	Planning Commission Meeting November 17, 2020 - 7:00 PM Special Planning Commission Meeting AGENDA
---	--

I. Virtual Participation Link

A. Virtual Participation Information/Link

The City of Auburn Special Planning Commission Meeting scheduled for Tuesday, November 17, 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/92305903736>
 Meeting ID: 923 0590 3736

1 253 215 8782

II. CALL TO ORDER

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

A. November 4, 2020 Draft Minutes from the regular Planning Commission Meeting

IV. PUBLIC HEARINGS

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.

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".

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

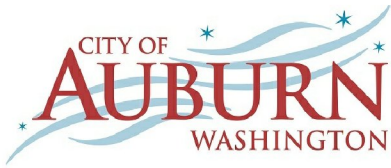
V. **COMMUNITY DEVELOPMENT REPORT**

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 4, 2020 Draft Minutes from the regular Planning Commission Meeting

Date:

November 9, 2020

Department:

Community Development

Attachments:

[November 4, 2020 Draft Minutes for the regular Planning Commission Meeting](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the November 4, 2020 regular meeting minutes.

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

Meeting Date: November 17, 2020

Staff:

Item Number:



I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:05 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, Vice-Chair Lee, Commissioner Mason, Commissioner Moutzouris, Commissioner Khanal and Commissioner Stephens.

Staff present: Jeff Dixon, Planning Services Manager; Ingrid Gaub, Public Works Director; Kendra Comeau, City Attorney; Doug Ruth, Assistant City Attorney; James Webb, Senior Traffic Engineer; Dustin Lawrence, Senior Planner; Thaniel Gouk, Senior Planner; Anthony Avery, Senior Planner; Jenn Oliver, Administrative Assistant.

Members of the public present: Virginia Smith; Calvin Smith; Bob Sanders; Greg Gratiyas; Alison Moss-Schwabe; Alvin Prakash; Blake Gesik; David Troyer; Doug Bing; Greg Heath; Jacob Schneider; Jeff Grose; Kim Allen; Meridee Pabst; Peter Fackenthall; Rick Hathaway; Hans Thygeson

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. October 20, 2020 – Special Meeting Minutes

Vice Chair Lee moved and Commissioner Khanal seconded to approve the minutes from the October 20, 2020 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

B. PUBLIC HEARING

A. CPA20-0003 2020 Comprehensive Plan Text Amendment – Academy Special Planning Area Policies. Planning Commission to conduct public hearing and recommend to City Council approval of the 2020 Privately-Initiated Comprehensive Plan Amendments (Policy/Text Amendments).

Chair Roland opened the public hearing on CPA20-0003 Comp Plan Text Amendment at 7:21 p.m.

Private Initiated Comprehensive Plan policy/Text Amendments (CPA20-0003)

The Auburn Adventist Academy is making multiple updates to their Adopted Special Area plan document to better address their current needs and long-term direction of their campus. Some changes to maps as part of the special area plan cannot be ruled out, and may be needed. A number of documents are provided to complete and evaluate the application and are presented into the record. The staff report (Exhibit 1) references these documents in Finding of Fact and analysis of the application. A map was provided by Staff to the Commission to show the proposed location. Comprehensive Plan Text Amendment to Land Use Policy LU-135 and to the Academy Special Planning Area policies A.1.2 and A.1.8.

The site abuts Auburn Way South, between 32nd Street SE & Academy Drive SE. While the Academy occupies multiple parcels within this area, the proposed text amendment is primarily associated with King County Parcel Numbers 2721059117, 2721059090, 2721059055, 2721059086, and 2721059079.

Representatives spoke to the Commission on behalf of The Academy explaining the growth and development of the Academy. The purpose of the amendments is to clarify that multi-family uses providing long-term revenue to the Western Conference of the Seventh Day Adventists supporting its educational mission. This will allow for the Academy to increase its enrollment and expand programs that are offered. While the Comprehensive plan amendments are limited to policy changes and do not represent a specific development proposal, it lays the basis for the future proposal of 396 Multifamily units and 224 senior housing and memory care units to be developed in phases.

The Commission mentioned reading about the school's hope to provide career and technical training to students once the facilities are built. The Commission asked if this was still the case. Principal Peter Fackenthall from the Academy confirmed that there is every intention on establishing programs such as a Certified Nursing Assistant Program (CNA) for students that would work with the future nursing home facility.

The Commission inquired about the 396 residential units and asked for clarification on whether it was multi-family or single family residential. The developer confirmed it is a planned community that will be built in phases and that is designed for workforce development for the students and will be attached housing in the initial phase.

Staff reiterated to the Commission that as permits come in, in the future, additional traffic studies and environmental reviews with additional public notice will take place.

With no other public testimony, Chair Roland closed the public hearing at 7:47 PM.

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

Commissioner Moutzouris moved and Vice Chair Lee seconded to recommend Comp Plan Text Amendment CPA20-0003 be moved forward to City Council for approval.

Approved 6-0

CPA20-0002 & REZ20-0002, 2020 Comprehensive Plan Map Amendment & Rezone – Westport Capital Comprehensive Plan Map Amendment & Rezone. Planning Commission to conduct a public hearing and recommend to City Council approval of the Westport Capital Comprehensive Plan Map Amendment and Rezone (zoning map amendment), with conditions.

Chair Roland opened the public hearing on Comp Plan Map Amendment CPA20-0002 and rezone REZ20-0002 at 7:48 p.m.

Private-Initiated Map Amendments:

CPA20-0002: Request by Westport Capital Investments to change the designation of King County Parcel numbers 0004200024, 0004200022, and 0004200003 totaling approximately 32.4 acres and located approximately 650 feet east of the intersection of I Street and 40th Street NE, from "Single Family Residential" to "Multiple-Family Residential" and an associated rezone from "R-7, Residential 7 dwelling units per acre" to "R-16, Residential". The requested changes are not directly related to a project, however, if approved it would allow any use permitted in the R-16 Residential zone. This includes uses such as apartments, assisted living facilities, mixed-use buildings, and single family houses.

The Commission inquired if this property is owned by one person. Staff confirmed that it was all owned by Westport Capital Investments. The Planning Commission asked with all 6 different parcels, would development extend into each parcel. Staff responded that there are different options to develop that could come in, in the future. The future development would not rely on existing internal boundaries of the 6 parcels. Staff brought the parcel viewer on the King County Website up on the screen for everyone to view. I ST and 40th ST NE will connect through.

David Troyer, who represents that applicant Westport Capital Investments, addressed the Commission with information. He explained, the applicant's approach was to get consistency with the zoning and to change it from R-7 Residential to R-16 Residential. One of the challenges to this development is road connections and compatibility to the north with the subdivision of Monterey Park. There are three areas where Monterey Park is expected to have transportation connections into this site. Mr. Troyer pointed out all three locations on the map to the Commission for clarity. Their ultimate goal was to think ahead and plan ahead on what would be developed there someday with traffic impact in mind.

Jacob Schneider, member of the public and resident of Monterey Park addressed Staff and the Commission. He inquired on the status of the traffic impacts due to the changes and the I Street extension. Senior Traffic Engineer James Webb responded that the preliminary study in support of the rezone assumed some connection to that neighborhood, and that it would add some traffic to those streets that would come out at 42nd but the intent was that the 40th street connection would be the primary connection to the development. Although minor, some traffic would proceed through the neighborhood, but that would be addressed through the layout of the new

development and how those connections are provided. Given the size of the existing Monterey Park Development, and the amount of development that would be allowed to occur on these parcels, there is a need to provide a full public street connection between the two rather than just an emergency street access that would be gated.

Staff received two comments ahead of the public hearing. Those comments were provided to the Commissioners in their packets and labeled as exhibits. Staff discussed the comments that concerned the River Mobile Home Park which is south of the vacant Auburn School District property concerned about floodplain impacts and mitigation. The new FEMA maps were updated which change the areas and the response from Staff was to reiterate to the concerned citizen that City, State, and Federal Government has strict guidelines in place that would need to be observed with any future development. Another citizen comment was regarding wetlands and additional traffic concerns in the area with future development of the site. Staff confirmed that there were wetlands on-site that had been identified in a wetland reconnaissance the applicant had done. Staff responded that any development in the future would be subject to local and state standards relating to wetland and wetland buffer protections that include protection of wildlife habitat. If there was any disruption to the wetlands or the buffers, they would appropriately mitigate in accordance with city standards. Staff also reiterated to the citizen that any future development of the site would require additional traffic impact studies. The applicant hired a traffic engineer who worked with the City of Auburn's Traffic Engineer and found that there would be traffic impacts and improvements would be required for future development. What those improvements would be are unknown at this time. The citizen also questioned the additional housing which is known at Copper Gate located at the old Valley 6 Drive Ins. Staff responded that one of the proposed conditions for this development and the multi-family housing was to limit the number of apartment units to that which were allowed based on the existing R-20 zoning which is approximately 128 units. Any impacts to schools, parks, utilities, etc., would be offset by paying impact fees and potential dedication of park land.

The Commission questioned the transition of residential density around the housing development to the North of the property. What would that normally look like? Staff responded that one of the proposed staff conditions is that the apartment units can only be located in the southern half of the site (meaning southern half of all 6 parcels) and the northern half would be the lower density types of residential such as single family, duplex, fourplex. The goal is to create a transition with the proposed condition and existing design standards that would provide a sufficient transition between the existing single-family along with any future development. Staff followed up on a question that the Planning Commission asked at the last meeting. On the Adjacent auburn school district property, the district confirmed that what potentially could be built there is another high school. The timing is not known.

The Planning Commission asked what percent of the development would go to affordable housing. Mr. Troyer replied that is not classified as low income/affordable housing.

The Commission commented that I Street NE is heavy with traffic now and with a new high school potentially being built in the future, it could carry additional traffic. Is there any thoughts of expanding it to accommodate more traffic. Mr. Webb responded that at this time, there are no plans to expand I Street NE. As the future development happens, it will be studied in advance of authorization and reviewed closely. School traffic would not align with the period of the heaviest traffic on the corridor. 7-9 am is the AM peak time for traffic where the afternoon peak is typically 4-6 p.m. School drop off is typically in the later morning hours and earlier in the afternoon hours. The Commission asked when they new high school would be built and Jeff Grose, Auburn School District, responded that there were no plans as of right now but they watch the growth carefully to help determine the future projects.

With no other public testimony, Chair Roland closed the public hearing at 8:30 PM.

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

Vice Chair Lee moved and Commissioner Khanal seconded to recommend Comp Plan Map Amendment CPM20-0002/REX20-0002 be moved forward to City Council for approval.

Approved 6-0

B. Zoning Code Amendment for Wireless Communication Facilities.

The purpose of the changes are to modernize the code in response to changes in federal regulations that affect the permitting of expansion of existing wireless communication facilities.

Chair Roland opened the public hearing on Zoning Code Amendment for Wireless Communication Facilities at 8:32 p.m.

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

Chair Roland read the following information at the beginning of the Hearing:

In light of the comments received and others that maybe received tonight, staff is recommending that the Planning Commission close the record for submittal of public comments but will keep the public hearing open until the planning Commission can reconvene on November 17, 2020 at 7:00 p.m. in order to address modifications to the ordinance that are a result of public comment that have been received.

Planning Services Manager, Jeff Dixon, presented to the Commission.

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 tele-communications, 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.

Kim Allen, from Wireless Policy representing Verizon Wireless addressed the Commission and explained to them that Verizon is working very hard to stay ahead of the demands for wireless services now and especially during the pandemic. Ms. Allen explained to the Planning Commission that she was there to help with any questions and that she was looking forward to working with City Staff.

Meridee Pabst, representing AT&T, addressed the Commission and explained that she was here to assist with any questions and to show her support to the City code changes to help stay updated with federal law. She was looking forward to working and meeting with City Staff as well.

The Planning Commission inquired if the comments on the redlines from the wireless companies were different or similar? Staff said although, it is hard to answer that question right now, there were some commonalities and staff is checking on the comments with our wireless communication consultant to make sure we are thoroughly understand.

With no other public testimony, Chair Roland asked for a motion.

Vice Chair Lee moved and Commissioner Stephens seconded to close the record and to continue the Public Hearing to the special meeting at 7:00 pm on November 17, 2020.

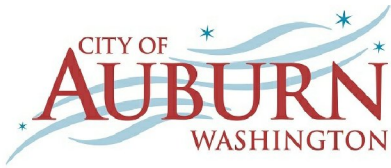
Approve 6-0

C.COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon had nothing further to report to the Commission on Community Development News at this time but if the Commission had comments or questions he and Staff were available to answer questions. The Planning Commission had no questions or comments at this time regarding Community Development Report.

D.ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:02 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

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

Date:

November 9, 2020

Department:

Community Development

Attachments:

[CPA20-0005 2020 Comp Plan Amendments](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

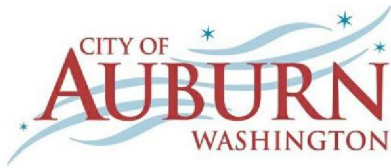
Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

Meeting Date: November 17, 2020

Item Number:

PH.1



AGENDA BILL APPROVAL FORM PLANNING COMMISSION

Agenda Subject/Title:

CPA20-0005, 2020 Annual Comprehensive Plan Amendments – Specifically, City Initiated Plan Policy/Text & Map Amendments

Date:

November 17, 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 the 2020 City-Initiated Comprehensive Plan Amendments (Policy/Text & Map Amendments).

Background Summary: The City of Auburn adopted amendments to its Comprehensive Plan in 1995 in response to the Washington State Growth Management Act (GMA) requirements, as amended. Since then the Auburn Comprehensive Plan has been amended annually. At the end of 2015, the City adopted a substantially updated Comprehensive Plan in compliance with state-required periodic updates.

Annual Comprehensive plan amendments can be initiated by the City of Auburn (city-initiated) and by private parties (private-initiated).

This year the city is initiating:

- Seven policy/text amendments
- One map amendment

Also, the city received two (2) private-initiated plan map amendments and one (1) private-initiated policy/text amendment by the submittal deadline which will be presented in separate staff reports for the hearing.

This staff report and recommendation addresses the City initiated amendments and specifically:

- Policy/Text (P/T) Amendments P/T # 1 through # 6 and P/T # 8 and
- Map (CPM) Amendment # 1.

The remaining three private applications for amendments will be addressed in separately provided staff reports for the Planning Commission.

In terms of process, the Comprehensive plan amendments are initially reviewed during a public hearing process before the City of Auburn Planning Commission, who then provides a recommendation to the City Council for final action. City Council consideration and action on the amendments generally occurs but is not required prior to the end of the year.

A. Findings

1. RCW 36.70A.130 (Washington State Growth Management Act (GMA)) provides for amendments to locally adopted GMA comprehensive plans. Except in limited circumstances as provided for in State law and City Code, comprehensive plan amendments shall be considered by the city legislative body no more frequently than once per year.
2. The City of Auburn established a June 5, 2020 deadline for the submittal of private initiated comprehensive plan applications (map or policy/text). Notice to the public of the application submittal deadline was provided on the City's website, posted, advertised in the Seattle Times Newspaper, and sent to a compiled notification list on May 4, 2020. The City received two (2) private initiated map amendments and one (1) private initiated policy/text amendment by the submittal deadline.
3. The City of Auburn received annual updates to the four (4) school district Capital Facilities Plans whose districts occur within the City of Auburn. These Capital Facilities Plans, as well as the City's Capital Facilities Plan are proposed to be incorporated by reference in the current Capital Facilities Element (Volume 3), of the 2015 Auburn Comprehensive Plan and are processed as Policy/Text (P/T) amendments.
4. The environmental review decision under the State Environmental Policy Act (SEPA) for the school district capital facilities plans were prepared separately by each school district acting as their own lead agency, as allowed by State law (State Environmental Policy Act (SEPA)).
5. The environmental review under the State Environmental Policy Act (SEPA) for the remaining city initiated amendments, the City Capital Facilities Plan, and the remaining policy/text and map amendments resulted in a Determination of Non-Significance (DNS) issued for the City-initiated Comprehensive Plan Amendments on September 23, 2020 (City File # SEP20-0018). The comment period will end at 5:00 p.m. October 9, 2020 and the appeal period will end at 5:00 p.m. October 23, 2020. A copy of the DNS and environmental checklist application is provided in the working binder behind the "Environmental Review" tab.
6. Auburn City Code (ACC) Chapter 14.22 outlines the process for submittal of privately-initiated amendments and the general processing of comprehensive plan amendments as follows:

"Section 14.22.100

- A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter 1.27 ACC and, at a minimum, include the following:
 1. For site-specific plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;

2. For area-wide plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
 - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.
 - B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.
 - C. Planning Commission Recommendation. The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.
 - D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.
 - E. State Review. All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW 36.70A.106.
 - F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter 36.70A RCW. (Ord. 6172 § 1, 2008.)"
7. As provided in the City code, the Comprehensive Plan amendments are initially reviewed during a public hearing process before the City of Auburn Planning Commission, who then provides a recommendation to the City Council for final action which generally occurs, but is not required to, prior to the end of the year.
 8. Pursuant to RCW 36.70A.106, the proposed comprehensive plan amendments outlined in this agenda bill were sent to the Washington State Department of Commerce and other state agencies for the required state review. The Washington State Department of Commerce acknowledged receipt on September 23, 2020 by Submittal ID: # 2020-S-1827. No comments have been received from the Washington State Department of Commerce or other state agencies as of the writing of this report. A copy of the transmittal and acknowledgement is provided in the working binder behind the "General Information & Correspondence" tab.
 9. Due to the nature of policy/text changes, and the minimal amount of private-initiated map amendments, the optional process for holding a public open house as provided for in the city code, was not conducted.
 10. The notice of public hearing was published on September 25, 2020 in the Seattle Times Newspaper and on the city website which is at least 10 days prior to the Planning Commission public hearing scheduled for November 17, 2020. A copy of the request to publish is provided in the working binder behind the "General Information & Correspondence" tab. Since, there are no city initiated site-specific map changes, only city-wide map changes, the site-specific noticing by mailing by first class mail to all property owners of record within a radius of 300 feet was not conducted.

11. The following report identifies Comprehensive Plan Policy/Text (P/T) and Map (CPM) amendments scheduled for the Planning Commission's November 17, 2020 public hearing with a staff recommendation.

Comprehensive Plan Policy/Text Amendments (File No. CPA20-0005, City initiated)

P/T #1

Incorporate the Auburn School District Capital Facilities Plan 2020 through 2026 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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.

Recommendation

Planning Commission to recommend approval of the Auburn School District Capital Facilities Plan 2020 through 2026 to the City Council.

P/T#2

Incorporate the Dieringer School District Capital Facilities Plan 2019-2024 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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 ordinance No. 2018-88s, Pierce County Council has "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.

Recommendation

Planning Commission to recommend approval of the Dieringer School District Capital Facilities Plan 2021-2026 to the City Council.

P/T #3

Incorporate the Federal Way School District 2021 Capital Facilities Plan into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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 year 2018 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.

Recommendation

Planning Commission to recommend approval of the Federal Way School District's 2021 Capital Facilities Plan to the City Council

P/T #4

Incorporate the Kent School District Capital Facilities Plan 2020-2021 to 2025-2026 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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.

Recommendation

Planning Commission to recommend approval of the Kent School District Capital Facilities Plan 2019-2020 to 2025-2026 to the City Council.

P/T #5

Incorporate the City of Auburn's 6-year Capital Facilities Plan 2021-2026, into the City's Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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).

Recommendation

Planning Commission to recommend approval of the City of Auburn's 6-year Capital Facilities Plan 2021-2026 to the City Council.

P/T #6

Amend text of Volume 5, Transportation Element of Comprehensive Plan. *The changes are shown in strike through and underline in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

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. 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 explores the summary of text changes.

Recommendation

Planning Commission to recommend approval of policy text amendments to Volume 5, Transportation Element of Comprehensive Plan.

P/T #8

Volume 1, Land Use Element and Volume 5, Transportation Element (Plan). *The changes are shown in strike through and underline in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

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.

Recommendation

Planning Commission to recommend approval of policy text amendments to Volume 1, “Land Use Element” and Volume 5, “Transportation Element (Plan)” to update text for the purpose of reinforcing the airport’s importance to the city as an essential facility within the comprehensive plan.

Comprehensive Plan Map Amendments (File No. CPA19-0005, City initiated map changes)

CPM #1

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.*

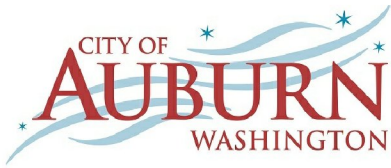
Discussion

(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.)

Recommendation

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). 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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

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".

Date:

November 9, 2020

Department:

Community Development

Attachments:

[CPA20-0001, Auburn School District, Chinook Elementary Comprehensive Plan Map Amendment and Re-Zone](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

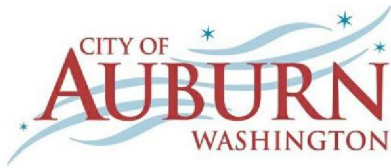
Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

Meeting Date: November 17, 2020

Item Number:

PH.2



AGENDA BILL APPROVAL FORM PLANNING COMMISSION

Agenda Subject/Title:

CPA20-0001, Auburn School District,
Chinook Elementary Comprehensive Plan
Map Amendment and Re-Zone

Date:

November 17, 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 Auburn School District Chinook Elementary Comprehensive Plan Map Amendment and Re-Zone.

APPLICANTS/OWNERS:

Auburn School District No. 408
Attn: Jeff Grose, Executive Director of Capital Projects
915 Fourth St NE
Auburn, WA 98002

AGENT:

Shockey Planning Group, Inc.
Attn: Camie Anderson, Senior Associate
2716 Colby Ave
Everett, WA 98201

REQUEST:

File No. CPA20-0001 & REZ20-0001:
Request to amend the Comprehensive Plan map designation of one parcel consisting of approximately 2.19 acres from the current designation of "Multiple Family" to "Institutional" and to re-zone the site from "R-20, Residential – Twenty Dwelling Units per Acre" to "P-1 – Public Use". The Applicant identifies that this is a non-project action.

LOCATION:

The proposal consists of one parcel (King County parcel numbers 212105-9042) on the north side of Auburn Way S and approximately 400 feet west of Noble Court SE, addressed as 3440 Auburn Way S.

EXISTING ZONING:

The zoning classification of the parcel is R-20, Residential – Twenty Dwelling Units per Acre.

**EXISTING COMPREHENSIVE
PLAN DESIGNATION:**

The Comprehensive Plan designation of this site is Multiple Family.

SEPA STATUS:

A application was received on February 5, 2020. A SEPA Environmental Checklist – Non Project Action, and Comprehensive Plan Amendment Exhibit and Rezone Exhibit were submitted and

reviewed with the application. A DNS was issued on March 4, 2020, with the appeal period expiring on April 2, 2020.

FINDINGS OF FACT

1. 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.
2. 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.
3. A Determination of Non-Significance (DNS), the environmental review decision required under the State Environmental Policy Act (SEPA), for the application by Auburn School District for a Comprehensive Plan Map Amendment and Re-zone was applied for under City File No. SEP20-0002 on February 5, 2020. The staff review was completed and a DNS was issued on March 4, 2020. The appeal period expired on April 2, 2020.
4. The public hearing notice was published in the Seattle Times on March 4, 2020, which is at least 10-days prior to the Planning Commission public hearing scheduled for November 17, 2020. Public notice was also mailed to property owners of record within 300 feet, posting on-site and on the city’s webpage.
5. The following report identifies a comprehensive plan map amendment and re-zone requested by Auburn School District scheduled for the Planning Commission’s November 17, 2020 public hearing with a staff recommendation.

Comprehensive Plan Related Findings

6. The City of Auburn first-adopted amendments to its Comprehensive Plan in compliance with the Washington State Growth Management Act (GMA) requirements, as amended in 1995. The Auburn Comprehensive Plan has been amended annually each year since generally for housekeeping items and for capital facilities plan coordination.
7. The City of Auburn adopted a substantially revised Comprehensive Plan (including map amendments) in response to periodic updates required by the Growth Management Act (GMA) by Ordinance No. 6584 on December 14, 2015.
8. City Code Section 14.22, “Comprehensive Plan” provides the city’s laws for amending the Comprehensive Plan. Amendments can be initiated by the City of Auburn (city-initiated) and by private citizens (privately-initiated).

9. RCW 36.70A.130 (The Washington State Growth Management Act (GMA)) provides for annual amendments to locally adopted comprehensive plans. Except in limited circumstances as provided for in State law, Comprehensive Plan amendments shall be considered by the city or county legislative body no more frequently than once per year. The annual limitation and exceptions are also restated in city code at ACC 14.22.060.
10. The City of Auburn established a June 5, 2020 submittal deadline for comprehensive plan amendments for the year 2020 (map or policy/text amendments). Notice to the public of the application filing deadline was provided on the City's website, publication of a legal notice the Seattle Times Newspaper, and sent to a notification list of potentially interested parties.
11. Auburn City Code Chapter 14.22, "Comprehensive Plan", outlines the process for submittal of private initiated amendments and the processing of Comprehensive Plan amendments as follows:

"Section 14.22.100

- A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter 1.27 ACC and, at a minimum, include the following:
 1. For site-specific plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;
 2. For area-wide plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
 - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.
- B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.
- C. Planning Commission Recommendation. The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.
- D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.
- E. State Review. All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW 36.70A.106.
- F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter 36.70A RCW. (Ord. 6172 § 1, 2008.)"

12. Per Chapter 14.22 Auburn City Code (“ACC”), privately-initiated amendments to the Comprehensive Plan shall have at least one public hearing before the Planning Commission who then forward on a recommendation to the City Council. City Council consideration and action on the amendments generally occurs, but is not required, prior to the end of the year.
13. Pursuant to RCW 36.70A.106, the proposed comprehensive plan amendments outlined in this agenda bill were sent to the Washington State Office of Commerce and other state agencies as required for the 60-day state review. No comments have been received from the Washington State Department of Commerce or other state agencies as of the writing of this report.
14. Due to the scope and limited number of privately initiated policy/text changes, the optional process as provided in the city code for a public open house was not conducted.

Zoning Code Related Findings

1. In June 2018 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comp. Plan and Zoning map amendments), concurrently. This eliminates the need for the Hearing Examiner to subsequently consider a zoning map amendment public hearing when it is related to a Comprehensive Plan map amendment.
2. Chapter 18.68 ACC (Zoning) Amendments outlines the process for submittal of privately-initiated zoning amendments and the general processing. Per ACC 18.68.030(B)(1)(b), when the Planning Commission is considering a re-zone (zoning map amendment) which requires a Comprehensive Plan Land Use Map amendment, the public hearings shall be conducted concurrently and a recommendation on both shall be forwarded to the City Council.
3. The intent of the P-1 – Public Use Zone is “...intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.” While not explicitly called out in the current Comprehensive Plan, the P-1 – Public Use Zone is existing in implementation in surrounding parcels occupied by the Chinook Elementary School. The “Institutional” Comprehensive Plan designation is the most closely related comprehensive plan designation to the P-1 – Public Use Zone.

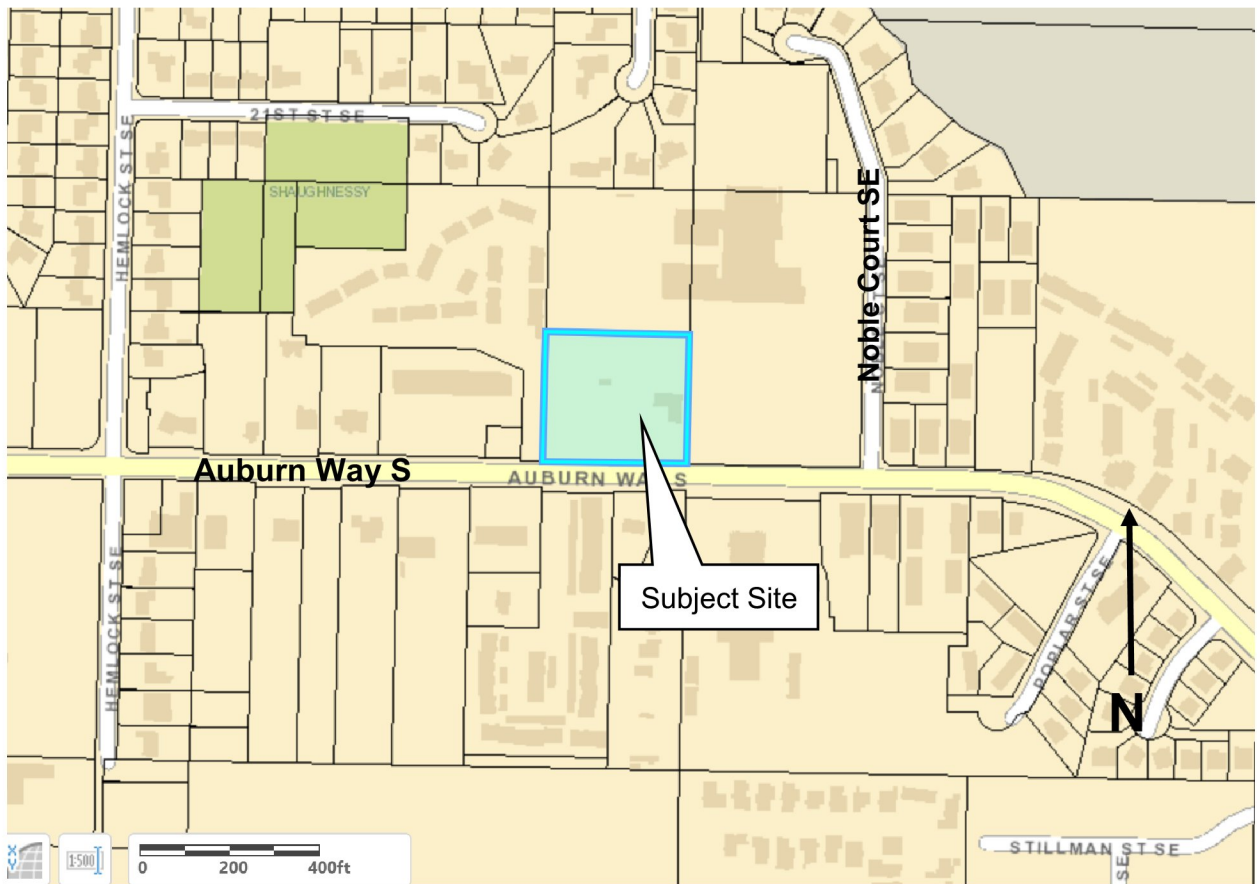
Comprehensive Plan Map Amendment – Staff Analysis

1. The Applicant submitted a Comprehensive Plan map amendment application on February 05, 2020, before the year 2020 application submittal deadline for comprehensive plan amendments (June 5, 2020).
2. The property owner is Auburn School District No. 408, represented by Jeff Grose, Executive Director of Capital Projects. The applicant is Camie Anderson, Senior Associate of Shockey Planning Group Inc.

3. In addition to the Comprehensive Plan Map Amendment Application and re-zone application (File No. REZ20-0001), the Applicant also submitted an environmental checklist application (File No. SEP20-0002).
4. The Comprehensive Plan Map Amendment application seeks to change the comprehensive plan map designation of King County parcel number 212105-9042 from the current designation of "Multiple-Family" to "Institutional".
5. The Applicant also seeks to change the zoning classification of King County parcel numbers 212105-9042 from "R-20 Residential, Twenty Dwelling Units per Acre" to "P-1, Public Use District". The Applicant identifies in the environmental checklist application that this is a non-project action.
6. As indicated by the Applicant's narrative statement submitted with the application, the Comprehensive Plan Amendment and related rezoning have been requested for the purpose of replacing the existing public elementary school to more closely align with district standards for size and program.
7. The current Comprehensive Plan designation, zoning classification and current land uses of the sites and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	Multiple-Family	R-20 Residential Twenty Dwelling Units per Acre	Single-Family Dwelling, Multiple Family Dwellings
North	"Institutional"	P-1, Public Use	Elementary School
South	"Multiple-Family"	R-20 Residential Twenty Dwelling Units per Acre	Multiple-Family Dwellings
East	"Institutional"	P-1, Public Use	Elementary School
West	"Light Commercial"	C-1, Light Commercial	Retail Commercial

Vicinity Map with Site outlined.



Process and Criteria for Requested Amendment

8. The Comprehensive Plan Map Amendment application seeks to change the designation of one parcel, King County parcel number 212105-9042. The parcel is located south and west of the existing Chinook Elementary School site, and will be incorporated into a re-development of the existing facility. The parcel is approximately 2.19 acres in size. If approved, the school district will control three contiguous parcels totaling approximately 10.20 acres in size.

The property is roughly the shape of a square of approximately 300 feet deep by 320 feet wide. The parcel is currently occupied by a single family house and a multi-family structure. The school district has stated they recently acquired the parcel and have leased the current uses back to the occupants.

9. The site is bordered to the south by Auburn Way S, which is owned by the Washington State Department of Transportation, serving as State Route 164, and classified by the City as a "Principle Arterial" street. The adjacent street is not currently fully developed to the "Principle Arterial" street standards, as there is not sidewalk or vertical curb abutting the property.
10. The property is located within the King County portion of the City of Auburn. Records indicate the annexation of this and surrounding properties occurred in 1959.
11. The City's Comprehensive Plan contains the following objectives and policy guidance, as it relates to this application:

Volume 1 – Land Use Element

"Public and Institutional Land Use Designations"

"Character Sketch"

"Public and institutional uses will occur in both low and high-density environments. For passive uses, land and views will be protected; limited access to these areas will be typical. For more active uses, usability and accessibility will be key features and new development will be subject to standards reflecting programmed space and interconnectivity. These spaces will be varied in type, providing service to areas large and small, urban and more rural in character. Sustainable solutions and innovations that are responsive to the native ecology will be typical of public and institutional uses."

"General Policies"

A general policy appropriate to this request is:

"Policy LU-89. The primary purpose of this designation is to address public needs while taking advantage of synergies with the adjacent areas where they are sited."

"Institutional Designation"

"Description"

“The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.”

Designation Criteria

1. Previously developed institutional uses; or
2. Located along major arterial streets;
3. Properties that are buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and
4. Meets the development parameters of the Institutional designation.
5. Properties identified in the Airport Master Plan as Landing Field.”

An Institutional-related policy appropriate to this request is:

“Policy LU-102 Appropriate uses for this designation include facilities that serve the needs of the larger community such as public schools, active parks; city operated municipal facilities, large churches, and fire stations.”

The Capital Facilities Element also contains objectives and policies relevant to the request, as follows:

Volume 3 – Capital Facilities Element**“Planning Approach”**

“The Capital Facilities planning approach is to manage growth in a manner that enhances rather than detracts from community quality and values by actively coordinating land use type and intensity with City facility and service development and provision.”

“Objectives and Policies”

“Objective 1.1. Ensure that new development does not outpace the City’s ability to provide and maintain adequate public facilities and services, by allowing new development to occur only when and where adequate facilities exist or will be provided, and by encouraging development types and locations that can support the public services they require.”

“Policy CF-3. Development shall be allowed only when and where such development can be adequately served by public services (police and fire) without reducing the level of service elsewhere.”

“Objective 1.2. To ensure that new developments are supported by an adequate level of public services through an effective system of public facilities.”

“Policy CF-10. Public facilities shall be provided in accord with the guidance of the Capital Facilities Plan or, as may be appropriate a system plan for each type of facility designed to serve at an adequate level of service the locations and intensities of uses specified in this Comprehensive Plan.”

“Objective 1.8. To site public and institutional buildings in accord with their service function and the needs of the members of the public served by the facility.”

“Policy CF-63. Public and institutional facilities that attract a large number of visitors (City Hall, museums, libraries, educational facilities, permit and license offices, health and similar facilities, etc.) should be sited in areas that are accessible (within ¼ mile) by transit.”

12. The purpose of the City’s Comprehensive Plan document is to provide a policy basis for the zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code provision:

“ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the comprehensive plan. Capital budget decisions shall be made in conformity with the comprehensive plan. “

13. The City code provides certain criteria for decision-making for comprehensive plan amendments as follows:

“ACC 14.22.110 Decision criteria for plan amendments.

- A. The comprehensive plan was developed and adopted after significant study and public participation. The principles, goals, objectives and policies contained therein shall be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, who must demonstrate that the request complies with and/or relates to the following decision criteria:
1. The proposed change will further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent;
 2. Whether the capacity to provide adequate services is diminished or increased;
 3. Assumptions upon which the comprehensive plan is based are found to be invalid;
 4. A determination of change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the specific section of the comprehensive plan that dictates the need for a proposed amendment;
 5. If applicable, a determination that a question of consistency exists between the comprehensive plan and Chapter 36.70A RCW, the countywide planning policies for either King and/or Pierce County, as appropriate, and Vision 2040: Growth and Transportation Strategy for the Puget Sound Region.”

COMPREHENSIVE PLAN RELATED – CONCLUSIONS:

The City Code provides certain criteria for decisions on amending the Comprehensive Plan under ACC 18.14.22.110. These criteria are listed below in **bold**, followed by a Staff Analysis.

1. The first criterion is that the change must further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.

Staff analysis: As discussed above, the subject properties are adjacent to an existing elementary school, multi-family housing, and light commercial properties. The property has been acquired for the purpose of replacing the existing elementary school, with the intent of more closely matching the district's standards for size and program. The site is served by public infrastructure, including a "principle arterial" street to the south. Due to the adjacent ownership and redevelopment program identified in the applicant's application, secondary access to the redeveloped site is available via Noble Court SE to the east. The proposal to change the mapped land use designation of the site from "Multiple-Family" to "Institutional" is supported by numerous Comprehensive Plan policies within both the Land Use Element and the Capital Facilities Element, as noted above. The proposal to change the land use designation on the site to institutional will not be in conflict with the Comprehensive Plan. Since it allows for a public facility to meet the needs of the community, adequate public facilities will be provided concurrent with the development to serve the future redevelopment of the site. Public transit is available within ½ mile of the site.

2. The second decision criterion is that the comprehensive plan amendment must not diminish or increase the ability to provide adequate services.

Staff analysis: The applications for a change in Comprehensive Plan designation and zoning have been reviewed by Valley Regional Fire Agency and the City Utilities and Traffic divisions. Based on these reviews, the changes would not adversely affect the provision of services. The proposed Comprehensive Plan map change by itself, if approved will not affect the ability to provide adequate services. As typical with development in the city, the infrastructure improvements needed to support the development would be the responsibility of the future development. At the time of development, adequate services would be required to be provided concurrent with the development in order for the project to be authorized. Therefore, it is not anticipated that approval of the request negatively affects provision of services. Utility and street frontage improvements would be required to support the development

Existing services either exists or can be provided to support the Comprehensive Plan Amendment to change the site's map designation from "Multiple-Family" to "Institutional".

3. The third decision criterion is that the assumptions on which the comprehensive plan is based are found to be invalid.

Staff analysis: While the policies of the Comprehensive Plan are not invalid, the zoning designation of R-20 does not permit educational facilities. Amending the site's land use classification to Institutional provides the opportunity to re-zone the site and allow the replacement of an existing public elementary school. Policy number LU-4 in Volume 1 of the city's comprehensive plan states that "Public and institutional uses may be permitted as a

conditional use if designed in a manner that enhances the residential character of the area.” The land use designation change and re-zone support the comprehensive plan’s intent to allow compatible services in and adjacent to residential zones.

- 4. The fourth decision criterion is that there has been a change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment.**

Staff analysis: There has been a change in conditions that generates the need for the map change. At the time of adoption of the comprehensive plan, the school district had not identified nor purchased the land necessary to meet state and district goals for attendance and facility needs. With the continued population growth and a shortage of suitable sites for the construction of new facilities, the public benefit of the proposal supports the proposed change.

- 5. The fifth decision criterion is that the change must be determined to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of the relevant county and “Vision 2040: Growth and Transportation Strategy for the Puget Sound Region”.**

Staff analysis: The change if approved would continue to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of King County and “Vision 2040: Growth and Transportation Strategy for the Puget Sound Region”. The proposal is consistent because it provides land suitable for institutional development, which will directly provide services (educational) to the immediate community within an urban area.

- 6. The sixth decision criterion, applies only to changes of the mapped land use designation of a specific property, the applicant must demonstrate one of the following:**
- a. The current land use designation was clearly made in error or due to an oversight;**
 - b. The proposed land use designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;**
 - c. There has been a change in conditions since the current land use designation came into effect.**

Staff analysis: The proposed land use designation is compatible with surrounding land uses per policy LU-4 meeting criteria B, and the residential growth and demand for educational facilities and availability of land has caused a change in condition that meets criteria C.

RE-ZONE RELATED – CONCLUSIONS:

While the City of Auburn does not have re-zone criteria adopted, the following criteria are analyzed to ensure that the proposed re-zone is consistent with Washington State case law.

1. The intent of the zoning code and the comprehensive plan of the City. Is the re-zone consistent with the Comprehensive Plan?

Staff analysis: As provided at ACC 18.35.020, "Intent of Special Purpose Zones", the intent of the "P-1 – Public Use Zone" is: "The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community." The P-1 - Public Use Zone is in effect on the adjacent parcels. While the P-1 – Public Use Zone is no longer an implementing zone within the "Institutional" Comprehensive Plan designation, the submitted P-1 rezone request meets the intent of providing a public good while allowing future construction of improvements on a single campus with uniform zoning.

Provided that the concurrent Comprehensive Plan map amendment is granted, changing the site's current "Multiple-Family" designation to "Institutional", the proposed re-zone from "R-20" to "P-1" will be consistent with and implement the intent of the Comprehensive Plan. The proposed use of the site as a public school is consistent with the "P-1" Public Use Zone intent statement.

2. The availability of municipal services such as water, sewer, roads, fire and police protection, which might be required by reason of the proposed re-zone.

Staff analysis: As previously noted in the Comprehensive Plan map amendment analysis, adequate services will be provided to the site, including water, sewer, roads, and fire and police protection.

3. The conditions of the area have substantially changed.

Staff analysis: As previously noted in the Comprehensive Plan map amendment analysis, the conditions of the area have substantially changed since development of the site. Through the continued urbanization of the surrounding area and a reduction in maximum class size requirements for elementary schools statewide, it is evident that the conditions of the area have substantially changed.

4. The proposed re-zone bears a substantial relationship to the public health, safety, morals, and welfare.

Staff analysis: The proposed re-zone from "R-20" to "P-1" bears a substantial relationship to the public health, safety, morals, and welfare in that it will allow a site to be included with the existing Chinook Elementary School site, a necessary public facility in need of being redeveloped to meet current community needs. During the redevelopment of the site, the project will be required to meet all local zoning, building, and other requirements currently established by the City.

STAFF RECOMMENDATION

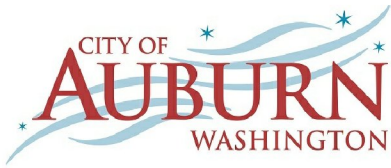
Planning Commission to recommend to the City Council **approval** of the Auburn School District No. 408 (CPA20-0001) request for a Comprehensive Plan Map Amendment to change the map designation of one parcel, Parcel No. 212105-9042 from "Multiple-Family" to "Institutional" and

to re-zone the parcel from “R-20, Residential Zone - Twenty Dwelling Units per Acre” to “P-1, Public Use” zoning district.

EXHIBIT LIST

(For exhibits, please see behind the “Comp. Plan Map Amendments” tab in the ‘working binder’.)

Exhibit 1	Staff Report CPA20-0001 & REZ20-0001
Exhibit 2	Comprehensive Plan Map Amendment - Proposed Change
Exhibit 3	Zoning Map Amendment - Proposed Change
Exhibit 4	Completed Comprehensive Plan Amendment and Re-zone Application forms and materials including Applicant’s Narrative Statement
Exhibit 5	Completed SEPA Environmental Checklist Application SEP20-0002
Exhibit 6	Combined Notice of Application and Determination of Non-Significance SEP20-0002
Exhibit 7	Dept. of Commerce 60-Day Acknowledgement Letter
Exhibit 8	Notice of Public Hearing
Exhibit 9	Affidavits of Publication, Mailing, and Posting



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 9, 2020

Department:

Community Development

Attachments:

[PC Memo regarding Wireless Code Amendments](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

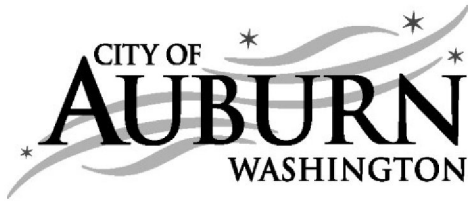
Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

Meeting Date: November 17, 2020

Item Number:

PH.3



MEMORANDUM

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

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

DATE: November 6, 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.

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. 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 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 held virtually starting at 7:00 pm.**