



PLANNING COMMISSION

November 4, 2020

MINUTES

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 Grattias; 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. There 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 apartments 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.
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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.