 – Change Volume 1, Land Use, to re-incorporate Historic/Cultural Resource policies.
- P/T #9 – Change Volume 1, Land Use, to revise approach to the 2015 map designation of "Residential Transition Overlay".

Comprehensive Plan Map Amendments

- CPM #1 - City-initiated request Comprehensive Plan Land Use Map No. 1.1 in Vol. 1, Land Use Element to remove the mapped designation of "Residential Transition Overlay".

Privately-Initiated Amendments

- CPM #2 - Request by Labrador Ventures LLC to change the designation of three undeveloped parcels totaling 1.89 acres NE of 40th and I ST NE from the "Residential Transition Overlay" to "Multiple Family Residential" and associated rezone from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre".
- CPM #3 - Request by Auburn School District to change the designation of two developed parcels located west of Pioneer Elementary from "Single Family Residential" to "Institutional" and associated rezone from "R-7, 7 dwelling units per acre" to "I, Institutional" or "P-1, Public Use".
- CPM#4 - Request by Auburn School District to change the designation of four parcels (3 developed) located west of Kersey WY SE from "Residential Conservancy" to "Institutional" and the associated rezone from "RC, Residential Conservancy" to "I, Institutional" or "P-1, Public Use".

After reviewing the docketed items, staff discussed the tentative schedule for considering the 2018 annual Comprehensive Plan amendments. Staff highlighted the steps involving the Planning Commission and explained that the goal would be to hold meetings at the regularly scheduled 1st meeting; with the 2nd meeting of the month held for further discussion, if needed.

The Commission expressed a desire to not hold meetings during the Thanksgiving Holiday week. Planning Services Manager Dixon stated the schedule provides room for adjustments and he is hopeful the work before the Commission will be completed by that holiday.

C. Introductory Discussion of Process for Amendment of City's 2009 Shoreline Master Plan

Senior Planner Thaniel Gouk explained that the city's 2009 Shoreline Master Plan (SMP) is being updated based on a mandate by the State of Washington Department of Ecology for a periodic update. The last update for the City of Auburn was in 2008/2009. The state requires the next update to be completed by June 30, 2019, with recent new requirements every 8 years, thereafter.

Staff provided a brief overview a 2018-2019 schedule to bring forward the amendments of the city's 2009 Shoreline Master Plan (SMP) for review before the Commission. The Department of Ecology will provide the final approval of the document. Planning Services Manager Jeff Dixon stated that the city's shoreline

program is a shared program for the city to administer along with the State of Washington Department of Ecology.

Staff reported that the City received a \$25,000.00 grant to assist them with their update from the Department of Ecology. The grant money will be used to hire a consultant to provide assistance on the update and feedback on any changes that should be made based on other experience they have with other jurisdictions. The information will be provided to the Commission and City Council for their recommendations.

D. Planning Commission Rules of Procedure

Chair Roland confirmed that at the June 5, 2018 Planning Commission meeting the Commission voted and approved updates to the Planning Commission Rules of Procedure. Chair Roland stated the June 5th, 2018 approved version is included in the distributed packet materials and encouraged the Commissioners to familiarize themselves with the updated version.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon reported that steps have been taken to bring forward a new Planning Commission member. Screening and interviewing is currently taking place and staff is hopeful City Council may confirm the appointment of a new Planning Commissioner soon.

Staff reported that demolition work to the Heritage building would begin soon. The owner has been waiting for approval from Puget Sound Energy (PSE) to receive power on site and approval was just granted by PSE. The next steps are for PSE to inspect the site before allowing the contractor to begin work on Monday, July 23.

A SEPA and design review application has already been submitted on the development south of City Hall and west of Merrill Gardens. The City is expecting a Building permit to be submitted by August for the seven-story building containing market-rate apartments. The site also includes a portion of ground-floor retail space.

Staff reported that the next regularly scheduled Planning Commission meeting is August 7, 2018 the same evening as "National Night Out". After discussing the schedule, the Commission asked staff to reschedule the August 7th meeting to August 21 to allow time for noticing for a public hearing.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:34 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

REZ17-0006 - New Zoning Code Definition requested by
Nexus Youth and Families

Date:

August 28, 2018

Department:

Community Development

Attachments:

[Agenda Bill and Ordinance No. 6688](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to conduct a public hearing and recommend to City Council approval of Ordinance No. 6688.

Background Summary:

Please see the attached Agenda bill.

Reviewed by Council Committees:**Councilmember:****Staff:**

Gouk

Meeting Date: September 5, 2018

Item Number:

PH.1



AGENDA BILL APPROVAL FORM

| | | |
|--|--|--|
| Agenda Subject: REZ17-0006, New Zoning Code Definition Requested by Nexus Youth & Families | | Date: August 8, 2018 |
| Department: Community Development, Planning Services | Attachments: Draft Ordinance No. 6688 | Budget Impact: N/A |
| Administrative Recommendation: Planning Commission to conduct a public hearing and recommend to City Council approval of Ordinance No. 6688. | | |
| Background Information: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>APPLICANT: Shelly Pricco, Executive Director Nexus Youth & Families 1000 Auburn Way South Auburn, WA 98002</p> </div> <div style="width: 45%;"> <p>REQUEST: File No. REZ17-0006: Nexus Youth & Families has applied for a Zoning Code Text Amendment for a new definition that encompasses their current and future planned land uses. The new definition is proposed to be a Permitted Use in the C-1, Light Commercial zoning district.</p> </div> </div> <p>LOCATION: Nexus Youth & Families campus is located between Auburn Way S and 'H' St. SE; approximately 115 ft. south of 9th St. SE. The proposed new definition, however, would apply City-wide to properties zoned C-1.</p> | | |
| Reviewed by Council & Committees: <div style="display: flex;"> <div style="flex: 1;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="flex: 1;"> COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div> | | Reviewed by Departments & Divisions: <div style="display: flex;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="flex: 1;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div> |
| Action: <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Tabled _____ </div> <div style="width: 50%;"> Call for Public Hearing ____/____/____ Until ____/____/____ Until ____/____/____ </div> </div> | | |
| Councilmember: _____ | | Staff: Gouk |
| Meeting Date: August 21, 2018 | | Item Number: _____ |

FINDINGS OF FACT:

1. The Applicant, Shelly Pricco, representing Nexus Youth & Families ("Nexus"), submitted a Zoning Code Text Amendment request (REZ17-0006) application on June 8, 2017. The request was included with the previously approved Comprehensive Plan map change and associated Rezone (City File Nos. CPA17-0002 and REZ17-0001, approved December 18, 2017). A new file number was applied to this text amendment request for clarity in processing.
2. Nexus currently operates services for homeless and at-risk youth and families at their campus near Les Gove Park and the Auburn Community & Event Center and has plans for future expansions within their campus boundaries. The current and future campus boundaries include 6 parcels located between Auburn Way S and 'H' St. SE, 192105-9141, -9142, -9145, -9146, -9147, and -9164; Nexus also has first right of refusal on one additional parcel, 192105-9044 (currently owned by Bartholomew).
3. Nexus applied for and received approval to change 3 parcels (including the Bartholomew parcel) from R-7, Residential to C-1, Light Commercial at the end of 2017. The 6 Nexus-owned parcels plus the Bartholomew parcel are now all zoned C-1.
4. The proposed Zoning Code definition would apply City-wide to properties meeting the proposed requirements of the definition and associated zoning development standard (distance to transit).
5. The Planning Commission reviewed and discussed the proposed new Zoning Code definition at their June 5, 2018 and July 17, 2018 meetings. At the July 17th meeting, the Planning Commission directed City Staff to advertise for a Public Hearing to be held on August 21, 2018.
6. Chapter 18.68 ACC 'Amendments' outlines the process for submittal of privately-initiated zoning code amendments and the general processing. Per ACC 18.68.020(B)(3), any resident or property owner within the City limits may apply for a zoning text amendment, which Nexus is (property owner).
7. Per ACC 18.68.030(A), the Planning Commission shall hold a Public Hearing and make a recommendation to the City Council on the proposed text amendment.
8. Per ACC 18.68.040(A), notice of the Public Hearing is required to be posted in the newspaper and three areas accessible by the public in person; these were accomplished on July 23, 2018. Although not required, two Public Notice Boards were also installed at the Nexus campus (on Auburn Way S and 'H' St. SE). Additionally, the notice was posted to the City's Public Land Use Notices website page (as is common practice).
9. Pursuant to Chapter 197-11 WAC and Chapter 16.06 ACC, this project is subject to State Environmental Policy Act ("SEPA") environmental review. A Determination of Non-Significance ("DNS"), for the request was issued under City File No. SEP17-0016 on July 23, 2018; with the comment period ending August 7, 2018 and the appeal period ending September 22, 2017. No public comments were received in response; as a result, no appeal is anticipated. Staff will provide information to the Planning Commission at the Public Hearing if an appeal is subsequently filed.
10. Pursuant to RCW 36.70A.106, the proposed text amendment was sent to the Washington State Dept. of Commerce for the required 60-day State review. No comments have been received from the Dept. of Commerce as of the date of this report. Staff will provide information to the Planning Commission at the Public Hearing if any comments are received.

NEXUS PROVIDED INFORMATION ON CURRENT AND PROPOSED USES:

In the June 5th Planning Commission meeting memo from City Staff, a list of all of the existing and proposed uses or activities provided by (or plan to be provided by) Nexus was included. To keep this information in the discussion, it is provided again, as follows:

“Street Outreach. *Street Outreach consists of a 2-person mobile team that covers all cities in South King County (Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Renton, SeaTac, Tukwila) looking for youth and young adults (YYA) ages 12-24 who may benefit from our services. They travel to areas YYA congregate, spread information about available resources, and connect interested individuals to services immediately if possible/requested. They work closely with South King County cities for information sharing and assistance as necessary.”*

“Drop-in. *Drop-in is open to anyone ages 12-24, even if they do not identify as homeless. Services are program-based. Currently, the drop-in center is open 8:00am-10:00am and 7:00pm-9:00pm Monday-Friday. This includes meals, showers, computer use, TV access, games, books, and a safe space to spend time. * No weekend drop-in***

“Shelter. *Young adults ages 18-24 can access shelter 7 nights/week. Doors open at 10:00pm, and guests have an opportunity to eat, shower, and relax before bedtime. Everyone is woken up at 7:00am and out the door by 7:45am with a light snack. Reserved beds are available for first-timers, or those working with case managers in some cases.”*

“Teen Feed. *Teen Feed is a volunteer-based meal program we host weekly at the Arcadia drop-in center. On Wednesday nights, youth can come to our drop-in center from 6:30pm-8:00pm for a warm meal.”*

“Legal Counsel for Youth & Children. *Hours: 6:00p-8:30p (Every 3rd Wednesday of the month) Free legal assistance for youth age 12-24yo.”*

“Bridge Collaborative Community Advocate. *The Bridge Collaborative Community Advocate provides case management for commercially sexually exploited youth or those at risk, ages 12-24. A hotline is staffed 24/7 for referrals, questions, or to assist in determining whether or not a young person you’re working with may be at risk for or currently being exploited. This advocate can work in tandem with other programs and case managers. The Bridge Collaborative is comprised of YouthCare, Friends of Youth, NEXUS, and the Organization for Prostitution Survivors (OPS).”*

“Youth and Family Connection Network. *Case management for youth and young adults ages 12-25 (26th birthday = cutoff) and their families, with a goal to divert individuals from the homeless system to reunify with a safe support system. Referrals can come from anywhere, and support is provided for the entire family. This case manager can work in tandem with other programs and case managers. The program is run in collaboration with YouthCare and Friends of Youth.”*

“Housing Navigation Program. *Staff will provide scheduled and walk-in CEA housing assessments for homeless young adults and ensure they are aware of emergency shelter options. As part of the initial meeting, staff will review information on eligibility for CEA and review what housing resources the young adult may be referred to based on their vulnerability score. To help facilitate walk-in availability, agencies will determine a schedule that will allow participants to receive housing assessments in a timely manner.”*

“Best Starts for Kids Homelessness Prevention Program. *Best Starts for Kids (BSK) is an initiative to improve the health and well-being of King County by investing in prevention and early intervention for children, youth, families, and communities. BSK is intended to prevent and divert children and youth and their families from becoming first time homeless. Case Manager will provide the support needed to ensure that unaccompanied youth / young adults (ages 12-24) and families (with a youth birth- 24yo) at imminent risk of homelessness have access to the resources needed to avoid entering the homeless system; and, to remain stably housed over time.”*

“Diversion. *Diversion is a flexible fund source to help young adults 18-24yo who are un-housed or unstably housed. Diversion is a tool that quickly addresses a young person’s housing crisis by providing short-term, flexible financial assistance to create a long-term solution (stability for 3months). The term “diversion” refers to diverting a youth from entering, or providing immediate exit from, the homeless housing system (e.g. placement in shelter or Coordinated Entry for All placements for transitional living programs, permanent supportive housing, etc.).”*

"Arcadia Transitional Living Program." 5-three bedroom unit transitional housing program for 18-24 year olds. The program would be supported by a case manager and is intended for clients with fewer barriers to self-sufficiency. Housing units are accessed through CEA. The case manager establishes clear boundaries and positive rapport with formerly homeless youth/young adults enrolled in the program, and assists in setting up case-specific goal plans. Appropriate referrals would be made to assist clients in meeting their goals, which may include travel to the individual units, and transporting clients to services or appointments as needed. This focus on setting and attaining goals will couple with mentorship and modeling appropriate life skills to prepare clients to successfully transition from the program to sustainable housing self-sufficiency."

PROPOSED NEW ZONING CODE DEFINITION

To implement the new definition, three separate areas of the Zoning Code are proposed to be changed. First, as previously discussed with the Planning Commission, the new definition is proposed to be titled "Community Support Facilities". The full text of the proposed definition is as follows:

"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.). 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".

Note that in Exhibit 1 to the Ordinance, Section A, there may appear to be more changes than anticipated; this is due to a few definitions being not in alphabetical order, and the need to change the numbering to fit in the new definition to the list.

So, this specific definition would be added to the early part of the Zoning Code at Chapter 18.04 "Definitions". Secondly, the use would be a new item and row in ACC Table 18.23.030 (See highlighted line, below) and identified as a "Permitted Use" in the C-1 zone, and "Prohibited" in other zones. The code change will also necessitate a new subsection under "Standards for Specific Land Uses" for a Community Support Facility to be added (highlighted in blue).

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

| | | | | | | | | | |
|--|--------------------|-----|-----|-----|-----|-----|----|-----|--|
| 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 | |
| INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING (list not included - not applicable to this agenda item) | | | | | | | | | |
| RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES (list not included - not applicable to this agenda item) | | | | | | | | | |
| RESIDENTIAL | | | | | | | | | |
| Caretaker apartment | X | P | P | P | X | P | P | P | |
| Live/work unit | X | X | P | P | P | P | P | X | |
| Work/live unit | X | P | P | P | P | P | P | X | |

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

| 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 | |
| Marijuana cooperative | X | X | X | X | X | X | X | X | |
| Multiple-family dwellings as part of a mixed-use development ² | X | X | P | P | P | P | P | X | ACC 18.57.030 |
| Multiple-family dwellings, stand-alone | X | X | X | X | X | X | X | X | |
| Nursing home, assisted living facility | X | P | P | P | C | X | X | X | |
| Senior housing ² | X | X | A | A | X | X | X | X | |

RETAIL (list not included - not applicable to this agenda item)

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 | |
| <u>Community Support Facility</u> | <u>X</u> | <u>P</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>X</u> | <u>ACC 18.57.040 (C)</u> |
| Daycare, including mini daycare, daycare center, preschools or nursery schools | A | P | P | P | P | P | P | X | |
| Dry cleaning and laundry service (personal) | P | P | P | P | P | P | P | P | |
| Equipment rental and leasing | X | X | X | P | X | P | X | P | |
| Kennel, animal boarding | X | X | X | A | X | A | X | A | ACC 18.57.040 (ED) |
| Government facilities; this excludes offices and related uses that are permitted outright | A | A | A | A | A | A | A | A | |
| Hospital | X | P | P | P | X | P | X | P | |
| Lodging - Hotel or motel | X | P | P | P | P | A | P | A | |
| Medical - Dental clinic | P | P | P | P | P | P | X | X | |
| Mortuary, funeral home, crematorium | A | P | X | P | X | P | X | X | |
| Personal service shops | P | P | P | P | P | P | X | X | |
| Pharmacies | P | P | P | P | P | X | X | X | |
| Print and copy shop | P | P | P | P | P | P | X | X | |

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

| 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 | |
| Printing and publishing (of books, newspaper and other printed matter) | X | A | P | P | P | P | P | P | |
| Professional offices | P | P | P | P | P | P | P | P | |
| Repair service - Equipment, appliances | X | A | P | P | P | P | X | P | ACC 18.57.040 (DE) |
| Veterinary clinic, animal hospital | A | P | P | P | P | P | X | X | |

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE (list not included - not applicable to this agenda item)

VEHICLE SALES AND SERVICES (list not included - not applicable to this agenda item)

OTHER

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|--|
| Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday - Saturday: 7:00 a.m. to 10:00 p.m. | A | A | A | A | A | A | A | A | |
| Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6), Unclassified Uses. | P | P | P | P | P | P | P | P | |

Add the new subsection under the "Services" category (consistent with the location in the Table, above) under the Standards for Specific Land Uses (highlighted):

Chapter 18.57 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. Community Support Facility.
 - 1. Community Support Facilities shall be located within 500 feet (walking distance) of a transit stop; and connected via sidewalks or an approved pedestrian facility.
- D. 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.
- E. 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.

Note that in Exhibit 1 to the Ordinance, Section B and C, to provide a continuity of the numbering (lettering) of the code, the requirements for a Community Support Facility have been numbered "C" so that the Table reads correctly.

STAFF RECOMMENDATION:

Planning Commission to recommend to City Council **approval** of the Nexus Youth & Families request for Zoning Code Text Amendment, as described in this Staff Report and as shown on the attached Ordinance No. 6688.

ORDINANCE NO. 6 6 8 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 18.04 AND AMENDING SECTIONS TABLE 18.23.030, AND 18.57.040, OF THE CITY CODE, CREATING A NEW DEFINITION FOR COMMUNITY SUPPORT FACILITIES, ADDING COMMUNITY SUPPORT FACILITIES AS A PERMITTED USE IN THE C-1, LIGHT COMMERCIAL ZONING DISTRICT, AND ADDING AN ADDITIONAL SPECIFIC LAND USE STANDARD FOR THE SITING OF COMMUNITY SUPPORT FACILITIES.

WHEREAS, Nexus Youth & Families, a non-profit organization, has submitted a Zoning Code Text Amendment request for a new definition titled "Community Support Facility" that would fully encompass their current and future planned land uses; and,

WHEREAS, Nexus Youth & Families currently owns six parcels totaling approximately 2.31 acres and has right of first refusal on one additional 0.24-acre property that is surrounded on three sides by their current holdings; and,

WHEREAS, the seven parcels mentioned are currently zoned C-1, Light Commercial; and,

WHEREAS, Nexus Youth & Families provides supportive services to children, young adults, and young families 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; and,

WHEREAS, Nexus Youth & Families provides these services in South King County, where homelessness is a continuously growing concern; and,

WHEREAS, the new definition of Community Support Facilities would apply City-wide to properties which are zoned C-1, Light Commercial; and,

WHEREAS, Community Support Facilities would be limited to being owned and operated by non-profit organizations or government entities; and,

WHEREAS, this new definition was requested by a private party (Nexus Youth & Families), however, could also be utilized by other entities meeting the applicable requirements; and,

WHEREAS, the Planning Commission had an initial discussion on the new definition and requested additional information from Staff at the June 5, 2018 Planning Commission meeting; and,

WHEREAS, the Planning Commission had a second discussion on the new definition at the July 17, 2018 Planning Commission meeting and directed Staff to advertise for a future Public Hearing; and,

WHEREAS, a Notice of Application, Notice of Public Hearing, and Determination of Non-significance (DNS) was issued on July 23, 2018; with no comments received or appeal filed; and,

WHEREAS, the Planning Commission held a public hearing on the proposed Zoning Code Text Amendment at the August 21, 2018 Planning Commission meeting, and made a recommendation of approval to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Chapter 18.04, Sections Table 18.23.030, and Section 18.57.040 of the Auburn City Code be and the same hereby are amended to read as shown on Exhibit 1 to this Ordinance.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 14. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 15. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____

Exhibit 1

Section A – Chapter 18.04 ACC ‘Definitions’ to be amended to read as follows:

~~18.04.240 Commercial use.~~

~~“Commercial use” shall mean any activity or use of land which involves the buying, selling, processing or improving of things not produced on the land and having financial gain as the primary aim of the activity or use; whether or not such activity or use be for hire or on account of the buyer, seller, processor, or improver.~~

~~18.04.245 Commercial vehicle.~~

~~“Commercial vehicle” means semi truck tractors and/or semi trailers (over 26,001 pounds gross vehicle weight rating) used in any commercial enterprise.~~

18.04.24~~60~~61 Commercial recreation facility, indoor.

“Commercial recreation facility, indoor” means a private for-profit or nonprofit establishment offering recreation or providing entertainment or games of skill to the general public for a fee or charge and wholly enclosed in the building. Typical uses include athletic and health club, pool or billiard hall, indoor swimming pool, bowling alley, skating rink or climbing gyms.

18.04.24~~71~~72 Commercial recreation facility, outdoor.

“Commercial recreation facility, outdoor” means a private for-profit or nonprofit establishment offering recreation or providing entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open, excluding public parks. Typical uses include: racetracks;

miniature golf; skateboard park; swimming and wading, therapeutic facilities; and tennis, handball, basketball courts; batting cages, trampoline facilities.

18.04.240~~3~~ Commercial use.

“Commercial use” shall mean any activity or use of land which involves the buying, selling, processing or improving of things not produced on the land and having financial gain as the primary aim of the activity or use; whether or not such activity or use be for hire or on account of the buyer, seller, processor, or improver.

18.04.245~~4~~ Commercial vehicle.

“Commercial vehicle” means semi-truck tractors and/or semi-trailers (over 26,001 pounds gross vehicle weight rating) used in any commercial enterprise.

18.04.24~~6~~⁸ Community retail establishment.

“Community retail establishment” means stores, shops and businesses either individually or in a shared space setting serving a geographic area of the city that engage in merchandise sales.

18.04.247 Community support facility.

“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.). 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”.

18.04.249 Communal residence.

“Communal residence” is a business operated out of a single residential home without an owner occupant residing therein, where the residential home, or portions thereof, is/are rented to more than one individual through separate, unrelated lease or rental agreements. The fact that the individuals rent the residence or a portion thereof through separate, unrelated lease or rental agreements shall be prima facie evidence that the individuals are unrelated and do not meet the definition of “family” per ACC 18.04.360. Adult family homes, foster care homes, group residence facilities, special needs housing, and supportive housing are not communal residences.

Section B – ACC Table 18.23.030, uses allowed in commercial and industrial zones to be amended as follows:

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

| 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 | |
| INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING (list not included – not applicable to this agenda item) | | | | | | | | | |
| RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES (list not included – not applicable to this agenda item) | | | | | | | | | |
| RESIDENTIAL (list not included – not applicable to this agenda item) | | | | | | | | | |
| RETAIL (list not included – not applicable to this agenda item) | | | | | | | | | |
| 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 18.57.04(C) |
| Daycare, including mini daycare, daycare center, preschools or nursery schools | A | P | P | P | P | P | P | X | |
| Dry cleaning and laundry service (personal) | P | P | P | P | P | P | P | P | |
| Equipment rental and leasing | X | X | X | P | X | P | X | P | |
| Kennel, animal boarding | X | X | X | A | X | A | X | A | ACC 18.57.040(CD) |
| Government facilities; this excludes offices and related uses that are permitted outright | A | A | A | A | A | A | A | A | |
| Hospital | X | P | P | P | X | P | X | P | |
| Lodging – Hotel or motel | X | P | P | P | P | A | P | A | |
| Medical – Dental clinic | P | P | P | P | P | P | X | X | |

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

| 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 | |
| Mortuary, funeral home, crematorium | A | P | X | P | X | P | X | X | |
| Personal service shops | P | P | P | P | P | P | X | X | |
| Pharmacies | P | P | P | P | P | X | X | X | |
| Print and copy shop | P | P | P | P | P | P | X | X | |
| Printing and publishing (of books, newspaper and other printed matter) | X | A | P | P | P | P | P | P | |
| Professional offices | P | P | P | P | P | P | P | P | |
| Repair service – Equipment, appliances | X | A | P | P | P | P | X | P | ACC 18.57.040(DE) |
| Veterinary clinic, animal hospital | A | P | P | P | P | P | X | X | |

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE (*list not included – not applicable to this agenda item*)

VEHICLE SALES AND SERVICES (*list not included – not applicable to this agenda item*)

OTHER

| | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|--|
| Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m. | A | A | A | A | A | A | A | A | |
| Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6), Unclassified Uses. | P | P | P | P | P | P | P | P | |

Section C – ACC 18.57.040, Standards for Specific Land Uses to be amended as follows:

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. Community Support Facility.

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

CD. 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.

DE. 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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Open Public Meetings Act (OPMA) & Public Records Act (PRA)

Date:

August 28, 2018

Department:

Community Development

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

Additional material and training videos are available on the Attorney General's website at:
<https://www.atg.wa.gov/open-government-training>

Reviewed by Council Committees:**Councilmember:****Staff:**

Gross

Meeting Date: September 5, 2018

Item Number: