

**Planning Commission Meeting
October 2, 2018 - 7:00 PM
City Hall - Council Chambers
AGENDA**

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

- A. September 5, 2018 Minutes from the Planning Commission regular meeting

IV. OTHER BUSINESS

A. Periodic update of City's Shoreline Management Plan (SMP)

Staff to provide additional information and discussion on proposed changes to the SMP based on state required changes and city-initiated changes.

B. Continued discussion of docket items for Annual Comprehensive Plan Amendments - City initiated text and map amendments.

Staff to provide further explanation of proposed city initiated text and map amendments.

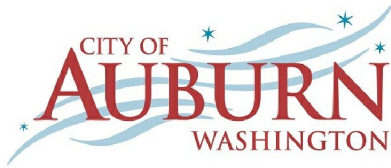
V. COMMUNITY DEVELOPMENT REPORT

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:

September 5, 2018 Minutes from the Planning Commission regular meeting

Date:

September 13, 2018

Department:

Community Development

Attachments:

[Draft September 5, 2018 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to review and approve the draft minutes of the September 5, 2018 Planning Commission meeting.

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Dixon

Meeting Date: October 2, 2018

Item Number:



September 5, 2018

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Commissioner Mason, Vice-Chair Lee, Commissioner Stephens, Commissioner Shin, Commissioner Moutzouris and Commissioner Khanal.

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

Members of the public present: Michael Jackson, Development Director of Nexus Youth and Families.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. July 17, 2018

Commissioner Mason moved and Commissioner Stevens seconded to approve the minutes from the July 17, 2018 meeting as written.

MOTION CARRIED. 6-0

Commissioner Khanal did not vote, this was his first meeting as a newly appointed Commissioner.

A. REZ17-0006 – New Zoning Code Definition requested by Nexus Youth & Families

Senior Planner Thaniel Gouk provided the staff report for REZ17-0006. Staff explained that Nexus Youth & Families has applied for a Zoning Code Text Amendment for a new definition that encompasses their current and future planned land uses. The new definition is proposed to be a Permitted Use in the C-1, Light Commercial zoning district.

Nexus Youth & Families campus is located between Auburn Way S and "H" Street SE; approximately 115 ft south of 9th Street SE. The proposed new definition, however, would apply to City-wide properties zoned C-1.

Senior Planner Gouk stated, staff recommends that the Planning Commission recommends approval of the ordinance with the new definition to City Council.

Chair Roland opened the public hearing on REZ17-0006 – new Zoning Code Definition request by Nexus Youth & Families at 7:06 p.m.

Chair Roland invited the public forward for public testimony on REZ17-0006, Nexus Youth & Families new Zoning Code Definition.

Michael Jackson, Development Director, Nexus Youth & Families provided testimony. Mr. Jackson expressed his gratitude for city staff and the Commission reviewing and bringing this item forward. He stated it reminds us of how important this community is to all parties and the partnership that Nexus Youth & Families has with the City of Auburn.

Mr. Jackson emphasized that staff have been very helpful with the process bringing Nexus Youth & Families to this point which will enable Nexus to provide services to the community and those in need. Mr. Jackson emphasized, he is hopeful that the decision of the Commission is reflective of providing an opportunity for Nexus to assist folks of the community who are in need and provide an opportunity to live a life worth living.

Chair Roland thanked staff for the work they have done and asked Mr. Jackson if there was additional information he wanted to share. Mr. Jackson stated it is the goal of Nexus Youth and Families to work themselves out of a job and end all of the suffering of those in the Community.

In response to a question from the Commission, the Commission and Mr. Jackson discussed security on site. Mr. Jackson reported, with the shelter open at night and transitional housing services most of the day, the facility will be a 24-hour staffed operation. In the past, Nexus has contracted with a private security company; there will be security on site Mr. Jackson stated. The City of Auburn Police department and Nexus also have a good working relationship; the city has been responsive, if needed.

A discussion was held regarding the different ages served at Nexus. Mr. Jackson explained that the 13 to 17 year old program serves six with the capacity to serve a total of 10 and the Arcadia serves the 18 to 24 year old youth. A Commissioner asked if both programs are located on the same site and Mr. Jackson stated they are on separate sites for security purposes.

The Commission and staff discussed the parking needs of Nexus Youth & Families. Mr. Jackson reviewed the parking at each site; 932, 934, 936, and 1000 Auburn Way South. Each building has parking located on site, some of the parking will be removed during the construction period but more will be added after expansion and completion. Mr. Jackson believes that the parking needs will be satisfied and stated that most of the youth served do not own cars.

With no other public testimony, Chair Roland closed the public hearing on REZ17-0006 - New Zoning Code Definition request by Nexus Youth & Families at 7:14 p.m. The Commission deliberated.

Commissioner Lee stated he believes Nexus is a very good resource for the community and that the rezone and expansion will benefit youth in crisis.

Commissioner Lee moved and Commissioner Moutzouris seconded to recommend moving REZ17-0006, New Zoning Code Definition forward to full City Council for approval.

MOTION CARRIED. 6-0

Newly appointed Commissioner Khanal did not participate in the vote, this was his first meeting.

III. OTHER BUSINESS

A. Introduction to State-Mandated Shoreline Master Program

Staff distributed a memorandum and 2018 Shoreline Master Program periodic update review schedule to the Commission.

Senior Planner Gouk provided a PowerPoint presentation to the Commission to introduce and provide background information on the Shoreline Management Plan (SMP) periodic update.

The Shoreline Management Act was passed by the WA State Legislature in 1972 and adopted by voters in 1972 which required each jurisdiction to follow the Shoreline Management Act (SMA).

The City of Auburn Shoreline Master Program (SMP) was adopted in 1974 in response to the SMA. The last major update was in 2009. Staff explained that the current update will require city council review and approval and review periods with the State Department of Ecology before the mandated due date for completion, June 30, 2019.

The City of Auburn and WA State Department of Ecology (DOE) share responsibility for permitting and approval within the Shoreline Jurisdiction. Regulation and administration of the SMP is shared.

Staff continued the presentation providing an overview of the sample area of shoreline designations, types of permits, and specific requirement updates provided by the Department of Ecology-provided checklist.

Staff explained other updates city staff would like to implement. The Commission and staff discussed the update timeline and how staff would bring forward draft amendments for review.

Commissioner Shin asked staff how many total miles of SMP does the City of Auburn have in its jurisdiction. Staff is unsure of the total number but will provide that information at the next meeting.

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

City Attorney Steve Gross provided an overview of the Open Public Meetings Act (OPMA) and Public Records Act (PRA) and discussed what constitutes public records the responsibility of the Commission members. A discussion was also held regarding what constitutes a public meeting, quorum rules, and discussions held outside an official meeting or official business.

City Attorney Gross invited the Commission to review addition information regarding the OPMA and PRA located at the following link:

- <https://www.atg.wa.gov/open-governments-training>

IV. COMMUNITY DEVELOPMENT REPORT

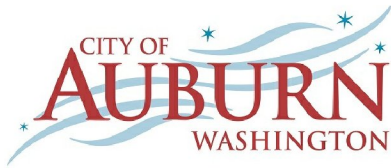
Planning Services Manager Dixon reported the demolition of the Heritage has begun. Upon completion of the demolition, the sidewalk and parking area will be reopened to pedestrians. Staff explained that it is uncertain if the owner will redevelop the site in the immediate future, they are exploring their options.

A discussion was held with the Commission on the improvements to the old Parker Paint location where Geaux Brewing is located at 425 East Main Street.

Staff reported, Sound Transit is continuing their process for a 2nd parking garage to support the transit center. They are currently performing soil testing and studies at the proposed and preferred development site, the old Mel's Lumberyard lot. Upon completion of their studies, they will undergo the environmental review process for that project with a public comment period included before proceeding to permitting.

V. AJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:14 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:
Periodic update of City's Shoreline Management Plan (SMP)

Department:
Community Development

Attachments:
[SMP Memorandum and Exhibits](#)

Date:
September 11, 2018

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

Administrative Recommendation:

Background Summary:
Please see the attached memorandum.

Reviewed by Council Committees:

Other: Planning

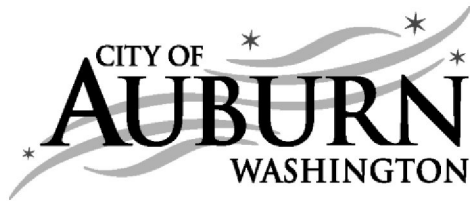
Councilmember:

Staff:

Gouk

Meeting Date: October 2, 2018

Item Number:



MEMORANDUM

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

FROM: Thaniel Gouk, Senior Planner, Department of Community Development

DATE: September 20, 2018

RE: Shoreline Master Program Periodic Update – Required and Potential Updates

To follow-up on the July 17th and September 5th Planning Commission discussions regarding the required Shoreline Master Program (SMP) updated, Staff has prepared this memo to provide the Commission some more in-depth descriptions and information. This memo includes information about the Shoreline Environment Designation maps, updates required or recommended based on updates in State laws, and items identified by Staff.

SHORELINE ENVIRONMENT DESIGNATIONS MAPS

These maps essentially show properties that are located within the Shoreline Jurisdiction; although some areas are not shown, such as where a wetland is adjacent to the Ordinary High Water Mark (OHWM) or where the floodway expands outside of the OHWM, which require more site-specific investigations. These maps could be described as overlays to the underlying zoning map. Exhibit 1 includes the complete set of maps.

There are 3 designations within the SMP, the purpose for each is as follows:

- The purpose of the “Shoreline Residential” environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.
- The purpose of the “Urban Conservancy” environment is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses consistent with the Comprehensive Plan.
- The purpose of the “Natural” environment is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that would become irreversibly impaired as a result of human development and activity. These systems require that only very low intensity uses be allowed in order to maintain ecological functions and ecosystem-wide processes. Consistent with the policies of

the designation, the City of Auburn should include planning for restoration of degraded shorelines within this environment.

These maps are provided to the Commission to aid in visualizing the extents of the Shoreline Jurisdiction.

REQUIRED UPDATES

The Department of Ecology (ECY) prepared checklist is attached as Exhibit 2; note that the checklist is not entirely completed. This checklist is setup chronologically and includes all of the State-mandated changes / updates as well as some optional ones. Some of the simple changes have already been completed by Staff in the SMP document. Staff will continue working through the checklist and also utilize the expertise of The Watershed Company (Watershed), who the City has contracted with for assistance in the SMP update (using ECY grant funds).

The required updates include items that will require additional Staff research in order to determine if any changes are needed. Some of these items include:

- SMP consistency with the zoning code. Staff to research if any of the required updates will necessitate changes within the zoning code.
- Currently Chapter 16.10 ACC, the City's Critical Areas Ordinance (CAO), is also included in the SMP (less a few sections that the SMP supersedes, such as variances). This can cause confusion for customers so Staff would like to investigate if there is a better option, such as referencing the CAO and noting which sections do not apply. This would also remove about 40 pages from the SMP.
- Are any changes to the SMP going to require updates to the City's Comprehensive Plan? If so, they would be included in the docket for potential 2019 Comp Plan updates.

Watershed will also be going through the checklist so other items may also come up that they have seen come up in other jurisdictions.

STAFF IDENTIFIED UPDATES

As discussed at the September 5, 2018 PC meeting, Staff has also identified items that will require further research to determine if any changes could or should be made to the SMP; these include:

- Review if the rivers have migrated since the last inventory was completed in 2008, thereby altering the Shoreline Jurisdictions. For instance habitat restoration projects that may have shifted a rivers course. Watershed will be assisting Staff in this exercise. An updated inventory of maps will also be created.
- Many of the lots along the west side ("left bank") of the Green River include public fishing easements that were either created when the lots were platted, or when the State of Washington negotiated directly with property owners to obtain easements. Some research was completed on these easements many years ago, and an up-to-date map would be beneficial for Staff, including Code Enforcement and Police. A sample easement and image of a map showing easements is included as Exhibit 3.

- A comprehensive update to the Floodplain Development regulations is slated to occur near the end of this year and into 2019. The exact schedule is unclear as Staff is waiting on guidance from FEMA. Some changes to the SMP may be needed based on that update, however, it is unclear at this point if any are necessary. One of these changes may involve fencing, which is currently allowed to extend towards the river(s), past the house and not into the OHWM, however, the property may also be located in the floodplain, which may prohibit the placement of a fence—further research will be needed.
- The City borders both the City of Kent and unincorporated King County at the north end of town. It is possible that Shoreline Jurisdiction from those entities may overlap onto properties within Auburn. Further research and conversation with those jurisdictions will be needed to determine if any issues could be anticipated.
- Research nonconforming lots and uses in the Shoreline Jurisdiction. The ECY checklist also includes some updated language for nonconforming lots. Keeping in mind that the City's SMP cannot circumvent required permitted or other development standards. Staff and Watershed will research whether any updates should be incorporated into the SMP.

INFORMATION REQUESTED FROM PREVIOUS DISCUSSION ---

The Planning Commission requested information on the amount (length) of shoreline within the City. The total length for the Green River is 8.66 miles and the White River is 10.02 miles (including both sides of the rivers). Also see Exhibit 4.

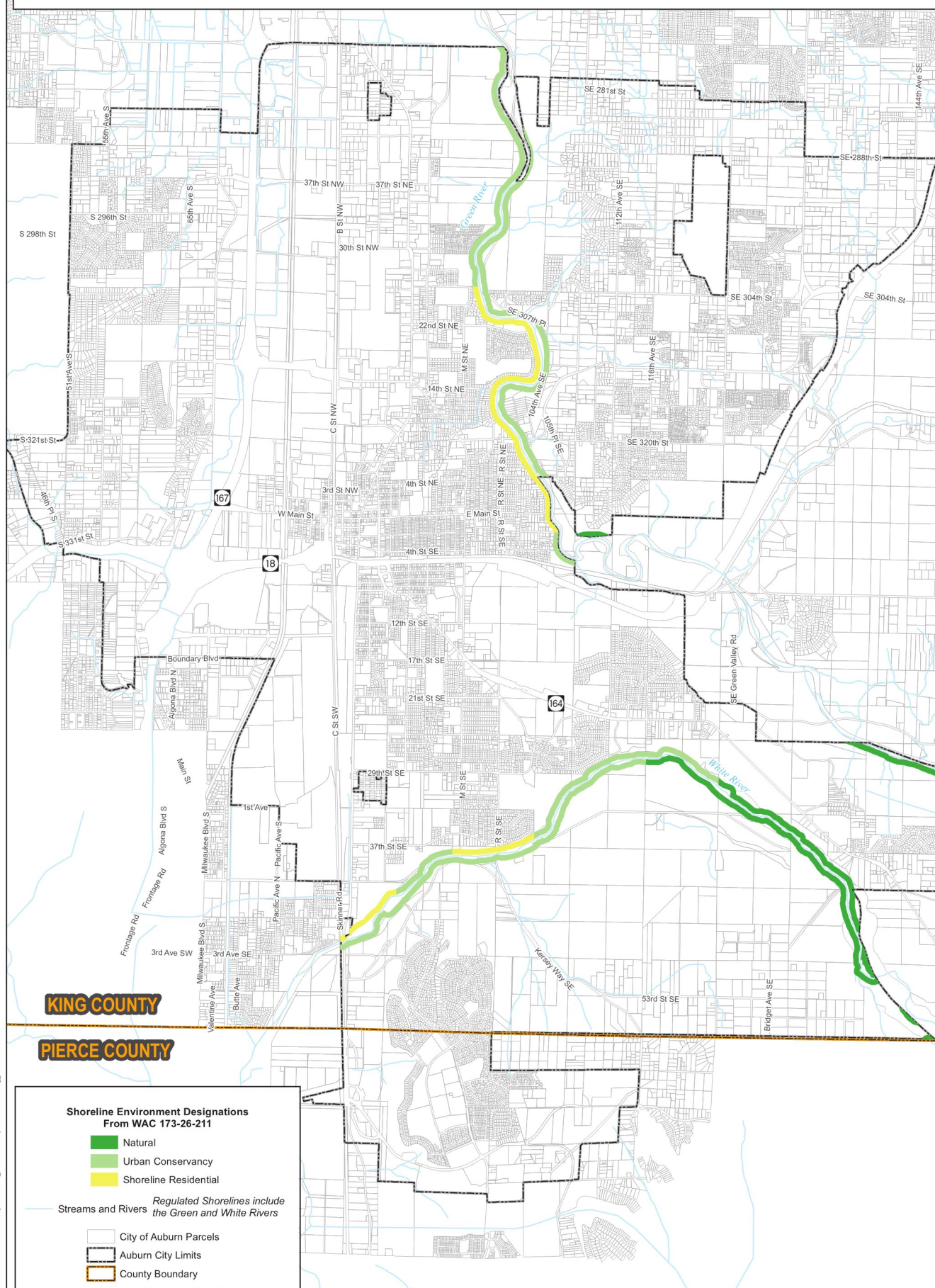
FURTHER DISCUSSION ---

A continued discussion could be held at the Planning Commission's October 16th meeting if requested, based on the previously proposed schedule for the update.

Staff is scheduled to meet with the consultant, Watershed, towards the end of September. Based on the outcomes of that discussion new or further information may be provided to the Commission at the October 16th or November 7th. The proposed schedule was purposely developed to allow for some wiggle room on these initial review times.

Auburn Shoreline Master Program

Shoreline Environment Designations



File name: working_SMParea.pdf
 Created/last edited by: DNE
 Date last updated: 10/19/06

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Map data are the property of the sources listed below.
 Inaccuracies may exist, and Adoffson Associates, Inc. implies no
 warranties or guarantees regarding any aspect of data depiction.
 SOURCE: City of Auburn GIS, 2006; King County GIS, 2006

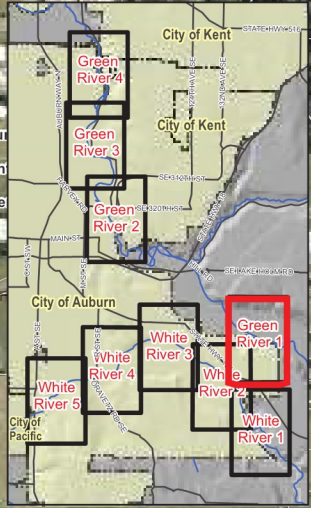
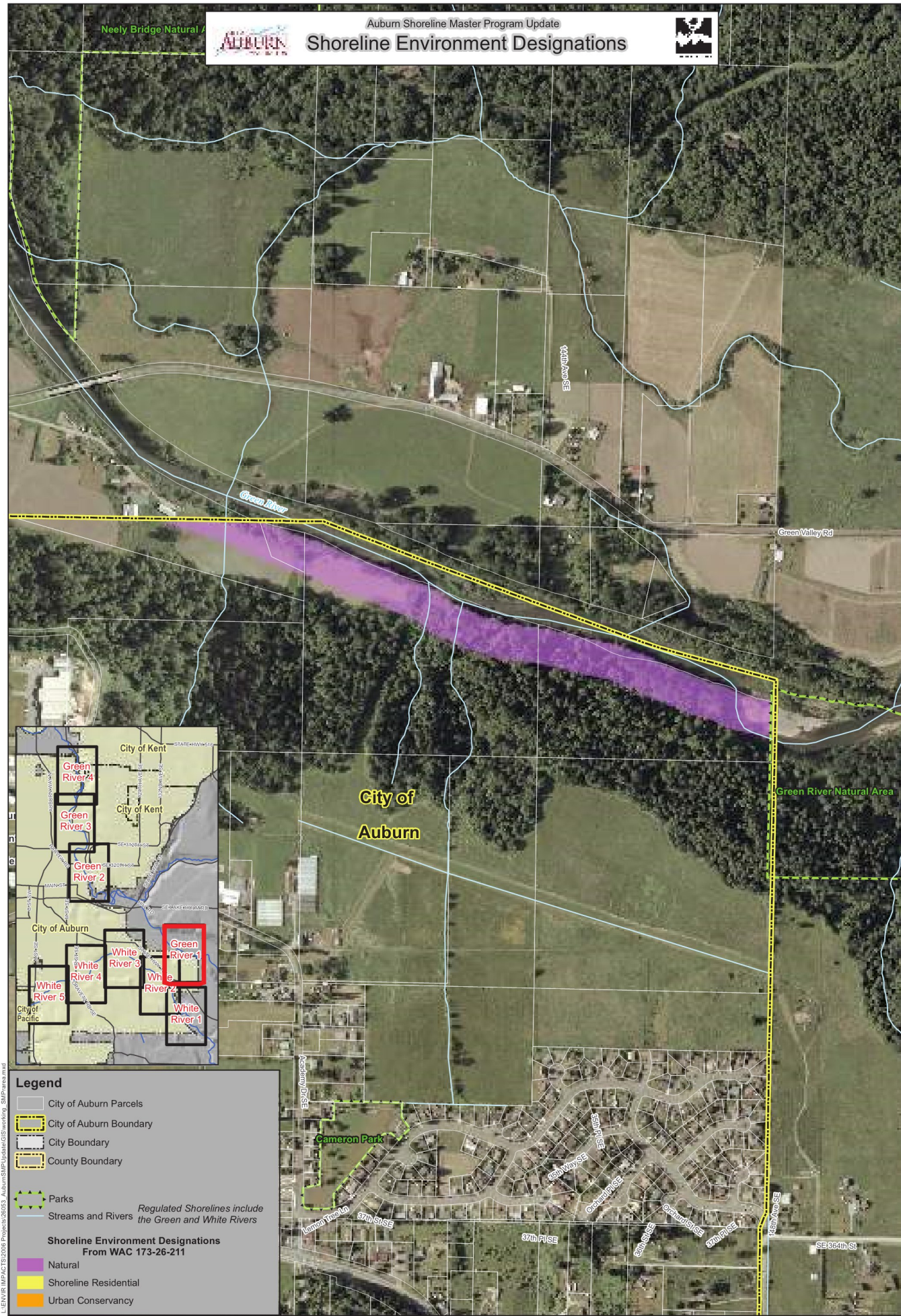
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SHORELINE ENVIRONMENT DESIGNATIONS

Page 11 of 42

AUBURN SMP

AUBURN / KING COUNTY, WASHINGTON



Legend

- City of Auburn Parcels
- City of Auburn Boundary
- City Boundary
- County Boundary
- Parks
- Streams and Rivers

Regulated Shorelines include the Green and White Rivers

Shoreline Environment Designations From WAC 173-26-211

- Natural
- Shoreline Residential
- Urban Conservancy

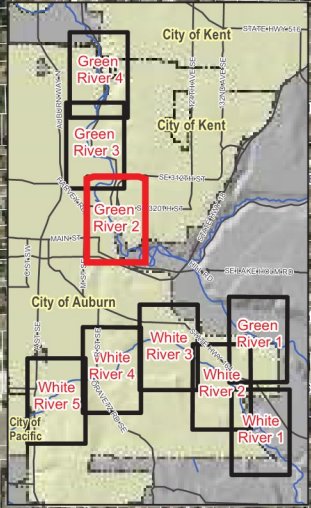
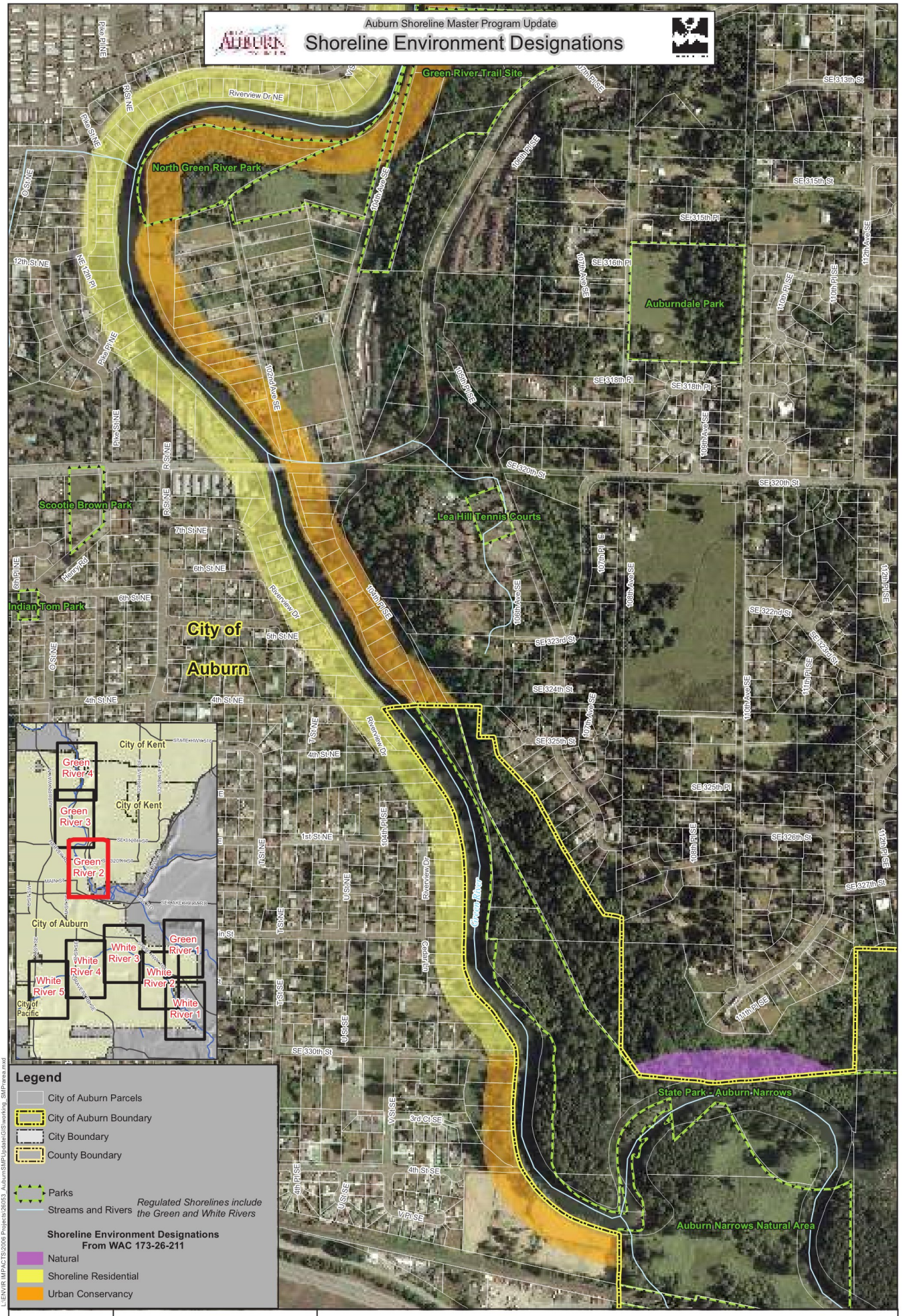
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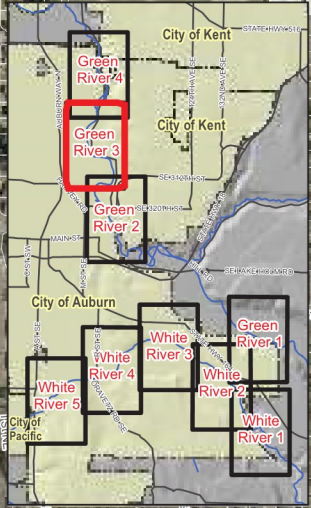
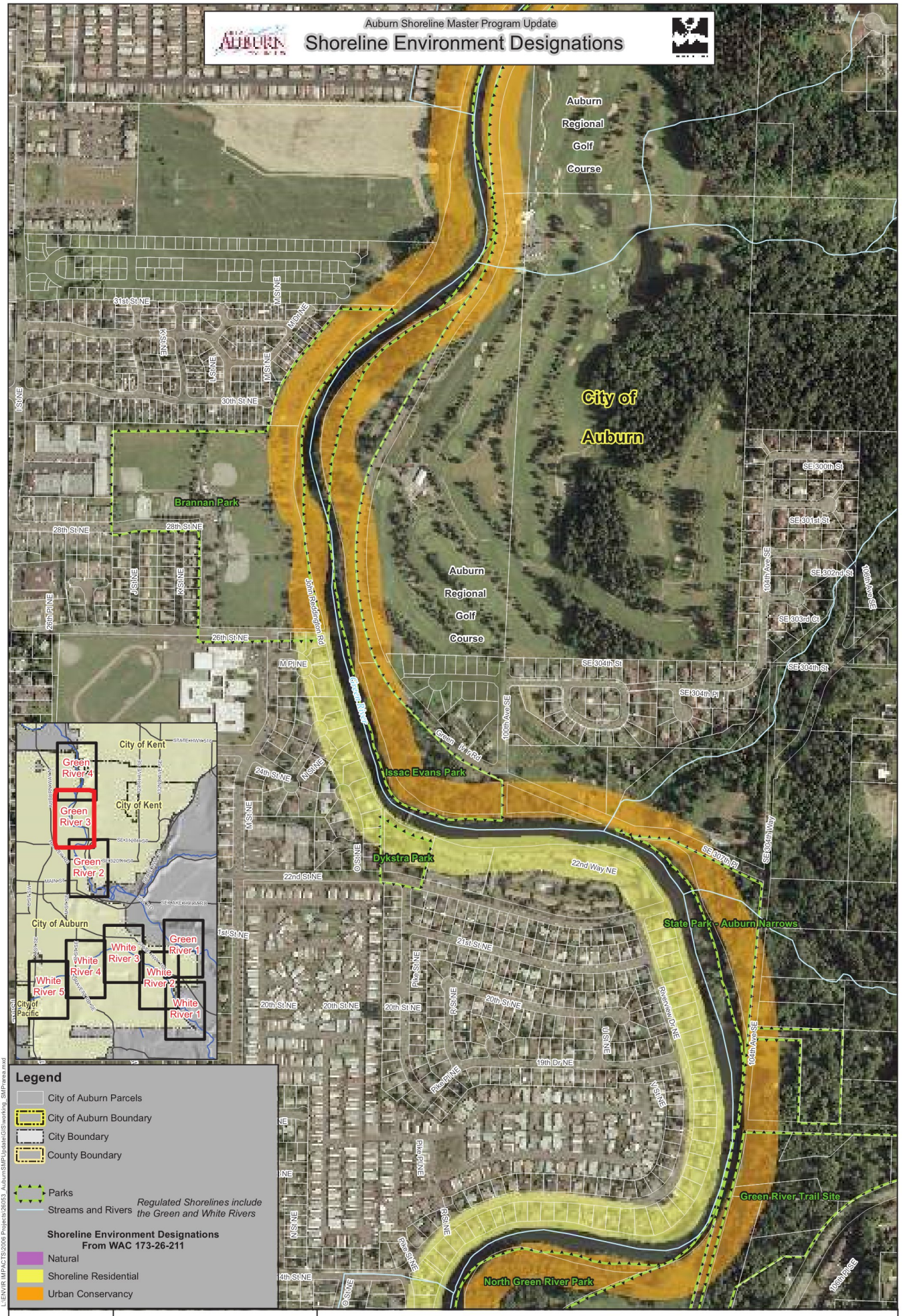
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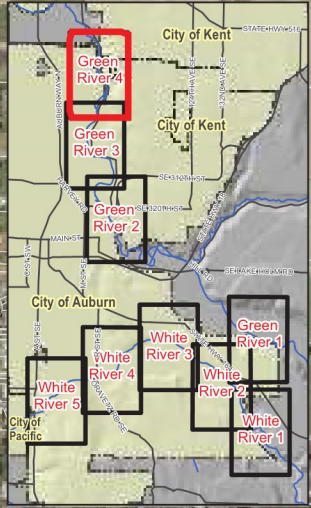
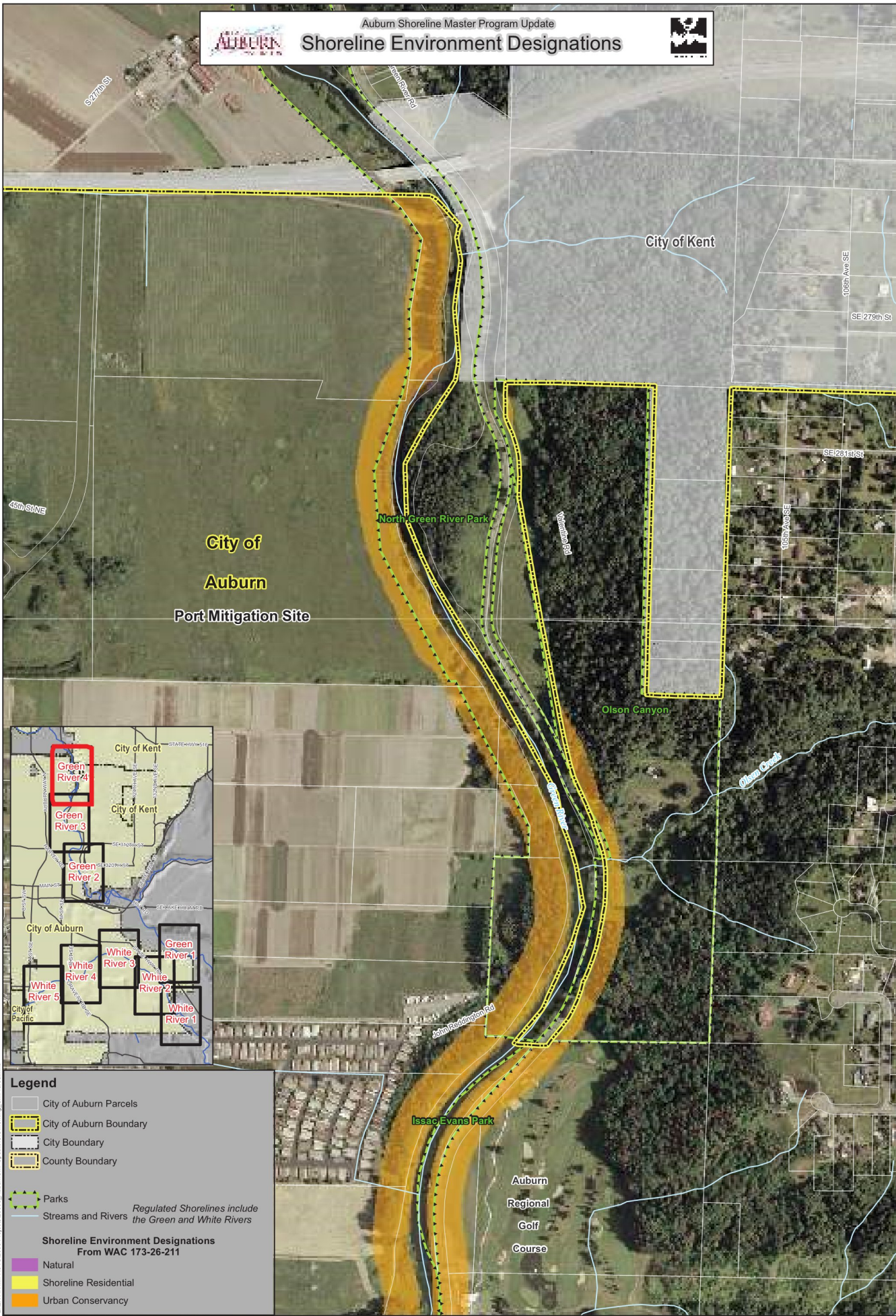
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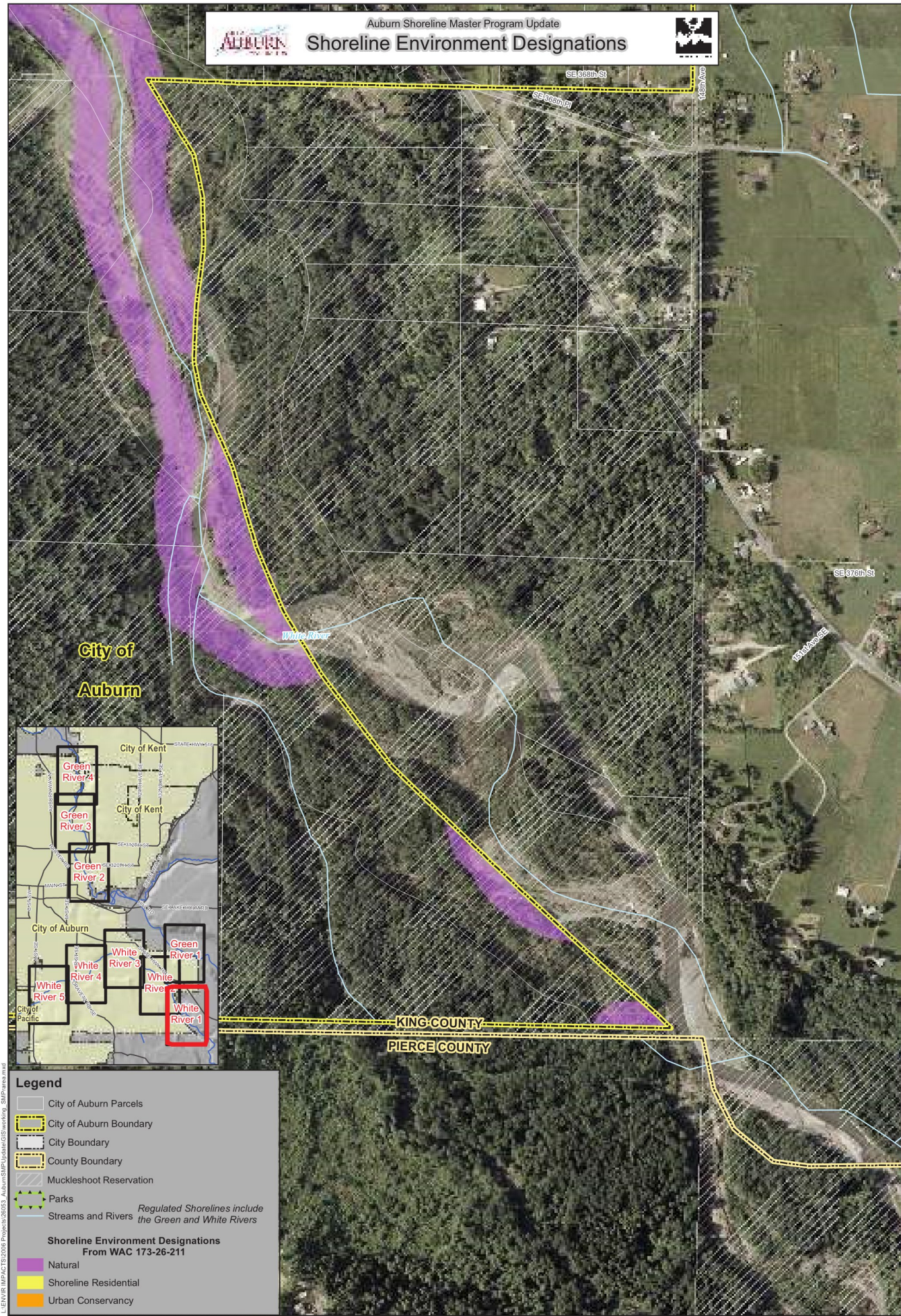
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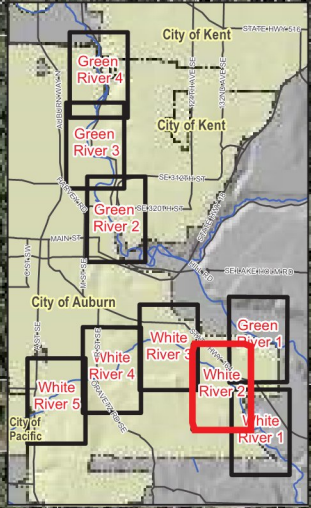
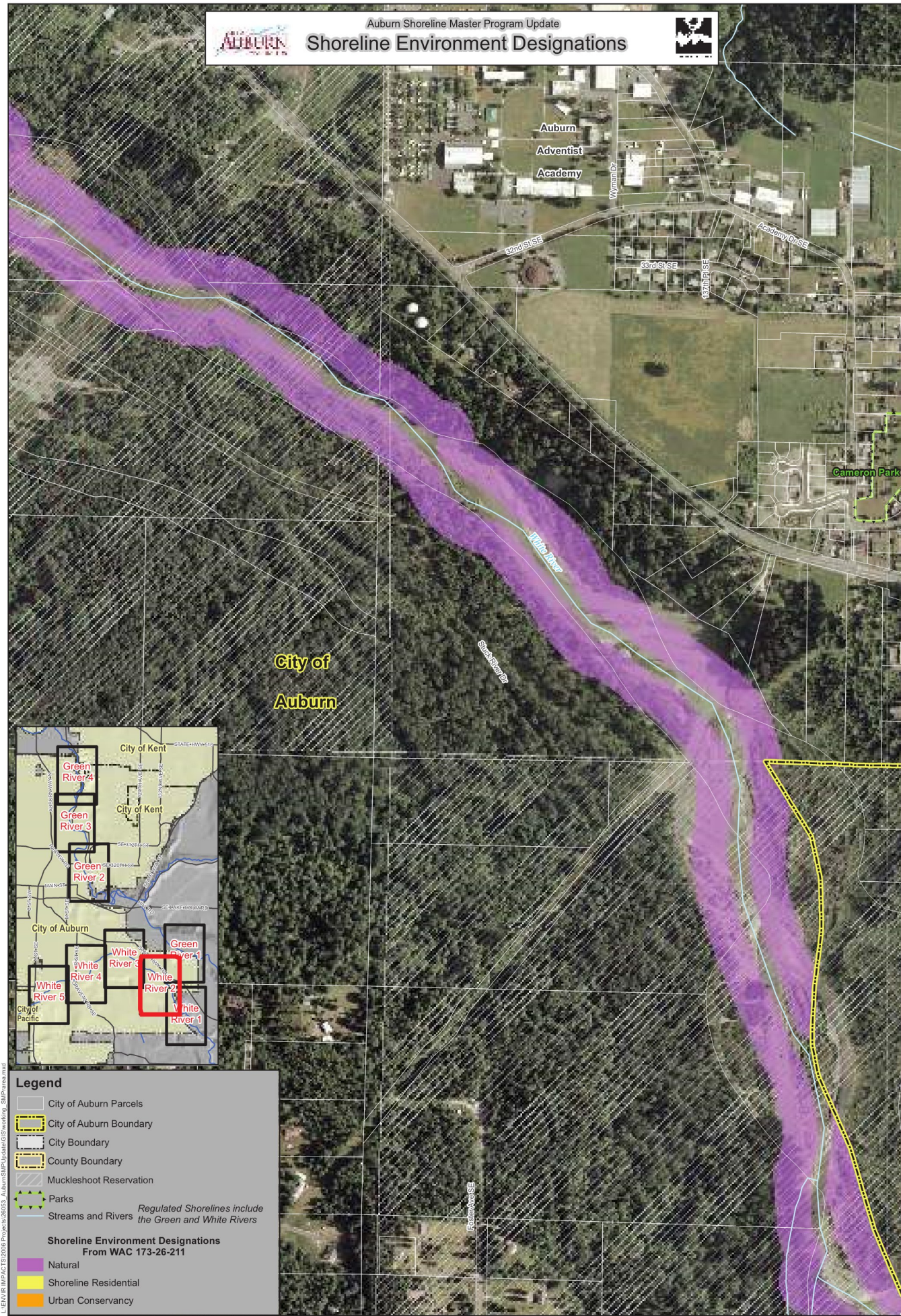
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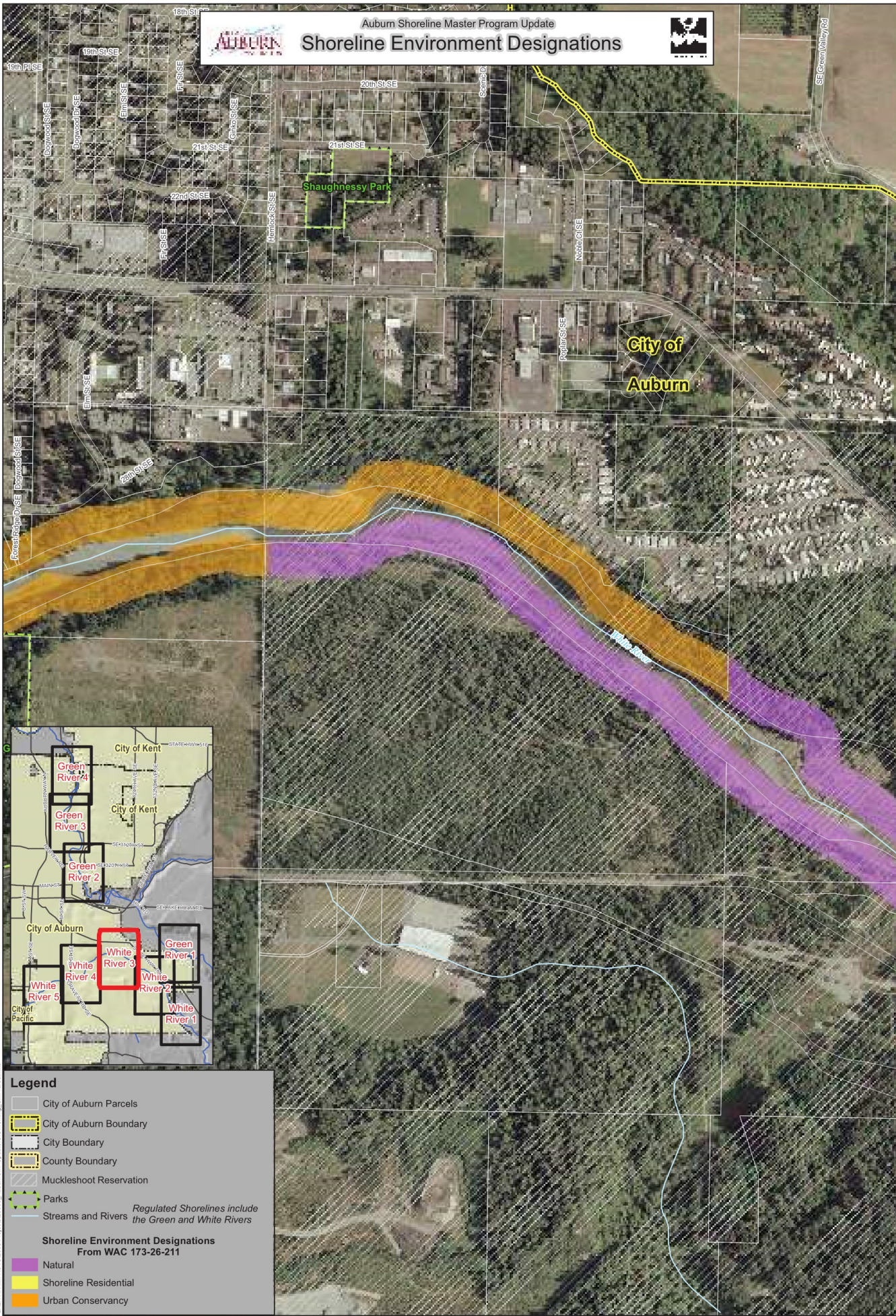
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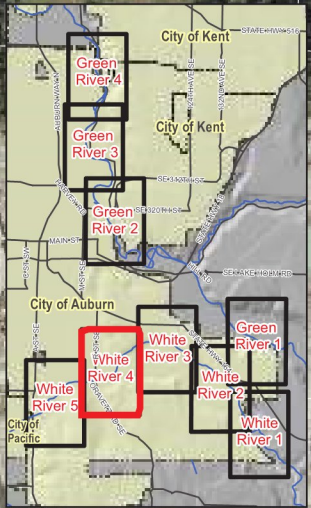
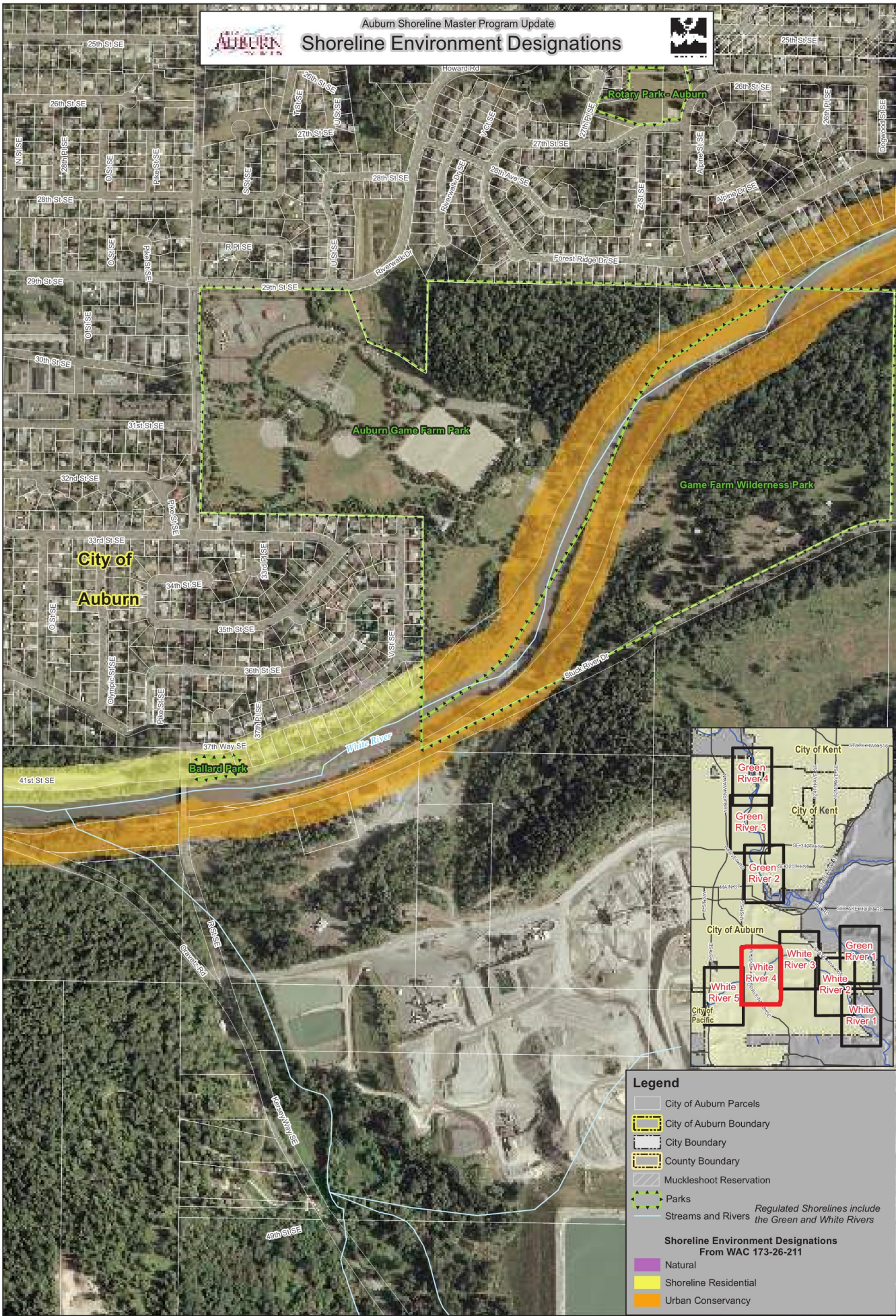
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Auburn Shoreline Master Program Update Shoreline Environment Designations



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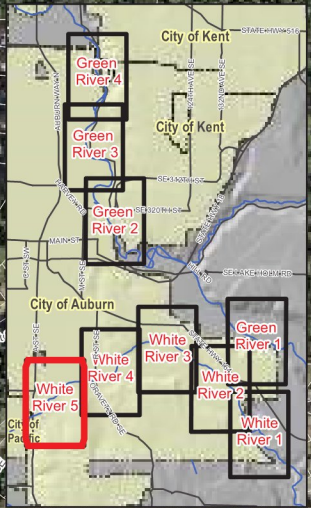
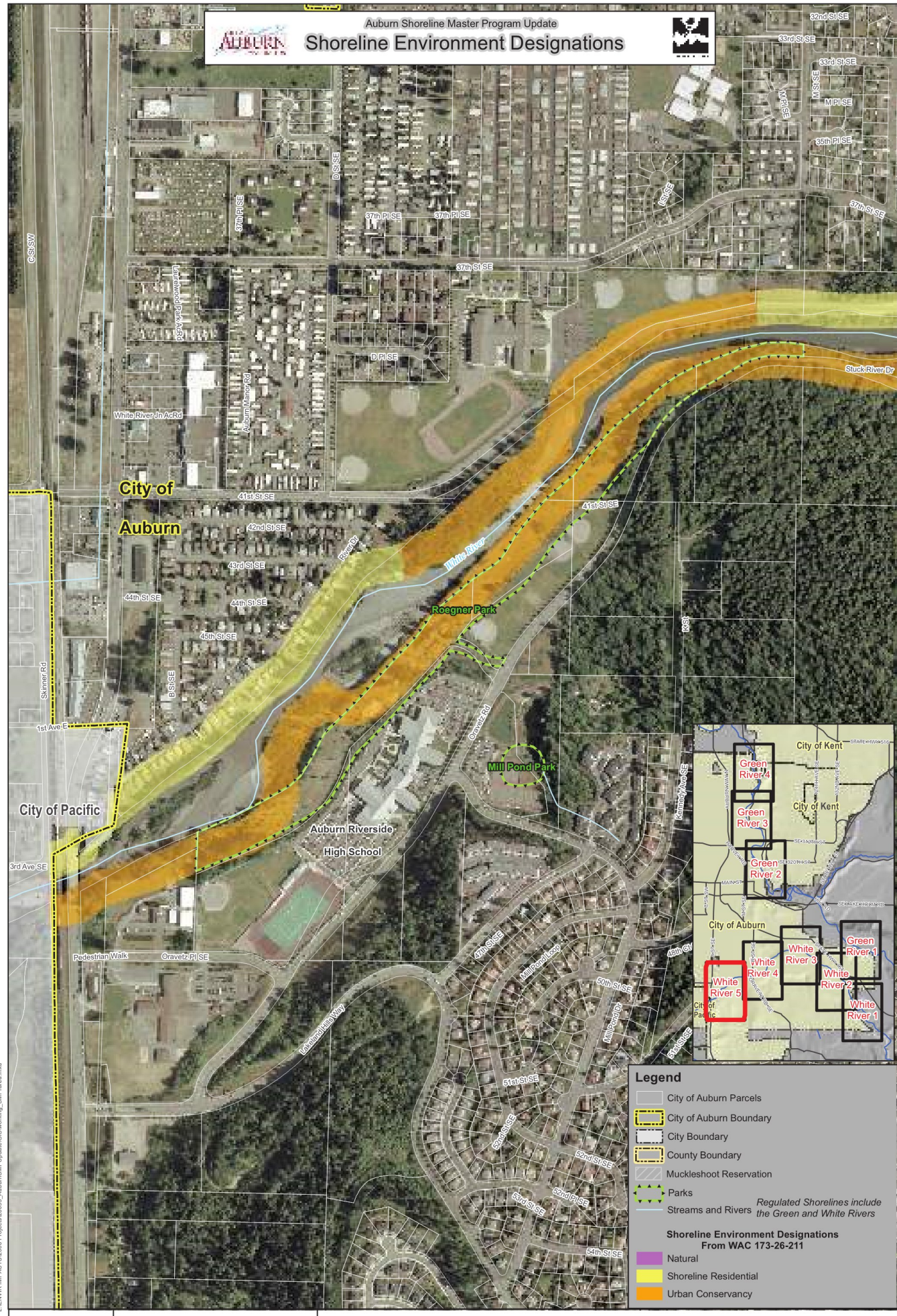
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Auburn Shoreline Master Program Update Shoreline Environment Designations



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SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Mandated and / or Recommended Updates

Row	Summary of change	Review / City Staff Notes	Action Needed, if Any	Staff	Done?
2017					
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	<i>Needs addressed. Currently \$5,718 (Page 1-13, 21 of 106; Page 4-1, 37 of 106)</i>	<i>Update pages to \$7,047</i>	TG	Yes
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	<i>Not required, but could be added to Auburn’s definition (Page 1-4, 12 of 106, 4-1)</i>	<i>Added/updated the definition.</i>	TG	Yes
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	<i>Needs addressed.</i>	<i>Proposed to add to 4.2 “Applicability”</i>	TG	Yes
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	<i>Needs addressed. Code needs updated as well. (Page 6-10, 94 of 106; ACC 16.08.190)</i>			
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	<i>Not required, but should be added to Auburn’s definitions related to forests (Page 1-5, 13 of 106)</i>			
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	<i>Unclear if needs addressing—what about Muckleshoot lands?</i>			
g.	Ecology clarified “default” provisions for nonconforming uses and development.	<i>It appears the City’s SMP has it’s own provisions for nonconforming uses and development; the definitions should be updated to reflect uses, structures, and lots.</i>			

Row	Summary of change	Review / City Staff Notes	Action Needed, if Any	Staff	Done?
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	<i>Auburn's SMP doesn't mention periodic reviews so no changes necessary.</i>	N/A	N/A	Yes
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	<i>No changes necessary.</i>	N/A	N/A	Yes
j.	Submittal to Ecology of proposed SMP amendments.	<i>No changes necessary—Auburn's SMP is general enough about receiving approval from Ecology (Page 5-2, 84 of 104)</i>	N/A	N/A	Yes
2016					
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	<i>Unclear. It appears the City's SMP refers to the WAC exemptions so potentially no changes necessary (Page 6.2, 86 of 106). BUT—then there is a list of exemptions under the "Substantial Development" definition, consistent with the WAC exemptions, so may be necessary to add here (Page 1-13 & 14, 21 & 22 of 106)</i>			
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	<i>Potentially requiring updates to the City's CAO. Table 1, page 4-10.</i>			

Row	Summary of change	Review / City Staff Notes	Action Needed, if Any	Staff	Done?
2015					
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	<i>Optional update. Does the City receive any WSDOT projects in the SMP?</i>			
2014					
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	<i>Needs addressing. Although docks are not permitted in any SMP zone in Auburn, the City's SMP does have a definition for "Substantial Development" with exceptions that will need to be updated (Page 1-13, 21 of 106)</i>			
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	<i>No changes necessary, Auburn's SMP does not allow FOWR.</i>	N/A	N/A	Yes
2012					
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	<i>No changes necessary, Auburn's SMP does not specify an appeal process for the SMP itself (only for decisions).</i>	N/A	N/A	Yes
2011					
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	<i>Needs addressing.</i>			

Row	Summary of change	Review / City Staff Notes	Action Needed, if Any	Staff	Done?
b.	Ecology adopted rules for new commercial geoduck aquaculture .	<i>No changes necessary, Auburn has no saltwater shorelines.</i>	N/A	N/A	Yes
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	<i>No changes necessary, Auburn's SMP does not allow FOWR.</i>	N/A	N/A	Yes
d.	The Legislature authorized a new option to classify existing structures as conforming .	<i>Optional update—may be a change the City wants to pursue, if not adequately addressed already. Further research needed. 4.4.10 – Regulations – 10</i>			
2010					
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	<i>Further research is needed. Will need to coordinate with Shoreline Planner for assistance.</i>			
2009					
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	<i>Optional update. Could be most useful to reference the WAC.</i>			
b.	Ecology adopted a rule for certifying wetland mitigation banks .	<i>Auburn's CAO allows for wetland mitigation banking (e.g. in-lieu fee programs). It appears that the SMP also allows by referencing ACC 16.10.110. May want to</i>			

Row	Summary of change	Review / City Staff Notes	Action Needed, if Any	Staff	Done?
		<i>strengthen the verbiage to use mitigation banking, if that is what the City wants?</i>			
c.	The Legislature added moratoria authority and procedures to the SMA.	<i>Optional update—if the City doesn't update the SMP, the moratoria authority of the RCW can still be used.</i>			
2007					
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	<i>Needs further research. Auburn's SMP currently uses the SMA definition for floodway—the City could amend the SMP and simply reference the FEMA maps, and that would make it so another amendment to the SMP is not needed when the FIRM maps are officially updated/adopted.</i>			
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	<i>The City should update the maps of streams in the City—can the new GIS layer be utilized?</i>			
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	<i>Needs further research. The example language may be added to the "Substantial Development" definition</i>			

DRAFT

EASEMENT

23-0125

6415159
6415159

8857381 U-21

THE GRANTOR, FRANCIS J. BOLDUC, a single man, whose mailing address is 20 West Garfield, Seattle, Washington, for and in consideration of (SEE COMPANION WARRANTY DEED), in hand paid, grants and conveys to THE STATE OF WASHINGTON, THE DEPARTMENT OF GAME and its successor a perpetual easement on, over, and across a 25-foot-wide strip of land bordering and extending along the Northerly and Easterly side of the Green River and any lands of the Grantor lying between said strip and the thread, or center, of said stream on the lands hereinafter described so that the Department of Game may, at its discretion, allow the members of the public to enter upon and use said lands, without restriction or charge by the Grantor, his heirs or assigns, for the purpose of pedestrian travel and sports fishing, the real estate being located in KING County, State of Washington, and being more particularly described as follows:

Township 21 North, Range 6 East W. M., Section 27

Government Lots 4 and 9 and the West half (100%) of Government Lot 10.

DATED this 9th day of September, 1968.

Francis J. Bolduc
Grantor

STATE OF WASHINGTON)
County of King) ss.

On this day personally appeared before me Francis J. Bolduc, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal and official seal this 9th day of SEPTEMBER, 1968.

Charles P. Curran
Notary Public in and for the State of
Washington, residing at Kent



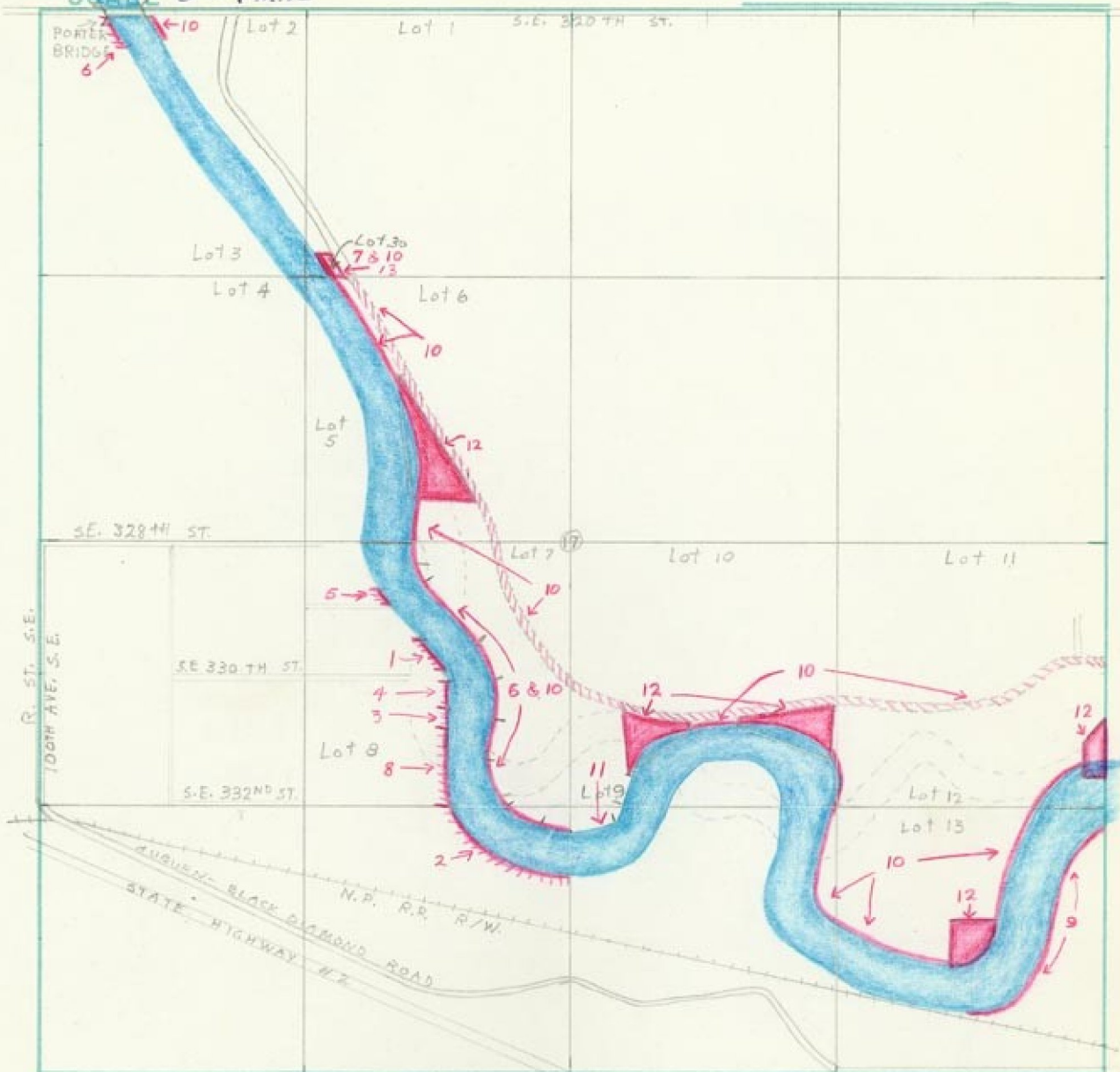
PLAT of SECTION 17 TOWNSHIP 21N RANGE 5E WM

KING

COUNTY

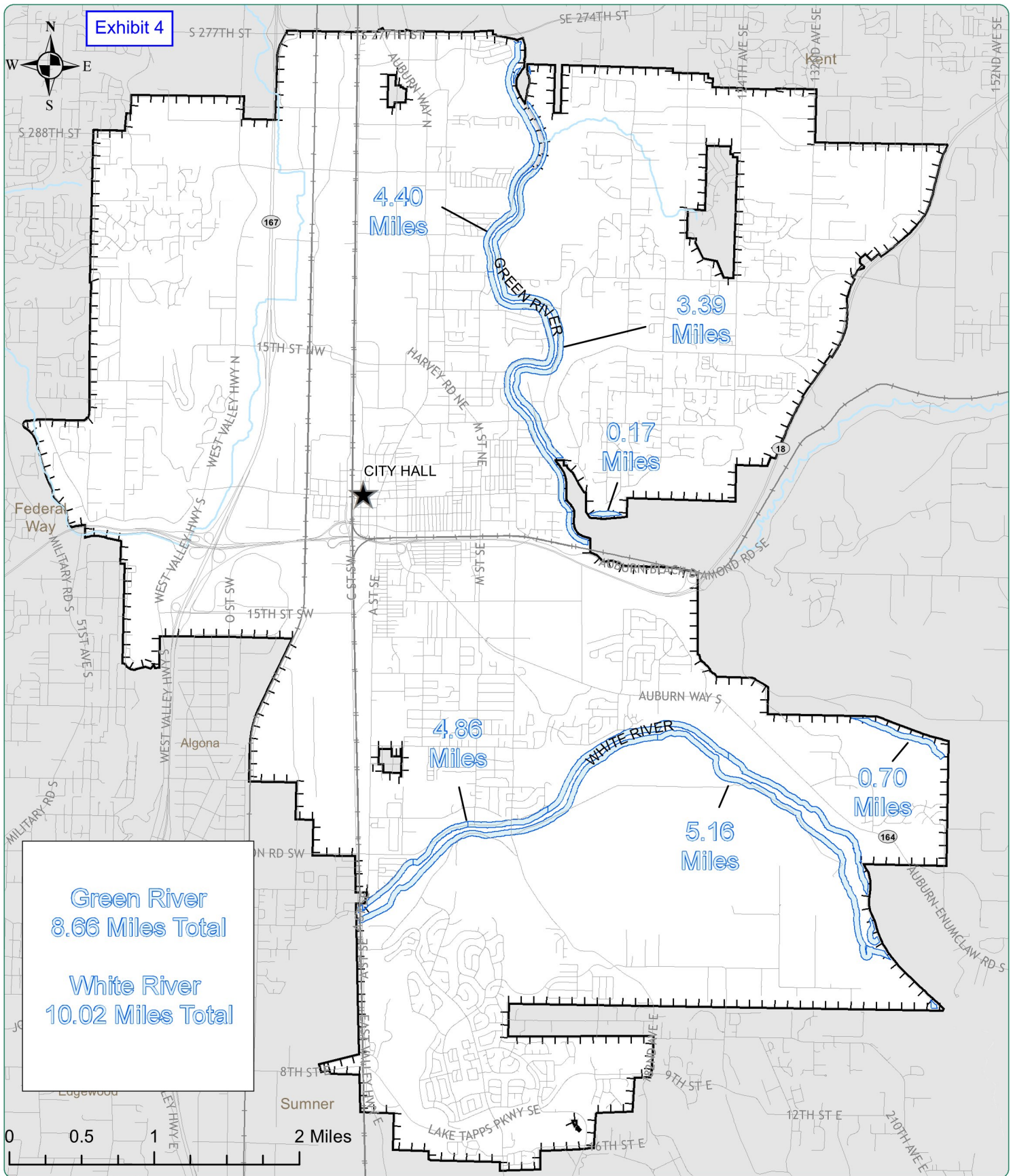
DESIGNATION
PF GREEN RIVER

SCALE 8" = 1 mile

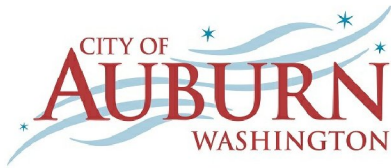


1. Colson - A - 34/4/54 - V 3352, p 506 - 25' ^{200'}walkway - SGD to R&M fences damaged by fishermen A#230128
2. Fenster - E - 12/5/53 - V 3352, p 504 - 25' ^{700'}walkway - SGD to R&M fences damaged by fishermen & construct stiles - A#230133
3. Strathdee - E - 13/5/53 - V 3352, p 498 - 25' ^{100'}walkway - SGD to R&M fences damaged by fishermen - A#230156
4. Ray - E - 24/4/53 - V 3352 - p 499 - 25' ^{100'}walkway - SGD to R&M fences damaged by fishermen - A#230150
5. Morrill - E - 24/4/53 - V 3352, p 502 - 25' ^{100'}walkway - SGD to R&M fences damaged by fishermen - A#230143
6. Porter - E - 28/11/56 - V 3640, p 619 - 25' ^{100'}walkway - SGD to R&M fences damaged by fishermen, construct stiles, brush 3' streambank trail, help alleviate trespass problems A#230148
7. Warnke-Penz-Hopp - E - 28/11/56 - V 3640, p 617 A#230159
8. Ward - E - 13/5/53 - V 3352, p 497 - SGD to R&M fences A#230158 400'x25' walkway
9. Parker-Marion - E - 10/9/69 - 1500' streambank, 25' walkway - V 159, p 20 A#230146
10. Farrell - E - 10/6/68 - 8500' streambank, 25' walkway - V 5115, p 1 - Includes pedestrian travel along unimproved roadway - Subject to interest of Pautzke in Gov. Lot 9 A#230131
11. Farrell - QCD - 8/7/68 - V 5112, p 489 (Gov. Lot 9) A#230131 - 9.9 acres
12. Farrell - Gift Deed - 6.00 ac ± 11/4/69 - V 5112, p 492 - 5 parking areas A#230130

Shoreline Lengths | Planning Commision 10/02/18



Printed On: 9/20/2018
Map ID: 6055



AGENDA BILL APPROVAL FORM

Agenda Subject:

Continued discussion of docket items for Annual Comprehensive Plan Amendments - City initiated text and map amendments.

Date:

September 11, 2018

Department:

Community Development

Attachments:

[Memorandum - "Residential Transition Overlay"](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

Please see the attached Memorandum on the introductory discussion of adopted "Residential Transition Overlay" – Comprehensive Plan Map designation and proposed Amendment.

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

Dixon

Meeting Date: October 2, 2018

Item Number:



Memorandum

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

From: Dustin Lawrence, AICP, Senior Planner, Dept. of Community Development
Jeff Dixon, Planning Services Manager, Dept. of Community Development

Date: September 17, 2018

Re: Introductory discussion of adopted "Residential Transition Overlay" – Comprehensive Plan Map designation and proposed Amendment

Introduction and explanation of designation

With the adoption of the overhauled Comprehensive Plan document at the end of 2015, the City of Auburn adopted a new Comprehensive Plan Land Use map containing a new map designation known as the "Residential Transition Overlay" (or "RT Overlay") (an excerpt from the Comprehensive Plan describing this RT Overlay, is included in your packet as Exhibit "1"). The purpose of this new map designation or "overlay" was intended to ensure that, where there is a sharp transition in different land uses adjacent to one another, the Comprehensive Plan would provide the City with the authority to develop, adopt, and implement subsequent development regulations, such as zoning, to better manage negative impacts or conflicts that may result from the proximity of these disparate land uses.

Since the adoption of the RT Overlay, practical challenges have been encountered regarding how the proposed policies could be implemented. Further, many of the areas within the City that were included within the RT Overlay may not be appropriate given their location and their current land use. Staff is requesting concurrence from the Commission to move forward to modify the RT Overlay map designation and policy language in order to better align it with its intent.

Areas Affected

The RT Overlay Comprehensive Plan designation was applied to areas currently designated as R-1, R-5, and R-7 Residential zones that are located adjacent to more intensive zoning districts throughout the City. These adjacent more intensive zoning districts include Commercial, Industrial, and Public Uses. The geographic area covered by this mapped RT Overlay varies in width since it followed the parcel boundaries of any property that would be abutting the more intensive zoning districts. Generally, this is a 150-200 foot wide area.

Intent of the RT Overlay

The overall intent of the overlay is to promote harmony between disparate land uses and reduce negative impacts. Examples of methods to reduce such impacts could include providing a variety of

housing types, seeking to reduce dust, noise, and light impacts, and providing additional pedestrian connections between uses. Through the adoption of the RT Overlay and Comprehensive Plan policies, the guidance and direction was established to enable the City to subsequently create zoning regulations that would directly implement the intent of the RT Overlay policies.

The policy guidance of the Comprehensive Plan does not by itself regulate; as a policy document, it only provides guidance or policy that sets the direction for subsequent adoption of related development regulations. The policies or direction must be implemented by the City developing, adopting, and implementing subsequent development regulations such as zoning. The policies themselves do not have regulatory effect; except that the Comprehensive Plan and development regulations must be consistent.

Generally, any new regulations that are developed based on the policies of the Comprehensive Plan apply only to new development (new construction or alterations) that takes place after the new regulations are adopted, unless specified otherwise. Not making the regulations retroactive is generally preferable since it avoids surprising property owners and avoids creating non-conforming situations.

The specific policies of the RT-Overlay are included within the Comprehensive Plan (Exhibit “1”).

Approach in Other Jurisdictions

Auburn is unique in that there are very few examples of other jurisdictions within the region incorporating transition overlays within their Comprehensive Plan as a map designation. When the intent is to apply specific certain development regulations to a specific geographic area, this is more commonly accomplished through a “zoning overlay” rather than at the higher level, long range focused comprehensive plan level. Typically, an overlay is applied to existing zoning districts and adds a specific level of regulations that are geographically focused. Examples include applying historic district overlays requiring landmarks review in historic areas, view sensitive overlays that limit height in certain areas, or manufacturing/industrial type overlays that limit the amount of retail in certain areas.

The concept of applying regulations to better manage the transition between incongruent land uses is laudable and found in many jurisdictions throughout the region and country. Often, jurisdictions ensure that height limits, additional landscaping, and limitations on high intensity uses are mandated for the more intensive commercial and industrial zoning districts that are located near single-family and multi-family areas. This is accomplished through zoning overlays that have specific standards or with transition zoning districts that only permit certain types of uses and have specific development standards. In some cases, such as with the Cities of Kent and Bellevue, any non-single-family residential site that is located within 300 feet from a single-family neighborhood is subject to additional transition standards found within the zoning code. Within the City of Auburn, there are multiple code requirements that are able to provide a transition between different land uses. Such requirements are outlined in the “Analysis” section of this memorandum.

Practical difficulties in implementation

The policies for the Residential Transition Overlay encourage connecting uses with pedestrian ways, allowing for a variety of housing types, and seeking to minimize noise, light, and air impacts. In the Comprehensive Plan narrative and mapped locations, the RT Overlay was applied to single-family land

use designations that were zoned R-1, R-5, and R-7 that abut more intensive zoning districts such as commercial and industrial.

While the general intent of the RT Overlay focuses on protecting less intense land uses from impacts resulting from nearby more intensive land uses, the mapped locations for the RT Overlay contain policies that would allow for single-family areas to be developed with more intensive multi-family and mixed-use developments. This dynamic results in a direct conflict with what the RT Overlay is trying to achieve, as areas that are currently reserved for less intense development would have the potential to be developed with more intense land use such as multi-family.

While this seems to provide an incentive to better manage the transition through allowing the bonus of intensifying development, it also places the burden on the single-family residence and generally smaller land owner who is least likely to be able to afford it. As a result, the transition is less likely to be minimized or reduced and does not achieve the desired effect.

Further, the areas designated for the RT Overlay were based off a mapping analysis that doesn't accurately reflect what areas are in need of having the RT Overlay applied. It does not adequately take into account existing man-made or natural features that serve as a barrier to manage the transition. Examples include:

- Single-family subdivisions that are separated by steeply sloped areas from nearby industrial properties in which an effective transition is already provided, such as along West Valley Highway;
- Rural and undeveloped areas near the Auburn Academy and White River that are not located near any high intense land uses;
- Single-family areas near Downtown Auburn that are already surrounded by intensive land uses and should be protected

In addition, the name of "Residential Transition Overlay" closely resembles terminology from two other designations found elsewhere in the Comprehensive Plan document, and thus, the multiple similar sounding terms, each with different meanings and applications, is confusing to users. The Comprehensive Plan also contains a "Residential Transition Comprehensive Plan designation" (also a mapped designation) and provides for a future "Residential Transition zoning district".

Analysis

Proposed remedy or approach

To remedy this situation while maintaining the necessary policy framework that will assist in providing better transitions between incompatible land uses, City staff is proposing to remove the RT-Overlay from the Comprehensive Plan Land Use map while keeping the RT-Overlay Policy statements. This will allow for flexibility and the ability to apply such policies throughout the entire City where conflicts between incompatible land uses exist. This will also eliminate confusion from the public, as the mapped RT-Overlay designation implies that properties that are located within it, which are predominately single-family, can be developed with higher intensive uses.

Mapped RT-Overlay Areas. Map that only shows the zoning designations that are located within the RT-Overlay. As noted previously, this is limited to the R-1, R-5, and R-7 Residential Zones, which are generally developed with single-family residences. The RT-Overlay contains policies that would allow for townhomes, duplexes, and small multi-family within these predominately and historically single-family areas. The map is included in your packet as Exhibit “2”.

Existing Zoning Code Regulations. Various zoning code requirements are currently in effect to help ensure that a transition is provided between incompatible land uses (see Exhibit “3”). These requirements include:

- Maintaining similar height limits for low intensity commercial uses and public facility type uses with single-family residential uses
- Requiring commercial, industrial, and multi-family uses to provide landscaping buffers when they abut single-family residential uses.
- Requiring industrial and some commercial type uses to meet performance standards to minimize odors, noise, and other nuisances.
- Establishment of the RO Residential Office zone, which allows for conversion of older single-family residences into low intensity commercial uses such as offices. These locations are generally located on busier roads and separate commercial or multi-family zoning districts from single-family residential neighborhoods.

Possible Zoning Code Refinements. In order to demonstrate consistency with the Residential Transition Overlay Comprehensive Plan policies, the following zoning code requirements could be incorporated into the existing code:

- Require pedestrian connections (walkways) from entrances of commercial buildings to the public sidewalk. This is generally a requirement within the building code right now, but having it as a zoning code requirement as well would give the Planning Director authority to ensure it is always applied. There are direct Residential Transition Overlay policies that seek to require more pedestrian connections to the public sidewalk.
- Increasing the existing landscape buffer requirements so thicker landscaping and/or site obscuring fences are required for newly developed properties that abut less intensive zoning districts. There are direct Residential Transition Overlay policies that note that the higher intensive uses, such as multi-family adjacent to single-family or commercial adjacent to single-family, have the burden of mitigating impacts from light, noise, and dust.

Request

Staff is seeking the Planning Commission’s concurrence to proceed with removing the Residential Transition Overlay as a mapped Comprehensive Plan designation while slightly modifying and retaining the existing Residential Transition Overlay policies.

Exhibit 1
Residential Transition Overlay Comprehensive Plan Policies

CITY OF AUBURN COMPREHENSIVE PLAN

Urban Growth Area and Potential Annexation Area Designation

Description

Urban growth areas and potential annexation areas are areas located outside of the municipal city limits of Auburn. They are areas that are anticipated to be incorporated into the City within 10 years of their designation.

Designation Criteria

Potential annexation areas are jointly developed by cities and the County in which they are located. They are based upon countywide growth projections that are divided among all urban growth areas within each respective County. Urban growth areas and potential annexation areas are distinguished from each other by whether they have been assigned to a City or not. Urban growth areas have been identified but have not been assigned to a City. Potential annexation areas are urban growth areas that have been assigned to a specific City.

Implementing Designations

Urban Growth Area
Potential Annexation Area

Policies

- LU-111 Work with King and Pierce County, as well as nearby cities, to redesignate urban growth areas into potential annexation areas.
- LU-112 Auburn's Potential Annexation Area is shown on the Comprehensive Plan Land Use Map (Map 1.1). Map 1.1 also depicts Growth Impact Areas. These Growth Impact Areas are generally adjacent cities or unincorporated County lands in which development that occurs potentially impacts the city of Auburn.
- LU-113 The Auburn City Council may revise the boundaries of the Potential Annexation Area in the future, in response to:
- Amendments to King and Pierce County Urban Growth Areas as

specified in the King and Pierce County countywide policies

- Discussions between Auburn and adjacent jurisdictions regarding POTENTIAL ANNEXATION AREA boundaries
- Discussions with Pierce County concerning the designation of POTENTIAL ANNEXATION AREA boundaries
- Changed circumstances relating to population and employment growth and projections, urban service feasibility, or similar factors.

LU-114 Develop strategies and agreements for the review of development and provision of utilities within potential annexation areas that have yet to be annexed.

LU-115 Prior to annexation, develop strategies and agreements that address the orderly transition of areas into the City such as transfer of permit authority, infrastructure financing, financing of fire and police services, and interim development regulations.

Transition Overlay Designation

Description

Transition Overlays are areas that do not have a Residential Transition land use or zoning designation but still require additional emphasis between two different land use designations.

Designation Criteria

Areas shown on the Comprehensive Plan land use map that are located between single-family and multifamily designations; between multifamily and nonresidential designations; and between single-family and nonresidential designations.

Implementing Designations

Transition Overlay

Policies

- LU-116 Between single-family and multifamily:
- Where a multifamily use is proposed to be located adjacent to a

VOL. 1

LU-16

Exhibit 1 (continued)

Residential Transition Overlay Comprehensive Plan Policies

LAND USE ELEMENT

single-family zone, the multifamily use will bear the burden of providing an adequate transition of land use. Mitigating measures that control light, noise, and dust should be incorporated into multifamily development proposals.

- b. Provide nonmotorized access through the Transition Overlay in order to connect the adjacent land uses.
- c. Housing size, type, and orientation shall be utilized as a means of providing harmonious transition of the built environment.
- d. Provide a mix of townhomes, duplexes, cottage housing and small-scale multifamily housing.
- e. Rezones to the Residential Transition zone should not be allowed if it will result in the creation of a Residential Transition island.

LU-117 Between multifamily and nonresidential

- a. Where a nonresidential use is proposed to be located adjacent to a multifamily zone, the nonresidential use will bear the burden of providing an adequate transition of land use. Mitigating measures that control light, noise, and dust should be incorporated into nonresidential development proposals.
- b. Provide nonmotorized access through the Transition Overlay in order to connect the adjacent land uses.
- c. Provide a mix of townhomes, duplexes, cottage housing and small-scale multifamily housing.
- d. Rezones to the Residential Transition zone should not be allowed if it will result in the creation of a Residential Transition island.

LU-118 Between single-family and nonresidential:

- a. Where a nonresidential use is proposed to be located adjacent to a single-family zone, the nonresidential

use will bear the burden of providing an adequate transition of land use. Mitigating measures that control light, noise, and dust should be incorporated into nonresidential development proposals.

- b. Provide nonmotorized access through the Transition Overlay in order to connect the adjacent land uses.
- c. Housing size, type, and orientation shall be utilized as a means of providing harmonious transition of the built environment.
- d. Cluster housing in order to utilize natural areas as a buffer.
- e. Rezones to the Residential Transition zone should not be allowed if it will result in the creation of a Residential Transition island

Critical Area Overlay Land Use

Description

Under the Growth Management Act cities and counties are required to identify, designate and protect critical areas. Critical areas include (a) wetlands, (b) areas with a critical recharging effect on aquifers used for potable water, (c) fish and wildlife habitat conservation areas, (d) frequently flooded areas, and (e) geologically hazardous areas.

Designation Criteria

Designation of critical areas includes both criteria that should be applied to the specific type of critical area as well as buffers and/or setbacks that are necessary for the protection of the critical area and/or life and property. Designation of critical areas is based on best available science as it applies to local conditions.

Implementing Designations

Wetlands
Critical Aquifer Recharge Areas
Fish and Wildlife Habitat Conservation Areas
Frequently Flooded Areas
Geologically Hazardous Areas

VOL.1

LU-17

Residential Transition Overlay Mapped Areas (cross hatched)

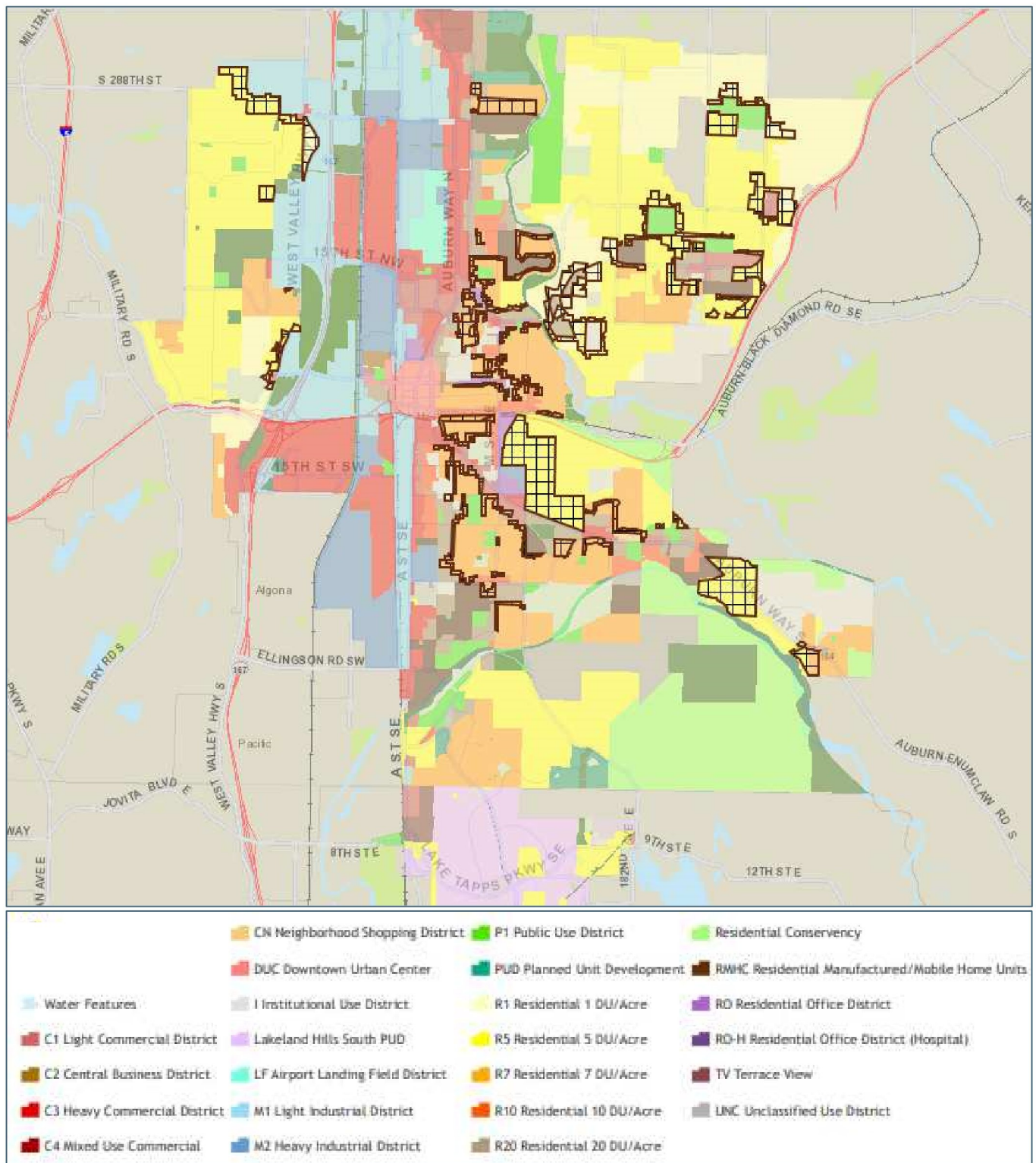


Exhibit 3

Examples of Existing Zoning Code Provisions that Provide Transitions

Height Comparison between Residential & Commercial Districts

The below table shows the similarities in height requirements for commercial and industrial districts that are the most likely to be located near residential areas. These requirements are outlined in ACC 18.07.030 & ACC 18.23.040

Standard	R-5	R-7	R-10	R-16	R-20	C-1	M-1
Maximum Building Height	35	35	45	45	50	45	45

Landscape Buffer Chart

The below chart outlines all of the zoning districts that require landscaping buffers when they abut residential property.

Table 18.50.040(A) Minimum Landscape Requirements by Zoning District

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
Residential Zones			
RC, R-1, R-5, and R-7 Residential Zones ⁴	N/A	N/A	N/A
R-10, R-16 and R-20 Zones ⁵	20%	6 ft.	10 ft.
Nonresidential Zones			
C-2	10%	0 ft.	6 ft.
C-1, C-N	10%	6 ft.	10 ft.
C-3, I, P-1	15%	6 ft.	10 ft.
EP	10%	10 ft.	10 ft.
BP	15%	10 ft.	10 ft.
M-1	10%	10 ft.	10 ft.
M-2	10%	10 ft.	25 ft.
Other			
RO ⁶ /RO-H ⁸	N/A	N/A	N/A
DUC ⁷	N/A	N/A	N/A

Exhibit 3 (continued)

Examples of Existing Zoning Code Provisions that Provide Transitions

Below is a list of performance standards that govern industrial type uses, thereby reducing potential impacts to nearby less intense land uses such as single-family residential. These standards are outlined in ACC 18.31.180.

A. General. The following performance standards specifically govern industrial, manufacturing, processing, assembly and similar type uses typically found within the industrial zones. These standards may also apply to other uses and activities in other zones, which are not otherwise governed by other regulations of the Auburn City Code.

B. Noise. The noise emanating from the premises of commercial or industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed those standards as determined by Chapter 173-60 WAC, as amended.

C. Glare. Exterior lighting shall not be used in such a manner that it produces glare on public streets and neighboring property. This restriction also applies to any other nonresidential zone or use adjacent to single-family zones. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property line of the use creating the glare.

D. Storage and Handling of Flammables. In terms of fire and safety hazards, the storage and handling of flammable liquids, combustible liquids, liquefied petroleum gases and explosives shall comply with the rules and regulations of the International Fire Code, as amended.

E. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment uses or processes with electrical apparatus in nearby buildings or land uses.

F. Odorous Gases and Matter. The emission of odorous gases or matter in such quantities as to be readily detectable, without special instruments, at any point beyond the property line of the use creating the odors is prohibited.

G. Smoke and Particulate Matter Emissions. No emissions shall exceed the allowances set forth by the Environmental Protection Agency, the Washington State Department of Ecology and/or the Puget Sound Air Pollution Control Agency.

H. Dust, Dirt, Fly Ash, or Airborne Solids. No observable dust, dirt, fly ash or other airborne solids shall be emitted except as related to construction activity or permitted in Chapter 18.62 ACC, Surface Mining.

I. Waste Storage. Storage of animal or vegetable wastes which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view, from eye level, beyond the property line of the use storing the waste.

J. Toxic Gases and Matter. No emissions of toxic gases or matter shall be permitted.

K. Vibration. Vibration which is easily discernible, without special instruments at any point beyond the property line, is prohibited. This shall not apply to vibration caused by highway vehicles, trains, aircraft or construction activities.

L. Hazardous Substance and Waste. No hazardous substances or wastes shall be released into the environment so as to cause dangerous or offensive emission or contamination of any public or private water supply, sewage treatment processes, watercourse or water body, the air or the ground, except in accordance with standards approved by provisions of federal, state and local laws and regulations.

Examples of Existing Zoning Code Provisions that Provide Transitions

Below are the code provisions for the RO Residential Office zone, which acts as a transition between commercial uses and residential uses by allowing existing homes to be converted to small scale neighborhood businesses such as offices, restaurants, and personal service shops.

ACC 18.35.020 Intent of special purpose zones

B. RO and RO-H Residential Office and Residential Office-Hospital Zone. The RO and RO-H are intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community.