	Planning Commission Meeting December 8, 2020 - 7:00 PM AGENDA
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I. Virtual Participation Information

A. Virtual Participation Link

The City of Auburn Planning Commission Meeting scheduled for Tuesday, December 8, 2020 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click the link or enter the meeting ID into the Zoom App or call into the meeting at the phone number listed below.

Per the Governor's Emergency Proclamation 20-28, the City of Auburn is prohibited from holding an in-person meeting at this time.

Per City of Auburn Resolution No. 5533, the location for the Planning Commission meetings will be virtual until King County enters into Phase 3 of the Governor's Safe Start Reopening Plan.

Join Zoom Meeting
<https://zoom.us/j/98370911998>
 Meeting ID: 983 7091 1998
 253-215-8782

II. CALL TO ORDER

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

A. November 17, 2020 Draft Minutes from the Special Planning Commission Meeting

IV. PUBLIC HEARINGS

A. Continued Public Hearing for Code Amendments for Wireless Communication Facilities, ZOA20-0005. Changing Title 17, 'Land Divisions and Adjustments' & Title 18, 'Zoning'.

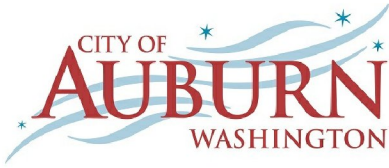
V. **COMMUNITY DEVELOPMENT REPORT**

Update on Community Development Services activities.

VI. **ADJOURNMENT**

The City of Auburn Planning Commission is a seven 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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

November 17, 2020 Draft Minutes from the Special Planning Commission Meeting

Date:

November 30, 2020

Department:

Community Development

Attachments:

[November 17, 2020 Draft Minutes from the Special Planning Commission Meeting](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to review and approve the November 17, 2020 Special Planning Commission Meeting minutes.

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

Dixon

Meeting Date: December 8, 2020

Item Number:



PLANNING COMMISSION

November 17, 2020

Draft MINUTES

I. **CALL TO ORDER**

Chair Judi Roland called the meeting to order at 7:00 p.m. via Zoom due to Governor Inslee's "Stay Home, Stay Healthy" initiative due to the Covid-19 Pandemic and City Ordinance No. 5533 which establishes the official meeting place, as virtual.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Judi Roland, Commissioner Mason, Commissioner Moutzouris, Commissioner Khanal and Commissioner Stephens.

Vice Chair Lee is Excused

Staff present: Jeff Dixon, Planning Services Manager; Anthony Avery, Senior Planner; Thaniel Gouk, Senior Planner; Dustin Lawrence, Senior Planner; Doug Ruth, Assistant City Attorney; Cecile Malik, Senior Transportation Planner; Jennifer Oliver, Administrative Assistant.

Members of the public present: Bob Kenworthy, Auburn School District; Jeff Grose, Auburn School District; Sally McLean, Federal Way School District

b.) PLEDGE OF ALLEGIANCE

II. **APPROVAL OF MINUTES**

A. November 4, 2020 – Regular Meeting Minutes

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

MOTION CARRIED UNANIMOUSLY. 5-0

III. **PUBLIC HEARING**

A. CPA20-0005, 2020 Annual Comprehensive Plan Amendments – Specifically, City Initiated Plan Policy/Text & Map Amendments, consisting of:

P/T #1- Auburn School district 2021-2026 Capital Facilities Plan

P/T #2 – Derringer school District 2021-2026 Capital Facilities Plan

P/T #3 – Federal Way School district 2021 Capital Facilities Plan

P/T #4 – Kent School District 2020/2021- 2025/2026 Capital Facilities Plan

P/T #5 – City of Auburn 2021-2026 Capital Facilities Plan

P/T #6 – Change Volume 5, Transportation Element (to be incorporated by reference).

P/T #8 – Volume 1, Land Use Element and Volume 5, Transportation Element (Plan). Amend comprehensive plan policies related to operations of the Auburn Municipal Airport.

CPM #1 - Volume 5: Transportation Element: Several maps found throughout Volume 5 have been updated to reflect current conditions.

Senior Planner, Anthony Avery provided the staff report.

P/T #1 Auburn School District 2021-2026 Capital Facilities Plan

Chair Roland opened the public hearing for P/T #1 Auburn School district 2021-2026 Capital Facilities Plan on November 17, 2020 at 7:16 p.m.

Bob Kenworthy, Auburn School District, addressed the Commission with a brief discussion and background information regarding Auburn School District Capital Facilities Plan 2020-2026.

The Auburn School District has provided the City with its annually updated Capital Facilities Plan (CFP) covering from 2020-2026. The CFP was prepared by the District staff and adopted by the Auburn School District School Board of Directors on June 22, 2020 and has been subject to separate SEPA review and a Determination of Non-Significance (DNS) prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The Planning Commission action is to incorporate the Auburn School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

The CFP includes the following:

- six-year enrollment projections
- Auburn school district level of service standards
- An inventory of existing facilities
- The district's overall capacity of the 6-year period
- District capital construction Plan
- Impact fee calculations

A review of the Auburn School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$6,456.31, a decrease of \$449.00 and the requested fee for multiple-family dwellings is \$16,325.80, an increase of \$1,658.35. As the district recommended, and the city adopted last year, a

discount between \$2,000 and \$10,000 per unit has been included in the request based on the number of bedrooms per unit. The actual impact fees are established by ordinance through subsequent City Council action.

The Commission asked for clarification on the impact fee discount for multifamily and why it was structured that way. Mr. Kenworthy addressed the Commission and explained a studio unit is very unlikely to generate one student where as a 4-5 bedroom could generate 2-5 students attending schools. The School District worked with the City on the fees and felt it was a fair way to structure the fees. This was the same approach as last year.

The Planning Commission inquired about Lea Hill Elementary and if Elementary #16 was the same school. Mr. Grose explained that those particular schools are different. School #16 is brand new and is being developed in the Lea Hill area. Commissioner Khanal asked where students would be attending during the reconstruction of Lea Hill Elementary and Mr. Grose responded that students would attend Elementary #16 for one year until Lea Hill Elementary is completed.

The Commissioners commented with the Covid-19 Pandemic going on and more students switching over to home schooling, it seems like the attendance would be trending down. They questioned if kids come back or go to private or online schools, does that affect your budget or capital facilities plan. Mr. Kenworthy replied that there is not a good sense yet on that. There is a small percentage that is showing student attendance is down. Delaying the construction program and the cost to reinstate it would be significantly more than what is covered by the School Bond that is currently in place. The long haul shows continued growth in the Auburn area.

The Planning Commission asked if the funds from the levy that was passed in 2018 are being used for the current construction on schools. Mr. Kenworthy replied that they are not and that the funds for the Levy are general operating budget. With a 4 year levy, they are renewable and goes into a general fund. All of the current schools being replaced are funded by a bond issued.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:25 p.m.

The Commission asked if with the Pioneer Elementary school reconstruction would it keep the name as Pioneer or be changed. Mr. Grose confirmed that the name would remain and be unchanged in 2021.

With no other questions from the Commission, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #1- Auburn School district 2021-2026 Capital Facilities to City Council.

Motion Passed 5-0

P/T#2 Derringer School District 2021-2026 Capital Facilities Plan

Chair Roland opened the public hearing for P/T #2 Derringer school District 2021-2026 Capital Facilities Plan on November 17, 2020 at 7:27 p.m.

The Dieringer School District has provided the City with its annually updated Capital Facilities Plan 2021 - 2026. The CFP was adopted by the Dieringer School District Board of Directors on August 17, 2020. The CFP has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The Planning Commission action is to incorporate the School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

The CFP includes the following:

- Overview
- An inventory of existing facilities
- six-year enrollment projections
- standard of service
- Capacity projects
- Finance plan
- Impact fee calculations

A review of the Dieringer School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$7,729, and the requested fee for multiple family dwellings is \$3,514.00. By draft ordinance working through the approval process, Pierce County Council is proposed a county-wide fee "capped" by a "Maximum Fee Obligation" (MFO) which changes annually based on the Construction Cost Index published by the Engineering News Record. The previous year's MFO for single family development was \$3,216 and the MFO for multi-family development was \$450. The actual impact fees are established by ordinance through subsequent City Council action.

The Commission inquired how many schools are in the Dieringer School District in Auburn and staff responded that there are none however there are residents that live in the City of Auburn whose children would attend Dieringer School District. Staff presented a map to show the Commission of the district boundaries and city boundaries.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:32 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #2 – Dieringer School District 2021-2026 Capital Facilities Plan to City Council.

Motion Passed 5-0

P/T #3 Federal Way School District's updated Capital Facilities Plan

Chair Roland opened the public hearing for P/T #3 Federal Way School District's updated Capital Facilities Plan on November 17, 2020 at 7:33 p.m.

Sally McLean, addressed the Commission with a brief background and discussion on the Federal Way School District 2021 Capital Facilities Plan for the City of Auburn Comp Plan.

The Federal Way School District has provided the City with its annually updated Capital Facilities Plan 2021. The CFP was adopted by the Federal Way School District School Board July 28, 2020. The CFP has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The Planning Commission action is to incorporate the School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

The CFP includes the following:

- Introduction
- Inventory of educational facilities & non-instructional facilities
- Needs forecast, existing & new facilities
- Six-year finance plan
- Maps of district boundaries
- Building capacities & portable locations
- Student forecast
- Capacity summaries
- Impact fee calculations
- Summary of changes from the previous year's plan

A review of the Federal Way School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$3,243, representing a decrease of \$1,792.00 and the requested fee for multi-family dwellings is \$16,003.00, a decrease of \$4,765.00. The actual impact fees are established by ordinance through subsequent City Council action.

The Commission inquired that with all of the new construction going on in Federal Way with the Sounder link light rail station, is there any impacts or adjustments in terms of schools that need to be done to the capital facilities plan for schools. Ms. McLean said that the Capital Facilities Plan or School Impact Fees would not be directly affected. However, Federal Way link extension will be running parallel with Mark Twain Elementary School whose site is near 272nd and the boundaries between Federal Way and Kent at 272nd Street near I-5. The link light rail extension will run right near that elementary school and that has been a

conversation over many years to seek appropriate coordination and mitigation for that impact.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:41 p.m.

Commissioner Khanal moved and Commissioner Stephens seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #3 – Federal Way School district 2021 Capital Facilities Plan to City Council.

Motion Passed 5-0

P/T #4 Kent School District 2020/2021- 2025/2026 Capital Facilities Plan

Chair Roland opened the public hearing for P/T #4 Kent School District 2020/2021- 2025/2026 Capital Facilities Plan on November 17, 2020 at 7:43p.m.

The Kent School District has provided its annually updated 2020-2021 to 2025-2026 Capital Facilities Plan. The CFP was adopted by the Kent School District School Board on June 24, 2020 and has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The Planning Commission action is to incorporate the School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

The CFP includes the following:

- Executive Summary
- Six-year enrollment projection & history
- District standard of service
- Inventory, capacity & maps of existing schools
- Six-year planning & construction plan
- Portable classrooms
- Projected classroom capacity
- Finance Plan, cost basis and impact fee schedules
- Summary of changes to previous plan

A review of the Kent School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$5,692.85, representing an increase of \$138.85 and the requested fee for multi-family dwellings is \$2,403.63, an increase of \$58.63. Both increases are tied to the Consumer Price Index (CPI) of 2.5% for the Seattle Metropolitan Area in 2020. The actual impact fees are established by ordinance through subsequent City Council action.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:44 p.m.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #4 – Kent School District 2020/2021- 2025/2026 Capital Facilities Plan to City Council.

Motion Passed 5-0

P/T #5 City of Auburn 2021-2026 Capital Facilities Plan

Chair Roland opened the public hearing for P/T #5 City of Auburn 2021-2026 Capital Facilities Plan on November 17, 2020 at 7:46 p.m.

A Capital Facilities Plan is one of the comprehensive plan elements required by the Washington State Growth Management Act (GMA) (RCW 36.70A). The GMA requires that a capital facilities plan include an inventory of existing capital facilities (showing locations and capacities), a forecast of future needs for such capital facilities, proposed locations and capacities of new or expanded capital facilities, and a minimum of a six-year plan to finance capital facilities with identified sources of funding. The proposed City of Auburn 6-year Capital Facilities Plan 2021-2026 satisfies the GMA requirements for a capital facilities element as part of the Comprehensive Plan.

Each comprehensive plan prepared under the GMA must include a capital facilities plan element. More specifically, RCW 36.70A.070(3) of the GMA requires the following:

“A capital facilities plan element consisting of:

- (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
- (b) a forecast of the future needs of such capital facilities;
- (c) the proposed locations and capacities of expanded or new capital facilities;
- (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
- (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.”

A capital facility is defined as a structure, street or utility system improvement, or other long-lasting major asset, including land. Capital facilities are provided for public purposes. Capital facilities include, but are not limited to, the following: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreation facilities, and police and fire protection facilities. These capital facilities include necessary ancillary and support facilities.

The City of Auburn 6-year Capital Facilities Plan 2021-2026 is proposed to be incorporated by reference in the Comprehensive Plan, Capital Facilities Element (Volume No. 3).

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:51 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #5 – City of Auburn 2021-2026 Capital Facilities Plan to City Council.

Motion Passed 5-0

P/T #6 Change Volume 5, Transportation Element

Chair Roland opened the public hearing for P/T #6 Change Volume 5, Transportation Element on November 17, 2020 at 7:54p.m.

Key Changes/Points:

As part of the 2020 Annual Comprehensive Plan Amendments, the city seeks to change the Comprehensive Plan to update the Transportation Element (Chapter). The main changes to the Comprehensive Plan document include:

- Update Transportation Improvement Program (TIP) information/project list;
- Re-designate multiple capital projects from the TIP (funded) to the Comprehensive Plan (unfunded) to maintain continuity in the future transportation network conditions.
- Update maps as needed to reflect current data and conditions (addressed by CMP#1, below);
- Additional minor changes will relate to grammar, punctuation, choice of words, etc.

In addition to the strike through and underline in the working binder, a memorandum prepared by Cecile Malik, Senior Transportation Planner, for the Planning Commission is included in the working binder behind the “Comp. Plan Policy/Text Amendments” tab. The memorandum provides the summary of text changes.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 7:59 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #6 – Change Volume 5, Transportation Element to City Council.

Motion Passed 5-0

P/T #8 Volume 1, Land Use Element and Volume 5, Transportation Element (Plan). Amend comprehensive plan policies related to operations of the Auburn Municipal Airport.

Chair Roland opened the public hearing for P/T #8 Volume 1, Land Use Element and Volume 5, Transportation Element (Plan). Amend comprehensive plan policies related to operations of the Auburn Municipal Airport on November 17, 2020 at 8:01 p.m.

Existing comprehensive plan policies do not sufficiently protect the operations of the Auburn Municipal Airport, and do not provide the City sufficient authority to ensure development around the airport is coordinated and consistent with the Airport Master Plan. Policies are currently being evaluated as to whether they:

- Protect the operations of the Auburn Municipal Airport (the “airport”);
- Prevent or promote incompatible land uses around the airport;
- Ensure that development around the airport is coordinated and consistent with the Airport Master Plan;
- Protect the airport from nonconforming uses and structures that pose a safety concern to airport operations;
- Provide the authority to review the impact of development on air safety;
- Are clearly defined and clearly understood, or open to a wide degree of interpretation; or
- Use outdated language

In addition to the strike through and underline in the working binder, a memorandum prepared by Alexandria D. Teague, Planner II, for the Planning Commission is included in the working binder behind the “Comp. Plan Policy/Text Amendments” tab. The memorandum explores the background and economic impact, external planning considerations, and city’s authority and conclusion regarding the proposed changes.

The proposed text amendments are intended to create a stronger connection between the Airport Master Plan and the comprehensive plan, allow for the mitigation of nonconforming uses, standardizing terminology and improving the clarity of policy language, recognizing the significance of the airport for economic development, and discouraging the development of incompatible land uses adjacent to the airport.

The Commission inquired if this was reviewed by the Federal Aviation Administration (FAA) and Staff responded that it did not, that a SEPA requirement is that it was noticed to Washington State Dept. of Transportation (DOT) Aviation Division for Comprehensive Plan review and there was no comments were received in response from the WA State DOT Aviation division. The FAA doesn’t have jurisdiction for the “off” regulations for the airport where as they have jurisdiction for the “on” portions of the airport. As a result, they are not likely to review.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 8:08 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Khanal moved and Commissioner Stephens seconded to recommend approval of Comprehensive Plan 2020 Amendment P/T #8 – Volume 1, Land Use Element and Volume 5, Transportation Element (Plan). Amend comprehensive plan policies related to operations of the Auburn Municipal Airport to City Council.

Motion Passed 5-0

CPM #1 CPM#1- Volume 5: Transportation Element: Several maps found throughout Volume 5.

Chair Roland opened the public hearing for CPM#1- Map Amendment Volume 5: Transportation Element: Several maps found throughout Volume 5 on November 17, 2020 at 8:11 p.m.

This proposed amendment updates a number of maps found throughout the city's Comprehensive Transportation Plan, which is adopted by reference in the City of Auburn Comprehensive Plan. This is consistent and in conjunction with P/T #6. *The changes are shown in the working binder behind the "Comp. Plan Map Amendments" tab.*

A map was provided on screen to the Commission.

(This is the same topic as text amendment P/T #7, but is repeated as a map amendment since it requires revision to both the text and map of the comprehensive plan document. See discussion and analysis under text amendment P/T #6.)

Planning Commission to recommend approval of a map amendment to move thirteen (13) maps from the Comprehensive Transportation Plan, adopted as a reference to the City of Auburn Comprehensive Plan, into a single appendix (B) to the Comprehensive Transportation Plan. Additionally, updates to reflect the most current data as identified in a staff memorandum presented to Planning Commission on October 6, 2020, and included within the working binder behind the "Comp Plan Policy/Text Amendments" tab associated with P/T #6.

The Commission inquired if this map was updated every year and Staff responded that it is not and that it hasn't been for many years. There were minor updates last year as well as this year, and Staff felt that some of those changes were significant enough for updates to the Comprehensive Plan.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 8:16 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Khanal moved and Commissioner Stephens seconded to recommend approval of Comp Plan 2020 map amendment CPM #1 - Volume 5: Transportation Element: Several maps found throughout Volume 5 are being updated to reflect current conditions to City Council.

Motion Passed 5-0

B. CPM#2 ,CPA20-0001 & REZ20-0001 - Request by Auburn School District to change the designation of King Co. Parcel No. 2121059042 totaling approximately 2.19 acres and located on the north side of Auburn Way South approximately 400 feet west of Noble Court SE from "Multiple-Family Residential" to "Institutional" and related rezone from "R-20, Residential 20 dwelling units per acre" to "P-1, Public Use".

Chair Roland opened the public hearing for CPM#2 ,CPA20-0001 & REZ20-0001 - Request by Auburn School District to change the designation of King Co. Parcel No. 2121059042 totaling approximately 2.19 acres and located on the north side of Auburn Way South approximately 400 feet west of Noble Court SE from "Multiple-Family Residential" to "Institutional" and related rezone from "R-20, Residential 20 dwelling units per acre" to "P-1, Public Use" on November 17, 2020 at 8:17 p.m.

Senior Planner, Anthony Avery provided the staff report.

The Applicant, Camie Anderson of Shockey Planning Group, representing Jeff Grose of the Auburn School District, submitted applications for a Comprehensive Plan map amendment (File No. CPA20-0001) and a related re-zone (File No. REZ20-0001). More specifically, the applications request a change in the designation of the parcel consisting of approximately 2.19 acres from the current designation of "Multiple-Family" to "Institutional" and a re-zone from "R-20 Residential – Twenty Dwelling Units per Acre" to "P-1 – Public Use District". The Applicant identifies that this is a non-project action.

The Site, comprised of one parcel, is located on the north side of Auburn Way S and approximately 400 feet west of Noble Court SE, addressed as 3440 Auburn Way S. The parcel is identified as King County parcel numbers 212105-9042.

Jeff Grose from the Auburn School District (ASD), addressed the Planning Commission with brief comments: The parcel referenced in the staff report is adjacent to Chinook Elementary School. The school is being replaced under a school issued bond program. The school is past its useful life and there is a need to build a larger school to accommodate over- crowding. The parcel under consideration is needed for school district's use for a number of reasons: it will allow for a larger school as notes before, it will allow the ASD to increase the on-site parking which reduce impact on neighborhoods, and it will help ASD improve the

entry/access onto to the site. Mr. Grose thanks the Commission and reiterated that he was here for any questions.

Commissioner Stephens inquired if the ASD has already acquired the property and Mr. Grose confirmed that they had. The Commission asked if anything was on the property as of now and Mr. Grose confirmed that there is a single family residence and a four-plex apartment building.

Asking three times and with no other public testimony, Chair Roland closed the public hearing at 8:23 p.m.

With no other questions from the Commission, the Commission deliberated.

Commissioner Stephens moved and Commissioner Moutzouris seconded to recommend approval of Comprehensive Plan 2020 Amendment CPM#2 ,CPA20-0001 & REZ20-0001 - Request by Auburn School District to change the designation of King Co. Parcel No. 2121059042 totaling approximately 2.19 acres and located on the north side of Auburn Way South approximately 400 feet west of Noble Court SE from "Multiple-Family Residential" to "Institutional" and related rezone from "R-20, Residential 20 dwelling units per acre" to "P-1, Public Use" to City Council.

Motion Passed 5-0

C. Continued Public Hearing for code amendments for wireless communication facilities, ZOA20-0005. Changing Title 17, 'Land divisions and adjustments' & Title 18, 'Zoning' The purpose of the changes are to modernize the code in response to changes in state & federal regulations.

Commissioner Khanal excused himself from this portion of the meeting due to a conflict of interest with his employer.

Staff explained the City is systematically initiating changes to various city code sections to address consistency with changes in state & federal law requirements and to reflect changes in wireless communication technology among other minor changes. Due to the highly technical and litigious nature of the subject, the City hired a legal consultant specializing in the subjects of wireless communication and ROW permitting of franchises and that is familiar with the results of court decisions. The City Legal Dept., Public Works Dept., and Community Development Dept. staff has been working with this consultant over the last year on drafting code changes.

Based on this code drafting, the City is simultaneously proposing to amend code sections affecting public right-of-way franchises, and right-of-way use permits among others and these changes are not the subject of Planning Commission consideration since they primarily address the subject of city rights-of-way. However, the city is proposing to amend city code section, Title 17 'Land Adjustment and Divisions' (the subdivision code) and Title 18 'Zoning' which are subject to review and recommendation by the Planning Commission.

At the Planning Commission's October 20, 2020 regular meeting, staff introduced, described, and presented these code changes that were shown in writing by strikeout (deletions) and underline (additions).

Subsequently, the code changes were scheduled for a public hearing on November 4, 2020. Prior to this hearing, the City received two sets of comments and associated cover letters from representatives of wireless carriers, Verizon and AT&T. The cover letters and sets of markups were e-mailed to the commission members in advance of the public hearing. At the conclusion of the public hearing the Planning Commission voted to close the record and continue the public hearing to their November 17, special meeting.

Again, due to the large volume of comments, the highly technical nature of the comments, the need to research and confer with the city's consultant and other departments, the city has not had time to fully consider the significance and evaluate all the comments, the city staff is again requesting, that the hearing be continued to the December 8, 2020 regular meeting to be held virtually starting at 7:00 pm.

Commissioner Stephens motioned and Commissioner Moutzouris seconded to continue the Public Hearing for Continued Public Hearing for code amendments for wireless communication facilities, ZOA20-0005. Changing Title 17, 'Land divisions and adjustments' & Title 18, 'Zoning' The purpose of the changes are to modernize the code in response to changes in state & federal regulations and will be continued on December 8, 2020 regular meeting held virtually starting at 7:00 p.m.

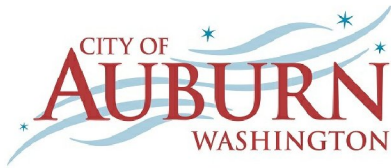
IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that Mayor Backus announced that staff wouldn't be reporting back to the offices until April, 2021 but that this could be subject to change with changes in circumstances to the Covid Pandemic.

An update to the Commission on the Sound Transit Parking Garage is that Sound Transit is still pursuing the development of the new parking garage and continue to make progress but at a slower schedule at the present time.

V. 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:

Continued Public Hearing for Code Amendments for Wireless Communication Facilities, ZOA20-0005. Changing Title 17, 'Land Divisions and Adjustments' & Title 18, 'Zoning'.

Date:

November 30, 2020

Department:

Community Development

Attachments:

[Memo](#)

[Exhibit 1 Title 17-18 Clean Copy](#)

[Exhibit 2 - Staff Report for ZOA20-0005 WCF](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

The purpose of the changes are to modernize the code in response to changes in state & federal regulations.

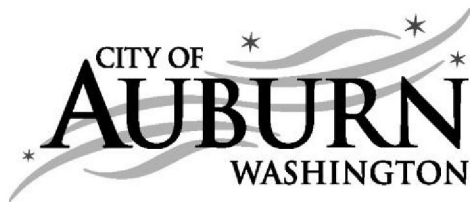
Reviewed by Council Committees:**Councilmember:****Staff:**

Dixon

Meeting Date: December 8, 2020

Item Number:

PH.1



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Roger Lee, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Dixon, Planning Services Manager, Department of Community Development
Jeff Tate, Director, Department of Community Development

DATE: November 30, 2020

RE: ZOA20-0005, **Continued Public Hearing** on Proposed Code Amendments related to Wireless Telecommunications Regulations

Background summary

The City is systematically initiating changes to various city code sections to address consistency with changes in state & federal law requirements and to reflect changes in wireless communication technology among other minor changes. Due to the highly technical and litigious nature of the subject, the City hired a legal consultant specializing in the subjects of wireless communication and ROW permitting of franchises and that is familiar with the results of court decisions. The City Legal Dept., Public Works Dept., and Community Development Dept. staff has been working with this consultant over the last year on drafting code changes.

As part of this, the city is proposing to amend city code section, Title 17 'Land Adjustment and Divisions' (the subdivision code) and Title 18 'Zoning' which are subject to review and recommendation by the Planning Commission.

Brief history of recent actions

At the Planning Commission's **October 20, 2020** special meeting, staff introduced, described, and presented these code changes that were shown in writing by strikeout (deletions) and underline (additions).

Subsequently, the code changes were scheduled for a public hearing on **November 4, 2020**. Prior to this hearing, the City received two sets of comments and associated cover letters from representatives of wireless carriers, Verizon, and AT&T. These cover letters and sets of markups were e-mailed to the commission members in advance of the public hearing. **At the conclusion of the public hearing the Planning Commission voted to close the record and continue the public hearing to their November 17, special meeting.**

Again, due to the large number of comments, the highly technical nature of the comments, the need to research and coordinate with other departments, the city staff did not have time to fully consider the significance and evaluate all the comments prior to the November 17, 2020 meeting. At the November 17, ²⁰²⁰ staff requested and the Planning Commission **continued the public hearing to the December 8, 2020 regular meeting held virtually starting at 7:00 pm.**

Staff subsequently held a teleconference with representatives of wireless carriers: Verizon, AT&T, and T Mobile on **November 19, 2020.** The discussion focused on the carrier's key areas of concern by these industry representatives. The City reiterated that the city-proposed changes were mainly for the purpose of consistency with federal law and that other requested changes may be outside this scope of the city's current project. The representatives can always initiate separate applications to the city for changes. Based on this discussion, staff has affected a handful of additional changes shown in a different color in the attached Exhibit 1, and summarized, below.

Changes based on staff and wireless industry teleconference

1. Page 34, ACC 18.31.100, WCF Siting Standards, Subsection B. 1.c, "Separation between facilities" and Page 40, ACC 18.31.100, WCF Siting Standards, Subsection G.7.a. ii, regarding criteria for an administrative waiver from concealment techniques

In response to wireless industry comments, a change is made in both places to add language to recognize that an exception to either new tower minimum separation distance or to WCF concealment techniques may be authorized by the City based not only on technological feasibility but also based on the availability of sites and ability to secure leases for new wireless facility locations upon submittal of specific evidence of attempts to secure locations that is determined to be satisfactory by the City.

Summary Excerpt -----

c. The Community Development director may exempt an applicant from these separation requirements if (1) the applicant demonstrates to the City's satisfaction that despite diligent efforts, other options are neither available to lease nor technologically feasible to address a service provider's demonstrated gap in coverage or demonstrated lack of system capacity. Documentation regarding inability to lease shall include names and addresses of owners contacted, date of contact, method of contact and owner responses and failure to approve the exemption would be an effective prohibition of the applicant being able to provide wireless communications, or (2) the director determines, when considering the surrounding topography; the nature of adjacent uses and nearby properties; and, the height of existing structures in the vicinity, that placement of a tower at a

distance less than the minimum separation from another tower will reduce visibility and reduce visual clutter to a greater extent.

Summary Excerpt -----

ii. The applicant demonstrates to the City's satisfaction that despite diligent efforts, other options are neither available to lease nor technologically feasible to address a service provider's demonstrated gap in coverage or demonstrated lack of system capacity. Documentation regarding inability to lease shall include names and addresses of owners contacted, date of contact, method of contact and owner response There is no existing nearby alternate structure for co-location or attachment that will provide the technological functionality and which otherwise meets the design standard requested to be waived; and

2. Page 34-35, ACC 18.31.100, WCF Siting Standards, Subsection C.3, "Co-location Requirements".

Add language to clarify that city's requirements for co-location (sharing of facility by more than one carrier/company) are based on a total of two wireless communication carriers and not two (2) carriers in addition to the original carrier applying for and installing the facility.

Summary Excerpt -----

3. Towers shall be designed and constructed to allow the tower to accommodate WCFs from at least two (2) carriers on the same tower; one in addition to the original. No property owner or carrier shall unreasonably exclude another carrier from using the same facility or location. Design and construction for co-location shall not be required when it would materially compromise the camouflage design intent of the tower, or when, in the reasonable discretion of the Community Development director, such construction is not technically feasible based upon construction, engineering and design standards of the industry, or based upon evidence provided, a tower designed for co-location will not be commercially viable. An applicant, owner, or operator seeking Community Development director approval to waive the co-location requirements described herein shall provide evidence explaining why co-location is not possible at a particular tower.

Staff Recommendation

Staff recommends the Planning Commission recommend approval of the revised code changes to Titles 17 & 18 as shown in Exhibit 1 to the City Council.

Attachments:

Exhibit 1 – Title 17 and 18 as previously presented and with **additional changes** based on teleconference with industry representatives held on 11-19-20. Changes are listed above and shown in different color.

Exhibit 2 - Staff report as previously presented at the November 4, 2020 Planning Commission Meeting (This document is unchanged). This document is provided to ensure that the “Findings of Fact” are available for the Commission.

17.14.080 Underground utilities.

A. Consistent with ~~ACC~~ Titles 12 and 13 ACC and the city's ~~design and construction standards~~Engineering Design and Construction Standards, all utility lines serving the subdivision, including but not limited to power, telephone and television cables, shall be installed underground. Adequate easements shall be provided for all such utility lines which will not be located within public ~~right-of~~-way. Television conduit and miscellaneous hardware shall be installed according to the requirements of Chapter 13.3620.06 ACC.

B. Whenever an intersection of an arterial and any other street is constructed or improved under the requirements of this title, and when the city engineer has determined that traffic signalization of such intersection will be needed in the future, the city engineer may require the installation, at the ~~subdivider's~~ applicant's expense, of underground conduit which will be necessary for and will facilitate such future signalization. (Ord. 6239 § 1, 2009; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988. Formerly 17.12.240.)

Chapter 17.28
INFRASTRUCTURE CONDUIT

[Repealed]

Sections:

~~17.28.010 — Infrastructure conduit in streets.~~

~~17.28.010 — Infrastructure conduit in streets.~~

~~In addition to the other requirements set forth in this title, any time street improvements or right-of-way improvements are to be provided in connection with development activity governed hereby, the city review process shall determine in consultation with public works, police, parks, arts, and recreation, planning and development departments, information services, and with the local fire authority, whether conduit at least three inches in diameter should be included therein, in which cases, if so required, the applicant shall construct said improvement in conformance with the public facility extension requirements of Chapter 13.40 ACC. (Ord. 6414 § 3, 2012.)~~

18.02.040 Applicability.

A. The provisions of this title shall apply to both public and private use of land within the corporate limits of the city.

B. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the zone in which such building, land, or premises is located.

C. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance herewith, may continue as provided in Chapter 18.54 ACC.

D. No division of land shall occur unless in compliance with the provisions of this title and ~~ACC~~ Title 17 ACC, Land Adjustments and Divisions.

E. This title is not intended to regulate the public ways as defined in ACC 20.02.020. ~~the erection, construction, or reconstruction of public streets, power poles, street lights, utility facilities, utility conveyance or storage systems, transmission lines, or other public uses necessary to support the general public welfare, carried on by the city, or agents of the city working under the appropriate contract or franchise.~~
(Ord. 6245 § 2, 2009; Ord. 5026 § 1, 1997; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987. Formerly 18.02.030.)

18.04.912 Wireless communications - Definitions.

~~“Wireless communications” means the provision of any personal wireless service, as defined in the Telecommunications Act of 1996, and for the purposes of this title includes the following terms:~~

A. ~~“Alternative Tower Structure” means man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals the presence of Antennas or Towers so as to make them architecturally compatible with the surrounding area pursuant to this title. This term also includes any Antenna or Antenna array attached to an Alternative Tower Structure. A stand-alone pole that that accommodates Small Wireless Facilities is considered an Alternative Tower Structure to the extent it meets the concealment standards of this Code.~~

B. ~~“Antenna” means any devise used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.a device used in wireless communications which transmits and/or receives radio signals. Antennas include the following types:~~

~~1.—Accessory: Antennas including, but not limited to, test mobile antennas and Global Positioning System (GPS) antennas which are less than 12 inches in height or width and do not directly provide personal wireless communication.~~

~~2.—Directional or panel: An antenna or array of antennas designed to transmit a radio signal in a particular direction typically encompassing an arc of 120 degrees. Panel antennas, also called directional antennas, are typically flat, rectangular devices approximately six square feet in size.~~

~~3.—Dish or parabolic: A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.~~

4. ~~Whip, rod or omni-directional antenna: An antenna, tubular in shape, that transmits and receives signals throughout a 360-degree range.~~

5. ~~Other: All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna defined herein which most closely resembles such equipment.~~

B. ~~“Antenna array” means one or more rods, panels, discs or similar devices attached to a support structure used for the transmission or reception of radio frequency signals.~~

C. ~~“Attached wireless communications facility-(WCF)” means~~ a wireless communications facility that is affixed to an existing structure other than a Tower. Examples of attached wireless communication facilities include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures or replacement structures (such as in the case of a replacement stadium/ballfield light pole or a parking lot light standard). ~~an antenna array which is attached to an existing building or structure.~~

D. ~~“Base station” means the structure or equipment at a fixed location that enables wireless communications, licensed or authorized by the FCC, between user equipment and a communications network. By way of example, a building, ballfield structure or a utility pole, becomes a base station once wireless facilities are permitted and attached. The term does not encompass a wireless communication tower as defined in this title or any equipment associated with a wireless communication tower.~~

E. ~~“Concealment”, or “concealment design techniques” means that a wireless communication facility is~~ concealed or utilizes concealment, when any measures are used in the design and siting of wireless communication facilities with the intent to intended to make the facility look like something other than a wireless tower or base station. For example, a wireless communication facility site utilizes concealment design techniques when it (1) is integrated in an outdoor fixture such as a flagpole, or (2) uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree), or (3) is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to

match it) (such as a belvedere or a dormer), or replaces existing permitted facilities (including without limitation, freestanding light standards) so that the presence of the wireless communication facility is not readily apparent. The terms do not include fencing and landscape screening that is used to enhance visual compatibility at ground level.

FD. “Carrier” means a company providing wireless communication services, also referred to as a wireless service provider.

EG. “Co-location” means: (1) mounting or installing a WCF on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing a WCF on that structure. Provided that, for purposes of Eligible Facilities Requests, “Co-location” means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. the use of a common WCF or site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology.

H. “Eligible facilities request” (EFR) means any request for modification of an existing wireless communication tower or base station that was previously authorized by the local permitting jurisdiction and that does not substantially change, as defined in this Section, the physical dimensions of such wireless communication tower or base station from the original authorization involving: (1) co-location of new transmission equipment, (2) removal of transmission equipment, or (3) replacement of transmission equipment.

I. “Eligible Support Structure” means an existing wireless communication tower or base station as defined in this title and that has proposed alterations that meet the standards of an eligible facilities request

FJ. “Equipment facility” means a structure used to contain ancillary equipment for a WCF which may include cabinets, shelters, an addition to an existing structure, pedestals and other similar structures.

K. “Emergency wireless communication facility (EWCF)” means any structure not entirely within an enclosed building or vehicle, including antennas, guy wires, microwave dishes or horns, structures or towers to support receiving and/or

transmitting devices, accessory buildings, i.e., equipment storage buildings, energy power generating housing, and the leased or owned property surrounding the wireless communication tower and any access or utility easements, that is used for the transmission or reception of electromagnetic waves for emergency communication purposes, operated by a local public agency responsible for providing emergency services

L. “Existing” means a constructed tower or base station if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

~~GM.~~ “Microcells” are ~~typically located in and exclusively benefit residential neighborhoods. Microcells~~Small Wireless Facilities consisting of an antenna that is either: (1) ~~a dish or parabolic antenna that is~~ no more than four feet in height and with an area of not more than ~~five hundred eighty~~580 square inches; or (2) ~~if~~ a tubular antenna, ~~that is~~ no more than four inches in diameter and no more than six feet in height; ~~or (3) one or more panel antennas that are no more than six feet in height, and their width or depth is no more than six inches and the aggregate area of such panel antenna(s) would not exceed 580 square inches that would be visible from any one viewpoint; or (4) similar antennas that are of comparable size and shape.~~

N. “Monopole” means a single, freestanding pole-type structure supporting one or more antennas.

~~HO.~~ “Separation” means minimum distance required by city regulation between the base of Towers~~primary support structures.~~

P. “Site” for purposes of this chapter means for wireless communication towers other than wireless communication towers in the public way, the current boundaries of the leased or owned property surrounding the wireless communication tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original

support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to February 22, 2012 or otherwise outside of the Spectrum Act's Section 6409(a) process.

Q. "Small wireless facilities" shall mean the definition contained in Chapter 20.14 ACC, including Microcells, and may be permitted either within or outside of the public way, in accordance with applicable law.

R. "Substantial change" for purposes of this chapter means a modification that alters the physical dimensions of an eligible support structure if, after the modification, the structure meets any of the following criteria:

1. For towers other than towers in the public way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the top of nearest existing antenna to the bottom of the new antenna, not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

2. For towers other than towers in the public way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site as that term is defined in this section except that, for towers other than towers in the public way,

it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the original approval of the construction or modification of the eligible support structure or base station equipment, unless noncompliance is only in a manner that would exceed the thresholds identified in subsections (1) through (4) of this definition.

For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure as it existed at the time the first Eligible Facilities Request was approved for that structure in cases where facilities are or will be separated horizontally, in other circumstances, changes in height are measured from the dimensions of the wireless communication tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

§. “Support structure” means a structure designed to support WCFs including, but not limited to, towers, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures. ~~the structure to which the antenna and other necessary associated hardware are attached. Support structures include but are not limited to the following:~~

1. ~~Lattice tower: A structure of varying height that consists of a network of crossed metal braces forming a tower which is usually triangular or square in cross section. To be considered a primary support structure.~~

2. ~~Monopole: A structure of varying height consisting of a single spire sunk into the ground and/or attached to a foundation. To be considered a primary support structure.~~

3. ~~Other structures: This may include existing buildings, water towers, athletic field light poles, or other similar structures. To be considered a secondary support structure.~~

T. “Toll” and “Tolling” means to delay, suspend or hold off on the imposition of a deadline, statute of limitations or time limit.

U. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

W “Wireless communications” means the provision of any personal wireless service, as defined in the Telecommunications Act of 1996, as amended, or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services.

JW. “Wireless communications facility (WCF)” means a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include an accessory wireless communications antenna, used for serving that building only and that is otherwise permitted under other provisions of the ACC. A WCF includes an antenna or antennas, including without limitation, direction, omni-directional and parabolic antennas, support equipment, alternative tower structures, and wireless communication towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios or telephones and their associated transmitting antennas, nor does it include other facilities specifically exempted from the coverage of this titleany nonstaffed facility for the transmission and/or reception of

~~wireless telecommunications services, typically consisting of an antenna array, an equipment facility and/or a support structure.~~

~~K. “Emergency wireless communication facility (EWCF)” means a wireless communications facility for the purpose of an emergency communication system operated by a local public agency responsible for providing emergency services.~~

~~(Ord. 6716 § 1 (Exh. A), 2019; Ord. 6245 § 3, 2009; Ord. 5777 § 1, 2003; Ord. 5645 § 1, 2002; Ord. 5020 § 1, 1997.)~~

18.07.020 Uses.

Table 18.07.020. Permitted Use Table – Residential ~~Zones~~Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping of animals ⁴	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
the neighborhood homeowners' association							
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a	X	X	X	X	A	A	A

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
home occupation in compliance with Chapter 18.60 ACC							
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Marijuana cooperative	X	X	X	X	X	X	X
Marijuana processor	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X
Marijuana related business	X	X	X	X	X	X	X
Marijuana researcher	X	X	X	X	X	X	X
Marijuana retailer	X	X	X	X	X	X	X
Marijuana transporter business	X	X	X	X	X	X	X
Mixed-use development ³	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communication facility (see ACC 18.04.912(WJ) and ACC 18.31.100)	P	P	P	P	P	P	P
<u>Eligible facilities request (EFR)</u> <u>(Wireless communication facility – See ACC 18.04.912(H))</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
<u>Small wireless facilities (ACC 18.04.912(Q))</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

1 An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.

2 Please see the supplemental development standards for animals in ACC 18.31.220.

3 Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

4 Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the board of health code.

5 Excludes all public and private utility facilities addressed under ACC 18.02.040(E).

6 Administrative use permit not required when approved as part of a subdivision or binding site plan.

7 Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.

8 An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.

(Ord. 6642 § 4, 2017; Ord. 6600 § 9, 2016; Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

18.23.030 Uses.

A. *General Permit Requirements.* Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. *Requirements for Certain Specific Land Uses.* Where the last column in Table 18.23.030 (“Standards for Specific Land Uses”) includes a reference to a code section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.23.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones.

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									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180

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	
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)

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	
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	A	P	A	A	<u>ACC 18.57.025(A)</u>
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	

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	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	

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	
Work/live unit	X	P	P	P	P	P	P	X	
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									
Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	

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	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	

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	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
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	

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	
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(C)
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	

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	
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(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	X	X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	

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	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF) (See ACC 18.04.912(W))	<u>—*</u>	<u>—*</u>	<u>—*</u>	<u>—*</u>	<u>—*</u>	<u>—*</u>	<u>—*</u>	<u>—*</u>	ACC 18.04.912, *See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (Wireless communication facility) (See ACC 18.04.912(H))	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

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	
<u>Small wireless facilities (ACC 18.04.912(Q))</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)
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.	A	A	A	A	A	A	A	A	

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	
or Monday – Saturday: 7:00 a.m. to 10:00 p.m.									
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	

1 Any motor freight terminal, as defined by ACC 18.04.635, in existence as of the effective date of the ordinance codified in this section, is an outright permitted use in the M-1 and M-2 zones. Any maintenance, alterations and additions to an existing motor freight terminal which are consistent with ACC 18.23.040, Development standards, are allowed.

2 Any mixed-use development or senior housing project vested prior to Resolution No. 5187 (December 7, 2015) is an outright permitted use in the C-1 zone. Subsequently, if a nonresidential use within a vested mixed-use development changes, then the nonresidential use shall maintain a minimum of 10 percent of the cumulative building ground floor square footage consisting of the uses permitted

outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” of the C-1 zone.

(Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

18.31.100 Wireless communications facilities siting standards.

The following siting standards are intended to guide the location and development of wireless communications facilities (WCF as defined by ACC 18.04.912(W) ~~but not including microcells~~) on properties regulated under this title. The siting of ~~microcells~~ small wireless facilities shall also be in accordance with ~~siting of microcells found in~~ ACC 18.31.110.

A. *Types of Wireless Communication Facilities (WCFs)*. For the purposes of determining in which zones wireless communications facilities are to be permitted, and which land use approval process applies, they will be classified pursuant to the following types. Refer to the table in subsection L of this section to determine which zones allow for the following types of facilities:

1. *Type 1*. Type 1 ~~are new antennas erected on existing buildings or nonresidential structures~~ is a new wireless communication facility (WCF) that is affixed to an existing structure other than a “wireless communication support structure” (also known as, an “Attached wireless communication facility”). Examples of attached wireless communications facilities include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures.

There are four separate Type 1 categories described as follows:

- a. 1-A. The combined height of the ~~antenna-WCF~~ together with the height of the existing ~~building-structure~~ cannot be 25 percent greater than the existing ~~building-structure~~ or exceed the height limitation of the zone in which the ~~building-structure~~ is located.
- b. 1-B. The combined height of the ~~antenna-WCF~~ together with the height of the existing ~~building-structure~~ cannot be 50 percent greater than the existing ~~building-structure~~ or exceed the height limitation of the zone in which the ~~building-structure~~ is located.
- c. 1-C. The combined height of the ~~antenna-WCF~~ together with the height of the existing ~~building-structure~~ is 50 percent greater than the existing ~~building structure~~ or exceeds the height limitation of the zone in which the ~~building structure~~ is located. The height limitation of the zone can only be exceeded by 25 percent.

d. 1-D. ~~Antenna~~The WCF is located on an existing non-habitable structure such as a water towers, athletic field light poles, or similar public utility infrastructure not located within a public street right-of-way or that is located on an existing non-residential structure such as a fire station, school, church or other similar type of institutional use whose site does not contain dwellings. The height limitation of the WCF will be 10 percent of the existing structure height, but may be increased to a maximum of 20 percent with an administrative use permit and may be increased to a maximum of 30 percent with a conditional use permit. The height limitation of the zone may be exceeded relative to the above provisions allowed for a 1-D facility.

Any increases in height above the limits of the zoning district, as permitted for Type1 facilities must include concealment techniques approved by the city.

2. Type 2. Type 2 are new ~~antennas-equipment~~ erected on existing ~~(primary) support structures~~towers that have previous ~~city~~ approvals. There are two separate Type 2 categories described as follows:

a. 2-A. Any request for modification of an existing wireless communication tower or base station that was previously authorized by the local permitting jurisdiction and that would exceed a "Substantial change", and the combined height of the WCF and structure cannot be 20 percent greater than the existing structure and ~~Must meet height requirements of previous approval and~~ is limited to 50 percent total (cumulative) expansion of equipment area.

b. 2-B. Any request for modification of an existing wireless communication tower or base station that was previously authorized by the local permitting jurisdiction and that that would exceed a "Substantial change", and the combined height of the WCF and structure cannot be 50 percent greater than the existing structure and allow for more than 50 percent (cumulative) expansion of equipment area. ~~Has greater height requirements than previous approval and allows for more than a 50 percent expansion of the equipment area.~~

Any increases in height above the limits of a particular zone, as permitted for Type 2 facilities must include concealment techniques approved by the city.

3. *Type 3.* Type 3 is the erection of a new (primary)-support structures "Tower". There are three separate Type 3 categories described as follows:

- a. 3-A. ~~Monopoles~~ "Towers" that are 75 feet or less in height.
- b. 3-B. ~~Monopoles~~ "Towers" that are more than 75 feet in height or lattice towers of any height.
- c. 3-C. ~~Monopoles or lattice towers~~ "Towers" that meet the definition of an EWCF Emergency wireless communication facility (EWCF) and are 185 feet or less in ~~structure~~ height.

~~4. *Type 4.* Type 4 are new antennas erected on existing EWCF (primary) support structures that have previous city approvals. There is one Type 4 category, which is described as follows:~~

- ~~a. 4-A. Mounting of antennas cannot exceed the following thresholds:~~
 - ~~i. Increase the height of an existing primary support structure by 10 percent, or 20 feet (whichever is less).~~
 - ~~ii. Add an appurtenance to the body of the tower that would protrude from the outside edge of the tower more than 20 feet.~~
 - ~~iii. Install more than four ancillary equipment facilities.~~

~~1 This section is intended to be interpreted consistent with 47 CFR 1.40001, as amended.~~

B. *Separation between Facilities.*

1. *New, Freestanding ~~Primary Support Structures~~ Towers.*

- a. The minimum separation, i.e., distance, between a proposed ~~monopole tower~~ (that is 75 feet or less in height) and any other existing ~~primary support structure tower~~, of any height, shall be the height of the proposed ~~monopole tower~~, including antenna, multiplied by a factor of 10.
- b. The minimum separation, i.e., distance, between a proposed ~~monopole tower~~ (that is more than 75 feet in height, or lattice towers of any height) and

any other existing ~~primary support structure tower~~, of any height, shall be the height of the proposed ~~monopole tower~~, including antenna, multiplied by a factor of 20.

c. The Community Development director may exempt an applicant from these separation requirements if (1) the applicant demonstrates to the city's satisfaction that despite diligent efforts, other options are neither available to lease nor technologically feasible to address a service provider's demonstrated gap in coverage or demonstrated lack of system capacity. Documentation regarding inability to lease shall include names and addresses of owners contacted, date of contact, method of contact and owner response the applicant demonstrates through technical network documentation that the minimum separation requirement cannot be satisfied for technical reasons, and failure to approve the exemption would be an effective prohibition of the applicant being able to provide wireless communications, or (2) the director determines, when considering the surrounding topography; the nature of adjacent uses and nearby properties; and, the height of existing structures in the vicinity, that placement of a tower at a distance less than the minimum separation from another tower will reduce visibility and reduce visual clutter to a greater extent.

2. The distance between ~~primary support structure towers~~ shall be measured by following a straight line, without regard to intervening buildings, from the base of one ~~support structure tower~~ to the base of the other ~~support structure tower(s)~~.

3. A ~~primary support structure tower~~ would be considered "existing" if it was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built. For example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing. It shall be the applicant's responsibility to provide evidence of lawful construction. Subsequent city permitted modifications of a tower that qualify as an Eligible Facilities Request and do not amount to a "Substantial Change", do not make an existing tower non-conforming. a conditional use permit or administrative use permit has been issued and is still valid for sites which have not been built upon.

C. Co-Location Requirements.

1. For ~~monopoles towers~~ that are more than 75 feet in height and lattice towers of any height ~~(Type 3-B facilities)~~, the owner of the ~~property tower~~ shall execute and provide evidence of a nonexclusive lease with the ~~carrier underlying property owner, if the property owner is different,~~ that allows for other carriers to place antennas ~~and equipment~~ on the structure ~~unless specific approval not to is provided in accordance with subsection 3 below.~~

2. Any application for a Type 3-B or 3-C ~~facility Towers that are more than 75 feet in height or lattice towers of any height or tower~~ shall include technical, ~~environmental, or regulatory~~ justification that an existing ~~Type 3-B or 3-C facility~~WCF with a nonexclusive lease could not be used instead of constructing a new tower.

3. ~~Towers shall be designed and constructed to allow the tower to accommodate WCFs from at least two (2) carriers on the same tower; one in addition to the original. No property owner or carrier shall unreasonably exclude another carrier from using the same facility or location. Design and construction for co-location shall not be required when it would materially compromise the camouflage design intent of the tower, or when, in the reasonable discretion of the Community Development director, such construction is not technically feasible based upon construction, engineering and design standards of the industry, or based upon evidence provided, a tower designed for co-location will not be commercially viable. An applicant, owner, or operator seeking Community Development director approval to waive the co-location requirements described herein shall provide evidence explaining why co-location is not possible at a particular tower.~~

D. *Height.*

1. Unless otherwise provided for, the height of any ~~primary support structure and/or antenna~~tower with appurtenances shall not exceed the height limitations of the zone.

2. The maximum height of any ~~primary support structure~~tower shall not exceed 120 feet ~~except as an eligible facility request.~~

3. There shall be no variances allowed to the height limitations.

4. The ~~carrier applicant~~ shall provide evidence that the Federal Aviation Administration (FAA) has approved the location ~~of a primary support structure and any future increases in height or other modifications that would otherwise be permissible as an eligible facilities request (EFR) for any tower~~ relative to the Auburn Municipal Airport.

5. Unless otherwise restricted by this section, building- or structure-mounted antennas may extend a maximum of 15 feet above the maximum height permitted for structures within the zone.

6. Antennas that are mounted on structures that do not otherwise have a height restriction may be allowed to increase the overall height of the structure by no more than 10 percent of the height of the structure unless additional approvals are obtained.

E. *Setbacks.*

1. All equipment shelters, cabinets, support structures or other above-ground facilities shall meet the setback requirements of the zone in which located except as follows. All equipment shelters, cabinets, or other above-ground facilities used to support ~~primary support structures~~WCFs shall be set back the same distance required of the ~~primary support structure~~WCF ~~except as an eligible facility request~~. All equipment shelters, cabinets, or other above-ground facilities within a nonresidential zone shall be set back a minimum of 50 feet from any adjacent ~~R residential~~ zone ~~except as an eligible facility request~~.

2. The minimum distance from any ~~primary support structure~~tower, of any height, to any residentially zoned parcel of property, ~~including mixed use zones that include residential uses~~ shall be a distance equal to the overall height of the ~~primary support structure~~tower (including antennas) multiplied by a factor of two.

3. Where ~~possible~~technically feasible, roof-mounted antennas and equipment shelters and/or cabinets are to be placed towards the center of the building, or away from public views. Equipment shelters and/or cabinets shall be screened by a parapet or similar architectural feature.

F. *Fencing and Landscaping.*

1. *Fencing.* Fencing is required to enclose all above-ground support equipment that is associated with ~~primary support structures~~towers. Fencing will be 100 percent sight-obscuring, as defined in ACC 18.31.020(C)(2), if visible from a public ~~right-of-way~~ or from a less intense zone. Equipment shelters and/or cabinets shall be enclosed by fencing a minimum of six feet in height. Fencing shall meet the sight distance requirements of the city ~~design and construction standards~~Engineering Design and Construction Standards.

2. *Landscaping.*

a. Where above-ground support equipment is visible from a public ~~right-of-way~~, a minimum width of five feet of ~~Type II~~ landscaping ~~as defined in ACC 18.50.040~~ will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the public ~~right-of-way~~. The landscaping shall consist of evergreen and deciduous trees with no more than 50 percent being deciduous, and shrubs and groundcover shall be provided. Landscaping shall meet the sight distance requirements of the city ~~design and construction standards~~Engineering Design and Construction Standards.

b. Where facilities are visible from adjacent residential ~~or mixed use zoning districts~~uses, a minimum width of five feet of ~~Type I~~ landscaping ~~as defined in ACC 18.50.040~~ will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the adjacent residential uses. The landscaping shall consist of evergreen trees or tall shrubs, a minimum of six feet in height at planting which will provide a 100 percent sight-obscuring screen within three years from the time of planting; or a combination of evergreen and deciduous trees with no more than 30% being deciduous, backed with a 100 percent sight-obscuring fence, as defined in ACC 18.31.020(C)(2), with shrubs and groundcover provided.

c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Existing on-site vegetation may be used to meet the landscape requirements if approved by the ~~planning~~ Community Development director.

G. *Aesthetics.*

1. Concealment Design Techniques. All WCFs and any transmission equipment shall, to the extent technically feasible, use concealment design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the components of the WCF and the WCF to the surrounding natural setting and/or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located on the site and parcel and on adjacent parcels.

a. At a minimum, all tower-mounted WCF equipment shall be colored to match the tower color.

b. Concealment design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures and/or natural or community features). Should the Community Development director determine that WCFs are located adjacent to or viewable from impression corridors as defined by the Comprehensive Plan, they shall (where possible) be designed (including but not limited to placement underground, depressed, or located behind earth berms) to minimize aesthetic impacts at the request of the Community Development director.

c. The concealment design may include the use of alternative tower structures should the Community Development director determine that such design meets the intent of this section and the community is better served.

d. All WCFs, shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only).

24. In order to minimize any potential negative aesthetic impacts from new ~~primary support structures~~WCFs including protecting views to and from residential neighborhoods, mitigation may be required to blend the facilities in with the adjacent ~~development or environs~~natural setting and/or built environment. Typical solutions for ~~the support structure~~concealment design might include: an extension of the building, a component of a sign structure,

disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.

WCFs shall be additionally sited in a manner that is sensitive to the proximity of the facility to residential structures. When placed near a residential or mixed use zoned property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential or mixed use zoned properties, or on the corner formed by two intersecting streets. If these requirements are not reasonably feasible from a construction, engineering, or design perspective, the applicant may submit a written statement to the Community Development director requesting the WCF be exempt from these requirements using the procedure for an administrative waiver elsewhere in this chapter.

32. Building- or roof-mounted antennas will be painted or textured to blend with the adjacent surfaces.

43. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street shall be placed on or affixed to any part of the WCF, unless required by the FCC or FAA.

54. Except as specifically required by the FAA (but must be approved by the city), freestanding ~~primary support structures~~towers shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens might be appropriate; however, each application shall be evaluated individually.

6. Concealment Design Standards for Accessory Equipment and Transmission Equipment. Accessory equipment and transmission equipment for all WCFs shall meet the following requirements:

a. All transmission equipment and accessory equipment shall be grouped as closely together as technically possible.

b. Transmission equipment and accessory equipment shall be located out of sight whenever possible by locating within equipment enclosures. Where such alternate locations are not available, the transmission equipment and accessory equipment shall be concealed.

c. Transmission equipment and accessory equipment shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure or uses other concealment design techniques so as to make the equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure.

7. Administrative Waiver.

a. An administrative waiver of any of the above concealment design standards may be requested of the Community Development director by filing a written application form provided by the city and payment of an application fee. The application will be evaluated for, and must demonstrate conformance with the following waiver criteria, for approval:

i. The concealment design standard prohibits or has the effect of prohibiting the provision of wireless communication service through the proposed WCF at the location because the standard will not allow the technology to function at that location; and

ii. The applicant demonstrates to the City's satisfaction that despite diligent efforts, other options are neither available to lease nor technologically feasible to address a service provider's demonstrated gap in coverage or demonstrated lack of system capacity. Documentation regarding inability to lease shall include names and addresses of owners contacted, date of contact, method of contact and owner response. ~~There is no existing nearby alternate structure for co-location or attachment that will provide the technological functionality and which otherwise meets the design standard requested to be waived; and~~

iii. The proposal for varying from the design standard represents a reasonable and best approximation of achieving the same objective as the specific standard sought to be waived; and

iv. The proposed alternative does not and will not conflict with public health, safety, or welfare.

b. If any concealment design standard is approved for waiver, the WCF proposed shall nevertheless meet all other applicable design standards not approved for waiver.

c. If a waiver request is denied for failure to meet any of the criteria specified above and there is no alternative for installation of the WCF at the particular location in a manner that meets the applicable design standards, then such application for the WCF for such specific location shall be denied.

H. *Lighting.*

1. Freestanding support structures shall not be artificially lighted, unless required by the FAA or other applicable authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes on property located outside of the public way. If lighting is required, the City may review lighting alternatives and approve the design that would cause the least illumination disturbance to the surrounding views. Any proposed lighting shall, at a minimum, comply with the standards of Chapter 18.55 ACC, (Outdoor Lighting) and shall be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.

2. Security lighting used to light the equipment facility shall be directed downward, shielded and kept within the boundaries of the site.

I. *Abandoned Facilities.*

1. Any WCF which is not utilized for a period of nine months or more will be considered abandoned.

2. Any WCF which falls into a state of disrepair as determined by the Community Development planning director will be considered abandoned.

3. Any WCF considered to be abandoned must be removed completely within 90 days from the date of notification by the city to the owner, owner's agent and/or the operator of the WCF, based upon the contact information that has previously been provided to the city's code enforcement personnel. The ~~city code enforcement personnel~~ may extend the 90-day period should a valid application for use of the facility be submitted to the city. The owner of such WCF shall remove the same within ninety (90) days of receipt of written notice from the city. If such WCF is not removed within ninety (90) days, the city may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

J. *Noise.* For the purposes of this section, WCF will be considered a Class B, commercial, noise source pursuant to WAC 173-60-040.

K. *Supplemental Information Required for Applications.* In addition to the information that is otherwise required for an application for a permit for a WCF, the following is also required:

1. For all new WCFs~~a new primary support structure and related equipment~~, the applicant shall provide the carrier's master network plan for the city showing the carrier's existing WCF locations and narrative explaining the potential WCF locations over the next year, if known. The applicant shall also provide technical justification supporting the need for the height of the WCF and for any new tower~~primary support structure~~ and why a shorter support structure could not be utilized. Any application for a ~~Type 3-B facility~~ new tower greater than 75 feet in height shall provide technical justification as to why a ~~Type 3-A facility tower of 75 feet or less in height~~ could not be utilized instead to adequately serve the Auburn community.

2. Narrative description of the facility including whether there is capacity on the proposed structure for more antennas,~~methods for minimizing visual impacts of the facilities, etc.~~ The applicant shall provide evidence of the ability to execute a non-exclusive lease between the carrier and the underlying property owner, if the property owner is different, that allows for other carriers to place antennas and equipment on the structure. This ability for co-location must be demonstrated,

unless relief from this requirement is requested and ultimately approved in accordance with the provisions in this Chapter.

3. A color swatch sample for the proposed primary support structure tower.
4. Narrative description of proposed concealment design techniques intended to make the facility look like something other than a tower or base station.

Photographs, photo simulations, or similar illustrations that show a reasonable likeness of the proposed facility including the antennas s-arrays and above-ground support equipment.

L. *Zones in Which WCF Are Permitted.* The following table illustrates which zones the types of facilities as defined by ACC 18.04.912(JK) and (WK) and ACC 18.31.100(A) are allowed in and which land use approval process, if any is permits are required. Microcells, as defined by ACC 18.04.912(GM) (not located in public ways), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC 18.04.912(GM).

Zone	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
<u>RO</u> RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C
C-3 <u>C-4</u>	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1, EP	1-B, 2-A	1-C, 2-B, 3-A	3-B

	Type of Permit Required		
Zone	Permitted Outright	Administrative Use Permit	Conditional Use Permit
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A ³
I	1-A	1-B	1-C
LF	1-A	1-B	1-C

1 Allowance for the WCF to extend to a height of 20 percent of the supporting structure.

2 Allowance for the WCF to extend to a height of 30 percent of the supporting structure.

3 The maximum height allowed, including antennas, is 45 feet.

M. *Exemptions.*

1. Unless otherwise provided for, the Mobile Testing Facilities/Equipment used to test network limitations following are exempt from the provisions of this section.÷

~~a. Microcells as defined by ACG 18.04.912(G).~~

~~b. Mobile Testing Facilities/Equipment Used to Test Network Limitations.~~

The facilities/equipment shall not be at any one location for more than 14 days and shall otherwise meet the requirements of any other ordinance, regulation or code provision.

2. EWCFs are exempt from the provisions of subsections B, Separation between Facilities; (C)(1), Co-Location Requirements; D, Height (except (D)(4)); and E, Setbacks, of this section. (Ord. 6716 § 1 (Exh. A), 2019; Ord. 6245 § 15, 2009.)

N. Eligible Facilities Requests (EFR)

1. Application and Review Requirement for Eligible Facilities Requests. Applicants seeking approval of eligible facility requests must complete an application form furnished by the city and comply with any requirements set forth in applicable city ordinances. The application form shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. The application may not require the applicant to demonstrate a need or business case for the proposed modification or co-location. Such information may include, without limitation, whether the project:

- a. Would result in a substantial change, as defined in ACC 18.04.912(R);
- b. Violates a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health, safety, and welfare.

2. Review Procedures for Eligible Facilities Requests. This section applies to any eligible facilities requests for co-location on, or modification to an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

a. Review Required for Eligible Facilities. No co-location or modification to any existing tower or base station may occur except after a written request from an applicant is reviewed and approved by the director. Upon receipt of an application for an eligible facilities request pursuant to this section, the city shall review such application to determine whether the application so qualifies.

b. Review Criteria. Upon receipt of an application for an eligible facilities request pursuant to this section, the city shall administratively review such application to determine whether the application meets the following criteria for an eligible facilities request:

- i. Does not result in a substantial change, as defined in ACC 18.04.912(R);
- ii. Does not violate a generally applicable law, regulation, or other rule reasonably related to public health, safety, and welfare and complies

with generally applicable building, structural, electrical, and safety codes;

iii. Complies with the original application ~~camouflage and~~ concealment design techniques or conditions of approval, including but not limited to colors, textures, surfaces, scale, character, and siting, or any approved amendments thereto, subject to the thresholds established in the definition of substantial change; and

3. Timeframe for Reviewing and Deciding Eligible Facilities Requests. Subject to the tolling provisions below, within sixty (60) days of the date on which an applicant submits a complete application, as determined by the director, the city shall approve the application unless it determines that the application does not qualify as an “eligible facility request”, or does not comply with other applicable code requirements.

a. Tolling of the Timeframe for Review. The 60-day review period deadline begins to run when the application is filed and may be tolled (halted) only by mutual agreement of the city and the applicant, or in cases where the director determines that the application is “incomplete”.

b. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;

c. The timeframe for review continues running again the following business day after the applicant makes a supplemental written submission in response to the city’s notice of incompleteness; and

d. Following a supplemental submission, the city will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified above in (a) and (b). In the case of a second or subsequent notice of incompleteness, the city may not specify missing

information or documents that were not delineated in the original notice of incompleteness.

4. Interaction with Telecommunications Act Section 332(c)(7). If the city determines that the applicant's request is not an eligible facilities request as delineated in this section of the Code, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order in WT Docket No. 08-165 (Adopted November 18, 2009), will begin to run from the issuance of the city's decision that the application is not a covered request. To the extent such information is necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

18.31.110 Siting of ~~microcells~~small wireless facilities.

The following siting standards are intended to guide the location and development of ~~microcells~~small wireless facilities as defined by ACC 18.04.912(P) but not including other wireless communications facilities (WCF). The siting of other wireless communications facilities shall be in accordance with siting of wireless communication facilities found in ACC 18.31.100.

A. Siting Criteria for ~~Microcells~~small wireless facilities (not located in public ways).

1. Panel antennas shall be incorporated into the design of the existing structure using painting, flush mounting or other concealment methods.
2. The equipment cabinets and other ground support equipment shall be located in an area that is no larger than ~~46 square~~17 cubic feet in volume, except that the following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecom demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch. The height of the equipment shall be no more than four feet. The equipment shall be designed to be compatible with the residential neighborhood the project shall provide a minimum width of five feet of ~~Type II~~ landscaping as defined in ACC 18.50.040 or fencing or a combination of these or similar features. The landscaping shall consist of evergreen and

deciduous trees with no more than 50 percent being deciduous, and shrubs and groundcover shall be provided.

3. There shall be a 300-foot separation between any ~~microcells~~small wireless facilities used by the same carrier.

~~4. The antennas must be located on light poles, power poles or similar public utility poles that are either owned/operated by the city of Auburn or owned/operated by a utility provider operating with an appropriate franchise if approved by the city engineer. The equipment cabinets may be located on private property.~~

~~54.~~ Anyone wishing to establish a ~~microcell~~ small wireless facility or associated components shall make application to the ~~community development~~planning director upon application forms provided by the ~~planning~~ director. The ~~planning~~ director shall review each application and may be empowered to approve, deny or modify the proposal. (Ord. 6245 § 15, 2009.)

18.35.030 Uses.

A. *General Permit Requirements.* Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.

B. *Requirements for Certain Specific Land Uses.* Where the last column in Table 18.35.030 (“Standards for Specific Land Uses”) includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.35.030. 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 Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
MARIJUANA RELATED BUSINESSES						
Marijuana processor	X	X	X	X	X	
Marijuana producer	X	X	X	X	X	
Marijuana researcher	X	X	X	X	X	
Marijuana retailer	X	X	X	X	X	
Marijuana transporter business	X	X	X	X	X	
PUBLIC						
Animal shelter, public	X	X	P	X	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	C	
Municipal parks and playgrounds	P	P	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds	X	X	X	P	P	
Recreational vehicle parks, private	X	X	X	P	X	
Cemetery, public	X	X	P	A	X	
Cemetery, private	X	X	X	A	X	
College, university, public	X	X	A	A	X	
Commercial recreation facility – Indoor	X	X	X	P	X	
Commercial recreation facility – Outdoor	X	X	X	A	C	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	X	
Library, museum	X	X	P	P	A	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Meeting facility, public or private	A	A	P	P	A	
Private school – specialized education/training (for profit)	P	P	X	P	X	
Public schools (K-12) and related facilities	X	X	P	P	X	
Religious institutions, lot size less than one acre	A	P	X	P	X	
Religious institutions, lot size more than one acre	C	A	X	P	X	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	X	
RESIDENTIAL						
Duplex	P ¹	X	X	A	X	
Home occupation	P	P	X	P	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Marijuana cooperative	X	X	X	X	X	
Multiple-family dwellings, stand-alone	P ²	A ³	X	A	X	
One detached single-family dwelling	P	X	X	X	P ⁵	
Nursing home, assisted living facility	A	A	X	P	X	
Senior housing	A	A	X	A	X	
RETAIL						
Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	X	
SERVICES						
Banking and related financial institutions, excluding drive-through facilities ⁴	P	P	X	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	A	
Home-based daycare	P	P	X	P	P	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Medical services – Clinic or urgent care ⁴	P	P	X	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	X	
Professional offices	P	P	X	A	A	
Personal service shops	P	P	X	X	X	
Pharmacies	X	P	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040(E)
<u>Wireless communication facility (WCF) (See ACC 18.04.912(W))</u>	<u>*</u> <u>–</u>	<u>*</u> <u>–</u>	<u>*</u> <u>–</u>	<u>*</u> <u>–</u>	<u>*</u> <u>–</u>	<u>*See ACC</u>
<u>Eligible facilities request (EFR) (Wireless communication facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
(See ACC 18.04.912(K))						
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	
Emergency wireless communication facility (EWCF)	X	X	X	P	X	See ACC 18.04.912 and 18.31.100
OTHER USES THAT ARE NOT LISTED						
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	P	P	P	P	P	

Notes:

1 Duplexes, 3,600 square feet of lot area per dwelling unit is required.

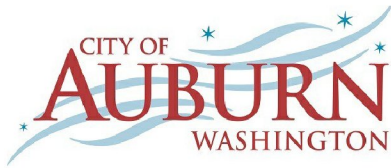
2 Multifamily dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.

3 Multifamily dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit.

4 Permitted within a public college or university as an amenity or service provided to students: A stand-alone bank or medical services/clinic is not permitted.

5 One single-family detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

(Ord. 6716 § 1 (Exh. A), 2019; Ord. 6677 § 3, 2018; Ord. 6642 § 11, 2017; Ord. 6434 § 1, 2012.)



AGENDA BILL APPROVAL FORM PLANNING COMMISSION

Agenda Subject/Title:

ZOA20-0005, Proposed Code Amendments
related to Wireless Telecommunications
Regulations

Date:

October 22, 2020

Department:

Community Development

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation: Planning Commission to conduct public hearing and recommend to City Council approval of Proposed Code Amendments related to Wireless Telecommunications Regulations and more specifically the changes to Title 17, 'Land Adjustments & Divisions' and Title 18, 'Zoning'.

BACKGROUND/SUMMARY:

The City is systematically initiating changes to various city code sections to address consistency with changes in federal law requirements and to reflect changes in wireless communication technology among other changes. Due to the highly technical and litigious nature of the subject, the City hired a legal consultant specializing in the subjects of wireless communication and right-of-way (ROW) permitting and franchises and that is familiar with the results of relevant court decisions. The City Legal Dept., Public Works Dept., and Community Development Dept. staff has been working with this consultant over the last year on drafting code changes.

Based on this code drafting, the City is simultaneously proposing to amend code sections affecting public ROW franchises, and ROW use permits among others and these changes are not the subject of Planning Commission consideration since they primarily address the subject of city rights-of-way (ROW). However, the city is proposing to amend city code section, Title 17 'Land Adjustment and Divisions' (the subdivision code) and Title 18 'Zoning' which are subject to review and recommendation by the Planning Commission.

For context for the Planning Commissioners, what follows is a list of the seven city code titles that are proposed to be changed simultaneously. It is necessary to change these simultaneously since there are cross references to definitions that are found in a different portion of the code. These cross references avoid duplication and aid future internal consistency of terms and facilities that are common to ROW and non-ROW locations.

A listing of the Code Titles to be changed and a brief summary of the proposed changes is provided below:

The following is not subject to Planning Commission Review: (copy not provided) -----

- Title 3, REVENUE AND FINANCE
 - Chapter 3.42, Cable Television Utility Tax
 - Chapter 3.84, Telephone Business
 - Chapter 3.88, Utility Services

The key changes to Title 3, are:

- *Align definitions with those of Title 20 for utilities, telecommunications and cable.*
- *Modernize procedural provisions to reflect actual process.*
- *Repeal of ACC 3.84.110 as annexation notification is addressed by applicable state law.*
- *Repeal of ACC 3.88.030 as the provision is outdated and duplicative of requirements in Title 5.*

- Title 5, BUSINESS LICENSES AND REGULATIONS
 - Chapter 5.84, Licensing of Telecommunications Carriers, Operators, Providers, and Other Utilities

The key changes to Title 5, are:

- *Remove purpose statement of business licensing as it is duplicative.*
- *Align definitions with those of Title 20 for utilities, telecommunications and cable.*
- *Modernize procedural provisions to reflect actual process.*

- Title 12, STREETS, SIDEWALKS AND PUBLIC WORKS
 - Chapter 12.24, Construction Permits
 - Chapter 12.32, Sidewalk Obstructions

The key changes to Title 12, are:

- *Modernize procedural provisions to reflect actual process.*
- *Ensure that any construction work performed under this title is done per the City's Engineering Design and Construction Standards.*

- Title 13, WATER, SEWERS AND PUBLIC UTILITIES
 - Chapter 13.32A, Underground Wiring
 - Chapter 13.36, CATV Systems (Repealed)
 - Chapter 13.44, Electrical Franchise (Repealed)

The key changes to Title 13, are:

- *Align definitions with those of Title 20 for utilities, telecommunications and cable.*
- *Modernize procedural provisions to reflect actual process.*
- *Ensure that any construction work performed under this title is done per the City's Engineering Design and Construction Standards.*
- *Update requirements, exemptions and process for undergrounding of utilities, telecommunications and cable.*
- *Repeal of Chapter 13.36 ACC as the provisions are being moved to Title 20 and updated to reflect current federal requirements.*
- *Repeal of Chapter 13.44 ACC as the provisions are outdated and addressed under the provisions of Title 20.*

- Title 20, FRANCHISES, CABLE FRANCHISES, AND LEASES
 - Chapter 20.02, General Provisions
 - Chapter 20.04, Utility and Telecommunications Franchises
 - Chapter 20.06, Cable Franchise
 - Chapter 20.08, Facilities Lease
 - Chapter 20.10, Conditions of Public Way Agreements, Franchises and Facilities Leases (Repealed)
 - Chapter 20.12, Open Video Systems (Repealed)
 - Chapter 20.14, Small Wireless Facilities

The key changes to Title 20, are:

- *Align definitions throughout the titles for utilities, telecommunications and cable.*
- *Update City Code in conformance with current federal and state requirements for utilities, telecommunications and cable in the public ways and on city owned facilities and property.*
- *Modernize procedural provisions to reflect actual process.*
- *Repeal of Chapter 20.10 ACC as the provisions of this chapter have been updated and moved to Chapter 20.02 ACC.*
- *Repeal of Chapter 20.12 ACC as this chapter was empty.*

The following is subject to Planning Commission Review & Recommendation: (copy provided, see attachments)

- Title 17, LAND ADJUSTMENTS AND DIVISIONS
 - Chapter 17.14, IMPROVEMENT REQUIREMENTS – SUBDIVISIONS
 - Chapter 17.28, Infrastructure Conduit (Repealed)

The key changes to Title 17, are:

- *Minor changes to improve clarity and correct references.*
- *Repeal of ACC 17.28 because addressed in ACC 13.32A.*

- Title 18, ZONING
 - Chapter 18.02, General Provisions
 - Chapter 18.04, Definitions
 - Chapter 18.07, Residential Zones
 - Chapter 18.23, Commercial and Industrial Zones
 - Chapter 18.31, Supplemental Development Standards
 - Chapter 18.35, Special Purpose Zones

The key changes to Title 18, are:

- *Changes to be consistent with the requirements of federal legislation that provide the city must approve additions or modifications to existing wireless communication facilities that do not exceed a "substantial increase" and that the city must approve within a specified timeframe. This requires new terminology, procedures, and regulations.*

- *Also changes were made to accommodate the new technology of “small cell wireless communication” facilities when located on non-ROW property.*
- *Other minor housekeeping or administrative changes were also made.*

The proposed changes are shown by ~~strikeout~~ (deletions) and underline (additions) in the city code attached to this report.

The following sections summarize the effect of federal regulations and the key points affecting City code Titles 17 and 18.

Wireless Antenna Facilities

With the evolving technology and increased usage of wireless devices by the population, wireless antenna facilities have been given special consideration by federal regulations. Local jurisdictions across the country need to ensure that their regulations regarding wireless antenna facility siting are consistent with section 6409(a) of the [Middle Class Tax Relief and Job Creation Act of 2012](#), as set forth in the Federal Communications Commission’s (FCC’s) October 2014 Acceleration of Broadband Deployment Order.

Regulating Wireless Antenna Facilities

Local governments can develop ordinances and policies to provide opportunities for wireless communication facilities (WCF) consistent with the statutory rights of wireless communication service providers provided by the federal regulations while also providing for an orderly development of the city and protecting the health, safety, and general welfare of the city’s residents and property owners. A primary objective of these ordinances is to preserve the existing visual and aesthetic character of the jurisdiction and its neighborhoods, and minimize incompatibility, as well as minimizing the noise impacts generated by these facilities.

The City has regulated WCFs located on public and private property by zoning regulations since Ordinance No. 5020 in 1997. Most recently the Planning Commission reviewed changes to these regulations in April 2019 as a result of the need to address construction of a unique category of wireless communication by Puget Sound Emergency Radio Network (PSERN) for an emergency response communications facility. These changes were adopted by Ordinance No. 6716 in 2019.

Small Cell Communication Technology

In recent years, the dramatic increase in use of wireless devices has triggered the need for new subcategory of wireless communication facility referred to as “small cell” technology to increase signal coverage. (The term: “small wireless facility” is used in the proposed city code changes.) The signal coverage is increased by use of smaller antennas (less than 3 cubic feet), not mounted as high, and more closely-spaced. A typical small cell is between 25-45 feet in height, attaches to existing utility poles or light/traffic pole within the right-of-way, and requires an aerial or underground line to access power and fiber in order to transmit cellular phone and data signals. Small cell facilities may also be installed on public or private property outside of the right-of-way and thus are also addressed in zoning code changes.

As a result of the increased demand for this technology, there has been a substantial increase in applications from providers seeking to place small cell facilities in municipal rights-

of-way. In 2018, the Federal Communications Commission (FCC) issued a 2-part Declaratory Ruling with the intent to streamline the deployment of Fourth Generation (4G) and Fifth Generation (5G) mobile communication system infrastructure.

Regulating Small Cell Technology

To meet rapidly increasing demand for wireless services and encourage investment in a national infrastructure for 5G, wireless communication providers must deploy infrastructure at significantly more locations using new, small cell facilities. This *Declaratory Ruling and Third Report and Order* is part of a national strategy to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments, unnecessarily add delays and costs to bringing advanced wireless services to the public. The ruling was effective January 14, 2019.

Title 18, Zoning refers to definition of “small wireless facilities” given in ACC 20.14, but does not contain the definition. To assist the Planning Commission in having a full understanding, the definition of “small wireless facilities” is provided here.

ACC 20.14.010, Overview

“For purposes of this chapter, “small wireless facilities” are defined as facilities that meet the following conditions:

1. The facilities:
 - a. Are mounted on structures 50 feet or less in height, including their antennas as defined in 47 CFR 1.1320(d); or
 - b. Are mounted on structures no more than 10 percent taller than other adjacent structures; or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR 1.1320(d)), is no more than three cubic feet in volume; and
3. All other wireless equipment associated with the structure (including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure) is no more than 28 cubic feet in volume; and
4. The facilities do not require antenna structure registration under Code of Federal Regulations, Title 47, Part 17; and
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b); and
7. The facilities are currently located or are proposed to be located within the public right-of-way. For facilities currently located or proposed to be located on private property, please see Chapter 18.31 ACC. For facilities currently located or proposed to be located on public property or facilities, please see Chapter 20.08 ACC.”

Some key provisions of the federal legislation:

- Clarify that federal regulations apply to support structures and to transmission equipment used in connection with any Commission-licensed or authorized wireless transmission.

- Define "transmission equipment" to encompass antennas and other equipment associated with and necessary to their operation, including power supply cables and backup power equipment.
- Define "tower" to include any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.
- Clarify that the term "base station" includes structures other than towers that support or house an antenna, transceiver, or other associated equipment that constitutes part of a "base station" at the time the relevant application is filed with municipal authorities, even if the structure was not built for the sole or primary purpose of providing such support, but does not include structures that do not at that time support or house base station components.
- Clarify that a modification "substantially changes" the physical dimensions of a tower or base station, as measured from the dimensions of the tower or base station inclusive of any modifications approved prior to the federal legislation, if it meets a defined set of criteria:
 - It increases the height of the tower by more than ten percent or by more than twenty feet, whichever is greater;
 - It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
 - For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
 - It entails any excavation or deployment outside the current site/lease area, as defined;
 - It would defeat the concealment elements of the eligible support structure; and
 - It does not comply with original approval conditions unrelated to a "substantial change".

And thus is determined to be an "eligible facilities request" under the federal legislation.

- Provide that localities may continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.
- Provide the following guidance for reviewing an application under federal legislation:
 - A local government may only require applicants to provide documentation that is reasonably related to determining whether the "eligible facilities request" meets the requirements;
 - Within 60 days from the date of filing, accounting for tolling, a local government shall approve an application meeting the "eligible facilities request";
 - The running of the period may be tolled by mutual agreement or upon notice that

- an application is incomplete provided in accordance with the same deadlines, but not by a moratorium; and
- An application meeting the “eligible facilities request”; is deemed granted if a State or local government fails to act on it within the requisite time period.
- Clarify that federal legislation applies only to State and local governments acting in their role as land use regulators and does not apply to such entities acting in their proprietary capacities.
- Provide that parties may bring disputes-including disputes related to application denials and deemed grants-in any court of competent jurisdiction.
- Establish new “presumptively reasonable” permit review timelines (referred to as shot clocks) applicable to small cell facilities.
- Clarify the use of the term “collocation” in relation to small cell facilities.
- Publishes fee limitation for the use of city-owned infrastructure (such as light and signal poles).
- Establish guidelines for imposing aesthetic standards that must be: reasonable, no more burdensome than those applied to other types of infrastructure deployments, objective, and published in advance.
- Interpret the term “effectively prohibit”.

FINDINGS:

1. The City regulates land uses through establishment of zoning districts. The City of Auburn adopted Ordinance No. 4229 on June 1, 1987 repealing the previous Title 18 and enacting a new Title 18 entitled Zoning, which divides the City into zones wherein the location, height, use of buildings, land, and zoning development standards are established, regulated, and restricted in accordance with the comprehensive plan for the City.
2. The City has been regulating wireless communication facilities for several years, originally in response to the 1996 Federal Telecommunications Act. The City of Auburn adopted Ordinance No. 5020 on September 15, 1997, Ordinance No. 6245 on June 1, 2009, and Ordinance Nos. 6433 and 6434 on November 5, 2012, relating to the definition, siting and zoning of wireless communication facilities in Title 18, ‘Zoning’.
3. The City has periodically updated its regulations for wireless communication facilities. The City of Auburn has made updates and amendments as necessary within Title 17 and Title 18 for the regulation of wireless communication facilities since the adoption of Ordinance Nos. 4296, 4229; 5020, 6245, 6414, 6433, and 6434.
4. The industry and technology of wireless communication facilities continues to evolve as does the public’s reliance on this form of communication.

5. Due to evolution of the technology and increasing usage, new applicable federal regulations have been developed. And due to changes in Federal and State regulations that govern the regulation of such industries and their presence within the City, it is necessary to update the Auburn City Code in all titles, chapters and sections that authorize, regulate, affect or otherwise govern the review, construction, placement and siting of such telecommunications, cable and other utility facilities on public or on private property.
6. In reviewing the city code sections by city consultants and city staff, the City also seeks to clarify and update terms, procedural requirements, and approval processes for permits, for telecommunications, cable and other utility facilities placed on public and on private property. Changes are proposed to incorporate federal requirements into the framework and organization of city code.
7. The proposed amendments and changes to the Auburn City Code that are the subject of this proposal were sent to the Washington State Department of Commerce for state agency review under RCW 36.70A.106 and WAC 365-196-630. Receipt of the amendments was acknowledged by the Department of Commerce as received on October 9, 2020. See Exhibit #6.
8. The proposed amendments to the Auburn City Code are subject to State Environmental Policy Act (SEPA) review and a Determination of Non-Significance (DNS), File No. SEP20-0017, was issued October 19, 2020. The issuance of the SEPA decision begins a 15-day public comment period which expires November 3. See Exhibit #4.
9. In response to the public comment period observed under SEPA, the city received one written comment by the time of preparation of this agenda bill/staff report. The comment was received October 22, 2020 from Kim Allen, Senior Vice President, Land Use Entitlements & Strategic Planning, Wireless Policy Group, LLC on behalf of Verizon Wireless. They indicate they commented on Chapter 20.14, 'Small Wireless Facilities within the Public Way', Title 17, 'Land Adjustments & Divisions' and Title 18, 'Zoning'. These comments are Exhibit #7.
10. The City of Auburn Planning Commission reviewed staff's recommended changes at a special meeting on October 20, 2020.
11. ACC 18.68.040, 'Public hearing notice requirements', requires notice of a public hearing shall be given by publication, in a newspaper, at least 10 days prior to the public hearing. A combined Notice of public hearing (ZOA20-0005) and Determination of Non-Significance (DNS), (SEP20-0017), was issued October 19, 2020.
12. ACC 18.68.030, '(Amendments) Public hearing process', requires that the Planning Commission conduct a public hearing on proposed code amendments and make a recommendation. Then, the city council may affirm, modify, or disaffirm any recommendation of the planning commission with regard to amendments of the text of this title.

13. The Planning Commission is scheduled to conduct a public hearing during a regular meeting at 7:00 pm on November 4, 2020.

PUBLIC COMMENTS

1. As noted above, the city received one written comment by the time of preparation of this agenda bill/staff report. The comment was received October 22, 2020 from Kim Allen, Senior Vice President, Land Use Entitlements & Strategic Planning, Wireless Policy Group, LLC on behalf of Verizon Wireless. These written comments are provided as Exhibit #7.
2. The City really appreciates the time spent by Verizon on review, preparation, and provision of written comments in time to distribute to the Planning Commission prior to the meeting. However, this did not afford City staff opportunity to prepare and include responses. The City staff will proceed to review and evaluate the comments and have follow-up conversations with the commenter, as warranted.
3. Based on an initial review, staff noted that while the commenter indicates they commented on Title 17, 'Land Adjustments & Divisions', the city did not find comments in this section. However, this could be due to word processing software that makes it difficult to distinguish the city's original strike through and underline changes, and the subsequent changes by Verizon. The city staff will double check.
4. The following is an attempt to generally categorize/characterize the comments received based on an initial review:

Nature of comment	Reply
Formatting and syntax changes.	Staff appreciates calling these out, however they do not merit review by the planning commission.
Commenting on pre-existing code requirements that are not the subject of changes.	The city will evaluate the comments and determine if changes are warranted based on the code intent and the best interests of the city.
Some comments require further clarification from Verizon to understand requested nature of change, for example, there appear to be questions about the prevalence of microcell facilities.	The city will seek clarification with commenter.
Some comments suggest changes are warranted based on consistency with federal law and FCC rulings.	The City will review the federal requirements to ensure we are working with the latest, since the rulings continue to evolve, and to ensure consistency with those required.

5. Additional comments from wireless carriers/companies may be provided before or at the public hearing. City staff appreciates receiving these comments from wireless carrier

companies and their investment of time to share their perspective, as ultimately that will result in a better, more workable set of regulations for the city.

STAFF RECOMMENDATION

Planning Commission to conduct public hearing and recommend to City Council approval of Proposed Code Amendments related to Wireless Telecommunications Regulations and more specifically, the changes to Title 17, 'Land Adjustments & Divisions' and Title 18, 'Zoning'.

EXHIBIT LIST

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| Exhibit 1 | Staff Report |
| Exhibit 2 | Strike through & underline changes to Titles 17, 'Land adjustments & divisions (Subdivisions)', & 18, 'Zoning'. |
| Exhibit 3 | Completed SEPA Environmental Checklist application |
| Exhibit 4 | Combined Notice of Public Hearing and Determination of Non-Significance (SEP20-0017 & ZOA20-0005) |
| Exhibit 5 | Request to Publish (Affidavit is pending) |
| Exhibit 6 | WA Dept. of Commerce Receipt for review |
| Exhibit 7 | Written comments received from Kim Allen, Senior Vice President, Land Use Entitlements and Strategic Planning, Wireless Policy Group, LLC on behalf of Verizon Wireless. |