	Planning Commission Meeting August 3, 2021 - 7:00 PM AGENDA
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I. Virtual Participation

A. Virtual Participation Info

The Auburn City Planning Commission Meeting scheduled for August 3, 2021, at 7:00p.m. will be held virtually and telephonically. To attend the meeting virtually please click the below link, enter the meeting ID into the Zoom app, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and Stay Safe-Stay Healthy, the City of Auburn is holding public meetings virtually at this time.

City of Auburn Resolution No. 5581, designates City of Auburn meeting locations for all Regular, Special and Study Session Meetings of the City Council and of the Committees, Boards and Commissions of the City as Virtual Locations.

Join Zoom Meeting
<https://us06web.zoom.us/j/88226709373>
Meeting ID: 882 2670 9373
One tap mobile
1(253) 215-8782

II. CALL TO ORDER

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

A. July 20, 2021 Draft minutes from the Special Planning Commission Meeting

IV. PUBLIC HEARINGS

V. OTHER BUSINESS

A. Airport Code Update

City File No. ZOA20-0002: Introduction to Airport Zoning Code Update (amend Chpt 18.38 + Chpt 18.04 ACC).

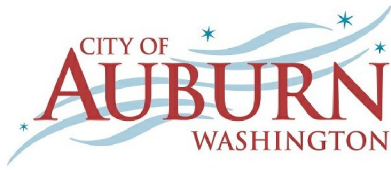
VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. **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:

July 20, 2021 Draft minutes from the Special Planning
Commission Meeting

Date:

July 26, 2021

Department:

Community Development

Attachments:

[July 20, 2021 Draft Minutes from the Special
Planning Commission Meeting](#)

Budget Impact:

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

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

Dixon

Meeting Date: August 3, 2021

Item Number:

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. via Zoom due to Governor Inslee's Healthy Washington – Roadmap to Recovery initiative and the Governor's Emergency Proclamation 20-28 due to the Covid-19 Pandemic which establishes the official meeting place, as virtual.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Judi Roland; Commissioner Moutzouris; Commissioner Khanal; Commissioner Mason

Vice-Chair Lee and Commissioner Stephens were excused.

Staff present: Assistant City Attorney Doug Ruth; Planning Services Manager, Jeff Dixon; Planner II, Alexandria Teague; Senior Planner, Thaniel Gouk; Economic Development Coordinator, Jenn Francis; Administrative Assistant, Jenn Oliver.

Members of the public present: (none)

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. June 8, 2021 – Regular Meeting Minutes

Commissioner Khanal moved, and Commissioner Mason seconded to approve the minutes from the June 8, 2021, meeting as written.

MOTION CARRIED UNANIMOUSLY. (4-0)

III. PUBLIC HEARING

A. Portable Sign Code Text Amendment

Amend Title 18 (Zoning Code) and Downtown Urban Center Design (DUC) Standards related to portable signs (City File No.: ZOA20-0003)

Chair Roland opened the public hearing on July 20, 2021, at 7:03 p.m.

Alexandria Teague, Planner II, provided the staff report for Sign Code Text Amendment for portable signs.

Previously the City allowed temporary signs, which also included portable signs, throughout the city – including the Downtown Urban Center zoning district. However, the temporary sign provision, that allowed portable signs throughout the

City sunsetted in 2016 and portable signs are now prohibited everywhere except the DUC zone (and except for real estate signs). Prior to the sunset of the code, the city had a no fee sign permit for temporary signs. The purpose of the no fee sign permit was to encourage sign compliance with City code. After the temporary sign provisions of that allowed portable signs throughout the City sunsetted, the no fee sign permit for temporary signs ended as well. Portable signs, however, are still allowed in the DUC zoning district because Chapter 18.29 ACC "DUC Downtown Urban Center", still contains provisions for portable signs. Since 2016 there has been a proliferation in noncompliant portable signs – noncompliant in the number, placement, and size of signs. This text amendment is intended to clarify, improve, and reinforce the existing portable sign standards, provide new portable sign design standards, and address some challenges with portable signs that have occurred over the years.

Staff continued that along with the new set of regulations, there will be a portable sign grant program to assist downtown businesses acquire portable signs. Staff is working with the Downtown Auburn Cooperative and local sign companies to create this program. This sign program will help create a consistent and aesthetic feel for portable signs. The program will only function within the downtown BIA (Business Improvement Area managed by the Downtown Auburn Cooperative). The BIA is businesses located in a specific geographic area downtown that contribute funds towards improvement in the downtown business area and to help promote the businesses. Since the Downtown Auburn Cooperative is providing a source of funds for the program, the financial assistance to businesses to acquire portable sign are only allowed to be used in the BIA of Auburn.

Staff presented to the Commission Exhibit 1 which includes the complete strikeout-underline version of the proposed changes to Chapters 18.29 ACC and Chapter 18.56 Signs ACC, and Exhibit 2 that includes the complete strikeout-underline version of the proposed changes to the DUC Design Standards, related to portable signs.

Staff introduced the amendment to the Planning Commission (PC) at the June 8, 2021, regular meeting. At the June 8th meeting, the PC requested Staff to proceed with scheduling a public hearing on the proposed changes. Staff noted that a combined SEPA Determination of Non-Significance (DNS) and notice of public hearing (NOH) was distributed on June 24, 2021 (City File No. SEP21-0015), with no comments received.

Concluding the staff report, the Commission and staff discussed the proposed portable sign code changes.

The Commission asked that if a business outside of the DUC/BIA were to request funds or help from the portable sign grant program, how would staff handle that if the funds are only allowed for the specific downtown area. Staff commented that if the program is designed for the BIA, and outside requests would have to be looked at if that did arise. The BIA pays into the program that help improve the downtown business area. Distributing their funds to other businesses outside of that specific area would be illegal. However, staff commented that it could be something to investigate and to discuss with the Community Development Director. Staff

confirmed that portable signs are not allowed in the City of Auburn unless it is a real estate sign or located in the DUC zone.

Chari Roland asked three times for Public Testimony. With no public testimony, Chair Roland closed the public hearing at 7:37 p.m.

With no other questions from the Commission, Chair Roland asked for a motion.

Commissioner Moutzouris moved, and Commissioner Khanal seconded that Sign Code Text Amendment for portable signs (Amend Title 18 (Zoning Code) and Downtown Urban Center Design (DUC) Standards related to portable signs (City File No.: ZOA20-0003), be moved forward to City Council for approval.

Motion Passed: (4-0)

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that City Council is migrating to conducting their meetings back in person. They are doing a hybrid of in-person and virtual formats. They are working with equipment that would be needed for someone attending virtually but has questions for Council that is attending in-person and that can be heard by others attending the meeting in-person. This will be conducted for the months of July and August. Council will not be asking any other City Boards or Commission to conduct in-person meetings until at least September.

The Planning Department has hired a Long-Range Senior Planner. He will be starting at the end of the month of July and will be introduced to the Commission once he starts.

Jeff Dixon, Planning Services Manager, introduced Jenn Francis, the City's new Economic Development Officer to the Planning Commission.

The Legacy Project across from City Hall is under construction but coming along quickly and growing taller each day.

The Copper Gate Project is close to being completed and will be working towards final occupancy for the 500 apartment units that were built. The site has a clubhouse with an outdoor water park/splashpad, picnic shelters, pea patch, a swimming pool and an indoor basketball court, as well as many trails for the occupants to use that will eventually be connected to the Interurban Trail and the Green River Trail via the sidewalks along I Street NE and connected to the trail on the south side of S. 277th Street. The Commission asked what else would be built on that particular site and staff responded that there are not specific tenants identified yet, however, the development agreement between the City and with the property owner states that the north side of the property be developed into

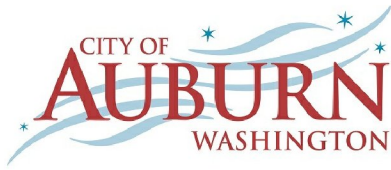
commercial or professional office uses. They are in the process of marketing the north side property and they are also in the process of securing the approvals to fill the site and bring that site out of the floodplain, so it is ready for development.

The Commission inquired about the former Eagles building that the Muckleshoot Tribe now owns on the east side of M ST SE and what possibly would be happening to the site. Staff stated that there is no specific plans that have been presented to the site for redevelopment. A couple of companies have approached the city about leasing the building and site from the Tribe, but the companies were not allowed due to the zoning. There are no long-term plans that the city is aware of at this time.

The Planning Commission asked for an update on the Heritage Building site. Staff commented that the site has been cleared up of weeds and there is now a temporary fence with a temporary art installation on the fence up to dress up the site until the building starts. There is still progress with the site. Staff has been in touch with them recently about pursuing the revisions to their project. They were working on some refinements on the structural analysis for that building based on the poor soils that are in the vicinity. They have to make sure they understood how they could support that type of structure. They are resubmitting revision to their building permits at the end of this month.

The next Planning Commission Meeting will be August 3, 2021, and the Agenda Topic will be Airport Code Amendments.

With no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 7:56 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Airport Code Update

Date:

July 26, 2021

Department:

Community Development

Attachments:

[Intro to Airport Zoning Text Amendment Memo](#)

[Attachment A - Signed Ordinance and Adopted](#)

[Policies](#)

[Attachment B - Airport Overlay Map](#)

[Attachment C - Airport Zoning Text Amendment](#)

[Attachment D - Airport Zoning Text Amendment](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

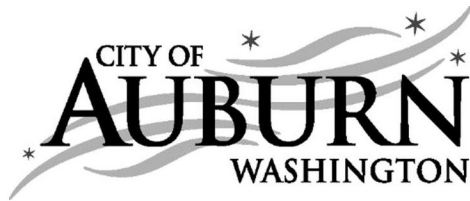
Revised Budget: \$0

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

Dixon

Meeting Date: August 3, 2021

Item Number:



MEMORANDUM

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

FROM: Alexandria D. Teague, Planner II
Department of Community Development

DATE: July 16, 2021

RE: City File No. ZOA20-0002 - Introduction to Airport Zoning Code Update

I. ANNUAL COMPREHENSIVE PLAN UPDATE

The City of Auburn has the regulatory authority over how development occurs within the community, including the ability to plan for, abate, mitigate, and otherwise respond to land use concerns. The primary tool is through the City's zoning and land use regulations. The City also has the role of defining the current, short term, and long term vision for growth and development within the City and this is completed through the City's adopted Comprehensive Plan.

Auburn's current Comprehensive Plan as it relates to the Auburn Municipal Airport was largely based on standards developed in 1995 and had not sufficiently kept pace with changing conditions around the airport. Since the 1990s, development in the vicinity has increased, and over the years the airport has had to contend with issues of meeting its own operational, development, and safety needs, with that of the area around it. As a result Auburn's airport continues to face challenges such as the of lack of available land for development and safety, and the encroachment of what are determined to be incompatible uses, obstructions that penetrate the airspace, and noise sensitive uses.

As a result of these changing conditions, staff prepared text amendments for the Comprehensive Plan during the 2020 annual amendment cycle. These amendments were reviewed by the Planning Commission and subsequently approved by the City Council on December 2, 2020. The goal of the text amendments was to reinforce in the policy language the importance of the airport and protect the significant investment that has been made, not only the Federal Aviation Administration (FAA) and Washington State Department of Transportation (WSDOT), but also by the City. A copy of the signed ordinance and adopted policies is attached for reference (Attachment A).

Now staff is in the process of updating the airport-related zoning code regulations. The majority of the airport-related zoning code regulations are contained in Chapter 18.38, the "[LF Airport Landing Field District](#)" of the Auburn City Code (ACC). The purpose of the zoning code, or land use regulations, is to implement the policies of the Comprehensive Plan and its appendices. This ensures consistency.

Regulations for the LF Airport Landing Field District Chapter primarily date back to 1964 (under Chapter 18.40 ACC, Ordinance No. 1702) five years prior to the construction of the Auburn Municipal Airport, also known as Dick Scobee Field. The more recent updates to the LF District regulations (now Chapter 18.38 ACC) occurred in 1987 (under Ordinance No. 4229) and 1997 (under Ordinance No. 5026). So,

while staff strengthened the protection of the airport and its operations in the policy statements of Comprehensive Plan during the 2020 annual amendment cycle, this policy guidance must be implemented by corresponding regulations in the zoning code.

II. SUMMARY OF KEY CODE CHANGES

Staff is in the process of completing what will look like an overhaul to Chapter 18.38 ACC. However, the bulk of the changes include reorganization of the chapter, standardization in terminology, consolidating sections, and clarifying language. Other key proposed changes to Chapter 18.38 ACC include:

NEW Airport overlay restrictions and standards section

REVISED Height compliance section

NEW Height mitigation and maintenance section

REVISED Nonconforming structures, trees, land, and uses section

REVISED Variance section

NEW Airport intent and boundaries section

The purpose of the airport zoning overlay is to protect the viability of the Auburn Airport by discouraging incompatible land uses, and mitigating potential safety impacts when siting land uses in proximity to the airport. The proposed airport overlay (Attachment B) will be adopted on the City's Comprehensive Zoning Map.

The WSDOT's "Airports and Compatible Land Use Guidebook" (referenced herein as the WSDOT Guidebook) was used as guidance to create the airport zoning overlay. The WSDOT Guidebook is intended to help airports and communities proactively prevent incompatible development (land use) around airports in the state. It does so by providing best practices and steps to create regulations designed to prevent and deter incompatible uses. The airport zoning overlay will be the mechanism in which regulations, designed to prevent and deter incompatible uses, are applied around the airport – without changing the underlying land use designation and zoning district of the area. So the airport zoning overlay is in addition to zoning district regulations that apply.

The WSDOT Guidebook breaks down an airport zoning overlay into subcategories – referred to as "Compatibility Zones". The six compatibility zones include the Runway Overlay Zone, Inner Safety Zone, Inner Turning Zone, Outer Safety Zone, Sideline Safety Zone, and Airport Operations Zone. The original shape and extent of each compatibility zone was created using the nationwide database of general aviation aircraft accidents and adjusted to account for specific variations such as airfield configuration, usage, runway lengths, types of approach procedure, traffic pattern locations, to be specific for the Auburn Airport.

The extent, shape, and purpose of each compatibility zone are defined in the proposed airport zoning overlay zone and boundaries section of Chapter 18.38 ACC. It should be noted, that Auburn is proposing to add the airport's flight traffic pattern as a seventh zone. While not accounted for in the WSDOT Guidebook, other jurisdictions, such as Arlington and Yakima, have taken a similar approach to account for and mitigate the potential impacts to the airport's flight traffic pattern.

NEW Airport overlay restrictions and standards section

When assessing whether a land use is compatible around the airport, the WSDOT Guidebook provides four basic compatibility criteria, including: noise, affects within the airport influence area, airspace

protection, and safety. These four criteria represent the most common effects that an airport can have on the surrounding area, and the effects that the surrounding area can have on an airport. The criteria are explained below in the glossary under “Basic Compatibility Criteria.” The criteria was used to create an inventory of the uses that currently exist within the compatibility zones and assess whether these uses are compatible with the airport and airport operations. The criteria was also used to determine which uses could occur in the future based on the zoning districts that are contained within each compatibility zone. Staff reviewed the land uses within each compatibility zone against the criteria. The WSDOT Guidebook provides a “Airport Land Use Matrix” that notes whether a particular land use type is compatible within a particular zone. Since it is primarily about safety and continued viability of airport operations, It is important to note that all zones do not need the same level of restrictions. Generally, the closer an area is to the airport, the greater the restrictions. It should also be noted that the WSDOT Guidebook does not provide absolute rules and does not recommend a one-size-fits all approach. Local airport managers, city staff, and the community are in the best position to evaluate the specific circumstances and "ground truth" what is appropriate for their airport and surrounding area.

To that end, staff is *proposing to prohibit the following new uses within Compatibility Zones 1, 2, and 3* for safety and noise considerations; they are considered an incompatible use near an airport. Per the WSDOT Guidebook high density residential development, including multiple-family and mixed use developments, are those uses that have the greatest potential for consequences to people on the ground as a result of aircraft accidents. “Special function uses” such as hospitals, nursing homes, K-12 schools, and senior housing fall into this category as well. Zones 1 and 2 of the airport overlay represent the areas where the risk of aircraft accidents is the greatest. Most of the uses proposed to be prohibited could be considered “noise sensitive” uses as well. Noise can be particularly disruptive, in both outdoor and indoor settings, to residential uses, including single family residences and multiple-family developments. The City has received airport a few noise complaints from the multiple family/mixed use and senior housing located in the southwest of Compatibility Zone 3. This represents the area in which departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern.

Table 1 (below) lists each land use, the WSDOT Guidebook’s recommendation, and the degree to which the land use exists with the airport overlay.

Table 1. Proposed Prohibited Land Uses in Zones 1-3 of the Airport Overlay

Land Use	WSDOT Guidebook Recommendation	To what degree does it exist today?
<i>Multiple-family dwellings, stand alone</i>	Multiple-family dwellings are not appropriate in Compatibility Zone 1 and 2. It is appropriate in Zone 3 in a limited capacity. New developments should be moved away from the extended runway centerline.	No multiple-family dwelling were identified in Compatibility Zones 1-3.
<i>Mixed-use development</i>	Mixed use development is appropriate in Compatibility Zones 1 and 2. It is appropriate Zone 3 provided it does not create height hazard, obstructions, smoke, glare, or other airspace hazards. Mixed use can be compatible with aviation because they often have higher background noise levels that tend to masks aircraft noise, and people living	One mixed use project exists (The Reserve/Villas) within southeastern Compatibility Zone 3. The property is zoned C-1, Light Commercial. No new mixed-use developments is allowed in the C-1 zoning district. However, a mixed-use development that has received vesting prior to Resolution No. 5187

	there expect some level of noise disturbance.	(adopted December 7, 2015) is an outright permitted use in the C-1 zoning district. Therefore the mixed use development that exists in the southeastern Compatibility Zone 3 is vested.
<i>Nursing homes Assisted living facilities Hospitals</i>	“Special function uses” such a hospital or nursing home, are not appropriate in Compatibility Zones 1-3.	No nursing homes, assisted living facilities, or hospitals were identified in Compatibility Zones 1-3.
<i>Senior housing</i>	Senior housing is not appropriate in Compatibility Zones 1-3.	Technically The Reserve (senior housing) is outside of the southeastern Compatibility Zone 3. The property is zoned C-1, Light Commercial. No new senior housing is allowed in the C-1 zoning district. However, a senior housing that has received vesting prior to Resolution No. 5187 (adopted December 7, 2015) is an outright permitted use in the C-1 zoning district. The senior housing development in the southern Zone 3 is vested and is legally established.
<i>Schools (K-12)</i>	“Special function uses” such as K-12 schools are not appropriate in Compatibility Zones 1-3.	No K-12 schools were identified in Compatibility Zones 1-3.
<i>Daycare center and nursery schools/preschools</i>	“Special function uses” such as daycare centers and preschools are not appropriate in Compatibility Zones 1-3.	One daycare center was identified within the southern Compatibility Zone 2 at this time. The property is zoned C-1, Light Commercial. Daycare centers are permitted outright in the C-1 zoning district.
<i>Single-family dwelling, detached</i>	Single family residences (SFRs) are not appropriate in Zones 1-3.	No SFRs within Compatibility Zones 1-3.

Also, in the NEW Airport overlay restrictions and standards section, staff is proposing specific standards designed to mitigate potential adverse impacts when siting land uses in proximity to the airport. Table 2, below, depicts the proposed standards and the compatibility zone in which it will apply. As mentioned previously, it is important to note that all zoning district do not need the same level of restrictions. Generally, the closer an area is to the airport, the greater the restriction, and in this case more standards apply.

Table 2. Proposed Standards and the Compatibility Zones in which they Apply

Standard	Applicable Compatibility Zones	Addresses which airport effect
All property owners seeking permit(s) for grading (excluding minor grading permits),	1, 2, 3, 4, and 5	- Noise - Safety

building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an <i>aviation easement</i> to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.		• Affects within the airport influence area • Airspace protection
No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft or aircraft to aircraft.	1, 2, 3, 4, 5, 6, and 7	• Safety • Airspace protection
No structure or tree shall be placed, erected, or allowed to grow that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft.	1, 2, 3, 4, 5, 6, and 7	• Safety • Affects within the airport influence area • Airspace protection
No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.	1, 2, 3, 4, and 5	• Safety • Affects within the airport influence area • Airspace protection
No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.	1, 2, and 5	• Airspace protection • Safety
In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the City of Auburn Surface Water Management Manual (SWMM), as defined in ACC 12.04.010(B).	1, 2, and 5	• Airspace protection • Safety
All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record an <i>aviation disclosure notice</i> with the King County Recorder's Office containing a requirement to notify, in writing, future owners and tenants prior to signing a lease or sale, of the possible	6	• Noise

affects from aviation activities. The language of the notice shall be provided by the City.		
All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record <i>aviation disclosure notice</i> with the King County Recorder's Office containing a requirement to notify in writing, future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.	7	Noise

REVISED Height compliance section

As mentioned in the preceding paragraphs, the City of Auburn, not the Federal Aviation Administration (FAA), has the authority to regulate land uses surrounding the airport. The FAA relies on the local jurisdiction with land use authority to protect the navigable airspace from both naturally occurring and man-made airspace obstructions. The FAA does however, have a technical advisory role based on its interest in protecting the airspace associated with an airport that is part of the National Plan of Integrated Airport Systems (NPIAS). The FAA is required to administer navigable airspace in the public interest to ensure the safety of aircraft and its efficient use. This is completed through, in part, the Federal Air Regulation (FAR) Part 77 Surfaces and other surfaces, such as Terminal Instrument Procedure (TERPS).

Chapter 18.38 ACC contains the height limitations of the FAR Part 77 Surfaces established for the Auburn Municipal Airport airspace by the FAA. No structure, building, sign, lighting, tree, fence, device, or other object, is permitted to have a height exceeding these surfaces. If one of the aforementioned objects exceeds the surface, it is described as "penetrating the airspace".

The description of the surfaces and their established height limitations remain unchanged. Although Staff has revised the height limitation - compliance section, titled "Structure and use permits" in existing code. The purpose of this section is that, where an object might have a height greater than an established surface, applicants must demonstrate compliance with the height limitations. The revision to this section is to define how compliance must be demonstrated. Generally compliance is demonstrated through documentation depicting the elevation of the structure relative to the airspace. However, if construction or alteration of an object penetrates one of the FAA Part 77 Surfaces, then the applicant will be required to prepare and submit FAA form 7460 "Notice of Proposed Construction or Alteration". With this form the applicant is required to explain to the FAA why the proposal does not constitute a hazard to air navigation and why it will not cause an inefficient use of airspace. It should be noted that while submittal of FAA Form 7460 is not yet codified within the City's code, it is however already a federal requirement.

NEW Height mitigation and maintenance section

Staff is proposing the addition of a maintenance and mitigation section. The purpose of this section is two-fold: to require that aircraft warning lights and markers are maintained and reinforce the requirement that any tree installed near the airport must be maintained such that it does not penetrate

the airspace. Where an object penetrates the airspace, the airport manager may require the installation of markers and lights. The existing code requires such markers and lights be installed and maintained by the City. This creates a significant cost and burden to the City. So, staff is proposing to shift the installation and maintenance of the markers and lights to the owner of the structure. The City will however, require a public maintenance easement to allow City access to inspect the markers and lights as needed.

REVISED Nonconforming structures, trees, land, and uses section

The most significant change proposed to the existing nonconforming sections within Chapter 18.38 ACC is tying it back to the existing Chapter 18.54 ACC, the "Nonconforming Structures, Land and Uses" chapter of the Zoning Code (Title 18). Making the connection between Chapter 18.38 ACC and Chapter 18.54 ACC is significant because the latter chapter establishes thresholds of how and when a nonconforming use can continue operations, and when a use or structure loses its nonconforming status. The nonconforming regulations of Chapter 18.38 ACC are not well-defined and create unnecessary ambiguity.

For example, the existing regulations of Chapter 18.38 ACC states that "before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the airport manager and, if applicable, the building official." It does not, though, define what "substantially altered or repaired" means; nor does it define by how much a nonconforming structure or use made be enlarged. Meanwhile, Chapter 18.54 ACC establishes thresholds for the maintenance, repair, enlargement, and the alteration of nonconforming uses.

Also, the existing regulation of Chapter 18.38 ACC related to the abatement (or removal) of nonconforming structures and uses is limited in scope. It states that a nonconforming structure or use that is to be abated is either abandoned or more than 80 percent torn down, physically deteriorated or decayed, and places the burden on the airport manager to make the determination. Moreover, the existing code does not define what is to occur with a use that has been discontinued or subsequently changed to a conforming use, nor does it define the period of time by which a use may be considered abandoned (e.g. vacant or unoccupied). Therefore, staff proposes to address these issues by tying the abatement related regulations of Chapter 18.38 ACC back to Chapter 18.54 ACC, specifically section ACC 18.54.070. This section of Chapter 18.54 ACC outlines under what circumstances nonconforming structures and uses must be abated and clarifies the aforementioned issues.

Further, the existing regulations of Chapter 18.38 ACC also do not define by how much a tree may be allowed to grow taller, or when it must be abated, and when it may be replanted. It should be noted that Chapter 18.54 ACC and Chapter 18.50 ACC the "Landscaping and Screening" chapter of Title 18 do not contain regulations relating to nonconforming trees either. Trees in particular create a unique challenge to airports, as they generally do not start off as something that affects airport operations or penetrate the airspace, but do so over time. Nonconforming trees are those that have existed prior to 1969 and do not require an alteration. However, no permit will be granted for a nonconforming tree that would allow it to become a greater hazard (i.e. grow taller) and if altered, must conform to the new regulation contained in the height limitation – maintenance and mitigation section. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with a tree that conforms to the height limitation – maintenance and mitigation section.

REVISED Variance section

The most significant change proposed to the variance sections of Chapter 18.38 ACC involves tying it to the City's existing chapter related to variances (Chapter 18.70 ACC). A variance is the mechanism in which relief from zoning development standards in the City Code is granted. Chapter 18.70 ACC contains the criteria in which a variance must be evaluated, processed, and decided by the Hearing Examiner.

While there have been very few variances requested for the airport regulations (i.e. the development standards), Chapter 18.38 ACC does not provide the aforementioned level of specificity. Therefore, staff is using this opportunity to improve upon the variance sections of Chapter 18.38 ACC.

III. TEXT AMENDMENT

The zoning code text amendment is shown by strikeout/underline and is attached to this memo as Attachment C and as a “clean version” in Attachment D.

IV. STAFF REQUEST

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

V. ATTACHMENTS

- A –Signed Ordinance and Adopted Comprehensive Plan Policies related to the Airport
- B – Proposed Airport Overlay Map
- C – Proposed Airport Zoning Code Text Amendment (strike through and underline)
- D – Proposed Airport Zoning Code Text Amendment (clean version)

VI. GLOSSARY OF KEY TERMS

- 1) *Airport Advisory Board*: The Airport Advisory Board is a seven member board, appointed by the mayor and confirmed by the city council, that advises City on airport operations.¹
- 2) *Airport hazard*: means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.²
- 3) *Airport overlay*: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.³
- 4) *Airspace*: The area above ground in which aircraft travel. It is divided into enroute and terminal airspace, with corridors, routes, and restricted zones established for the control and safety of air traffic.⁴
- 5) *Assisted living facility*: means a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An establishment with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. An assisted living facility is not a communal residence.⁵
- 6) *Aviation disclosure notice*: A document recorded with King County Recorder’s Office acknowledging that the property is within the vicinity of an airport and may be affected by airport operations.
- 7) *Avigation easement*: A grant of property interest (airspace) over land to ensure unobstructed flight. Typically acquired by airport owners to protect the integrity of runway approaches. Restrictions typically include maximum height limitations for natural (trees, etc.) or built items, but may also address permitted land uses by the owner of the underlying land that are compatible with airport operations.⁶
- 8) *Basic compatibility criteria*: 1) Noise addresses the areas of concentrated impacts that are most disruptive to land use activities. 2) The airport influence area is the area where an aircraft flies during the final phases of flight. Affects to the airport influence area include noise, light, vibration, fumes, and fear of low-flying aircraft. 3) Airspace protection includes aspects of land uses that can

cause or contribute to aircraft accidents. Generally use the FAR Part 77 standards to determine allowable height of structures and objects. Other hazards include land uses that generate steam or smoke, produce glare, or otherwise interfere with the view of pilots, and ones that could generate electrical interference with aircraft navigation or communication signals. 4) Safety is concerned with the consequences of accidents when they occur.⁷

- 9) *Compatible*: means capable of existing or working together in a harmonious or agreeable manner or in combination with another activity.⁸
- 10) *Comprehensive Plan*: Auburn's Comprehensive Plan is the leading policy document that guides the City's evolution and growth over a 20-year period. The Comprehensive Plan identifies the desired type, configuration, and intensity of land uses throughout the city, as well as the character and capacity of public facilities and services like streets and utilities. Its policies address critical topics such as housing, the environment, transportation, public safety, and economic development. The Comprehensive Plan also serves as the basis for the City's adoption of special purpose plans for the city such as transportation or utilities plans, and serves as the basis for development standards and regulations such as City zoning and critical area regulations.⁹

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map.¹⁰

- 11) *Comprehensive Zoning Map*: The zones set out in ACC 18.02.070 are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.¹¹
- 12) *Development Standard*: means regulations pertaining to setbacks, landscaping, height, site coverage, signs, building layout, site design and related features of land use.¹²
- 13) *FAR Part 77*: Federal Air Regulations (FAR) which establish standards for determining obstruction in navigable airspace and defines imaginary (airspace) surfaces for airports and helicopters that are designed to prevent hazards to air navigation. FAR Part 77 surfaces include approach, primary, transitional, horizontal, and conical surfaces. The dimensions of surfaces can vary with the runway classification (large or small airplanes) and approach type of each runway each (visual, non-precision instrument, precision instrument). The slope of an approach surface also varies by approach type and runway classification. FAR Part 77 also applies to helicopter landing areas.¹³
- 14) *General aviation*: All civilian (non-military) aviation operations other than scheduled air services and non-scheduled air transport operations for hire.¹⁴
- 15) *Growth Management Act (GMA)*: Adopted in 1990, the GMA (Chapter 36.70A RCW) was enacted in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and related issues. The act expands the Planning Enabling Act requirements for comprehensive planning in the state's most populous and rapidly growth counties. Twenty-nine counties are either required to fully plan under GMA or have chosen to do so. These counties make up about 95 percent of the state's population. The remaining ten counties have limited planning requirements under the act.¹⁵
- 16) *Hospital*: means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and which is licensed by state law to provide facilities including overnight accommodations and services in surgery, obstetrics and general medical

practice. This definition does not include small animal hospitals or clinics, or veterinary clinics, as defined in ACC 18.04.480.¹⁶

- 17) *Land use designation*: All land within the City of Auburn is assigned a land use designation, which builds off the past Comprehensive Plan Map, the existing land use City of Auburn Comprehensive Plan pattern, previously approved subarea plans, topography, natural features, and targeted goals for shifting the character of specified areas. The Comprehensive Plan Land Use Map shows the location and boundaries for each designation. This map should be consulted together with the written policies of this Plan when decisions about zoning designations, land use activities, and development of public infrastructure are considered.¹⁷
- 18) *Multiple-family dwelling, stand-alone*: means a building designed for occupancy by three or more families or communal residence living independently of each other, and containing three or more dwelling units.¹⁸
- 19) *National Plan of Integrated Airport Systems (NPIAS)*: the NPIAS identifies more than 3,300 airports that are significant to national air transportation and thus eligible to receive federal grants under the Airport Improvement Program (AIP). It also includes estimates of the amount of AIP money needed to fund infrastructure development projects that will bring these airports up to current design standards and add capacity to congested airports. FAA is required to provide Congress with a five-year estimate of AIP eligible development every two years.¹⁹
- 20) *Navigable airspace*: is defined as the airspace at or above the minimum altitudes of flight that includes the airspace needed to ensure safety in the takeoff and landing of aircraft.²⁰
- 21) *Nonconforming*: means a use which when commenced, complied with use regulations applicable at the time when such use was commenced, and which does not conform to the existing use regulations of the zone where the use is now being conducted or carried on. The term “nonconforming use” shall be applicable to uses of buildings, structures, and land. This definition does not include those uses existing in the zone, prior to the adoption of this title, which would now require an administrative or conditional use permit to operate in the zone. Any expansion of the space, volume or area of the use would then require an administrative or conditional use permit as this title may require.²¹
- 22) *Nursing home*: “Nursing home,” “rest home,” “convalescent home,” “guest home” and “home for the aged” mean a home operated similarly to a boardinghouse but not restricted to any number of guests or guest rooms, the operator of which is licensed by the state or county to give special care and cure to their charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, and in which homes are performed no surgery, maternity or any other primary treatments such as customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital or to a group residence facility. This definition does not include group residence facilities as defined in this title. A nursing home is not a communal residence.²²
- 23) *Object free area (OFA)*: An area centered on the ground on a runway, taxiway, or taxilane centerline provided to enhance the safety of aircraft operations by remaining clear of objects, except for objects that need to be located in the OFA for air navigation or aircraft ground maneuvering purposes.²³
- 24) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards

established in Subpart C of Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.²⁴

- 25) *Public use*: means a use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and administrative and service facilities.²⁵
- 26) *Runway protection zone (RPZ)*: An area (formerly called a clear zone) off the end of a runway used to enhance the protection of people and property on the ground.²⁶
- 27) *Schools, elementary and middle/junior high*: are institutions of learning offering instruction in the several branches of learning and study required by the education code of the state of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.²⁷
- 28) *Schools, secondary or high school*: are institutions of learning offering instruction in the several branches of learning and study required by the education code of the state of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.²⁸
- 29) *Senior housing*: refers to housing stock, whether rental or occupant-owned, that specifically caters to residents aged 55 years and older, either through age requirements or through the provision of specialized care, such as nursing or dietary and personal care. This definition shall include, at a minimum, all facilities that qualify as housing for older persons under the Fair Housing Act.²⁹
- 30) *SEPA*: stands for State Environmental Policy Act. It is a statute that requires state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal (see Chapter RCW 43.21C).³⁰
- 31) *Single-family dwelling*: means a detached building designed exclusively for occupancy by one family or communal residence and containing one dwelling unit that is permanently attached to the ground. A manufactured home may be considered a single-family dwelling if sited per ACC 18.31.050.³¹
- 32) *Small aircraft*: An aircraft that weighs 12,500 lbs. or less.³²
- 33) *Variance*: means an adjustment in the application of the specific regulations of this title [Title 18] to a particular piece of property.³³
- 34) *Zone*: means an area accurately defined as to boundaries and location on an official map to which a uniform set of regulations applies controlling the types and intensities of land uses, as set forth in this title.³⁴
- 35) *Zoning*: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts – the text and a map.³⁵

¹ Chapter 2.33 Auburn City Code (ACC)

² Auburn City Code (ACC) 18.04.060

³ Washington State Department of Transportation (WSDOT) Airports and Compatible Land Use Guidebook (January 2011)

⁴ Airport Master Plan (AMP May 2015)

⁵ ACC 18.04.125

⁶ AMP May 2015

⁷ WSDOT January 2011

⁸ WSDOT January 2011

⁹ City of Auburn Comprehensive Plan website, <https://www.auburnwa.gov/>

¹⁰ Revised Code of Washington (RCW) 36.70A.070

¹¹ ACC 18.02.070

¹² ACC 18.04.310

¹³ AMP May 2015

¹⁴ AMP May 2015

¹⁵ WSDOT January 2011

¹⁶ ACC 18.04.470

¹⁷ City of Auburn Land Use Element (Ordinance No. 6746)

¹⁸ ACC 18.04.340

¹⁹ WSDOT January 2011

²⁰ Federal Aviation Administration (FAA) Airport Airspace Analysis (AAA) website, <https://www.faa.gov/>

²¹ ACC 18.04.650

²² ACC 18.04.660

²³ AMP May 2015

²⁴ WSDOT January 2011

²⁵ ACC 18.04.760

²⁶ WSDOT January 2011

²⁷ ACC 18.04.806

²⁸ ACC 18.04.807

²⁹ ACC 18.04.809

³⁰ AMP May 2015

³¹ ACC 18.04.340

³² Electronic Code of Federal Regulations e-CFR (2020). <https://ecfr.io/Title-14/Section-103.1>

³³ ACC 18.04.910

³⁴ ACC 18.04.960

³⁵ WSDOT January 2011

ORDINANCE NO. 6 8 0 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO PLANNING; ADOPTING 2020 ANNUAL COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS PURSUANT TO THE PROVISIONS OF RCW CHAPTER 36.70A AND ADOPTING CORRESPONDING REZONES RELATED TO CERTAIN MAP AMENDMENTS

WHEREAS, since 1986 the City of Auburn has maintained a Comprehensive Plan, periodically updated and reaffirmed by the City Council, that includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan by Ordinance No. 6584; and

WHEREAS, in May 2020 the City of Auburn published in the *Seattle Times Newspaper* an advertisement that the City was accepting comprehensive plan amendment applications and established a deadline for submittal of June 5, 2020; and

WHEREAS, the City of Auburn received and processed two private-initiated map amendments for the year 2020 annual amendments; (Auburn School District as CPA20-0001 and REZ20-0001, Westport Capital as CPA20-0002 and REZ20-0002); and

WHEREAS, the City of Auburn received and processed one private-initiated text amendment for the year 2020 annual amendments; (Auburn Adventist Academy as CPA20-0003); and

WHEREAS, the City of Auburn initiated one map amendment (File No. CPA20-0005) and seven policy/text amendments (File No. CPA20-0005); and

WHEREAS, to maintain consistency between the city's zoning map and its Comprehensive Plan, both the private initiated map amendments have an associated

rezone (zoning map amendment) to maintain consistency with the Comprehensive Plan;
and

WHEREAS, the Comprehensive Plan text/policy amendments and map amendments were processed by the Community Development Department as proposed Year 2020 annual amendments to the City of Auburn Comprehensive Plan; and

WHEREAS, the Growth Management Act, RCW 36.70A, requires the City to maintain a current Capital Facilities Plan; and

WHEREAS, the environmental impacts of the proposed Year 2020 Comprehensive Plan amendments and rezones were considered in accordance with procedures of the State Environmental Policy Act File No. SEP20-0018 (city-initiated amendments), SEP20-0006 (Westport Capital private-initiated amendment), SEP20-0012 (Auburn Adventist Academy private-initiated amendment), and SEP20-0013 (Auburn School District Chinook Elementary private-initiated amendment) were determined to have no significant adverse environmental; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce, Growth Management Services Division, and other State agencies for the 60-day review period in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of the hearings, the Auburn Planning Commission on November 4, 2020 and November 17, 2020, conducted public hearings on the proposed amendments, heard and considered public testimony, viewed the evidence and exhibits presented to it, and made recommendations to the City Council on the proposed Year

2020 annual Comprehensive Plan map and text amendments and for certain amendments, on the associated rezones; and

WHEREAS, on November 23, 2020, the Auburn City Council reviewed the Planning Commission's recommendations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Application CPA20-0003, Auburn Adventist Academy Comprehensive Plan Policy/Text Amendment, requesting a text amendment to amend Land Use Policy LU-135 and Academy Special Planning Area Plan Policies A.1.2 and A.1.8. is approved, as set forth in Exhibits "B.1" and "B.2," and the findings and conclusions outlined in the November 15, 2020 transmittal memo to the Council, as set forth in Exhibit "A," are adopted.

Section 2. Application CPA20-0002, Westport Capital Comprehensive Plan Map Amendment, requesting a land use designation change from "Multiple-Family Residential" to "Moderate Density Residential" for three parcels totaling approximately 5.3 acres, identified by King County parcel numbers: 0004200025, 0004200019, and 0004200013, and a land use designation change from "Single-Family" to "Moderate Density Residential" for three parcels totaling approximately 31.8 acres, identified by King County parcel numbers: 0004200022, 0004200024, and 0004200003 is approved, as set forth in Exhibits "C.1" and "C.2," and the findings and conclusions outlined in the November 15, 2020 transmittal memo to the Council as set forth in Exhibit "A," are adopted.

Section 3. Application CPA20-0001 & REZ20-0001, Auburn School District, Chinook Elementary School Comprehensive Plan Map Amendment, requesting a land use designation change from “Multiple-Family” to “Institutional” and a rezone (zoning map amendment) from “R-20 Residential – Twenty Dwelling Units per Acre” to “P-1 – Public Use District” for one parcel totaling approximately 2.19 acres, identified by King County parcel number: 2121059042 is approved, as set forth in Exhibits “D.1” and “D.2,” and the findings and conclusions outlined in the November 15, 2020 transmittal memo to the City Council, as set forth in Exhibit “A,” are adopted.

Section 4. The 2020 annual Comprehensive Plan city-initiated Map and Text Amendments (CPA20-0005), as set forth in Exhibits “E.1,” “E.2,” “E.3,” “E.4,” and “E.5” are approved. The full text of the Capital Facilities Plan of the City and the four school district’s Capital Facilities Plans are adopted, copies of which shall be on file with the Office of the City Clerk, and the Findings and Conclusions outlined in the November 15, 2020 staff report to City Council, as set forth in Exhibit “A,” are adopted.

Section 5. The 2020 annual Comprehensive Plan city-initiated Map and Text Amendments (CPA20-0005) to the City of Auburn Transportation Element of the Comprehensive Plan, as set forth in Exhibit “F,” and the findings and conclusions outlined in the November 15, 2020 transmittal memo to the City Council, as set forth in Exhibit “A,” are adopted.

Section 6. The 2020 annual Comprehensive Plan city-initiated Text Amendments (CPA20-0005) to the City of Auburn Land Use Element of the Comprehensive Plan, as set forth in Exhibit “G,” and the findings and conclusions outlined in the November 15, 2020 transmittal memo to the City Council, as set forth in Exhibit “A,” are adopted.

Section 7. The adopted Comprehensive Plan as amended is designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act by the City's responsible environmental official in accordance with RCW. 43.21C.060.

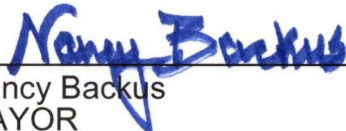
Section 8. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation to include incorporating into one document the adopted Comprehensive Plan map and text amendments set forth in the attached Exhibits when preparing and publishing the amended Comprehensive Plan.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 10. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: DEC 0 7 2020
PASSED: DEC 0 7 2020
APPROVED: DEC 0 7 2020

CITY OF AUBURN



Nancy Backus
MAYOR

ATTEST:

Shawn Campbell
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau
Kendra Comeau, City Attorney

Published: December 10, 2020 in the Sea Hill Times

Exhibit G

Land Use Element

EXHIBIT 1 –

Proposed Text Amendment to the Land Use Element

LAND USE ELEMENT

Institutional Designation (page LU-14 – LU-15)

Description

This category includes those areas that are reserved for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation. For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institutions of a residential character are included in the residential designation.

Designation Criteria

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

Implementing Zoning Designations

Institutional
Landing Field

Policies

LU-101 A responsible management entity and the purpose for the institutional designation should be identified for each property interest within this designation. Management policies and plans are appropriate for all lands in this designation.

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

- LU-103 This designation permits a wide array of uses that tend to be located in the midst of other dissimilar uses. For this reason, special emphasis should be directed at the following:
- a. The appropriateness of new requests for this designation and the impacts that it may have on the surrounding community.
 - b. Site-specific conditions that should be attached to the granting of new requests for this designation that are designed to mitigate impacts on the surrounding community.
 - c. Site-specific conditions that should be attached to development proposals that are designed to mitigate impacts on the surrounding community.

LU-104 Coordination with other public or institutional entities is essential in the implementation of the institutional land use designation.

LU-105 Industrial and commercial uses that are affiliated with and managed by educational institutions for vocational educational purposes may be classified as an institutional use and permitted on a conditional basis.

LU-106 For the Landing Field (LF) zone, an Airport Master Plan (AMP) should be developed that establishes the vision, policies, and implementation strategies that govern uses, management principles, and future planning efforts. The AMP shall be incorporated by reference in the Auburn Comprehensive Plan as an appendix. For the Landing Field designation, an Airport Master Plan should be developed that establishes the vision, policies, and implementation strategies that govern uses, management principles, and future planning efforts. Uses and activities within and surrounding this designation must comply with the requirements of the Federal Aviation Administration.

LU-107 Auburn Municipal Airport is included in the federal airport system – the National Plan of Integrated Airport Systems (NPIAS). Participation in the NPIAS is limited to public use airports that meet specific FAA activity criteria. NPIAS airports are eligible for federal funding of improvements through FAA programs. To maintain eligibility for funding through FAA programs, the Airport Master Plan should be periodically updated as conditions change.

LU-108 Uses, activities, and operations within the LF Airport Landing Field District must be coordinated and consistent with the Airport Master Plan.

LU-109 Future expansions of the LF Airport Landing Field District, for the purpose of airport uses, activities, and operations, should be coordinated and consistent with the Airport Master Plan.

LU-110~~129~~ While the industrially designated area east of the Airport is highly suited for airport related activities, other industrial type uses are now located here. Therefore, the City will encourage use in this area to take advantage of its proximity to the Airport. Auburn Municipal Airport Area – The area east of Auburn’s Municipal Airport is an features industrial land use designations. While industrial type uses are now located here, the area is highly suited for air related activities. The City will encourage use in this area to take advantage of its proximity to the Airport and control adverse effects to airport operations.

LU-111 New commercial land uses in proximity to the airport should be air-related and/or complementary to the airport.

LU-112 To protect the viability of the Auburn Municipal Airport the City shall create an airport overlay that is consistent with FAA regulations and WSDOT guidance.

LU-113~~Air-05~~: The City’s zoning ordinance and other appropriate regulatory measures shall enforce the airport overlay and the FAR Part 77 surfaces. The City’s zoning ordinance and other appropriate regulatory measures shall enforce the airport clear zones as regulated by the Federal Aviation Administration (FAA). The impact of development on air safety shall be assessed through SEPA review, and appropriate mitigation measures shall be required by the City.

LU-114 The airport overlay shall protect the operations of the Auburn Municipal Airport by establishing controls on incompatible land uses and development.

LU-115 The airport overlay should be implemented to manage land uses and development around the airport to ensure compatibility into the future and prevent incompatible future uses. The regulations applied to properties surrounding the airport should encourage land uses that are related to, and benefit from, proximity to the airport but not restricted exclusively to only these.

LU-116 The impact of development on air safety shall be assessed through the City zoning ordinance, FAA regulations, SEPA review, input from the Auburn Municipal Airport, and relevant technical guidance. Appropriate mitigation measures shall be required by the City.

LU-117 Uses in proximity to the airport that may create potential operational (e.g. height or noise) conflicts shall be reviewed for their consistency to airport operations and conformance with the FAA regulations.

LU-118 The airport should be protected from nonconforming uses and structures that pose a safety concern to airport operations.

LU-119 The City shall determine whether nonconforming uses and structures affect airport operations and require their minimization or elimination, at cost to owner, based on individualized study of proposals, City regulations, input from the Auburn Municipal Airport, and relevant technical guidance.

Special Planning Area Designation (page LU-24)

Description

“Special Planning Areas” consist of Districts, subareas, Impression Corridors, and Gateways within Auburn that warrant additional emphasis in planning, investments, and policy development. Each may be recognized separately within the Comprehensive Plan, as an Element of the Comprehensive Plan, or as a subarea plan (discussed below). There are a variety of reasons for designating and distinguishing a special planning area, and once designated, a variety of potential outcomes. Reasons for designating a special planning area include:

Areas of high visibility and traffic. These areas create an impression or image of Auburn. It is therefore particularly important to ensure that they are attractive and well maintained. Examples include Auburn Way South and associated major highway on- and off-ramps.

Land use activities that warrant joint planning between the City and owner/operator. In addition to developing approaches and strategies for the land use activity, there may be additional emphasis on ensuring compatibility with surrounding land uses. Examples include, Green River College, the Auburn Municipal Airport, and Emerald Downs Thoroughbred Horse Racetrack.

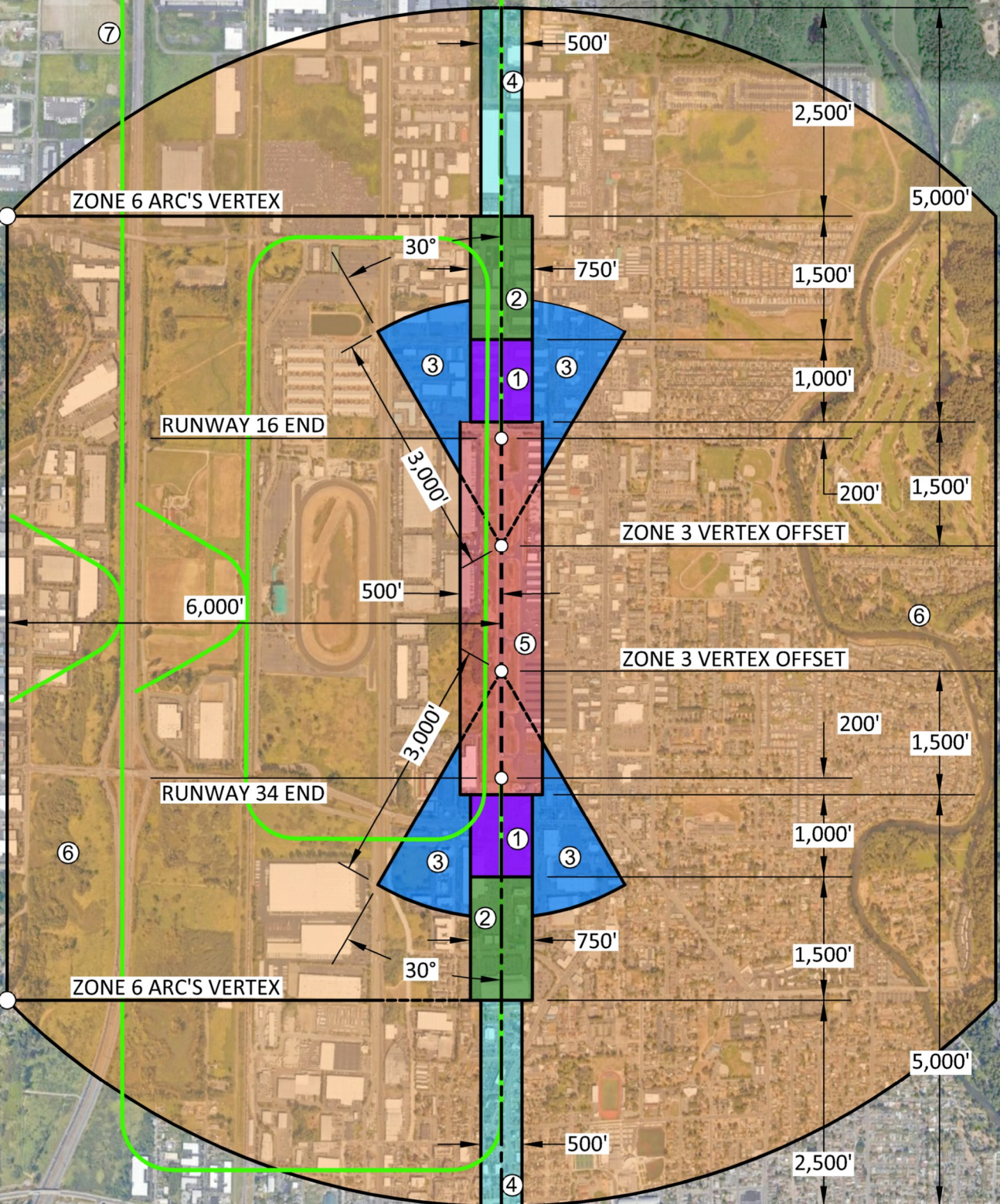
Neighborhoods in which a resident and merchant live and conduct daily business and leisure. Neighborhoods may also be distinguished by physical setting, physical separations, and similarity over an area. Examples include downtown, Lea Hill, and Lakeland.

Areas with a focused desire to create greater physical and economic cohesiveness. These may be large planned developments or clusters. Examples include the Auburn North Business Area and Mt. Rainier Vista.

Areas with an existing built environment or an existing regulatory framework that does not, in itself, meet the expectations of the seven values that underscore the Comprehensive Plan. Examples include the need for multimodal connections between West Hill and Lea Hill to north and downtown Auburn.

Subarea Policies.

~~LU-129 Auburn Municipal Airport Area—The area east of Auburn’s Municipal Airport is an features industrial land use designations. While industrial type uses are now located here, the area is highly suited for air related activities. The City will encourage use in this area to take advantage of its proximity to the Airport and control adverse effects to airport operations.~~



	RUNWAY OVERLAY ZONE	①		OUTER SAFETY ZONE	④
	INNER SAFETY ZONE	②		SIDELINE SAFETY ZONE	⑤
	INNER TURNING ZONE	③		AIRPORT OPERATIONS ZONE	⑥

REV. DATE 6/8/21



LEGEND

- RUNWAY
- AIRPORT TRAFFIC PATTERN ⑦
(PATH OF THE GREEN LINE)

NOTE:
1. AIRPORT COMPATIBILITY ZONES BASED ON AIRPORT LAYOUT PLAN
FUTURE RUNWAY LENGTH (4,118').

**AUBURN MUNICIPAL AIRPORT
WSDOT AIRPORT COMPATIBILITY ZONES**

Page 32 of 69

FIGURE 2 OF 2

Chapter 18.38

LF AIRPORT LANDING FIELD DISTRICT, OVERLAY, AND FAR PART 77 SURFACES

Sections:

- 18.38.010 ——— Intent.
- 18.38.020 ——— Purpose.
- ~~18.38.030~~ 18.38.020 ——— LF Airport Landing Field District Permitted uUses.
- 18.38.040 ——— LF Airport Landing Field District Development Standards.
- 18.38.050 ——— Airport Overlay Intent and Boundary.
- ~~18.38.030~~ ——— ~~Restricted uses.~~
- ~~18.38.060~~ 18.38.040 ——— Zones established generally. Airport Overlay Restrictions and Standards. —
- 18.38.070 ——— Federal Aviation Regulations Part 77 Surfaces and Other Surfaces.
- ~~18.38.050~~ ——— ~~Approach zone.~~
- ~~18.38.060~~ ——— ~~Transitional zone.~~
- ~~18.38.070~~ ——— ~~Horizontal zone.~~
- ~~18.38.080~~ ——— ~~Conical zone.~~
- ~~18.38.085~~ ——— ~~Obstacle free area.~~
- ~~18.38.090~~ ——— ~~Height limitations — Generally.~~
- ~~18.38.100~~ ——— ~~Height limitations — Noninstrument approach zone.~~
- ~~18.38.110~~ ——— ~~Height limitations — Transition zones.~~
- ~~18.38.120~~ ——— ~~Height limitations — Horizontal zones.~~
- ~~18.38.130~~ ——— ~~Height limitations — Conical zones.~~
- ~~18.38.080~~ 18.38.140 ——— Nonconforming uUses, sStructures, and tTrees. — _Continuation allowed when.
- ~~18.38.150~~ ——— ~~Nonconforming structures and trees — Marking and lighting.~~
- ~~18.38.160~~ ——— ~~Structure and use permits.~~
- ~~18.38.170~~ ——— ~~Nonconforming structures or trees — Alteration.~~
- ~~18.38.180~~ ——— ~~Nonconforming structures or trees — Abandoned or destroyed — Permit~~
prohibited.
- ~~18.38.090~~ 18.38.190 ——— Requirements for vVariances.
- ~~18.38.200~~ ——— ~~Variance — Grant conditions.~~
- ~~18.38.100~~ 18.38.210 ——— Decision aAppeals — Generally.

- 18.38.~~110~~220 Conflicting ~~R~~regulations.
- 18.38.~~120~~230 Enforcement.
- 18.38.~~130~~240 Violation – Penalty.
- ~~18.38.250~~ ——— Development standards.

18.38.010 Purpose.

The provisions of this chapter apply to lands located within the LF Airport Landing Field Zoning District, Airport Zoning Overlay, and Federal Aviation Administration (FAA) Federal Regulation Title 14 Part 77 Imaginary Surfaces (FAR Part 77 Surfaces) and other Surfaces. The airport overlay and the FAR Part 77 Surfaces and other surfaces are supplemental to the existing zoning districts and may be more restrictive than the underlying zoning designation. The restrictions, performance standards, and requirements of the airport overlay shall be in addition to those of the underlying zone and, where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the City Code, State, or federal law, the more restrictive requirement applies.

18.38.~~010~~020 Intent.

The intent of this chapter is to provide for the operation and management of the Auburn Municipal Airport. This chapter seeks to apply the City's Comprehensive Plan and to implement certain land use and zoning development standards to reduce or avoid potential for airport related hazards. It is found that an airport hazard endangers the lives and property of users of the municipal airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the municipal airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the municipal airport;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention or the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation

or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. For the purpose of this chapter structure means any object constructed or installed by a human being, including, but not limited to buildings, signs, fences, towers, devices, and overhead transmission lines, and tree means any object of natural growth.

18.38.02030 — LF Airport Landing Field District ~~Permitted uses~~ Uses.

A. Permitted Uses. Hereafter the effective date of this ordinance all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

1A. Landing, taking off, taxiing, and flying of aircraft, excluding ultralights as defined by ACC—
8.36.010;

2B. Aviation related business, manufacturing, service-related uses including B businesses incidental to and necessary or convenient for airport operations, including offices, eating establishments, restrooms, hangars, shops for light repairs, gasoline and oil sales and accessory structures; and

3C. Other uses as determined by the Planning Director in consultation with the Airport Manager as defined in Chapter 12.56 ACC hearing examiner to be related to operation and use of the airport.
(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.030 — ~~Restricted uses.~~

Restricted uses shall be as follows: no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, making it difficult for fliers using the airport, impair visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.040 LF Airport Landing Field District Zoning Development Standards.

Table 18.38.040 Development Standards

<u>A</u>	<u>Minimum lot area (square feet)</u>	<u>None</u>
<u>B</u>	<u>Minimum lot width</u>	<u>None</u>

<u>C</u>	<u>Minimum lot depth</u>	<u>None</u>
<u>D</u>	<u>Minimum lot coverage</u>	<u>None</u>
<u>E</u>	<u>Maximum structure height</u>	<u>45 ft^{1 3}</u>
<u>F</u>	<u>Minimum front setback (feet)</u>	<u>None²</u>
<u>G</u>	<u>Minimum interior side setback (feet)</u>	<u>None</u>
<u>H</u>	<u>Minimum street side setback (feet)</u>	<u>None²</u>
<u>I</u>	<u>Minimum rear setback (feet)</u>	<u>None²</u>
<u>J</u>	<u>Fences</u>	<u>See ACC 18.31.020³</u>
<u>K</u>	<u>Landscaping</u>	<u>See Chapter 18.50 ACC³</u>
<u>L</u>	<u>Parking</u>	<u>See Chapter 18.52 ACC</u>
<u>M</u>	<u>Signs</u>	<u>See Chapter 18.56 ACC³</u>
<u>N</u>	<u>Outdoor lighting</u>	<u>See Chapter 18.55 ACC³</u>

1 Buildings and/or structures necessary for airport operations are exempt from the height requirements of this title when approved by the Airport Manager.

2 Must meet sight distance provisions of the engineering design standards.

3 Except as restricted elsewhere by this chapter.

18.38.050 Airport Overlay Intent and Boundaries.

The purpose of the airport overlay, as identified on the City of Auburn Comprehensive Zoning Map, is to protect the utility and viability of Auburn Airport by discouraging incompatible land uses and requiring the evaluation and consideration of potential safety impacts when siting certain land uses in proximity to the airport. The airport overlay is supplemental to the established zoning districts and may be more restrictive than the underlying zoning district. The overlay is composed of seven zones based on use and proximity to the airport runway.

A. Zone 1 - Runway Overlay Zone. Zone 1 is a rectangular area that encompasses the trapezoidal runway protection zone (RPZ) at each end of the runway as shown in the "Auburn Municipal Airport Master Plan," dated May 2015, as may be amended. The purpose of Zone 1 is to maintain areas that are generally free of obstructions and significant concentrations of people. Zone 1 extends one thousand (1,000) feet in length from the ends of the future configuration of Runway 34/16 and is seven hundred and fifty (750) feet in width.

B. Zone 2 - Inner Safety Zone. Zone 2 is a rectangular area that extends beyond Zone 1 along the extension of the runway centerline. Next to the Zone 1 it represents the area where the risk of aircraft accidents is the greatest. This zone extends one thousand five hundred (1,500) feet from Zone 1 and is seven hundred and fifty feet (750) in width.

C. Zone 3 – Inner Turning Zone. Zone 3 is defined by a triangular shaped area that is positioned along each side of Zones 1 and 2. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well. This zone extends three thousand (3,000) feet from the Zone 3 vertex offsets (a point that is on the runway centerline) and inward within a thirty degree sector towards the extended runway centerline.

D. Zone 4 - Outer Safety Zone. Zone 4 is a rectangular area that lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in, overfly this area at low altitude. This zone is particularly significant on runways where airport operations use instrument procedures and at busy airports where elongated traffic patterns are common. This zone extends two thousand five hundred (2,500) feet beyond Zone 3 and is five hundred (500) feet in width.

E. Zone 5 - Sideline Safety Zone. Zone 5 consists of narrow bands along each side of the runway and encompasses the Object Free Area (OFA), as defined by the Airport Master Plan, dated 2015, as may be amended. This zone is defined by a five hundred (500) foot centerline offset on each side of the runway. Aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after take-off.

F. Zone 6 – Airport Operations Zone. Zone 6 contains the remainder of the airport environment where aircraft fly as they approach and depart the airport. This zone extends six thousand five hundred (6,500) feet in length from the Zone 3 vertex offsets and six thousand (6,000) feet in width from the runway centerline.

G. Zone 7 – Airport Traffic Pattern. Zone 7 represents the traffic flow that is prescribed for aircraft landing or taking off at the Auburn Municipal Airport. Auburn’s traffic pattern procedures improve the safety and efficiency of aircraft operations without an operating control tower.

18.38.060 Airport Overlay Restrictions and Standards.

A. Zones 1 and 2. The following regulations shall apply within the boundaries of Zones 1 and 2:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zones 1 and 2:

- a. Multiple-family dwellings, stand-alone;
- b. Mixed-Use development;
- c. Nursing home;
- d. Assisted living facility;
- e. Hospitals;
- f. Senior housing;
- g. Schools, elementary, middle/junior high, and secondary or high school;
- h. Daycare center and nursery schools/preschools;
- i. Detached single-family dwellings, except caretakers quarters; and
- j. Other uses, similar to those above, or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has the potential to interfere with the airport, airport traffic patterns, and aircraft operations.

2. The following standards apply in Zones 1 and 2:

- a. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an aviation easement to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.
- b. No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft, or aircraft to aircraft.

~~18.38.030 Restricted uses.~~

- c. ~~Restricted uses shall be as follows:~~No structure or tree shall be placed, erected, or allowed to grow ~~no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, that makesing it difficult for fliers usingpilots the airport~~ to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (~~Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.~~)
- b.d. No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.
- e. No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.
- f. In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the SWMM, as defined in ACC 12.04.010(B).

B. Zone 3. The following regulations shall apply within the boundary of Zone 3:

1. The new uses contained in (A)(1) are prohibited in Zone 3.
2. The standards of (A)(2)(a) through (d) apply.

C. Zone 4. The following regulations shall apply with the boundary of Zone 4:

1. The standards of (A)(2)(a) through (d) apply.

D. Zone 5. The following regulations shall apply within the boundary of Zone 5:

1. The standards of (A)(2)(a) through (f) apply.

E. Zone 6. The following regulations shall apply within the boundary of Zone 6:

1. The standards of (A)(2)(b) and (c) apply.

2. All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

F. Zone 7. The following regulations shall apply under the traffic pattern of Zone 7:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zone 7:
 - a. Uses or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has a potential to interfere with airport traffic patterns and operations.
2. The standards of (A)(2)(b) and (c) apply.
3. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

18.38.040070 Federal Aviation Regulations (FAR) Part 77 Surfaces and Other Surfaces. Zones established generally.

A. In order to carry out the provisions purpose and intent of this chapter, there are created and established certain—_zones—surfaces, including: which include all of the land lying within the primary surface, non-instrument approach surfacezone, transition surfacezone, horizontal surfacezone, conical zone, as well as the Terminal Instrument Procedures (TERPS). —and obstacle free areasThese. Such areas and zones—surfaces, with exception of the TERPS, are shown on the “City of Auburn Municipal—Airport Master Plan Update, 1993–2013, dated February 1995, and the Federal Air Regulations (FAR)

Part 77, as amended, which is on file in the city clerk's office. Other surfaces not provided for here, are included in the "Auburn Municipal Airport Master Plan", dated May 2015, as may be amended. The various zones are established and defined as follows in ACC 18.38.050 through 18.38.085. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

1. Primary surface.

The primary surface, is centered on top of the runway and extends two hundred feet beyond each end. The width is from two hundred and fifty (250) feet to one thousand (1,000) feet wide depending upon the type of airplanes using the runway.

18.38.0502. —Approach zone surface.

A non-instrument approach surface is established at each end of all non-instrument runways for landings and takeoffs. The inner width of the approach surface is two hundred and fifty (250) feet at a distance of two hundred (200) feet beyond the physical end of the runway, and it expands uniformly to a width of one thousand, and two hundred and fifty (1,250) feet. This approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). The elevation of the inner width of the approach surface is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.0603. Transitional zone surface.

The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from a line one hundred and twenty five (125) feet from the runway centerline or runway end and from the sides of the approach surfaces. The elevation of the line one hundred and twenty five (125) feet from the runway centerline or runway centerline extended for two hundred (200) feet beyond each runway end is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.0704. —Horizontal zone surface.

A horizontal surface is established above the airport. This horizontal surface is a plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by ~~swinging arcs which~~ swing five thousand (5,000) feet in a radius from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. The primary surface is longitudinally centered on the runway with a width of two hundred and fifty (250) feet and extends two hundred (200) feet beyond each end of the runway. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0805. ———Conical zone-surface.~~

A conical surface is established which extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand [4,000] feet.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

6. Terminal Instrument Procedures (TERPS) Surfaces.

Airspace surfaces associated with instrument approach and departure of aircraft to and from the
airport as determined by the airport manager.

~~18.38.085 —Obstacle-free area.~~

An area extending 250 feet either side of the runway and 600 feet off either end of the runway. The obstacle-free area (OFA) must be kept clear of any structures, fencing, landscaping, parking, or vehicular circulation not directly related to aircraft operations at the Auburn Municipal Airport.

~~(Ord. 5026 § 1, 1997.)~~

18.38.090B. —Height limitations — Established Generally.

Except as otherwise provided in this chapter, no structure or tree shall be permitted, approved, erected, altered, allowed to grow, or maintained in any zone-surface created in this chapter to have a height in excess of the height limits established in ACC 18.38.100 through 18.38.130 for such zonebelow.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

18.38.1001. ———Height limitations — Noninstrument approach zoneApproach Surface (Non-instrument).

The height limitations for non-instrument approach surfaces begin at a point two hundred (200) feet from and at the centerline elevation of the end of the runway and extend for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.1102. ———Height limitations — Transition zonesTransition surface.

The height limitations for transition zones shall be as follows: One foot in height for each seven feet in horizontal distance beginning at any point one hundred and twenty five (125) feet normal to and at the elevation of the centerline of non-instrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred and fifty (150) feet above the airport elevation which is fifty nine (59) feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1203.~~ ~~Height limitations – Horizontal zones~~ Horizontal surface.

The height limitation for a horizontal zone shall be as follows: one hundred and fifty (150) feet above the airport elevation or a height of two hundred and nine (209) feet above mean sea level. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1304.~~ ~~Height limitations – Conical zones~~ Conical surface.

The conical surface involves a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet. The relative difference in elevation between the inner and outer edge of the conical surface is two hundred (200) feet. The elevation of the outer edge of the conical surface is three hundred (300) feet above the established airport elevation. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Height limitations – Compliance. Where the height of any new structure or tree, has the potential to exceed the surfaces established in ACC 18.38.070(A), applicants must demonstrate compliance with the height limitation. Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with contain sufficient information to permit it to be determined whether the resulting use, structure or tree would will conform to the regulations therein herein prescribed. If such determination is in the affirmative, the permit shall be granted

1. The Planning Director in consultation with the Airport Manager may require one or all of the following documentation to demonstrate compliance with the surfaces established in ACC 18.38.070(A):

- a. A certificate from a Washington state licensed professional, engineer, or land surveyor, stating that no airspace obstruction will result from the proposed structure or tree being constructed or installed.
- b. The maximum elevation of proposed structures based on the established airport elevation.
- c. Other documentation as determined by the Airport Manager.

2. All proposed construction or activities that penetrate the FAR Part 77 Surfaces shall prior to initiation prepare and submit FAA Form 7460 "Notice of Proposed Construction of Alteration" or as amended.

D. Height limitations – Mitigation and Maintenance. Where the height of any new structure or tree, exceeds the surfaces established in ACC 18.38.070(A), applicants will be responsible for the following mitigation and ongoing maintenance activities:

- 1. The Airport Manager may require the installation of markers and lights or markers as a warning to aircraft. The markers and lights shall meet FAA specifications, be installed, operated, and maintained at the expense of the owner of the structure. A public maintenance easement granting city access to the markers and lights shall be required.
- 2. Trees shall be maintained such that they do not penetrate the airspace.
- 3. Exceptions include the following:
 - a. Because of natural terrain, land contour, or topographic features, a structure or object would extend above the height limits of each surface.
 - b. Structures necessary and incidental to airport operations.

18.38.08140 Nonconforming structures, trees, and uses. ~~structures and trees~~

~~Continuation allowed when.~~

A. Applicability. This section describes the circumstances in which a structure, tree, or use is considered nonconforming and when nonconforming provisions apply. Any structure or tree that legally existed prior to the regulations as of March 22, 1969 is considered nonconforming. Any use in ACC 18.38.030 that legally existed prior to the effective date of this ordinance is considered nonconforming. Any use in

ACC 18.38.060 that legally existed prior to the effective date of this ordinance is not considered nonconforming. Nonconforming structures, trees, and uses are generally exempt from this chapter except as may be compelled by state or federal regulations or if it loses its nonconforming status pursuant to the regulations contained in this section. ~~The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of March 22, 1969, or otherwise interfere with the continuance of any nonconforming use. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.150 — Nonconforming structures and trees —~~ B. Marking and lighting.

Notwithstanding the provisions of ACC ~~18.38.070(A) 18.38.140~~, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such aircraft hazards. Such markers and lights shall meet FAA specifications, —be installed at City cost to the City, and operated and maintained by the city. ~~City.~~ A public maintenance easement agreement granting city access shall be required. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Alteration. Alteration of nonconforming structures, trees, and uses are subject to the following regulations.

1. Nonconforming structures may be maintained, repaired, restored, added onto, enlarged, or relocated in accordance with the provisions of ACC 18.54.060. A nonconforming structure that is restored or repaired at a valuation exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, relocated, enlarged, or added onto must conform to ACC 18.38.070.
2. Nonconforming uses may continue subject to the provisions of Chapter 18.54 ACC.
3. Nonconforming signs shall be subject to the nonconforming provisions of Chapter 18.56 ACC. A nonconforming sign that is enlarged, made taller, relocated, or loses its nonconforming status per ACC 18.56.030(J), must conform to ACC 18.38.070.
4. Alteration of a nonconforming tree, including replacement, replanting and trimming, must conform to ACC 18.38.070.
5. Notwithstanding the provisions of ACC 18.38.080(C)(1) through (4), —No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation., than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. Abatement. Nonconforming structures and uses shall be abated according to the provisions of ACC 18.54.070. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with tree that conforms to ACC 18.38.070.

~~18.38.160 — Structure and use permits.~~

~~Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use, structure or tree would conform to the regulations therein prescribed. If such determination is in the affirmative, the permit shall be granted.~~

~~A. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.~~

~~B. In the area lying within the limits of the noninstrument approach surface but at a horizontal distance of not less than 5,000 feet from a point 200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such trees or structures would extend above the height limit prescribed for such noninstrument approach zone.~~

~~C. The transitional surface does not extend beyond the perimeter of the horizontal surface. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.170 — Nonconforming structures or trees — Alteration.~~

~~A. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the airport manager and, if applicable, the building official.~~

~~B. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.180 — Nonconforming structures or trees — Abandoned or destroyed — Permit prohibited.~~

~~Whenever the airport manager determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.190~~090 Variances. Requirements for variances.

~~A. Requirements. If the applicant seeks a variance to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, the variance shall be subject to the criteria contained in ACC 18.70.010 and processed according to the applicable provisions of Chapter 18.70 ACC. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, may apply to the hearing examiner for a variance from such regulation. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation should result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.200 — Variance — Grant conditions.~~

~~B. Approval conditions. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the~~

owner of the structure or tree requesting a variance to install, operate and maintain at their own expense such markers and lights as determined by the Airport Manager ~~may be necessary~~ to indicate to aircraft operators ~~fliers~~ the presence of an airport hazard. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.210100 Decision appeals – Generally.

Any person aggrieved, or any property owner ~~taxpayer~~ affected, by any decision of the city made in its administration of this chapter may appeal to the hearing examiner. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.220110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.230120 Enforcement.

It shall be the duty of the ~~airport manager and building official~~ Department of Public Works and the Department of Community Development to administer and enforce the regulations prescribed in this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.240130 Violation – Penalty.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor and is punishable as provided in ACC [1.24.010](#). Each day a violation continues to exist constitutes a separate offense. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.250 — Development standards.

~~Development standards in a LF district are as follows:~~

- ~~A. Minimum lot area: none required;~~
- ~~B. Minimum lot width: none required;~~
- ~~C. Minimum lot depth: none required;~~
- ~~D. Maximum lot coverage: none required;~~

- ~~E. Maximum building height: 45 feet, except as restricted elsewhere by this chapter;~~
- ~~F. Minimum yard setbacks:~~
 - ~~1. Front: 20 feet;~~
 - ~~2. Side, interior: none required;~~
 - ~~3. Side, street: 15 feet;~~
 - ~~4. Rear: none required;~~
- ~~G. Fences and hedges: see Chapter 18.31 ACC;~~
- ~~H. Parking: see Chapter 18.52 ACC;~~
- ~~I. Landscaping: see Chapter 18.50 ACC;~~
- ~~J. Signs: see Chapter 18.56 ACC. (Ord. 5777 § 1, 2003; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

Chapter 18.01 USER GUIDE

18.01.030 How do I determine what uses are allowed on a particular property?

The first step in determining allowed uses is verifying the zoning on the property, which can be done by speaking with city of Auburn planning department staff or by consulting the city's official zoning map.

When verifying a property's zoning, it is also important to note any overlays that may be marked on the zoning map. Overlays may have additional requirements or otherwise modify the allowed uses and development standards for a zone. The overlay R regulations for overlays, such as those established for Lea Hill, West Hill, and designated urban separator areas, are contained in Chapter 18.21 ACC, and for the airport are contained in Chapter 18.38 ACC.

The sections devoted to particular zones described on the zoning map form the framework of the zoning code. Each of these sections contains the intent statement for the particular zone, a table of allowed uses, as well as tables for dimensional standards (building height, setbacks, and lot coverage) and cross-references to other standards such as landscaping and parking requirements. It is important to note that each section contains only regulations that apply specifically to that zone, and development standards that apply to all zones are addressed through cross-references to other chapters of the zoning code. (Ord. 6245 § 1, 2009.)

Chapter 18.04 DEFINITIONS

18.04.039 Aircraft Operations.

The movement of aircraft operating in the airport traffic pattern or within sight of the airport. A landing or takeoff is one operation. An aircraft that takes off and then lands creates two aircraft operations.

18.04.040 Airport Manager.

See definition in Chapter 12.56 ACC.

18.04.040~~1~~ Airport, heliport or aircraft landing field.

“Airport,” “heliport,” or “aircraft landing field” means any runway, landing area or other facility whether publicly or privately owned or operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, ~~including ultralights as defined by ACC 8.36.010.~~ This definition includes all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. This definition does not include manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith

18.04.361 FAR Part 77 Surfaces.

The Federal Aviation Administration’s Federal Aviation Regulations (FAR) Part 77 Surfaces are the imaginary airspace surfaces established with any relation to each runway of an airport. There are five types of surfaces: (1) primary, (2) approach, (3) transitional, (4) horizontal, and (5) conical. These surfaces are above and around airports and require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and persons on the ground. An object or structure with an elevation higher than the FAR Part 77 surface elevation is considered to penetrate the FAR Part 77 Surfaces and constitute an obstruction to navigable airspace. Navigable airspace is defined by the FAA pursuant to Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces.

18.04.677 Overlay Zone. "Overlay zone" is supplemental to the underlying zoning district and may establish additional or stricter standards and criteria for properties in addition to those of the underlying zoning district.

18.04.677-679 Owner occupied unit. "Owner occupied unit" means a dwelling unit in which the owner resides on a regular, permanent basis. (Ord. 6477 § 11, 2013.)

Chapter 18.38

LF AIRPORT LANDING FIELD DISTRICT, OVERLAY, AND FAR PART 77 SURFACES

Sections:

- 18.38.010 Intent.
- 18.38.020 Purpose.
- 18.38.030 LF Airport Landing Field District Permitted Uses.
- 18.38.040 LF Airport Landing Field District Development Standards.
- 18.38.050 Airport Overlay Intent and Boundary.
- 18.38.060 Airport Overlay Restrictions and Standards.
- 18.38.070 Federal Aviation Regulations Part 77 Surfaces and Other Surfaces.
- 18.38.080 Nonconforming Uses, Structures, and Trees.
- 18.38.090 Variances.
- 18.38.100 Decision Appeals – Generally.
- 18.38.110 Conflicting Regulations.
- 18.38.120 Enforcement.
- 18.38.130 Violation – Penalty.

18.38.010 Purpose.

The provisions of this chapter apply to lands located within the LF Airport Landing Field Zoning District, Airport Zoning Overlay, and Federal Aviation Administration (FAA) Federal Regulation Title 14 Part 77 Imaginary Surfaces (FAR Part 77 Surfaces) and other Surfaces. The airport overlay and the FAR Part 77 Surfaces and other surfaces are supplemental to the existing zoning districts and may be more restrictive than the underlying zoning designation. The restrictions, performance standards, and requirements of the airport overlay shall be in addition to those of the underlying zone and, where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the City Code, State, or federal law, the more restrictive requirement applies.

18.38.020 Intent.

The intent of this chapter is to apply the City's Comprehensive Plan and to implement certain land use and zoning development standards to reduce or avoid potential for airport related hazards. It is found that an airport hazard endangers the lives and property of users of the municipal airport and of

occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the municipal airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the municipal airport;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention or the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)
- D. For the purpose of this chapter structure means any object constructed or installed by a human being, including, but not limited to buildings, signs, fences, towers, devices, and overhead transmission lines, and tree means any object of natural growth.

18.38.030 LF Airport Landing Field District Uses.

A. Permitted Uses. Hereafter the effective date of this ordinance all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

1. Landing, taking off, taxiing, and flying of aircraft;
2. Aviation related business, manufacturing, service-related uses including businesses incidental to and necessary or convenient for airport operations, including offices, eating establishments, restrooms, hangars, shops for light repairs, gasoline and oil sales and accessory structures; and
3. Other uses as determined by the Planning Director in consultation with the Airport Manager as defined in Chapter 12.56 ACC to be related to operation and use of the airport. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.040 LF Airport Landing Field District Zoning Development Standards.

Table 18.38.040 Development Standards

A	Minimum <u>lot area</u> (square feet)	None
B	Minimum lot width	None
C	Minimum lot depth	None
D	Minimum lot coverage	None
E	Maximum structure height	45 ft ¹³
F	Minimum <u>front setback</u> (feet)	None ²
G	Minimum interior <u>side setback</u> (feet)	None
H	Minimum street <u>side setback</u> (feet)	None ²
I	Minimum <u>rear setback</u> (feet)	None ²
J	<u>Fences</u>	See ACC <u>18.31.020</u> ³
K	<u>Landscaping</u>	See Chapter <u>18.50</u> ACC ³
L	Parking	See Chapter <u>18.52</u> ACC

M	Signs	See Chapter 18.56 ACC ³
N	Outdoor lighting	See Chapter 18.55 ACC ³

1 Buildings and/or structures necessary for airport operations are exempt from the height requirements of this title when approved by the Airport Manager._

2 Must meet sight distance provisions of the engineering design standards.

3 Except as restricted elsewhere by this chapter.

18.38.050 Airport Overlay Intent and Boundaries.

The purpose of the airport overlay, as identified on the City of Auburn Comprehensive Zoning Map, is to protect the utility and viability of Auburn Airport by discouraging incompatible land uses and requiring the evaluation and consideration of potential safety impacts when siting certain land uses in proximity to the airport. The airport overlay is supplemental to the established zoning districts and may be more restrictive than the underlying zoning district. The overlay is composed of seven zones based on use and proximity to the airport runway.

A. Zone 1 - Runway Overlay Zone. Zone 1 is a rectangular area that encompasses the trapezoidal runway protection zone (RPZ) at each end of the runway as shown in the “Auburn Municipal Airport Master Plan,” dated May 2015, as may be amended. The purpose of Zone 1 is to maintain areas that are generally free of obstructions and significant concentrations of people. Zone 1 extends one thousand (1,000) feet in length from the ends of the future configuration of Runway 34/16 and is seven hundred and fifty (750) feet in width.

B. Zone 2 - Inner Safety Zone. Zone 2 is a rectangular area that extends beyond Zone 1 along the extension of the runway centerline. Next to the Zone 1 it represents the area where the risk of aircraft accidents is the greatest. This zone extends one thousand five hundred (1,500) feet from Zone 1 and is seven hundred and fifty feet (750) in width.

C. Zone 3 – Inner Turning Zone. Zone 3 is defined by a triangular shaped area that is positioned along each side of Zones 1 and 2. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well. This zone extends three thousand (3,000) feet from the Zone 3 vertex offsets (a point that is on

the runway centerline) and inward within a thirty degree sector towards the extended runway centerline.

D. Zone 4 - Outer Safety Zone. Zone 4 is a rectangular area that lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in, overfly this area at low altitude. This zone is particularly significant on runways where airport operations use instrument procedures and at busy airports where elongated traffic patterns are common. This zone extends two thousand five hundred (2,500) feet beyond Zone 3 and is five hundred (500) feet in width.

E. Zone 5 - Sideline Safety Zone. Zone 5 consists of narrow bands along each side of the runway and encompasses the Object Free Area (OFA), as defined by the Airport Master Plan, dated 2015, as may be amended. This zone is defined by a five hundred (500) foot centerline offset on each side of the runway. Aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after takeoff.

F. Zone 6 – Airport Operations Zone. Zone 6 contains the remainder of the airport environment where aircraft fly as they approach and depart the airport. This zone extends six thousand five hundred (6,500) feet in length from the Zone 3 vertex offsets and six thousand (6,000) feet in width from the runway centerline.

G. Zone 7 – Airport Traffic Pattern. Zone 7 represents the traffic flow that is prescribed for aircraft landing or taking off at the Auburn Municipal Airport. Auburn's traffic pattern procedures improve the safety and efficiency of aircraft operations without an operating control tower.

18.38.060 Airport Overlay Restrictions and Standards.

A. Zones 1 and 2. The following regulations shall apply within the boundaries of Zones 1 and 2:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zones 1 and 2:

- a. [Multiple-family dwellings](#), stand-alone;
- b. [Mixed-Use development](#);
- c. [Nursing home](#);
- d. [Assisted living facility](#);
- e. [Hospitals](#);
- f. [Senior housing](#);
- g. Schools, [elementary, middle/junior high](#), and [secondary or high school](#);
- h. [Daycare center and nursery schools/preschools](#);
- i. [Detached single-family dwellings](#), except caretakers quarters; and
- j. Other uses, similar to those above, or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has the potential to interfere with the airport, airport traffic patterns, and aircraft operations.

2. The following standards apply in Zones 1 and 2:

- a. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an aviation easement to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.
- b. No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft, or aircraft to aircraft.
- c. No structure or tree shall be placed, erected, or allowed to grow that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft.

- d. No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.
- e. No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.
- f. In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the SWMM, as defined in ACC 12.04.010(B).

B. Zone 3. The following regulations shall apply within the boundary of Zone 3:

- 1. The new uses contained in (A)(1) are prohibited in Zone 3.
- 2. The standards of (A)(2)(a) through (d) apply.

C. Zone 4. The following regulations shall apply with the boundary of Zone 4:

- 1. The standards of (A)(2)(a) through (d) apply.

D. Zone 5. The following regulations shall apply within the boundary of Zone 5:

- 1. The standards of (A)(2)(a) through (f) apply.

E. Zone 6. The following regulations shall apply within the boundary of Zone 6:

- 1. The standards of (A)(2)(b) and (c) apply.
- 2. All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

F. Zone 7. The following regulations shall apply under the traffic pattern of Zone 7:

- 1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zone 7:

- a. Uses or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has a potential to interfere with airport traffic patterns and operations.
2. The standards of (A)(2)(b) and (c) apply.
3. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

18.38.070 Federal Aviation Regulations (FAR) Part 77 Surfaces and Other Surfaces.

A. In order to carry out the purpose and intent of this chapter, there are created and established certain surfaces, including: all of the land lying within the primary surface, non-instrument approach surface, transition surface, horizontal surface, conical zone, as well as the Terminal Instrument Procedures (TERPS). These surfaces, with exception of the TERPS, are shown on the FAR Part 77, as amended, which is on file in the city clerk's office. Other surfaces not provided for here, are included in the "Auburn Municipal Airport Master Plan", dated May 2015, as may be amended.

1. Primary surface. The primary surface, is centered on top of the runway and extends two hundred feet beyond each end. The width is from two hundred and fifty (250) feet to one thousand (1,000) feet wide depending upon the type of airplanes using the runway.
2. Approach surface. A non-instrument approach surface is established at each end of all non-instrument runways for landings and takeoffs. The inner width of the approach surface is two hundred and fifty (250) feet at a distance of two hundred (200) feet beyond the physical end of the runway, and it expands uniformly to a width of one thousand, two hundred and fifty (1,250) feet. This approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). The elevation of the inner width of the approach surface is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)
3. Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from a line one hundred and twenty five (125) feet from the runway centerline or runway end and from the sides of the approach surfaces. The elevation of the line one hundred and twenty five (125) feet

from the runway centerline or runway centerline extended for two hundred (200) feet beyond each runway end is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

4. Horizontal surface. A horizontal surface is established above the airport. This horizontal surface is a plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by arcs which swing five thousand (5,000) feet in a radius from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. The primary surface is longitudinally centered on the runway with a width of two hundred and fifty (250) feet and extends two hundred (200) feet beyond each end of the runway. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

5. Conical surface. A conical surface is established which extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

6. Terminal Instrument Procedures (TERPS) Surfaces. Airspace surfaces associated with instrument approach and departure of aircraft to and from the airport as determined by the airport manager.

B. Height limitations – Established. Except as otherwise provided in this chapter, no structure or tree shall be permitted, approved, erected, altered, allowed to grow, or maintained in any surface created in this chapter to have a height in excess of the height limits established below.

1. Approach Surface (Non-instrument). The height limitations for non-instrument approach surfaces begin at a point two hundred (200) feet from and at the centerline elevation of the end of the runway and extend for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

2. Transition surface. The height limitations for transition zones shall be as follows: One foot in height for each seven feet in horizontal distance beginning at any point one hundred and twenty five (125) feet normal to and at the elevation of the centerline of non-instrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred and fifty (150) feet above the airport elevation which is fifty nine (59) feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

3. Horizontal surface. The height limitation for a horizontal zone shall be as follows: one hundred and fifty (150) feet above the airport elevation or a height of two hundred and nine (209) feet above mean sea level. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

4. Conical surface. The conical surface involves a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet. The relative difference in elevation between the inner and outer edge of the conical surface is two hundred (200) feet. The elevation of the outer edge of the conical surface is three hundred (300) feet above the established airport elevation. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Height limitations – Compliance. Where the height of any new structure or tree, has the potential to exceed the surfaces established in ACC 18.38.070(A), applicants must demonstrate compliance with the height limitation. Each application for a permit shall contain sufficient information to determine whether the resulting structure or tree will conform to the regulations herein prescribed.

1. The Planning Director in consultation with the Airport Manager may require one or all of the following documentation to demonstrate compliance with the surfaces established in ACC 18.38.070(A):

- a. A certificate from a Washington state licensed professional, engineer, or land surveyor, stating that no airspace obstruction will result from the proposed structure or tree being constructed or installed.
- b. The maximum elevation of proposed structures based on the established airport elevation.
- c. Other documentation as determined by the Airport Manager.

2. All proposed construction or activities that penetrate the FAR Part 77 Surfaces shall prior to initiation prepare and submit FAA Form 7460 “Notice of Proposed Construction of Alteration” or as amended.

D. Height limitations – Mitigation and Maintenance. Where the height of any new structure or tree, exceeds the surfaces established in ACC 18.38.070(A), applicants will be responsible for the following mitigation and ongoing maintenance activities:

1. The Airport Manager may require the installation of markers and lights or markers as a warning to aircraft. The markers and lights shall meet FAA specifications, be installed, operated, and maintained at the expense of the owner of the structure. A public maintenance easement granting city access to the markers and lights shall be required.
2. Trees shall be maintained such that they do not penetrate the airspace.
3. Exceptions include the following:

- a. Because of natural terrain, land contour, or topographic features, a structure or object would extend above the height limits of each surface.
- b. Structures necessary and incidental to airport operations.

18.38.080 Nonconforming structures, trees, and uses.

A. Applicability. This section describes the circumstances in which a structure, tree, or use is considered nonconforming and when nonconforming provisions apply. Any structure or tree that legally existed prior to the regulations as of March 22, 1969 is considered nonconforming. Any use in ACC 18.38.030 that legally existed prior to the effective date of this ordinance is considered nonconforming. Any use in ACC 18.38.060 that legally existed prior to the effective date of this ordinance is not considered nonconforming. Nonconforming structures, trees, and uses are generally exempt from this chapter except as may be compelled by state or federal regulations or if it loses its nonconforming status pursuant to the regulations contained in this section.

B. Marking and lighting. Notwithstanding the provisions of ACC 18.38.070(A), the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such aircraft hazards. Such markers and lights shall meet FAA specifications, be installed at City cost, and operated and maintained by the City. A public maintenance easement agreement granting city access shall be required. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Alteration. Alteration of nonconforming structures, trees, and uses are subject to the following regulations.

1. Nonconforming structures may be maintained, repaired, restored, added onto, enlarged, or relocated in accordance with the provisions of ACC 18.54.060. A nonconforming structure that is restored or repaired at a valuation exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, relocated, enlarged, or added onto must conform to ACC 18.38.070.
2. Nonconforming uses may continue subject to the provisions of Chapter 18.54 ACC.
3. Nonconforming signs shall be subject to the nonconforming provisions of Chapter 18.56 ACC. A nonconforming sign that is enlarged, made taller, relocated, or loses its nonconforming status per ACC 18.56.030(J), must conform to ACC 18.38.070.
4. Alteration of a nonconforming tree, including replacement, replanting and trimming, must conform to ACC 18.38.070.
5. Notwithstanding the provisions of ACC 18.38.080(C)(1) through (4), no permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation.

D. Abatement. Nonconforming structures and uses shall be abated according to the provisions of ACC 18.54.070. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with tree that conforms to ACC 18.38.070.

18.38.090 Variances.

A. Requirements. If the applicant seeks a variance to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed

in this chapter, the variance shall be subject to the criteria contained in ACC 18.70.010 and processed according to the applicable provisions of Chapter 18.70 ACC.

B. Approval conditions. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree requesting a variance to install, operate and maintain at their own expense such markers and lights as determined by the Airport Manager to indicate to aircraft operators the presence of an airport hazard. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.100 Decision appeals – Generally.

Any person aggrieved, or any property owner affected, by any decision of the city made in its administration of this chapter may appeal to the hearing examiner. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.120 Enforcement.

It shall be the duty of the Department of Public Works and the Department of Community Development to administer and enforce the regulations prescribed in this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.130 Violation – Penalty.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor and is punishable as provided in ACC [1.24.010](#). Each day a violation continues to exist constitutes a separate offense. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

Chapter 18.01 USER GUIDE

18.01.030 How do I determine what uses are allowed on a particular property?

The first step in determining allowed uses is verifying the zoning on the property, which can be done by speaking with city of Auburn planning department staff or by consulting the city's official zoning map.

When verifying a property's zoning, it is also important to note any overlays that may be marked on the zoning map. Overlays may have additional requirements or otherwise modify the allowed uses and development standards for a zone. The overlay regulations established for Lea Hill, West Hill, and designated urban separator areas, are contained in Chapter 18.21 ACC, and for the airport are contained in Chapter 18.38 ACC.

The sections devoted to particular zones described on the zoning map form the framework of the zoning code. Each of these sections contains the intent statement for the particular zone, a table of allowed uses, as well as tables for dimensional standards (building height, setbacks, and lot coverage) and cross-references to other standards such as landscaping and parking requirements. It is important to note that each section contains only regulations that apply specifically to that zone, and development standards that apply to all zones are addressed through cross-references to other chapters of the zoning code. (Ord. 6245 § 1, 2009.)

Chapter 18.04 DEFINITIONS

18.04.039 Aircraft Operations.

The movement of aircraft operating in the airport traffic pattern or within sight of the airport. A landing or takeoff is one operation. An aircraft that takes off and then lands creates two aircraft operations.

18.04.040 Airport Manager.

See definition in Chapter 12.56 ACC.

18.04.041 Airport, heliport or aircraft landing field.

“Airport,” “heliport,” or “aircraft landing field” means any runway, landing area or other facility whether publicly or privately owned or operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft. This definition includes all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. This definition does not include manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith

18.04.361 FAR Part 77 Surfaces.

The Federal Aviation Administration’s Federal Aviation Regulations (FAR) Part 77 Surfaces are the imaginary airspace surfaces established with any relation to each runway of an airport. There are five types of surfaces: (1) primary, (2) approach, (3) transitional, (4) horizontal, and (5) conical. These surfaces are above and around airports and require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and persons on the ground. An object or structure with an elevation higher than the FAR Part 77 surface elevation is considered to penetrate the FAR Part 77 Surfaces and constitute an obstruction to navigable airspace. Navigable airspace is defined by the FAA pursuant to Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces.

18.04.677 Overlay Zone. “Overlay zone” is supplemental to the underlying zoning district and may establish additional or stricter standards and criteria for properties in addition to those of the underlying zoning district.

18.04.679 Owner occupied unit. “Owner occupied unit” means a dwelling unit in which the owner resides on a regular, permanent basis. (Ord. 6477 § 11, 2013.)