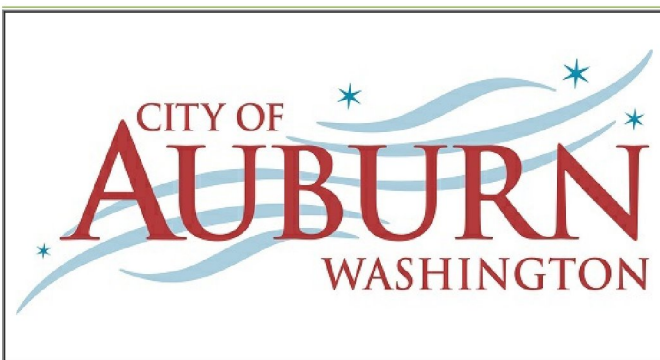


	City Council Study Session PWCD SFA May 13, 2019 - 5:30 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	--

I. CALL TO ORDER

- A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

- A. Junior City Council National League of Cities Presentation (Hinman)

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. South King Housing and Homelessness Partners (SKHHP) (Coleman)
- B. Ordinance No 6718 (Gross)
An Ordinance of the City Council of the City of Auburn, Washington, relating to administrative fees, amending Sections 5.10.030 and 13.06.511, and Chapters 20.06, 20.08, and 20.10 of the Auburn City Code
- C. Resolution No. 5424 (Gross)
A Resolution of the City Council of the City of Auburn, Washington, Amending the City's Fee Schedule

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

- A. Ordinance No. 6716 (Tate)
An Ordinance of the City Council of the City of Auburn, Washington, relating to a new land use category for emergency wireless communication facilities, amending Sections 18.04.912, 18.31.100, 18.35.030, of the Auburn City Code
- B. Joint Meeting with Planning Commission
Roundtable discussion between Planning Commission & City Council
- C. Right-of-Way Vacation #V1-18 (Gaub)
Right-of-Way Vacation #V1-18 for Mountain View Cemetery
- D. Ordinance No. 6717 (Gaub)
An Ordinance of the City Council of the City of Auburn Washington, vacating right-of-way of a portion of B Street SE, south of 2nd Street SE, within the City of Auburn, Washington
- E. Ordinance No. 6715 (Gaub)
An Ordinance of the City Council of the City of Auburn, Washington, granting to

Fatbeam, LLC, a Washington Limited Liability Company, a franchise for telecommunications and related services

F. Capital Projects Status Report (Gaub)

V. OTHER DISCUSSION ITEMS

VI. NEW BUSINESS

VII. MATRIX

A. Matrix

VIII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.aubumwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

South King Housing and Homelessness Partners (SKHHP)
(Coleman)

Date:

May 7, 2019

Department:

Finance

Attachments:

[SKHHP BA#2](#)

Budget Impact:**Administrative Recommendation:**

Discussion of administrative aspects of implementing this Interlocal agreement.

Background Summary:

The City of Auburn entered into an interlocal agreement with South King Housing and Homeless Partners (SKHHP) via Resolution 5408 in February 2019. The effective date of the agreement is retroactive to January 1, 2019. At a subsequent meeting of SKHHP, the City of Auburn was elected the Administrating Agency, which carries the duty of Fiscal Agent. Auburn will be responsible to hire the staff as City employees on behalf of SKHHP. This budget amendment authorizes the addition of two staff and appropriates the SKHHP budget of \$220,160 for 2019.

The City of Auburn's 2020 budget will be amended later this year via the Mid Term Adjustment. The SKHHP budget for 2020 will also be incorporated into that amendment.

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

Coleman

Meeting Date: May 13, 2019

Item Number:

**PROPOSED BUDGET AMENDMENTS IN BA#2
TO IMPLEMENT 2019 SKHHP OPERATING BUDGET**

	<u>2019 Budget</u>
<u>SKHHP Agency Fund (Fund 654)</u>	
Revenues:	
Outside Sources	68,000
Shared	<u>152,160</u>
Total	220,160
Expenditures:	
Salaries and Benefits	105,160
Expenses	15,830
Administration Fee (to COA)	<u>20,920</u>
Total	141,910
Ending Fund Balance	<u><u>78,250</u></u>

	<u>2019 Budget</u>
<u>COA Community Development Dept:</u>	
Revenues:	
Admin Fee (from SKHHP)	20,920
Reimbursements (from SKHHP)	<u>120,990</u>
Total	141,910
Expenditures:	
Salaries and Benefits	105,160
Expenses	15,830
Office (cubicle and furniture)	<u>4,500</u>
Total	125,490
Ending Fund Balance (Gen'l Fund)	<u><u>16,420</u></u>



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No 6718 (Gross)

Date:

April 19, 2019

Department:

City Attorney

Attachments:

[Ordinance No. 6718](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For Council Discussion

Background Summary:

This is a "housekeeping" matter.

No changes to fees are proposed. The City has been moving administrative fees out of the code and into a Master Fee Schedule. This makes fees easier to find for users.

In this case, Council approved an increase in business license fees last year and the increase is reflected in the fee schedule. However, the code still has the older fee. Additionally, staff found that some of the fees were in the both the fee schedule and the code, and other fees that needed to be moved.

This ordinance deletes the fees from the code. A companion resolution before Council adds the fees, where appropriate, to the fee schedule.

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

Gross

Meeting Date: May 13, 2019

Item Number:

ORDINANCE NO. 6718

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO ADMINISTRATIVE FEES, AMENDING SECTIONS 5.10.030 AND 13.06.511, AND CHAPTERS 20.06, 20.08, AND 20.10 OF THE AUBURN CITY CODE

WHEREAS, Section 5.10.030 of the Auburn City Code (“ACC”) establishes a general business license fee, but a new fee was adopted in the City’s Master Fee Schedule; and,

WHEREAS, ACC 13.06.511 establishes certain utility administrative fees, some of which are also included in the Master Fee Schedule; and,

WHEREAS, Chapters 20.06, 20.08, and 20.10 ACC establish certain franchise-related fees; and,

WHEREAS, staff recommends that all administrative fees be established in the fee schedule so that amendments are more easily managed, and so that fees are easier for the public to find.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. Section 5.10.030 of the Auburn City Code is amended to read as shown in Exhibit A.

Section 2. Amendment to City Code. Section 13.06.511 of the Auburn City Code is amended to read as shown in Exhibit B.

Section 3. Amendment to City Code. Section 20.06.180 of the Auburn City Code is amended to read as shown in Exhibit C.

Section 4. Amendment to City Code. Sections 20.08.020 and 20.08.140 of the Auburn City Code are amended to read as shown in Exhibit D.

Section 5. Amendment to City Code. Section 20.10.280 of the Auburn City Code are amended to read as shown in Exhibit E.

Section 6. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 7. Severability. 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 of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 8. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____

EXHIBIT A

5.10.030 Fees.

Annual license fees ~~are predicated upon the following schedule:~~ shall be as established in the City's Fee Schedule. Organizations exempt from taxation under 26 USC 501(C) (3) and (4) are exempt from paying license fees. Those organizations must be able to show satisfactory proof of status.

A. Organizations exempt from taxation under 26 USC 501(C) (3) and (4). Such organizations must be able to show satisfactory proof of such status to the city	\$0-
B. General business enterprises	\$50.00
C. Specific types of business enterprises identified elsewhere in the city code	As established in this title or other titles of the Auburn City Code
D. Re-issuance of lost, stolen or destroyed license	\$5.00
E. For the 2010 calendar year only, the renewal fee for business licenses for the period of July 1, 2010 to December 31, 2010 shall be \$25.00 or one-half of the required renewal fee.	

(Ord. 6309 § 1, 2010; Ord. 5754 § 1, 2003; Ord. 4864 § 1, 1996; Ord. 4242 § 1, 1987; Ord. 4012 § 2, 1984.)

EXHIBIT B

13.06.511 Fees, service charges, fines, penalties and damage.

A. *Service Charge.* Hydrant meter assembly deposits and fees for fire protection service line permits, hydrant permits, purity tests, and meter tests shall be as shown in the city of Auburn fee schedule.

Service	Charge
Convenience shut-off	\$25.00
Delinquent shut-off	\$25.00
Late charge	1% per month of outstanding bill or \$15.00 minimum, whichever is greater
Unauthorized turn-on/off	\$60.00
Delinquent meter pull	\$65.00
Unauthorized fire line or water hook up	\$100.00 a day fine from date of discovery
Returned checks each	As established in the city's fee schedule
Refusal of access per day	\$30.00
Closing final read	\$30.00
New account setup	\$25.00
Bill tenant	\$25.00
After-hours water turn on/off	\$30.00
Escrow estimates	\$25.00

B. *Service Installation Fees.* Water service installation fees shall be as shown in the city of Auburn fee schedule as adopted by Ordinance [5707](#), and any amendments thereto.

C. *Damage to City Appurtenances.* Damage to city appurtenances will be billed to the account at actual cost to repair or replace, including labor, material, administrative, overhead and other associated costs.

The finance director is authorized to waive enforcement of the above fees, fines, charges and penalties in extenuating circumstances.

D. *Hydrant Meter Assessments.* Use of water from a city hydrant requires a city permit. Type A permits allow withdrawal of water from dedicated hydrants. Type B permits allow withdrawal of water from nondedicated hydrants by customers using a city-supplied hydrant meter with RPBA assembly.

In addition to any other penalties, fees or costs enforceable for any of the below-listed violations, ~~the following additional~~ assessments shall be imposed as shown in the City's Fee Schedule:

Permit Type	Violation	Penalty
A	Hydrant meter wrench loss or damage	\$30.00
B	Hydrant meter with RPBA assembly loss or damage	\$1,385.00 maximum penalty
A	Failure to record "Start" read properly	\$250.00 maximum penalty, per day, location, violator and incident
A	Failure to record "Finish" read properly	\$250.00 maximum penalty, per day, location, violator and incident
A	Failure to submit monthly water consumption report to the city	\$10.00 per calendar day
A and B	Nonpayment of bill within 10 calendar	\$10.00 per calendar day

Permit Type	Violation	Penalty
	days-of reminder notice	
B	Nonreturn-of hydrant meter-with RPBA assembly-after request for return	\$10.00-per calendar-day
A-and-B	Using-a hydrant without hydrant operator-training documentation-on hand	\$50.00-per day,-location,- violator-and incident
A-and-B	Using-a hydrant without operator training documentation	\$250.00 maximum penalty,-per day,-location,- violator-and incident
A-and-B	Using-a hydrant without permit documentation-on hand	\$50.00-per day,-location,- violator-and incident
A-and-B	Using-a hydrant without permit documentation	\$250.00 maximum penalty,-per day,-location,- violator-and incident
B	Loaning-out-a hydrant meter-with RPBA assembly-to-an unauthorized-party	\$250.00 maximum penalty,-per day,-location,- violator-and incident
A-and-B	Using-a tool-other-than the-city-supplied hydrant-wrench-to operate-a hydrant	\$50.00-per day,-location,- violator-and incident

Permit Type	Violation	Penalty
A and B	Damage to hydrant or infrastructure	Complete reimbursement to the city for repair or replacement
A and B	Nonresponse to revocation of permit or trained hydrant operator certificate	\$10.00 per calendar day
A and B	Disassembly or tampering of hydrant, hydrant meter assembly or hydrant meter with RPBA assembly	\$250.00 maximum penalty, per day, location, violator and incident

(Ord. 6706 § 2 (Exh. B), 2018; Ord. 6236 § 1, 2009; Ord. 6098 § 3, 2007; Ord. 5889 § 2, 2005; Ord. 5849 § 1, 2004; Ord. 5819 § 1, 2004; Ord. 5216 § 1, 1999.)

EXHIBIT C

20.06.180 Compensation for use of public ways.

A. The city finds that the public ways to be used by commercial utilities and carriers and operators in the operation of telecommunications systems within the boundaries of the franchise are valuable public properties, acquired and maintained by the city at great expense to its taxpayers, and that the grant of use of said public ways is a valuable property right, without which grantees and franchisees would be required to invest substantial capital in public way costs and acquisitions; therefore, grantees and franchisees shall pay the city as a general compensation for the use of the public way during each year of the term of a franchise a franchise fee as determined by city council, not to exceed six percent of gross revenues for each quarter of each calendar year. Franchisees shall pay the franchise fee mandated by this chapter but the city acknowledges and understands that such amount (and any other fees, assessments, or taxes imposed on franchisees not described in subsection E of this section) shall appear as a line item on the bill sent to, and shall be collected from, the subscribers; provided further, that the compensation required from any telecommunications operator or carrier engaged in the "telephone business," as defined in RCW [82.04.065](#), shall be consistent with RCW [35.21.860](#).

B. *Annual Franchise Fee Adjustments.* The initial annual franchise fee percentage shall be the amount permitted by law of gross revenues unless and until it is further adjusted by city council. Any such adjustment shall occur at least 60 days before any subsequent annual anniversary date. Any adjustment shall become effective on the subsequent annual anniversary date.

C. *Quarterly Payment.* Franchisees shall forward by check wire transfer an amount equal to this quarterly payment by the fifteenth day of the second calendar month immediately following the close of the calendar quarter for which the payment is calculated.

D. *Late Payment.* In the event any quarterly payment is made after noon on the date 10 days after the date due, franchisees shall pay a late payment penalty ~~of the greater of:~~

~~1. Twenty-five dollars; or~~

~~2. Simple interest at a 12 percent annual percentage rate on the total amount past due as shown in the City's Fee Schedule.~~

E. *Fees and Compensation Not a Tax.* The fees, charges and fines provided for in this title and any compensation charged and paid for the franchisee's use of the city's public ways, whether "fiduciary or in kind," are separate from, and additional to, any and all federal, state, local and city taxes as may be levied, imposed or due from a commercial utility, telecommunications carrier, operator, or

provider, its customers or subscribers or on account of the lease, sale, delivery or transmission of utility or telecommunications services.

F. *Ruling of Unenforceability.* The compensation required from any commercial utility, telecommunications carrier, operator, or provider shall be as provided by law. In the event any franchise fee shall be held unenforceable by a court of law which has jurisdiction over the city, franchisees shall pay the equivalent amount paid in franchise fees as a city utility tax which shall be applied retroactively to time periods during which the franchise fee was determined to be unenforceable.

G. *Quarterly Report.* In order to properly determine the gross revenues received by franchisees, the franchisee shall on the same date that each quarterly payment is made, file with the director of finance a sworn copy of a report, in a form acceptable to the city, in sufficient detail to itemize revenues from each of the revenue categories. The city may, if it sees fit and at its own expense, have the books and records of franchisees examined by a representative of said city to ascertain the correctness of the reports agreed to be filed herein. Neither the acceptance of any payment nor any subsequent review shall be deemed an agreement by the city that the correct payment was paid, absent a fully authorized written release by the city on any such payments or on such reports. Any necessary prorations shall be made in the first and last year of each term of the franchise. Any city request for access to books and records shall be allowed by the franchisee at reasonable times and for reasonable purposes. Such information shall be held in strict confidence by the city as allowed by law and used only for the purpose stated herein.

H. *Recalculation at End of Compensation Year.* At the end of each calendar year, franchisees shall recalculate the total general compensation actually due. If additional amounts are due the city by franchisee, said amounts shall be paid by the fifteenth day of February following the calendar year during which such amounts were originally due. If amounts are found to be due the franchisees by the city, said amounts shall be credited by the fifteenth day of February during which such amounts were originally due. Any necessary prorations will be made.

I. *Taxes are Not to Be a Credit.* The compensation paid under this franchise shall be exclusive of and in addition to all special assessments and taxes of whatever nature which are applicable to all other persons or entities doing business within the city, including, but not limited to, ad valorem tax, sales tax, corporate or business occupation taxes or other taxes or fees imposed or levied by any governmental entity.

J. *Utility Tax Liability – Franchise Fees.* Revenues derived directly or indirectly from sources within the city shall be subject to applicable utility taxes as of the time of commencement of such operations. Franchise fees shall be in addition to any utility tax, but shall be collectible only to the extent as then allowed by law, and in no event may the combined utility tax and franchise fee exceed

six percent of gross revenues in accordance with RCW [35.21.870](#). Franchise fees, if applicable, shall be levied on a nondiscriminatory basis.

K. *Rights of City*. Payment of money under any franchise shall not in any way limit or inhibit any of the privileges or rights of the city, except insofar as city's privileges or rights are expressly limited or inhibited by the terms of a franchise.

L. *Annual Report*. Franchisees shall file annually with the director of finance, no later than 90 days after the end of franchisee's fiscal year, an unaudited statement of revenues (for that fiscal year just ended) attributable to the operations of the franchisee's telecommunications system within the city pursuant to the franchise agreement. The statement shall present a detailed breakdown of gross revenues and uncollectible accounts for the year. The city may, if it sees fit, have such report audited by an independent certified public accountant of its choosing. If the audit reveals an underpayment error in payment by franchisees of more than five percent, then franchisees shall pay for the costs of the audit. If the audit reveals an error in payment of five percent or less, the city shall pay the costs of the audit. The report will summarize those accounts reconciled to be within the franchise area by the city's quarterly review.

M. *Circumventing Payments*. Any transaction(s) which have the effect of circumventing payment of the required franchise fees and/or evasion of payment of franchise fees or any payments due the city under a franchise by noncollection or nonreporting of gross revenues, bartering, or any other means which evade the actual collection of revenues for business pursued by franchisees are prohibited.

N. *Best Rates*. As allowed by applicable law, part of the compensation to the city for the grant of any telecommunications franchise, the city shall be entitled to obtain subscriptions, at the city's discretion, to the communications service at franchisee's lowest comparable rate applicable to any government body or municipality of the state of Washington. In addition, city shall be entitled to franchisee's lowest comparable rate applicable to any governmental body or municipality of the state of Washington for purchase and/or lease, should the city determine to purchase and/or lease, equipment or modems applicable to government bodies or municipalities in the state of Washington for purposes of accessing the communications service. (Ord. 6546 § 8, 2014; Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

EXHIBIT D

20.08.020 Lease application.

Any person that desires to solicit the city's approval of a facilities lease pursuant to this title shall file a lease proposal with the city which, in addition to the information required by ACC [20.06.020](#), shall include the following:

- A. A description of the facilities or other equipment proposed to be located upon city property;
- B. A description of the city property upon which the applicant proposes to locate facilities or other equipment;
- C. Preliminary plans and specifications in sufficient detail to identify:
 - 1. The location(s) of existing telecommunications facilities or other equipment upon the city property, whether publicly or privately owned.
 - 2. The location and source of electric and other utilities required for the installation and/or operation of the proposed facilities or equipment;
- D. Accurate scale conceptual drawings and diagrams of sufficient specificity to analyze the aesthetic impacts of the proposed telecommunications facilities or other equipment;
- E. If applicant is proposing to install aboveground and/or overhead facilities:
 - 1. Evidence that surplus space is available for locating its telecommunications facilities on existing utility poles along the proposed route;
 - 2. Proof of compliance with city's zoning code;
- F. Whether the applicant intends to provide cable service, video dialtone service or other video programming service, and sufficient information to determine whether such service is subject to cable franchising;
- G. An accurate map showing the location of any existing utility or telecommunications facilities in the city that applicant intends to use or lease;
- H. A description of the services or facilities that the applicant will offer or make available to the city and other public, educational, and governmental institutions;

I. A copy of an Auburn business license stamped and signed by the business license clerk, as designated by the mayor;

J. Proof of ability to meet city's bonding requirements in Chapter [12.24](#) ACC when the applicant does not have an existing standing bond on file with the city sufficient to cover the scope of work proposed and proof of ability to meet the city's security requirements in ACC [20.10.240](#) through [20.10.260](#);

K. A nonrefundable application fee in the amount ~~of \$500.00~~ established in the City's Fee Schedule; and

L. Such other and further information as may be requested by the city. (Ord. 5897 § 24, 2005; Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

20.08.140 Renewal of facilities lease.

A lessee that desires to renew its facilities lease in effect under this chapter shall, not more than 120 days nor less than 90 days before expiration of the facilities lease then in effect, file an application, which is determined as complete in accordance with ACC [20.08.030](#), with the city for renewal of its facilities lease which shall include the following:

A. The information required pursuant to ACC [20.08.020](#);

B. Any information required pursuant to the facilities lease agreement between the city and the lessee;

C. All deposits or charges required pursuant to this chapter;

D. A nonrefundable application renewal fee in the amount ~~of \$250.00~~ established in the City's Fee Schedule. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)

EXHIBIT E

20.10.280 Assignments or transfers of public way agreements, franchises, or leases.

The assignment or transfer of any business registration, public way agreement, franchise or lease subject to this title, may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, franchisee, or lessee, by operation of law or otherwise, without the prior written consent of the city, which consent shall not be unreasonably withheld or delayed, except as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

A. No public way agreement, franchise, or lease, subject to this title, shall be assigned or transferred before construction of such systems has been completed to the city's satisfaction without prior written consent of the city, which consent shall not be unreasonably withheld or delayed, except as expressed by ordinance and then only on such reasonable conditions as may be prescribed therein.

B. The grantee, franchisee, or lessee and the proposed assignee or transferee of the public way agreement, franchise, or lease shall provide and certify the following information to the city not less than 90 calendar days prior to the proposed date of transfer:

1. Complete information setting forth the nature, terms and conditions of the proposed transfer or assignment relating to the public way agreement, franchise or lease;
2. All information required by a public way agreement, franchise, or lease applicant pursuant to this title with respect to the proposed transferee or assignee;
3. Any other information reasonably required by the city; and
4. A nonrefundable application fee in the amount ~~of \$75.00~~ established in the City's Fee Schedule.

C. No transfer shall be approved unless the assignee or transferee meets the requirements contained in ACC [20.04.040\(A\)](#) and [\(I\)](#) and can comply with the requirements of the public way agreement, franchise, or lease.

D. Unless otherwise provided in a public way agreement, franchise, or lease agreement, the grantee, franchisee, or lessee shall reimburse the city for all direct and indirect costs and expenses reasonably incurred by the city in considering a request to transfer or assign a public way

agreement, franchise, or lease. No approval shall be deemed approved until all such costs and expenses have been paid.

E. Any transfer or assignment of a public way agreement, franchise, or lease without prior written approval of the city under this section or pursuant to a public way agreement, franchise, or lease agreement shall be void and is cause for termination of the public way agreement, franchise, or lease. (Ord. 5271 § 1, 1999; Ord. 5034 § 1, 1998.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5424 (Gross)

Date:

April 19, 2019

Department:

City Attorney

Attachments:

[Resolution No. 5424](#)

[Resolution 5424 Exh. A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For Council discussion of the amendments to the Fee Schedule

Background Summary:

This is a "housekeeping" amendment. No changes to the amount of the fees are proposed.

There is one substantive change: Public Works requests a change to the Airport month-to-month tie down Lease requirements. Currently, the Airport charges first and last months' rent. Because in some cases those tenants pay their rent, but then leave before the end of the month, the City is required to issue a refund. Staff believes that the convenience of not needing to issue a refund outweighs the small risk that someone will not pay their last months' rent. Not charging last months' rent for tie down space is a common practice at other airports in the region.

The City has been moving administrative fees from the city code to the Fee schedule. This makes fees easier for users to find.

In this case, some of the fees were in both the code and the fee schedule, and some just needed to be moved. A companion ordinance deletes them from the code, and this resolution adds them to the fee schedule.

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

Gross

Meeting Date: May 13, 2019

Item Number:

RESOLUTION NO. 5424

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING THE CITY'S FEE
SCHEDULE

WHEREAS, the City's Master Fee Schedule was most recently amended by Resolution 5413 in March, 2019; and,

WHEREAS, in reviewing the Municipal Code, staff identified additional provisions that should properly be included in the Fee Schedule.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Master Fee Schedule is amended as shown in Exhibit A. Those provisions of the Master Fee Schedule that are not specifically amended in this Resolution remain in full force and effect.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed this _____ day of _____, 2019.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

5. Franchise Agreements: (Per Ordinance No. 6546, Resolution No. 5114, Resolution No. 5255, Resolution No. 5319, Resolution No. 5388, ~~and~~ Resolution No. 5413 and Resolution 5424.)

Application/Renewal/Amendment Application Fee (ACC 13.36.040, ACC 20.06.120, ACC 20.06.130)	\$5,300.00 Nonrefundable Initial Fee + plus the City's actual costs incurred in excess of \$5,300.00. Initial Fee is due at time of application any additional costs beyond the initial fee is due prior to the effective date of the agreement.
Annual Administration Fee (ACC 20.04.170)	Actual City Costs
Annual CATV Franchise Fee (ACC 13.36.230)	5% of Gross Revenue for the prior three months.
Other Annual Franchise Fee (ACC 20.06.100)	Statutorily Permissible Percent of Gross Revenue
Small Wireless Facility Siting and Construction Permit Application Fee (ACC 20.02.010, ACC 20.14.020)	\$500.00 for Existing, Relocated, or Replaced Structure for up to five sites or \$1,000.00 for each New Structure (These fees include all City permitting costs except the Franchise Application/Renewal/Amendment and Administration Fee.)
<u>Late Payment. In the event any quarterly payment is made after noon on the date 10 days after the date due</u>	<u>\$25.00 or simple interest at 12% annually on the total amount past due</u>
<u>Assignment or transfer of Franchise</u>	<u>\$75.00</u>

6. Public Way Agreements: (Per Ordinance No. 6546, Resolution No. 5114, Resolution No. 5319, ~~and~~ Resolution No. 5388 and Resolution 5424.)

Application/Renewal Application Fee (ACC 20.04.020, ACC 20.04.120)	\$5,300.00 nonrefundable Initial Fee + plus the City's actual costs incurred in excess of \$5,300.00. Initial Fee is due at time of application any additional costs beyond the initial fee is due prior to the effective date of the agreement.
Annual Fee (ACC 20.04.170)	Actual City Costs
<u>Assignment of Public Way Agreement</u>	<u>\$75.00</u>

9. Other Utility Fees: (Per Ordinance No. 5819, Ordinance No. 5944, Resolution No. 3797, Resolution No. 3953, Resolution No. 4424, Resolution No. 5114, Resolution No. 5134, Resolution No. 5255, Resolution No. 5319, ~~and~~ Resolution No. 5388, and Resolution No. 5424, .)

Fireline Connection Permit	\$145.00
Hydrant Installation Permit and Inspection Fee	\$250.00
Hydrant Use Monthly Rate (applies to Type A and B permits): 3-inch water meter monthly rate, plus Actual usage at Commercial water rate	Per Current Utility Rate Schedule
Fire Hydrant Meter Wrench Fee (Type A Permit) ⁽¹⁾	\$45.00

Hydrant Meter with RPBA, Valve, and Wrench (Type B Permit) – Refundable Deposit ⁽²⁾	\$2,110.00
<u>Dedicated Hydrant Use and Hydrant Meter Penalties and Charges</u>	
<u>Failure to record “Start” read properly^(2a)</u>	<u>\$250.00</u>
<u>Failure to record “Finish” read properly^(2a)</u>	<u>\$250.00</u>
<u>Failure to submit monthly water consumption report to the city^(2b)</u>	<u>\$10.00</u>
<u>Nonpayment of bill within 10 calendar days of reminder notice^(2b)</u>	<u>\$10.00</u>
<u>Non-return of hydrant meter with RPBA assembly after request for return^(2b)</u>	<u>\$10.00</u>
<u>Using a hydrant without hydrant operator training documentation on hand^(2a)</u>	<u>\$50.00</u>
<u>Using a hydrant without operator training documentation^(2a)</u>	<u>\$250.00</u>
<u>Using a hydrant without permit documentation on hand^(2a)</u>	<u>\$50.00</u>
<u>Using a hydrant without permit documentation^(2a)</u>	<u>\$250.00</u>
<u>Loaning out a hydrant meter with RPBA assembly to an unauthorized party^(2a)</u>	<u>\$250.00</u>
<u>Using a tool other than the city-supplied hydrant wrench to operate a hydrant^(2a)</u>	<u>\$50.00</u>
<u>Damage to hydrant or infrastructure</u>	<u>Complete reimbursement to the city for repair or replacement</u>
<u>Nonresponse to revocation of permit or trained hydrant operator certificate^(2b)</u>	<u>\$10.00</u>
<u>Disassembly or tampering of hydrant, hydrant meter assembly or hydrant meter with RPBA assembly^(2a)</u>	<u>\$250.00</u>
Water Use Charge for Unreturned Hydrant Meter (if equipment not returned for final reading)	\$720.00
Water Meter Test Fee, 2” or less	\$230.00
Water Meter Test Fee, greater than 2”	At Actual Cost
Water Meter Removal Fee (3/4” to 1”) – (service line remains)	\$320.00
Water Meter Removal Fee (1-1/2” to 2”) – (service line remains)	\$640.00
Water Meter Removal Fee (3” and larger) – (service line remains)	At Actual Cost
Water Service Abandonment Permit (City abandons at main, removes meter and box)	\$3,080.00
Water Meter Relocation Permit by City	Same as Water Service Installation Permit Fee, see 8.a.
Meter Damage/Tamper Repair Permit	\$500.00 plus Meter Cost, if applicable
Water Service Alteration/Repair Permit on Private Property (by Applicant)	\$85.00
Backflow Permit for Premises Isolation (internal or external)	\$85.00
Hydraulic Modeling	At Actual Cost, \$3,000.00 Deposit
King County Right-of-Way Permit	At Actual Cost, \$1,000.00 Deposit
Hourly Rate for Negotiation, Development, Administration, and Execution of Special Agreements for Utility Service (Franchise Agreements, Service Area Agreements)	\$100.00

Re-Locate Fee (if <45 days from initial locates)	\$210.00
Side Sewer Repair Permit on Private Property	\$85.00
Side Sewer Repair Permit in Right-of-Way ⁽³⁾	\$165.00
Demolition Cap Permit (cap side sewer before building demolition)	\$85.00
Side Sewer Relocation/Replacement Permit	\$135.00
Oil/Water Separator Permit	\$210.00
Grease Interceptor Permit ⁽³⁾	\$210.00
Storm Drainage Repair Permit – Existing Private System on Private Property	\$85.00
Storm Drainage Repair Permit – Existing System in Public Right-of-Way/Easement ⁽³⁾	\$165.00
Utilities Payback Administration Fees:	
Application Fee ⁽⁴⁾ :	
Base Fee (BF)	\$2,100.00
Per Benefited Parcel (BP)	\$50.00
<i>Application Fee Calculation = BF + (BP x Number of Benefited Parcels)</i>	
Payment Processing Fee (per parcel) ⁽⁵⁾	\$100.00
Outside Professional Services, including Area of Special Benefit Analysis	Time & Materials
Convenience shut off	\$25.00
Delinquent shut off	\$25.00
Late charge	1% per month of outstanding bill or \$15.00 minimum, whichever is greater
Unauthorized turn on/off	\$60.00
Delinquent meter pull	\$65.00
Unauthorized fire line or water hook up	\$100.00 a day fine from date of discovery
Refusal of access per day	\$30.00
Closing final read	\$30.00
New account setup	\$25.00
Bill tenant	\$25.00
After-hours water turn on/off	\$30.00
Escrow estimates	\$25.00

⁽¹⁾Non-refundable fee. Wrench is only for withdrawing water at City-designated hydrant fill stations. Applicant will be charged the Hydrant Use Monthly Rate and all monthly reported water use at Commercial water rates until applicant notifies City that applicant is no longer using water from City-designated hydrants.

⁽²⁾Each year, the hydrant meter with RPBA, Valve, and Wrench must be returned to City for annual maintenance and testing no later than the date specified by the City at the time of application. **The deposit amount will be forfeited if the equipment is not returned to the City by the deadline.** If needed, the City will re-issue a hydrant meter to the applicant under the same permit. In that instance, the applicant will be billed for any damages to the returned meter; the deposit will be applied to the re-issued hydrant meter. Upon final return of the equipment to the City, the cost of repairing any damages will be deducted from the deposit.

^(2a)[Maximum penalty, per day, location, violator and incident.](#)

^(2b)[Per calendar day.](#)

⁽³⁾If repair or new construction requires work within City right-of-way, including a new connection to the City's system, a Construction Permit (EXC - see Section 11) is required in addition to the permit.

⁽⁴⁾Payback Agreement Application Fee includes recording and mailing costs.

⁽⁵⁾ Fee to be deducted from the amount due to the developer when payback is collected for a parcel.

K. ECONOMIC DEVELOPMENT FEES (*per Resolution No. 5388*)

COMMERCIAL PARKING LOT FEES

<u>LOT</u>	<u>NON-PROFIT ORGANIZATION</u> (must submit IRS status with application)	<u>OTHER ORGANIZATION</u>
	*\$250 minimum flat fee + additional per space / daily fee	
Lot 1 – Kiss & Ride (21 stalls)	\$0 / per space / per day	\$2.50 / per space / per day
Lot 2 – 11 A St NW (47 stalls)	\$0 / per space / per day	\$2.50 / per space / per day
Lot 3 – Mel's Lot (120 stalls)	\$0 / per space / per day	\$2.50 / per space / per day
Lot 4 – B St (60 stalls)	\$0 / per space / per day	\$1.50 / per space / per day
Lot 5 – Safeway (122 stalls)	\$0 / per space / per day	\$1.50 / per space / per day
Lot 6 – D St (20 stalls)	\$0 / per space / per day	\$1.00 / per space / per day

Facilities Lease Fees

Lease Application Fee: \$500.00

Lease Renewal Fee: \$500.00

Assignment of Lease \$75.00

D. AUBURN MUNICIPAL AIRPORT FEES (*Per Ordinance No. 5707, amended by Ordinance No. 5715 and Ordinance No. 5819, and amended by Resolution No. 3784, Resolution 3797, Resolution No. 3841, Resolution No. 3953, Resolution No. 4117, Resolution No. 4270, Resolution No. 4414, Resolution 4734, Resolution No. 4880, Resolution No. 5016, Resolution No. 5114, Resolution No. 5181, Resolution No. 5213, Resolution No. 5255, Resolution No. 5319, and Resolution No. 5388.*)

1. Lease Fees

Lease Type:

Open G-D	\$217.00
Open C	\$258.00
Closed J	\$389.00
Closed H	\$414.00
Closed Y & Z	\$480.00
Closed Y1 & Z22	\$618.00
Outside Tiedowns	\$83.00
Storage Rows H-D	\$139.00
Storage Units (185 sq. ft. – Buildings Y&Z)	\$123.00
Storage Units (298 sq. ft.)	\$149.00

Storage Units (380 sq. ft. – Buildings Y&Z) \$188.00

A security surcharge of \$10.00 per month is charged, in addition to the base monthly rental fees provided in this section, for each tie-down, each hangar door and each storage rental area, which security surcharge fees are to be used for the provision of increased security at the Auburn Municipal Airport (approved by Ordinance No. 5500 on January 16, 2001). For the purposes hereof, each tie-down consists of the structures/facilities necessary to accommodate one (1) regular sized light aircraft. Furthermore, the hangar doors to which the security surcharge applies includes all hangars located at the Auburn Municipal Airport, including those hangars built on land owned by the City but leased to private parties, and those hangars owned in a condominium type ownership.

The above lease and security surcharge amounts are subject to applicable leasehold taxes, which shall be paid by the tenant. The total charges, including the above lease rates plus lease hold tax and surcharge shall be reflected in monthly billing rates. Tenants shall be given notice as required by Ordinance or lease agreements. The Airport Lease rates shall be effective January 1, 2019.

Payments. Payments are due on the first of each month, past due as of the 5th and late as of the 15th. Payments not received by the 15th incur a \$25.00 late fee. Payments not received after 30 days from the due date incur an additional \$25.00 delinquency fee each month payment is delinquent.

Automatic gate electronic cards. One automatic gate electronic card will be issued to each City rental tenant free of charge. Any additional electronic cards requested by a tenant are subject to a \$25.00 fee. A \$15.00 fee refund applies to all serviceable returned cards. An additional \$25.00 replacement fee will be assessed against the tenant for all lost or damaged electronic cards. All electronic cards must be returned to the airport at the time of lease expiration.

Each lease shall include an initial payment of first and last months' rent plus a damage deposit in the amount of two times the monthly base rate, with the exception of an Outside Tie-Down Lease which shall include an initial payment of first months' rent only. Each lease agreement shall also include terms that authorize the city to apply the damage deposit to outstanding charges on termination.

2. Daily Transient Parking (overnight)

Tie Down	\$5.00
Open "T"	\$25.00
Enclosed Hangar	\$35.00

3. Base Parking Fee – Designated Spaces

A base vehicle parking fee of \$63.00 per month per designated space is charged. There are ten designated spaces available on a first come basis for pilots to park or store a vehicle for an extended period of time. All airport rules and regulations apply. A Vehicle Storage Permit must be completed and appropriate fees paid. The storage of vehicles is for convenience for the users of the Auburn Airport and is month-to-month.

4. Additional Airport Fees

Gate Cards (each lease gets one card at no charge. Additional cards cost \$25.00 \$25.00. A \$15.00 refund applies to all serviceable returned cards.) Limit 2 Cards per space.

Annual Aeronautical Business License	\$250.00
Hangar Waitlist Fee	\$50.00

5. Waiver of Fees for Governmental Entities or Governmental Affiliated Entities

The Mayor is authorized to waive a portion or all of any (otherwise) required fees for hangar space rental - if space is available - for governmental entities or government affiliated entities that provide community service(s) and public benefit(s) to residents, citizens and businesses of Auburn.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6716 (Tate)

Date:

May 7, 2019

Department:

Community Development

Attachments:

[Ordinance No. 6716](#)

[Exhibit A. - Ordinance No. 6716 Code Amendment](#)

[Exhibit B. - April 2, 2019 Staff Report to Planning](#)

[Commission](#)

[PSERN PowerPoint Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Staff Recommendation: Schedule Ordinance No. 6716 for action by City Council at the regular meeting on May 20, 2019.

Background Summary:

Puget Sound Emergency Radio Network (PSERN) is a public safety (E-911) wireless communications network intended to replace the current King County (KC) Emergency Radio Communications System, which is 20 years old and is limited in coverage. PSERN, much like the KC Emergency Radio Communications System, will be used by first responders to coordinate activities during emergency incidents and will be used by all jurisdictions in King County. Due to the increase in population within the region since the current system was initiated, additional radio coverage is needed. The current system is to be replaced in order to provide greater coverage and increase reliability.

A new emergency wireless communication facility (EWCF) is proposed to be located in Auburn. The new EWCF will be situated on an 8.38-acre parcel, located west of the intersection of Auburn Way S and 32nd St SE, on Auburn Adventist Academy owned property. The new EWCF, which will be operated by PSERN, is proposed to enhance E-911 emergency communications by increasing coverage throughout the region.

The City's existing zoning code requirements, which are primarily oriented to private wireless communication facility (WCF) carriers, does not allow such a facility. Therefore PSERN has requested an amendment to Title 18 – the City's Zoning Code to allow the use and siting of EWCFs within the I, Institutional Zone of the Auburn City Code (ACC).

Staff has discussed the proposed code amendment with the Planning Commission at two regular meetings. At the January 23, 2019 the Planning Commission regular meeting, staff provided an overview of PSERN, its purpose and funding, the definition of a wireless communication facility (WCF), the supplemental siting standards pertaining to WCFs, and examples of other jurisdictions' standards pertaining to EWCFs. At the March 5, 2019 Planning Commission regular meeting, staff responded to Planning Commission's inquiries

regarding network coverage, terms of lease for a tower, and the collocation of commercial carriers. Staff also requested guidance for regulating collocation on and the height of EWCFs.

On April 2, 2019 the Planning Commission held a public hearing regarding the proposed code amendment. During the public hearing, the Planning Commission heard public testimony from the applicant's representative and a representative for PSERN. Staff also provided the comments received from two parties (included in Exhibit B). Upon close of the public hearing and after deliberation, the Planning Commission recommended approval of the proposed code amendment to City Council.

Reviewed by Council Committees:

Councilmember: DaCorsi

Staff: Tate

Meeting Date: May 13, 2019

Item Number:

ORDINANCE NO. 6167

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO A NEW LAND USE CATEGORY FOR EMERGENCY WIRELESS COMMUNICATION FACILITIES, AMENDING SECTIONS 18.04.912, 18.31.100, 18.35.030, OF THE AUBURN CITY CODE

WHEREAS, LDC, Inc. on behalf of the Puget Sound Emergency Radio Network (PSERN), made application on July 13, 2018 to amend Title 18 Zoning to accommodate their proposed emergency wireless communication facility (EWCF) in the I, Institutional Zoning District.

WHEREAS, current zoning requirements do not address emergency wireless communication towers, which are one class of wireless facility that the Federal Communications Commission has protected from broad local government regulation; and

WHEREAS, pursuant to RCW 36.70A the proposed code amendment language was transmitted to the Washington State Department of Commerce requesting an expedited review (consisting of a 14-day period) on December 10, 2019. On January 7, 2019 the City received notice that expedited review had been granted, and that upon receipt of the email the City met the notice to state agency requirements contained in RCW 36.70A.106. The City did not receive any state agency comments.

WHEREAS, the code amendment was subject to environmental review process under the Washington State Environmental Policy Act (SEPA). A Determination of Non-Significance (DNS) was issued December 10, 2018 (and reissued on December 19, 2018) and the City observed a fifteen-day public comment period; and

WHEREAS, Notice of Public Hearing (NOPH), was issued on March 22, 2019 a

minimum of 10 days prior to the public hearing as required by ACC 18.68.040(A)(1).

WHEREAS, the Planning Commission reviewed the code amendment at its January 23, 2019 and March 5, 2019 Planning Commission meetings; and

WHEREAS, the City received three public comment letters in response to notice of the public hearing, and

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on April 2, 2019, and afterwards forwarded a recommendation for approval to the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Sections 18.04.912, 18.31.100, 18.35.030 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. Implementation. The Mayor is hereby authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED:_____

PASSED: _____
APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

PUBLISHED: _____

- Insertions are shown in green, underlined text.
- Deletions are shown in red, strikethrough ~~text~~.
- Moves are shown in black, underlined text.

Ordinance 6716 Exhibit A

18.04.912 Wireless communications.

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

A. “Antenna” means a device used in wireless communications which transmits and/or receives radio signals. Antennas include the following types:

1. Accessory: Antennas including, but not limited to, test mobile antennas and Global Positioning System (GPS) antennas which are less than 12 inches in height or width and do not directly provide personal wireless communication.
2. Directional or panel: An antenna or array of antennas designed to transmit a radio signal in a particular direction typically encompassing an arc of 120 degrees. Panel antennas, also called directional antennas, are typically flat, rectangular devices approximately six square feet in size.
3. Dish or parabolic: A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.
4. Whip, rod or omni-directional antenna: An antenna, tubular in shape, that transmits and receives signals throughout a 360-degree range.
5. Other: All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna defined herein which most closely resembles such equipment.

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

C. “Attached wireless communications facility (WCF)” means an antenna array which is attached to an existing building or structure.

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

E. “Co-location” means the use of a common WCF or site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology.

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

G. "Microcells" are typically located in and exclusively benefit residential neighborhoods. Microcells consist of an antenna that is either: (1) a dish or parabolic antenna that is no more than four feet in height and with an area of not more than 580 square inches; or (2) a tubular antenna that is no more than four inches in diameter and no more than six feet in height; or (3) one or more panel antenna that is no more than six feet in height, and its width or depth is no more than six inches and the aggregate area of such panel antenna(s) would not exceed 580 square inches that would be visible from any one viewpoint; or (4) similar antennas that are of comparable size and shape.

H. "Separation" means minimum distance required between primary support structures.

I. "Support structure" means the structure to which the antenna and other necessary associated hardware are attached. Support structures include but are not limited to the following:

1. Lattice tower: A structure of varying height that consists of a network of crossed metal braces forming a tower which is usually triangular or square in cross section. To be considered a primary support structure.
2. Monopole: A structure of varying height consisting of a single spire sunk into the ground and/or attached to a foundation. To be considered a primary support structure.
3. Other structures: This may include existing buildings, water towers, athletic field light poles, or other similar structures. To be considered a secondary support structure.

J. "Wireless communications facility (WCF)" means any non-staffed facility for the transmission and/or reception of wireless telecommunications services, typically consisting of an antenna array, an equipment facility and/or a support structure.

K. "Emergency Wireless Communication Facility (EWCF):" means a wireless communications facility for the purpose of an emergency communication system operated by a local public agency responsible for providing emergency services.

~~L. For the purposes of determining in which zones wireless communications facilities are to be permitted, they will be classified pursuant to the following types. Refer to the table in AGC-18.31.100(K) to determine which zones allow for the following types of facilities:~~

~~1. TYPE 1. Type 1 are new antennas erected on existing buildings or nonresidential structures.~~

~~There are four separate Type 1 categories described as follows:~~

~~a. 1-A. The combined height of the antenna together with the height of the existing building cannot be 25 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.~~

~~b. — 1-B. The combined height of the antenna together with the height of the existing building cannot be 50 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.~~

~~c. — 1-C. The combined height of the antenna together with the height of the existing building is 50 percent greater than the existing building or exceeds the height limitation of the zone in which the building is located. The height limitation of the zone can only be exceeded by 25 percent.~~

~~d. — 1-D. Antenna located on existing water towers, athletic field light poles, or similar public utility infrastructure not located within public street right-of-way. The height limitation of the WCF will be 10 percent of the existing structure height, but may be increased to a maximum of 20 percent with an administrative use permit and may be increased to a maximum of 30 percent with a conditional use permit. The height limitation of the zone may be exceeded relative to the above provisions allowed for a 1-D facility.~~

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

~~a. — 2-A. Must meet height requirements of previous approval and is limited to 50 percent total (cumulative) expansion of equipment area.~~

~~b. — 2-B. Has greater height requirements than previous approval and allows for more than a 50 percent expansion of the equipment area.~~

~~3. TYPE 3. Type 3 is the erection of new (primary) support structures. There are two separate Type 3 categories described as follows:~~

~~a. — 3-A. Monopoles that are 75 feet or less in height.~~

~~b. — 3-B. Monopoles that are more than 75 feet in height or lattice towers of any height.~~

~~meet the definition of an EWCF and structure 4. — ETMantennas — anexisting — percent, outside — ancillary —~~

18.31.100 Wireless communications facilities siting standards.

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

A. Types of Wireless Communication Facilities (WCFs). For the purposes of determining in which zones wireless communications facilities are to be permitted, they will be classified pursuant to the following types. Refer to the table in ACC [18.31.100\(KL\)](#) to determine which zones allow for the following types of facilities:

1. TYPE 1. Type 1 are new antennas erected on existing buildings or nonresidential structures.

– There are four separate Type 1 categories described as follows:

~~e~~.a. 1-A. The combined height of the antenna together with the height of the existing building cannot be 25 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.

~~f~~.b. 1-B. The combined height of the antenna together with the height of the existing building cannot be 50 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.

~~g~~.c. 1-C. The combined height of the antenna together with the height of the existing building is 50 percent greater than the existing building or exceeds the height limitation of the zone in which the building is located. The height limitation of the zone can only be exceeded by 25 percent.

~~h~~.d. 1-D. Antenna located on existing water towers, athletic field light poles, or similar public utility infrastructure not located within public street right-of-way. The height limitation of the WCF will be 10 percent of the existing structure height, but may be increased to a maximum of 20 percent with an administrative use permit and may be increased to a maximum of 30 percent with a conditional use permit. The height limitation of the zone may be exceeded relative to the above provisions allowed for a 1-D facility.

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

~~e~~.a. 2-A. Must meet height requirements of previous approval and is limited to 50 percent total (cumulative) expansion of equipment area.

~~d~~.b. 2-B. Has greater height requirements than previous approval and allows for more than a 50 percent expansion of the equipment area.

3. TYPE 3. Type 3 is the erection of new (primary) support structures. There are ~~two~~ three separate Type 3 categories described as follows:

~~e~~.a. 3-A. Monopoles that are 75 feet or less in height.

~~d~~.b. 3-B. Monopoles that are more than 75 feet in height or lattice towers of any height.

- c. 3-C. Monopoles or lattice towers that meet the definition of an EWCF and are 185 feet or less in structure height.

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

- a. 4-A. Mounting of antennas cannot exceed the following thresholds:¹

- i. Increase the height of an existing primary support structure by 10 percent, or 20 feet (whichever is less).
- ii. Add an appurtenance to the body of the tower that would protrude from the outside edge of the tower more than 20 ft.
- iii. Install more than four ancillary equipment facilities.

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

AB. *Separation between Facilities.*

1. New, Freestanding Primary Support Structures.

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

b. The minimum separation, i.e., distance, between a proposed monopole (that is more than 75 feet in height, or lattice towers of any height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 20.

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

3. A primary support structure would be considered "existing" if a conditional use permit or administrative use permit has been issued and is still valid for sites which have not been built upon.

BC. *Co-Location Requirements.*

1. For monopoles that are more than 75 feet in height and lattice towers of any height (Type 3-B facilities), the owner of the property shall execute and provide evidence of a nonexclusive lease with the carrier that allows for other carriers to place antennas on the structure.

2. Any application for a Type 3-B or 3-C facility shall include technical justification that an existing Type 3-B or 3-C facility with a nonexclusive lease could not be used instead of constructing a new tower.

CD. *Height.*

1. Unless otherwise provided for, the height of any primary support structure and/or antenna shall not exceed the height limitations of the zone.
2. The maximum height of any primary support structure shall not exceed 120 feet.
3. There shall be no variances allowed to the height limitations.
4. The carrier shall provide evidence that the Federal Aviation Administration (FAA) has approved the location of a primary support structure relative to the Auburn Municipal Airport.
5. Unless otherwise restricted by this section, building – or structure-mounted antennas may extend a maximum of 15 feet above the maximum height permitted for structures within the zone.
6. Antennas that are mounted on structures that do not otherwise have a height restriction may be allowed to increase the overall height of the structure by no more than 10 percent of the height of the structure unless additional approvals are obtained.

DE. *Setbacks.*

1. All equipment shelters, cabinets, support structures or other above-ground facilities shall meet the setback requirements of the zone in which located except as follows. All equipment shelters, cabinets, or other above-ground facilities used to support primary support structures shall be set back the same distance required of the primary support structure. All equipment shelters, cabinets, or other above-ground facilities within a nonresidential zone shall be set back a minimum of 50 feet from any adjacent R zone.
2. The minimum distance from any primary support structure, of any height, to any residentially zoned parcel of property shall be a distance equal to the overall height of the primary support structure (including antennas) multiplied by a factor of two.
3. Where possible, roof-mounted antennas and equipment shelters and/or cabinets are to be placed towards the center of the building, or away from public views. Equipment shelters and/or cabinets shall be screened by a parapet or similar architectural feature.

EF. *Fencing and Landscaping.*

1. *Fencing.* Fencing is required to enclose all above-ground support equipment that is associated with primary support structures. Fencing will be 100 percent sight-obscuring, as

defined in ACC [18.31.020\(C\)\(2\)](#), if visible from a public right-of-way or less intense zone. Equipment shelters and/or cabinets shall be enclosed by fencing a minimum of six feet in height. Fencing shall meet the sight distance requirements of the city design and construction standards.

2. *Landscaping.*

- a. Where above-ground support equipment is visible from a public right-of-way, a minimum width of five feet of Type II landscaping as defined in ACC [18.50.040](#) will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the public right-of-way. Landscaping shall meet the sight distance requirements of the city design and construction standards.
- b. Where facilities are visible from adjacent residential uses, a minimum width of five feet of Type I landscaping as defined in ACC [18.50.040](#) will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the adjacent residential uses.
- c. Existing on-site vegetation may be used to meet the landscape requirements if approved by the planning director.

FG. *Aesthetics.*

1. In order to minimize any potential, negative aesthetic impacts from new primary support structures including protecting views to and from residential neighborhoods, mitigation may be required to blend the facilities in with the adjacent development or environs. Typical solutions for the support structure might include: an extension of the building, a component of a sign structure, disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.
2. Building – or roof-mounted antennas will be painted or textured to blend with the adjacent surfaces.
3. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street shall be placed on or affixed to any part of the WCF, unless required by the FCC or FAA.
4. Except as specifically required by the FAA (but must be approved by the city), freestanding primary support structures shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens might be appropriate; however, each application shall be evaluated individually.

GH. *Lighting.*

1. Freestanding support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Any proposed lighting shall be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.
2. Security lighting used to light the equipment facility shall be directed downward, shielded and kept within the boundaries of the site.

H.I. *Abandoned Facilities.*

1. Any WCF which is not utilized for a period of nine months or more will be considered abandoned.
2. Any WCF which falls into a state of disrepair as determined by the planning director will be considered abandoned.
3. Any WCF considered to be abandoned must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The code enforcement personnel may extend the 90-day period should a valid application for use of the facility be submitted to the city.

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

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

1. For a new primary support structure and related equipment, the applicant shall provide the carrier's master network plan for the city showing the carrier's existing WCF locations and narrative explaining the potential WCF locations over the next year, if known. The applicant shall also provide technical justification supporting the need for the height of the primary support structure and why a shorter support structure could not be utilized. Any application for a Type 3-B facility shall provide technical justification as to why a Type 3-A facility could not be utilized instead to adequately serve the Auburn community.
2. Narrative description of the facility including whether there is capacity on the proposed structure for more antennas, methods for minimizing visual impacts of the facilities, etc.
3. A color swatch for the proposed primary support structure.
4. Photographs or similar illustrations that show a reasonable likeness of the proposed facility including the antenna arrays and above-ground support equipment.

H.L. *Zones in Which WCF Are Permitted.* The following table illustrates which zones the types of facilities as defined by ACC [18.04.912\(J\)](#) and [18.04.912\(K\)](#) are allowed in and which permits are

required. Microcells, as defined by ACC [18.04.912\(G\)](#), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC [18.04.912\(G\)](#).

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

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

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

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

LK. *Exemptions.*

1. Unless otherwise provided for, the following are exempt from the provisions of this section:

- a. Microcells as defined by ACC [18.04.912\(G\)](#).
- b. *Mobile Testing Facilities/Equipment Used to Test Network Limitations.* The facilities/equipment shall not be at any one location for more than 14 days and shall otherwise meet the requirements of any other ordinance, regulation or code provision.

2. EWCFs are ~~The following is~~ exempt from the provisions of subsections A₂ of this section, Separation between Facilities, B(1) Co-Location Requirements, C. Height (except C(4)), and D. Setbacks, of this section:

~~a. Emergency communication systems operated by a local public agency responsible for providing emergency services wireless communication facility (WCF).~~

Chapter 18.35 SPECIAL PURPOSE ZONES

Sections:

- 18.35.010 Purpose.**
- 18.35.020 Intent of special purpose zones.**
- 18.35.030 Uses.**
- 18.35.040 Development standards.**
- 18.35.050 Additional development standards for both the RO and R-OH zones.**

18.35.010 Purpose.

This chapter lists the land uses that may be allowed within the residential office, residential office-hospital, institutional, and public use zones established by ACC [18.02.070](#) (Establishment of zones), determines the type of land use approval required for each use, and provides basic standards for site layout and building size. (Ord. 6434 § 1, 2012.)

18.35.020 Intent of special purpose zones.

A. *General.* This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

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

intended to be used for medical and related uses and those uses compatible with the medical community.

C. **P-1 Public Use Zone.** The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

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

E. **OS Open Space Zone.** The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks, watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the open space zone tend to be predominately passive in character and with relatively fewer developed facilities than parks included in the institutional zone. Private sites containing critical areas or shorelines may be included. (Ord. 6677 § 2, 2018; Ord. 6434 § 1, 2012.)

18.35.030 Uses.

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

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

Table 18.35.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
MARIJUANA RELATED BUSINESSES						
Marijuana processor	X	X	X	X	X	
Marijuana producer	X	X	X	X	X	
Marijuana researcher	X	X	X	X	X	
Marijuana retailer	X	X	X	X	X	
Marijuana transporter business	X	X	X	X	X	
PUBLIC						
Animal shelter, public	X	X	P	X	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	C	
Municipal parks and playgrounds	P	P	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY						
Campgrounds	X	X	X	P	P	
Recreational vehicle parks, private	X	X	X	P	X	
Cemetery, public	X	X	P	A	X	
Cemetery, private	X	X	X	A	X	
College, university, public	X	X	A	A	X	
Commercial recreation facility – Indoor	X	X	X	P	X	
Commercial recreation facility – Outdoor	X	X	X	A	C	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	X	
Library, museum	X	X	P	P	A	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Meeting facility, public or private	A	A	P	P	A	
Private school – specialized education/training (for profit)	P	P	X	P	X	
Public schools (K-12) and related facilities	X	X	P	P	X	
Religious institutions, lot size less than one acre	A	P	X	P	X	
Religious institutions, lot size more than one acre	C	A	X	P	X	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	X	
RESIDENTIAL						
Duplex	P ¹	X	X	A	X	
Home occupation	P	P	X	P	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	X	
Marijuana cooperative	X	X	X	X	X	
Multiple-family dwellings, stand-alone	P ²	A ³	X	A	X	
One detached single-family dwelling	P	X	X	X	P ⁵	
Nursing home, assisted living facility	A	A	X	P	X	
Senior housing	A	A	X	A	X	
RETAIL						
Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
SERVICES						
Banking and related financial institutions, excluding drive-through facilities ⁴	P	P	X	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	A	
Home-based daycare	P	P	X	P	P	
Medical services – Clinic or urgent care ⁴	P	P	X	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	X	
Professional offices	P	P	X	A	A	
Personal service shops	P	P	X	X	X	
Pharmacies	X	P	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040(E)
Emergency wireless community facility (EWCF)	X	X	X	P	X	See ACC 18.04.912 and 18.31.100
OTHER USES THAT ARE NOT LISTED						
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and	P	P	P	P	P	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
is of the same general character of the uses permitted						

Notes:

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

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

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

4 Permitted within a Public College or University as an Amenity or Service Provided to Students: A stand-alone bank or medical services/clinic is not permitted.

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

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

18.35.040 Development standards.

Hereafter, no use shall be conducted and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Table 18.35.040 (RO, RO-H, P-1, I Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter [18.70](#) ACC.

Table 18.35.040. RO, RO-H, P-1, I, OS Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS Open Space
Minimum lot area	7,200 sf	None	None	6,000 sf	None

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS Open Space
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft	None
Maximum lot coverage	55 percent (1)	None	None	35 percent	5 percent
Maximum impervious area	NA	NA	NA	NA	20 percent (7)
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>				
Front	20 ft (2)	10 ft	20 ft	20 ft	20 ft
Side – Interior	5 ft	None	5 ft (4)	5 ft	5 ft
Side – Corner	10 ft	10 ft	10 ft	10 ft	10 ft
Rear	25 ft (3)	None	25 ft	25 ft	25 ft
Accessory structure(s)	See note (5) below	NA	NA	See note (5) below	
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height limitations – Exceptions) for height limit exceptions.</i>				
Maximum height	35 ft	65 ft	45 ft	45 ft (6)	35 ft
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1 New single-family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative area of 200 square feet on the property since the adoption of Ordinance No. [6231](#), then the maximum lot coverage is 35 percent.

2 New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.

3 New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.

4 A 25-foot setback is required when adjacent to a residential zone.

5 Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.

6 Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.

7 Maximum impervious area includes all hard surfaces per ACC [13.48.010\(J\)](#).

(Ord. 6677 § 4, 2018; Ord. 6434 § 1, 2012.)

18.35.050 Additional development standards for both the RO and RO-H zones.

A. All uses shall be conducted entirely within an enclosed structure, except noncommercial municipal automobile parking facilities in the RO-H zone.

B. There shall be no outside storage of materials allowed.

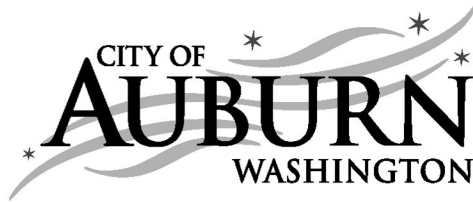
C. Refuse cans, containers or dumpsters shall be screened from the view of adjoining properties.

D. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities, shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter [70.105](#) RCW).

E. Any new construction, including additions and alterations, within the RO district shall utilize similar bulk, scale, and architectural and landscape elements of the existing site structure or those of the neighborhood in which the property is located. A site plan and building elevation plans shall be prepared by the applicant which address compliance with the requirements as outlined in this subsection. The plans shall be approved by the planning director or designee prior to the issuance of any building permits.

The planning director and the public works director or designees may deviate from the development standards under ACC [18.35.040](#) up to 10 percent, for example, reduce rear yard setback by one and one-half feet, to address unusual circumstances for conversions of single-family residential uses to nonresidential uses. (Ord. 6434 § 1, 2012.)

Ordinance 6716 Exhibit B



Memorandum

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

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

DATE: March 21, 2019

RE: City File No.: ZOA18-0001 – PSERN Zoning Code Amendments

PROPOSAL: The Puget Sound Emergency Radio Network (PSERN) has submitted applications for code amendment and associated environmental review to change the following three zoning code chapters:

- Chapter 18.04 (Definitions),
- Chapter 18.31 (Supplemental Development Standards), and
- Chapter 18.35 (Special Purpose Zones)

The amendments establish a new land use category of “emergency wireless communication facility (EWCF)”, modify the applicable zoning development standards and allow siting of EWCFs in the I, Institutional zoning district.

FINDINGS OF FACT:

Background & Proposal

1. Puget Sound Emergency Radio Network (PSERN) is a public safety wireless communications network intended to replace the current King County (KC) Emergency Radio Communications System, which is 20 years old and is limited in coverage. PSERN, much like the KC Emergency Radio Communications System, will be used by first responders to coordinate activities during emergency incidents, and will be used by all jurisdictions in King County. Due to the increase in population within the region since the current system was initiated, additional radio coverage is needed. The current system is to be replaced in order to provide greater coverage and increase reliability. Replacing the KC Emergency Radio Communication System will involve both upgrading existing WCFs and constructing new WCFs.
2. The new emergency wireless communication facility (EWCF) to be located in Auburn is proposed to enhance E-911 emergency communications by increasing coverage throughout the region. PSERN selected a site based on extensive technical analysis and site selection process. The site elevation, tower height and presence of surrounding obstacles such as tree vegetation are critical factors in site selection. EWCF siting is predicated on radio frequency (RF) engineering which uses line-of-sight (LOS) technology. LOS technology requires an unobstructed path between receivers and transmitters. Obstructions include trees, other structures, and even the landscape (e.g. hills). Therefore, to achieve adequate communication signal coverage a tower and its antennas must be of a higher than surrounding obstructions.

3. The proposed EWCF in short, consists of a self-supporting tower that is 180 feet in height (185' with lightning rod) with four (4) antennas and two (2) microwave dishes on the tower, and an at grade equipment facility including an emergency backup power generator at the base of the tower within a fenced yard.
4. The proposed EWCF is on an 8.38-acre parcel, located west of the intersection of Auburn Way S and 32nd St SE, on Auburn Adventist Academy owned property.
5. The subject parcel is divided by two roadways; of Auburn Way South and 32nd St SE and is currently split zoned as I, Institutional and R-5, Residential 5 dwelling units per acre. The centerline of Auburn Way South defines the location of the split zone boundary (reference map in Attachment Exhibit B). The land use designation of the subject property is also split between "Single Family Residential" and "Institutional". The split land use designation falls along exactly the same lines as the split zoning. The majority of the 8.38 parcel is zoned (and though not shown, is designated) "Institutional". Due to the location and nature of the specific proposal in Auburn and the compatibility of the Institutional zone with the proposed use, the Director of Community Development issued an Administrative Decision, indicating that the entire subject property will be regulated using the Institutional zone's zoning development standards (reference Attachment Exhibit B).
6. The City's existing zoning code requirements, which are primarily oriented to private WCF carriers, does not allow such a facility. Therefore PSERN has applied for zoning code changes to accommodate the proposed facility.
7. The proposed zoning code amendment has been discussed with the Planning Commission previously at two regular meetings. Staff has provided two memorandums and presentations as follows:
 - a. At the January 23, 2019 Planning Commission regular meeting, staff provided the first memorandum and presentation regarding the proposed amendments. This discussion provided an overview of PSERN, its purpose and funding, the definition of a wireless communication facility (WCF), the supplemental siting standards pertaining to WCFs, and finally, examples of other jurisdictions' standards pertaining to Emergency Wireless Communication Facilities (EWCFs).
 - b. At the March 5, 2019 Planning Commission meeting, staff provided the second memorandum and presentation. The purpose of the March 5th discussion was to respond to the Commission's questions of the first meeting and to outline options and seek guidance on code direction for regulating collocation on and the height of EWCFs.

Procedural Steps

8. Pursuant to Revised Code of Washington (RCW) 36.70A the proposed zoning code amendment language was transmitted to the Washington State Department of Commerce requesting an expedited review (consisting of a 14-day period) on December 10, 2019. On January 7, 2019 the City received notice that expedited review had been granted, and that upon receipt of the email the City met the notice to state agency requirements contained in RCW 36.70A.106. The City did not receive any state agency comments.
9. A State Environmental Policy Act (SEPA) non-project environmental checklist was prepared that evaluates the environmental impacts of the proposed code amendments to Auburn City Code (ACC) Chapter 18.04 (Definitions), Chapter 18.31 (Supplemental Development Standards), and Chapter 18.35 (Special Purpose Zones) and to address the physical construction of the EWCF.
10. A combined SEPA determination of non-significance (DNS), Notice of Application (NOA), and Notice of Public Hearing (NOPH) was issued on December 10, 2018. A revised DNS and NOA was reissued on December 19, 2019 to solely cancel the NOPH, which was included in error. The combined DNS and NOA established a 15-day SEPA public comment period which expired at 5:00 PM on December 25, 2018 (December 26, 2018 as December 25th is a federally observed

holiday). The combined public notification provided public comment opportunity under both SEPA (City file no. SEP18-0015) and the zoning amendment (City file no. ZOA18-0001).

11. As of the date of writing of this report, staff has received three public comments the comment letters are included as Attachment Exhibit C. The comments were received from Jeff Watson and Richard Wooding on December 19, 2018, December 21, 2018, and December 26, 2018. Two of the comments were provided by Mr. Watson (on December 19, 2018 and December 21, 2018). The majority of Mr. Watson's comments concerned the City's procedures on issuing a combined notice of application (NOA) and SEPA determination of non-significance (DNS). The City provided written responses to both on December 21, 2018 and January 14, 2019 outlining the City's procedures for issuing a combined NOA and SEPA DNS, and addressing other general inquires of Mr. Watson. Mr. Wooding provided comment (December 26, 2018) that he does not anticipate the project impacting his property.
12. A Notice of Public Hearing was subsequently issued on March 22, 2019. Pursuant to ACC Chapter 18.68 the following methods of noticing for the Planning Commission public hearing were conducted:
 - a. The NOPH was published in the Seattle Times on March 22, 2019.
 - b. The NOPH was posted in three general public locations (City Hall, City Annex, and the City's Public Land Use Notice webpage).

STAFF RECOMMENDATION: Attached for the Planning Commission's consideration is the draft code language (Attachment Exhibit A). Staff recommends the Commission recommend approval of the amendments, as proposed (Attachment Exhibit A), to the City Council.

In summary, the changes to the three zoning code chapters:

- Chapter 18.04 (Definitions),
- Chapter 18.31 (Supplemental Development Standards), and
- Chapter 18.35 (Special Purpose Zones)

Can be summarized as follows:

Item 1. Amend Chapter 18.04 to Establish a New Land Use Category of EWCFs

Chapter 18.04 Auburn City Code (ACC) contains the definition of a wireless communication facility and its related components (e.g. antennas), and provides a breakdown of the different types of WCFs. The purpose of the amendments to Chapter 18.04 is twofold: to define what constitutes an "emergency wireless communication facility" and to create two new "Types" of wireless communication facility intended to implement the new definition.

As provided in the proposed zoning code language included in Attachment Exhibit A – an EWCF will be defined as follows:

K. "Emergency Wireless Communication Facility (EWCF)" means a wireless communications facility for the purpose of an emergency communication system operated by a local public agency responsible for providing emergency services.

Two new types of WCFs, intended to implement the new definition of EWCF, are also proposed:

3. TYPE 3. Type 3 is the erection of new (primary) support structures. There are three separate Type 3 categories described as follows:

- a. 3-A. Monopoles that are 75 feet or less in height.
- b. 3-B. Monopoles that are more than 75 feet in height or lattice towers of any height.
- c. 3-C. Monopoles or lattice towers that meet the definition of an EWCF and are 185 feet or less in structure height.

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

- a. 4-A. Mounting of antennas cannot exceed the following thresholds:¹
 - i. Increase the height of an existing primary support structure by 10 percent, or 20 feet (whichever is less).
 - ii. Add an appurtenance to the body of the tower that would protrude from the outside edge of the tower more than 20 ft.
 - iii. Install more than four ancillary equipment facilities.

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

The Type 3-C WCF is a primary support structure (i.e. monopole or lattice tower) that specifically meets the definition of an EWCF and cannot exceed 185 ft. in structure height. A Type 4 WCF includes antennas that are mounted on an existing EWCF; it should be noted that the word “antenna” in this context corresponds to both an “antenna array” meaning one or more rods, panels, discs or similar device, and an “equipment facility” meaning structure used to contain ancillary equipment for a WCF which may include cabinets and shelters. A Type 4 WCF is subject to the thresholds listed above.

Item 2. Amend Chapter 18.31 – Modify the Supplemental Siting Standards for WCFs

Chapter 18.31 ACC contains the supplemental siting standards that normally apply to all WCFs. The supplemental siting standards are intended to guide the location and development of WCF on properties regulated under this title. The purpose of amending Chapter 18.31 is to create an exemption for EWCFs and specify the type of permit required for a Type 3-C and Type 4-A WCF.

Exhibit 1. Required and Exempt Supplement Siting Standards Applicable to EWCFs

Required Standards	Existing Exemptions	Proposed Exemptions
- Co-Location Requirements(B.2) - Fencing and Landscaping - Aesthetics - Lighting - Abandoned Facilities - Noise	Separation between Facilities	- Height (except C.4) - Setbacks - Co-Location (B.1)

As proposed EWCFs will be exempt from the supplemental height, setback, and co-location (B.1) requirement siting standards. A couple of items to note regarding the above exemptions:

- Height: While EWCF will be exempt from supplemental height siting standard contained in Chapter 18.31, by definition (contained in Chapter 18.04) an EWCF cannot exceed 185 ft. in

structure height. The height exemption excludes C(4) which is the requirement that an applicant provide evidence that the Federal Aviation Administration (FAA) has approved the location of the (primary) support structure.

- Co-location (B.1): Currently WCFs are required to execute and provide evidence of a nonexclusive lease with the carrier that allows other carriers to place antennas on the (primary) support structure. The purpose of the co-location exemption is to remove the requirement that an EWCF must execute a nonexclusive lease and allow other carriers to locate on their support structure.

Exhibit 2. Types of Permit Required for EWCFs

Zone	Permitted Outright	Administrative Use Permit	Conditional Use Permit
Institutional Zone	3-C	4-A	N/A

As shown in Exhibit 2, the siting of a Type 3-C WCF (aka EWCF noted in item 1) will be permitted outright in the Institutional zoning district. The collocating of a Type 4-A WCF (also defined in Item 1), on an Type 3-C WCF will be required to secure an administrative use permit (ADM) prior to the placement the Type 4-A WCF. The ADM process will provide the City the opportunity to review for potential impacts and establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone. It will allow the City the opportunity to solicit and consider public comments on each collocation proposal.

Item 3. Amend Chapter 18.35 - Add EWCFs as an Allowed Use in the Institutional Zone

Each zoning district features a table of allowed uses that establishes whether a specific use is allowed in a zone and whether that use is allowed as a permitted, administrative, or conditional use. The table of allowed uses also indicates which uses are prohibited. Chapter 18.35 ACC contains the table of allowed uses for the “Special Purpose Zones”. The Institutional zoning district is considered a “Special Purpose Zone” and its table of allowed uses is included within this chapter. Therefore, the purpose of amending Chapter 18.31 is to add EWCFs as an allowed use within the Institutional zoning district.

Exhibit 3. Summary of Allowed and Prohibited Uses within the Institutional Zone

Allowed	Prohibited
<u>Permitted</u> • Government facilities, this excludes offices and related uses that are permitted outright • Municipal parks and playgrounds • Campgrounds • Recreational vehicle parks, private • Commercial recreation facility – Indoor • Library, museum • Meeting facility, public or private • Private school – specialized education/training (for profit) • Public schools (K-12) and related facilities • Religious institutions, lot size less than one acre • Religious institutions, lot size more than one acre • Home occupation • Nursing home, assisted living facility • Daycare, including mini daycare, daycare center, preschools or nursery schools • Home-based daycare • Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted • <u>Emergency Wireless Communication Facilities (EWCF) – subject to the standards for specific land use contained in ACC 18.04.912, 18.31.100</u> <u>Administrative</u> • Cemetery, public • Cemetery, private • College, university, public • Commercial recreation facility – Outdoor • Conference/convention facility • Duplex • Live/work, work/live unit • Multiple-family dwellings, stand-alone • Senior housing • Restaurant, cafe, coffee shop, excluding drive-through facilities • Professional offices	• Marijuana processor • Marijuana producer • Marijuana researcher • Marijuana retailer • Marijuana transporter business • Animal shelter, public • Studio – Art, dance, martial arts, music, etc. • Marijuana cooperative • Multiple-family dwellings, stand-alone • One detached single-family dwelling • Banking and related financial institutions, excluding drive-through facilities (4) • Medical services – Clinic or urgent care (4) • Mortuary, funeral home, crematorium • Personal service shops • Pharmacies • Utility facilities, substations, utility transmission or distribution line

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

ATTACHMENTS:

Exhibit A – Proposed PSERN EWCF Code Amendment

Exhibit B – PSERN Administrative Decision

Exhibit C – Received Public Comments

ATTACHMENT Exhibit A – Proposed PSERN Code Amendment

18.04.912 Wireless communications.

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

A. “Antenna” means a device used in wireless communications which transmits and/or receives radio signals. Antennas include the following types:

1. Accessory: Antennas including, but not limited to, test mobile antennas and Global Positioning System (GPS) antennas which are less than 12 inches in height or width and do not directly provide personal wireless communication.
2. Directional or panel: An antenna or array of antennas designed to transmit a radio signal in a particular direction typically encompassing an arc of 120 degrees. Panel antennas, also called directional antennas, are typically flat, rectangular devices approximately six square feet in size.
3. Dish or parabolic: A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.
4. Whip, rod or omni-directional antenna: An antenna, tubular in shape, that transmits and receives signals throughout a 360-degree range.
5. Other: All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna defined herein which most closely resembles such equipment.

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

C. “Attached wireless communications facility (WCF)” means an antenna array which is attached to an existing building or structure.

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

E. “Co-location” means the use of a common WCF or site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology.

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

G. "Microcells" are typically located in and exclusively benefit residential neighborhoods. Microcells consist of an antenna that is either: (1) a dish or parabolic antenna that is no more than four feet in height and with an area of not more than 580 square inches; or (2) a tubular antenna that is no more than four inches in diameter and no more than six feet in height; or (3) one or more panel antenna that is no more than six feet in height, and its width or depth is no more than six inches and the aggregate area of such panel antenna(s) would not exceed 580 square inches that would be visible from any one viewpoint; or (4) similar antennas that are of comparable size and shape.

H. "Separation" means minimum distance required between primary support structures.

I. "Support structure" means the structure to which the antenna and other necessary associated hardware are attached. Support structures include but are not limited to the following:

1. Lattice tower: A structure of varying height that consists of a network of crossed metal braces forming a tower which is usually triangular or square in cross section. To be considered a primary support structure.
2. Monopole: A structure of varying height consisting of a single spire sunk into the ground and/or attached to a foundation. To be considered a primary support structure.
3. Other structures: This may include existing buildings, water towers, athletic field light poles, or other similar structures. To be considered a secondary support structure.

J. "Wireless communications facility (WCF)" means any non-staffed facility for the transmission and/or reception of wireless telecommunications services, typically consisting of an antenna array, an equipment facility and/or a support structure.

K. "Emergency Wireless Communication Facility (EWCF):" means a wireless communications facility for the purpose of an emergency communication system operated by a local public agency responsible for providing emergency services.

L. For the purposes of determining in which zones wireless communications facilities are to be permitted, they will be classified pursuant to the following types. Refer to the table in ACC 18.31.100(K) to determine which zones allow for the following types of facilities:

1. TYPE 1. Type 1 are new antennas erected on existing buildings or nonresidential structures.

– There are four separate Type 1 categories described as follows:

- a. 1-A. The combined height of the antenna together with the height of the existing building cannot be 25 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.

- b. 1-B. The combined height of the antenna together with the height of the existing building cannot be 50 percent greater than the existing building or exceed the height limitation of the zone in which the building is located.
- c. 1-C. The combined height of the antenna together with the height of the existing building is 50 percent greater than the existing building or exceeds the height limitation of the zone in which the building is located. The height limitation of the zone can only be exceeded by 25 percent.
- d. 1-D. Antenna located on existing water towers, athletic field light poles, or similar public utility infrastructure not located within public street right-of-way. The height limitation of the WCF will be 10 percent of the existing structure height, but may be increased to a maximum of 20 percent with an administrative use permit and may be increased to a maximum of 30 percent with a conditional use permit. The height limitation of the zone may be exceeded relative to the above provisions allowed for a 1-D facility.

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

- a. 2-A. Must meet height requirements of previous approval and is limited to 50 percent total (cumulative) expansion of equipment area.
- b. 2-B. Has greater height requirements than previous approval and allows for more than a 50 percent expansion of the equipment area.

3. TYPE 3. Type 3 is the erection of new (primary) support structures. There are ~~two~~ three separate Type 3 categories described as follows:

- a. 3-A. Monopoles that are 75 feet or less in height.
- b. 3-B. Monopoles that are more than 75 feet in height or lattice towers of any height.
- c. 3-C. Monopoles or lattice towers that meet the definition of an EWCF and are 185 feet or less in structure height.

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

- a. 4-A. Mounting of antennas cannot exceed the following thresholds:¹
 - i. Increase the height of an existing primary support structure by 10 percent, or 20 feet (whichever is less).

- ii. Add an appurtenance to the body of the tower that would protrude from the outside edge of the tower more than 20 ft.
- iii. Install more than four ancillary equipment facilities.

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

18.31.100 Wireless communications facilities siting standards.

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

A. Separation between Facilities.

1. New, Freestanding Primary Support Structures.

- a. The minimum separation, i.e., distance, between a proposed monopole (that is 75 feet or less in height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 10.
- b. The minimum separation, i.e., distance, between a proposed monopole (that is more than 75 feet in height, or lattice towers of any height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 20.

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

3. A primary support structure would be considered "existing" if a conditional use permit or administrative use permit has been issued and is still valid for sites which have not been built upon.

B. Co-Location Requirements.

- 1. For monopoles that are more than 75 feet in height and lattice towers of any height (Type 3-B facilities), the owner of the property shall execute and provide evidence of a nonexclusive lease with the carrier that allows for other carriers to place antennas on the structure.
- 2. Any application for a Type 3-B or 3-C facility shall include technical justification that an existing Type 3-B or 3-C facility with a nonexclusive lease could not be used instead of constructing a new tower.

C. *Height.*

1. Unless otherwise provided for, the height of any primary support structure and/or antenna shall not exceed the height limitations of the zone.
2. The maximum height of any primary support structure shall not exceed 120 feet.
3. There shall be no variances allowed to the height limitations.
4. The carrier shall provide evidence that the Federal Aviation Administration (FAA) has approved the location of a primary support structure relative to the Auburn Municipal Airport.
5. Unless otherwise restricted by this section, building – or structure-mounted antennas may extend a maximum of 15 feet above the maximum height permitted for structures within the zone.
6. Antennas that are mounted on structures that do not otherwise have a height restriction may be allowed to increase the overall height of the structure by no more than 10 percent of the height of the structure unless additional approvals are obtained.

D. *Setbacks.*

1. All equipment shelters, cabinets, support structures or other above-ground facilities shall meet the setback requirements of the zone in which located except as follows. All equipment shelters, cabinets, or other above-ground facilities used to support primary support structures shall be set back the same distance required of the primary support structure. All equipment shelters, cabinets, or other above-ground facilities within a nonresidential zone shall be set back a minimum of 50 feet from any adjacent R zone.
2. The minimum distance from any primary support structure, of any height, to any residentially zoned parcel of property shall be a distance equal to the overall height of the primary support structure (including antennas) multiplied by a factor of two.
3. Where possible, roof-mounted antennas and equipment shelters and/or cabinets are to be placed towards the center of the building, or away from public views. Equipment shelters and/or cabinets shall be screened by a parapet or similar architectural feature.

E. *Fencing and Landscaping.*

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

2. *Landscaping.*

- a. Where above-ground support equipment is visible from a public right-of-way, a minimum width of five feet of Type II landscaping as defined in ACC [18.50.040](#) will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the public right-of-way. Landscaping shall meet the sight distance requirements of the city design and construction standards.
- b. Where facilities are visible from adjacent residential uses, a minimum width of five feet of Type I landscaping as defined in ACC [18.50.040](#) will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the adjacent residential uses.
- c. Existing on-site vegetation may be used to meet the landscape requirements if approved by the planning director.

F. *Aesthetics.*

1. In order to minimize any potential, negative aesthetic impacts from new primary support structures including protecting views to and from residential neighborhoods, mitigation may be required to blend the facilities in with the adjacent development or environs. Typical solutions for the support structure might include: an extension of the building, a component of a sign structure, disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.
2. Building – or roof-mounted antennas will be painted or textured to blend with the adjacent surfaces.
3. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street shall be placed on or affixed to any part of the WCF, unless required by the FCC or FAA.
4. Except as specifically required by the FAA (but must be approved by the city), freestanding primary support structures shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens might be appropriate; however, each application shall be evaluated individually.

G. *Lighting.*

1. Freestanding support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Any proposed lighting shall be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.

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

H. *Abandoned Facilities.*

1. Any WCF which is not utilized for a period of nine months or more will be considered abandoned.
2. Any WCF which falls into a state of disrepair as determined by the planning director will be considered abandoned.
3. Any WCF considered to be abandoned must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The code enforcement personnel may extend the 90-day period should a valid application for use of the facility be submitted to the city.

I. *Noise.* For the purposes of this section, WCF will be considered a Class B, commercial, noise source pursuant to WAC [173-60-040](#).

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

1. For a new primary support structure and related equipment, the applicant shall provide the carrier's master network plan for the city showing the carrier's existing WCF locations and narrative explaining the potential WCF locations over the next year, if known. The applicant shall also provide technical justification supporting the need for the height of the primary support structure and why a shorter support structure could not be utilized. Any application for a Type 3-B facility shall provide technical justification as to why a Type 3-A facility could not be utilized instead to adequately serve the Auburn community.
2. Narrative description of the facility including whether there is capacity on the proposed structure for more antennas, methods for minimizing visual impacts of the facilities, etc.
3. A color swatch for the proposed primary support structure.
4. Photographs or similar illustrations that show a reasonable likeness of the proposed facility including the antenna arrays and above-ground support equipment.

K. *Zones in Which WCF Are Permitted.* The following table illustrates which zones the types of facilities as defined by ACC [18.04.912\(J\)](#) and [18.04.912\(K\)](#) are allowed in and which permits are required. Microcells, as defined by ACC [18.04.912\(G\)](#), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC [18.04.912\(G\)](#).

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

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

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

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

L. Exemptions.

1. Unless otherwise provided for, the following are exempt from the provisions of this section:

a. Microcells as defined by ACC 18.04.912(G).

b. *Mobile Testing Facilities/Equipment Used to Test Network Limitations*. The facilities/equipment shall not be at any one location for more than 14 days and shall otherwise meet the requirements of any other ordinance, regulation or code provision.

2. EWCFs are ~~The following is exempt from the provisions of subsections A₂ of this section, Separation between Facilities, B(1) Co-Location Requirements, C. Height (except C(4)), and D. Setbacks, of this section:~~

a. ~~Emergency communication systems operated by a local public agency responsible for providing emergency services~~ wireless communication facility (WCF).

Chapter 18.35

SPECIAL PURPOSE ZONES

Sections:

- 18.35.010 Purpose.**
- 18.35.020 Intent of special purpose zones.**
- 18.35.030 Uses.**
- 18.35.040 Development standards.**
- 18.35.050 Additional development standards for both the RO and R-OH zones.**

18.35.010 Purpose.

This chapter lists the land uses that may be allowed within the residential office, residential office-hospital, institutional, and public use zones established by ACC [18.02.070](#) (Establishment of zones), determines the type of land use approval required for each use, and provides basic standards for site layout and building size. (Ord. 6434 § 1, 2012.)

18.35.020 Intent of special purpose zones.

A. *General.* This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

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

C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

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

E. *OS Open Space Zone*. The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks, watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the open space zone tend to be predominately passive in character and with relatively fewer developed facilities than parks included in the institutional zone. Private sites containing critical areas or shorelines may be included. (Ord. 6677 § 2, 2018; Ord. 6434 § 1, 2012.)

18.35.030 Uses.

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

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

Table 18.35.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
MARIJUANA RELATED BUSINESSES						
Marijuana processor	X	X	X	X	X	
Marijuana producer	X	X	X	X	X	
Marijuana researcher	X	X	X	X	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Marijuana retailer	X	X	X	X	X	
Marijuana transporter business	X	X	X	X	X	
PUBLIC						
Animal shelter, public	X	X	P	X	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	C	
Municipal parks and playgrounds	P	P	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY						
Campgrounds	X	X	X	P	P	
Recreational vehicle parks, private	X	X	X	P	X	
Cemetery, public	X	X	P	A	X	
Cemetery, private	X	X	X	A	X	
College, university, public	X	X	A	A	X	
Commercial recreation facility – Indoor	X	X	X	P	X	
Commercial recreation facility – Outdoor	X	X	X	A	C	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	X	
Library, museum	X	X	P	P	A	
Meeting facility, public or private	A	A	P	P	A	
Private school – specialized education/training (for profit)	P	P	X	P	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Public schools (K-12) and related facilities	X	X	P	P	X	
Religious institutions, lot size less than one acre	A	P	X	P	X	
Religious institutions, lot size more than one acre	C	A	X	P	X	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	X	
RESIDENTIAL						
Duplex	P ¹	X	X	A	X	
Home occupation	P	P	X	P	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	X	
Marijuana cooperative	X	X	X	X	X	
Multiple-family dwellings, stand-alone	P ²	A ³	X	A	X	
One detached single-family dwelling	P	X	X	X	P ⁵	
Nursing home, assisted living facility	A	A	X	P	X	
Senior housing	A	A	X	A	X	
RETAIL						
Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	X	
SERVICES						
Banking and related financial institutions, excluding drive-through facilities ⁴	P	P	X	X	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	A	
Home-based daycare	P	P	X	P	P	
Medical services – Clinic or urgent care ⁴	P	P	X	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	X	
Professional offices	P	P	X	A	A	
Personal service shops	P	P	X	X	X	
Pharmacies	X	P	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040(E)
<u>Emergency wireless community facility (EWCF)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	See ACC 18.04.912 and 18.31.100
OTHER USES THAT ARE NOT LISTED						
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted	P	P	P	P	P	

Notes:

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

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

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

4 Permitted within a Public College or University as an Amenity or Service Provided to Students: A stand-alone bank or medical services/clinic is not permitted.

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

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

18.35.040 Development standards.

Hereafter, no use shall be conducted and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Table 18.35.040 (RO, RO-H, P-1, I Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter [18.70](#) ACC.

Table 18.35.040. RO, RO-H, P-1, I, OS Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS Open Space
Minimum lot area	7,200 sf	None	None	6,000 sf	None
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft	None
Maximum lot coverage	55 percent (1)	None	None	35 percent	5 percent
Maximum impervious area	NA	NA	NA	NA	20 percent (7)
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>				
Front	20 ft (2)	10 ft	20 ft	20 ft	20 ft
Side – Interior	5 ft	None	5 ft (4)	5 ft	5 ft
Side – Corner	10 ft	10 ft	10 ft	10 ft	10 ft
Rear	25 ft (3)	None	25 ft	25 ft	25 ft
Accessory structure(s)	See note (5)	NA	NA	See note (5)	

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS Open Space
	below			below	
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height limitations – Exceptions) for height limit exceptions.</i>				
Maximum height	35 ft	65 ft	45 ft	45 ft (6)	35 ft
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1 New single-family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative area of 200 square feet on the property since the adoption of Ordinance No. [6231](#), then the maximum lot coverage is 35 percent.

2 New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.

3 New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.

4 A 25-foot setback is required when adjacent to a residential zone.

5 Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.

6 Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.

7 Maximum impervious area includes all hard surfaces per ACC [13.48.010\(J\)](#).

(Ord. 6677 § 4, 2018; Ord. 6434 § 1, 2012.)

18.35.050 Additional development standards for both the RO and RO-H zones.

- A. All uses shall be conducted entirely within an enclosed structure, except noncommercial municipal automobile parking facilities in the RO-H zone.
- B. There shall be no outside storage of materials allowed.
- C. Refuse cans, containers or dumpsters shall be screened from the view of adjoining properties.
- D. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities, shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter [70.105](#) RCW).
- E. Any new construction, including additions and alterations, within the RO district shall utilize similar bulk, scale, and architectural and landscape elements of the existing site structure or those of the neighborhood in which the property is located. A site plan and building elevation plans shall be prepared by the applicant which address compliance with the requirements as outlined in this subsection. The plans shall be approved by the planning director or designee prior to the issuance of any building permits.

The planning director and the public works director or designees may deviate from the development standards under ACC [18.35.040](#) up to 10 percent, for example, reduce rear yard setback by one and one-half feet, to address unusual circumstances for conversions of single-family residential uses to nonresidential uses. (Ord. 6434 § 1, 2012.)

December 5, 2018

LDC, Inc.

Attn: Richard Cardoza

1851 Central Pl. South, Suite 101

Kent, WA 98030

RE: Split Zoned Property at King County Assessor's Parcel Number 2721059012

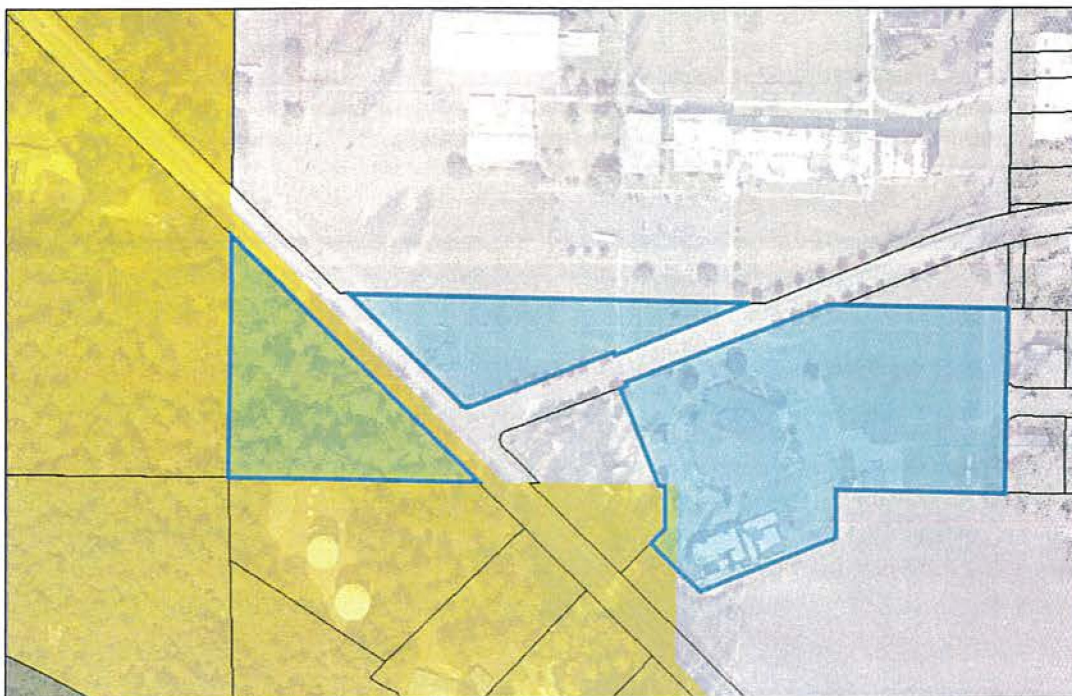
Mr. Cardoza,

The purpose of this letter is to provide an administrative decision regarding the zoning standards that will apply to parcel 2721059012 as a result of PSERN's request to locate a radio communications tower at this location.

Summary of Existing Conditions

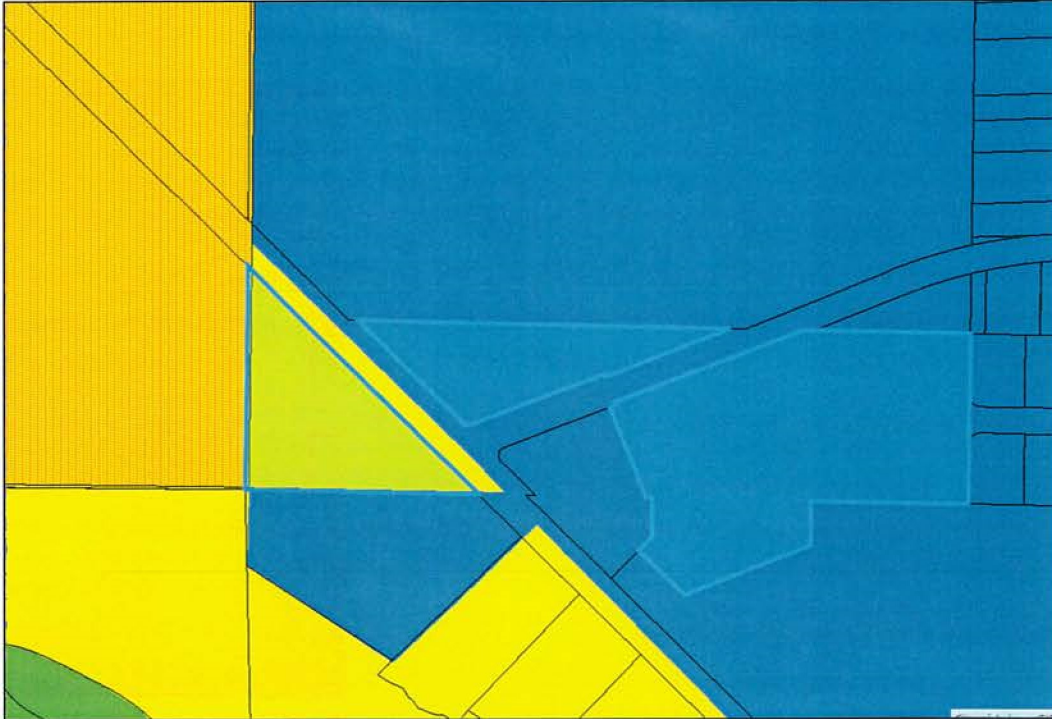
King County Parcel #2721059012 is an 8.38 acre parcel that is owned by the Western Washington Conference of Adventists and that is bisected by Auburn Way South. There are approximately 1.95 acres of land on the west side of Auburn Way South and 6.43 acres to the east. The 1.95 acres to the west is triangular in shape and is bound by Auburn Way South to the east, a single property to the south that is owned by the City of Auburn and occupied with city water reservoirs, and a single property to the west that is owned by the Muckleshoot Indian Tribe.

Parcel 2721059012 is currently split zoned as Institutional (6.43 acres) and Residential R-5 (1.95 acres). The parcel The centerline of Auburn Way South defines the location of the split zone boundary. To the west of Auburn Way South the property is zoned R-5; to the east it is zoned Institutional.



City of Auburn Zoning Map

Additionally, the City of Auburn Comprehensive Plan map identifies this property as having a split land use designation. To the west of Auburn Way South the property has a Single Family designation and to the east it is designated as Institutional.



Comprehensive Plan Map Designations

As depicted in the Comprehensive Plan map designation figure above, the property to the south of the triangular 1.95 acre portion of parcel 2721059012 is designated as Institutional. The property to the west has a designation of Single Family with a Residential Transition Overlay.

Summary of Request and Overview of City Code

The Puget Sound Emergency Radio Network (PSERN) is the regional agency responsible for developing and maintaining radio communications systems that serve the community during emergency incidents and events. PSERN seeks to construct a radio communication tower on the 1.95 acre portion of parcel 2721059012.

ACC 18.02.060 establishes the rules for administrative interpretations which vests this authority and responsibility with the Planning Director. Life, safety and public health regulations are presumed to prevail over all other regulations.

ACC 18.35.020.D describes the Institutional Zone as a zone that “is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop.” The code further states that the zone “be significant in scope which will allow a combination of uses which may not be permitted outright within other zones.”

By definition, the tower is consistent with the intent of the Institutional zone that is located on the 6.43 acre portion of this property east of Auburn Way South. Additionally, the tower is consistent with the

Comprehensive Plan Institutional land use designation assigned to the 6.43 acres to the east of Auburn Way South and the adjacent city owned property to the south of the subject site.

ACC 18.02.040.E states that Title 18 "is in not intended to regulate the erection, construction, or reconstruction of public streets, power poles, street lights, utility facilities, utility conveyance or storage systems, transmission lines, or other public uses necessary to support the general public welfare, carried on by the city, or agents of the city working under the appropriate contract or franchise." PSERN is operating under an Interlocal Agreement with the City of Auburn dated August 27, 2015 to provide a public use necessary to support the general public welfare.

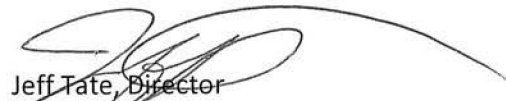
Decision

For the purposes of accommodating a proposed PSERN radio communication tower that will enhance radio communication capabilities during local or regional emergency incidents and events, the 1.95 acre triangular portion of parcel number 2721059012 will be regulated using Institutional zoning standards for the specific purpose of accommodating a PSERN radio communication tower. The basis for this decision is as follows:

1. The PSERN tower is a facility that provides public benefit by enhancing emergency services and radio communication capabilities. Through Interlocal Agreement, PSERN is operating as an agent of the City.
2. The majority of the subject parcel is already treated as Institutional on both the City Comprehensive Plan maps and the City Zoning maps.
3. The adjacent city owned property to the south is zoned Institutional and is already developed with an institutional use (city water reservoir).
4. The adjacent Muckleshoot Indian Tribe property to the west is zoned R-5 along with a Comprehensive Plan map designation of Single Family Residential and Residential Transition Overlay. This property is developed with multiple single family residences, the closest of which is approximately 425 feet from the subject property line. The 425+ feet of area between the existing single family residence and property line is heavily forested.

If you have any questions regarding this decision, please do not hesitate to contact me at jtate@auburnw.gov or by phone at 253-804-5036.

Sincerely,



Jeff Tate, Director
Department of Community Development

cc: Alexandria Teague, Planner II

**PSERN – Zoning Code Amendment
Emergency Wireless Communication Facility
ZOA18-0001
EXHIBIT C – PUBLIC COMMENTS**

From: [Alexandria Teague](#)
To: ["Jeffrey.Watson@muckleshoot.nsn.us"](mailto:Jeffrey.Watson@muckleshoot.nsn.us)
Cc: [Jeff Dixon](#)
Subject: RE: ZOA18-0001 SEP18-0015
Date: Friday, December 21, 2018 11:14:13 AM
Attachments: [PSERN subject parcel excerpt land use designation map.pdf](#)
[PSERN subject parcel excerpt zoning map.pdf](#)
[PSERN Administrative Decision.pdf](#)
[Sheet 10 PSERN Prelim Civil Plans.pdf](#)

Good morning Jeff,

Thank you for your questions, repeated below in **bold**. In your e-mail of December 19, 2018, you posed 7 questions. It appears that questions 2 ,3, 5, and 7 have been addressed. This e-mail addresses the remaining 3 questions by providing the following responses regarding questions 1, 4, and 6. I've also provided a further response to question 7.

- **Question 1 - Maybe I'm seeing things, but your map ([HERE](#)) shows the zoning for the project site listed on the Notice of Application (NOA) as R-1; land use appears to me as being "Single Family Overlay"**

To be responsive to your question, I've attached an excerpt of the zoning map and a separate excerpt of the land use designation map (Comprehensive Plan). The subject parcel, highlighted in blue on the attached maps, is "split zoned" consisting of R-5, Residential 5 dwelling units per acre and I, Institutional. Also, the subject parcel also features a split land use designation of "Single Family Residential" and "Institutional". It should be noted that the majority of the subject parcel has both zoning and land use designation of Institutional categories. The Director has issued an Administrative Decision that provides that the subject parcel will be regulated using the "I, Institutional " zoning standards for the specific purpose of accommodating the proposed use (the emergency communication wireless communication facility (WCF)). The basis of this decision is explained in the attached Administrative Decision.

The majority of the parcel is developed with institutional-type uses while the portion located southwest of Auburn Way South is currently vacant. Provision of these maps with the parcel outlined should clear up your question of the classifications that apply.

- **Question 4 – WAC 197-11-355 provisions for the "expected" DNS and the single integrated comment period; this NOA seems to indicate that the DNS is being issued as of 12/14/2018**

Not sure what you're referring to when you say "expected DNS". The section of the State Environmental Policy Act (SEPA) that you reference WAC 197-11-355 provides for an "Optional DNS Process". This section allows the city combine the comment period under SEPA with those a notice of application (NOA) for a Determination. The purpose of the WAC 197-11-355 is "to use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal". While it is not clear, your question appears to put emphasis on the use of the word "project". The purpose of WAC 197-11-704 is to define what is an "action" subject to SEPA. As provided in WAC 197-11-704 both the specific project proposal (the construction of the emergency

communication WCF) and the non-project proposal (the proposed text amendment to Title 18 "Zoning") are both "actions" subject to SEPA . Further, the SEPA rules under WAC 197-11-060 promote and require combining proposals or parts of proposal that are closely related. I've highlighted the pertinent section of WAC 197-11-060 below. It should also be noted that the specific project proposal and non-project proposal are consistent with b(i) and b(ii) below.

Code excerpt: -----

WAC 197-11-060

Content of environmental review.

(1) Environmental review consists of the range of proposed activities, alternatives, and impacts to be analyzed in an environmental document, in accordance with SEPA's goals and policies. This section specifies the content of environmental review common to all environmental documents required under SEPA.

(2) The content of environmental review:

- (a) Depends on each particular proposal, on an agency's existing planning and decision-making processes, and on the time when alternatives and impacts can be most meaningfully evaluated;
- (b) For the purpose of deciding whether an EIS is required, is specified in the environmental checklist, in WAC 197-11-330 and 197-11-444;
- (c) For an environmental impact statement, is considered its "scope" (WAC 197-11-792 and Part Four of these rules);
- (d) For any supplemental environmental review, is specified in Part Six.

(3) Proposals.

(a) Agencies shall make certain that the proposal that is the subject of environmental review is properly defined.

- (i) Proposals include public projects or proposals by agencies, proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.
- (ii) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.
- (iii) Proposals should be described in ways that encourage considering and comparing alternatives. Agencies are encouraged to describe public or non-project proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: Building a new dam; maintenance dredging; use of shoreline and land use controls; purchase of flood prone areas; or relocation assistance."

(b) Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (5).) Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

- (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or
 - (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.
-

Lastly, the DNS was originally issued on December 10, 2018 as a combined Notice of Application (NOA), Determination of Non-significance (DNS), and Notice of public hearing (NOH); the notice was re-issued on December 19, 2018 solely to remove the notice of public hearing as the date and time of the Planning Commission public hearing is yet to be determined. As an interested party, you were sent both the original and revised notices.

The Notice describes a formal comment period being observed until December 26, 2018 (due to the holiday). There will be additional opportunity for public comment at the future public hearing when it is held.

- **Question 6 - Permitted outright in the “I” zone? At the very least I would think a ACUP would be warranted; there’s a lot of SFR up there.**

Yes, the current proposal by staff is to allow the use to be permitted outright in the I, Institutional zoning district. This approach is similar to several nearby jurisdictions. Thank you for your comment, that you believe a conditional use permit (CUP) is warranted; it will be considered in our discussions of the proposed text amendment with the Planning Commission.

- **Question 7 - I haven’t gone through all of your documentation but I don’t see a “site plan”; the exact location of the proposed tower would be helpful as there is a lot of infrastructure in a 180 ft. radius depending on placement.**

As stated in the notice, the application materials, including site plan, associated with the combined NOA and DNS are included on the City’s [“Public Land Use Notices”](#) webpage. The preliminary civil plan, included on the public notice page for the PSERN project, depict a site plan and the location of the proposed WCF facility relative to the property lines. The tower is proposed to be located on the portion of the lot located southwest of Auburn Way South. I’ve attached a sheet from the preliminary civil plan that depicts the location of the tower.

Thank you again for your questions. I believe between this e-mail and the previous ones, staff has fully answered your questions. If you have further specific questions or concerns, I would be happy to meet with you to discuss.

Sincerely,

Alexandria

Alexandria Teague, Planner II
Community Development

City of Auburn | www.auburnwa.gov

253.931.3088 | ateague@auburnwa.gov

Mailing Address: 25 W Main Street, Auburn, WA 98001

Permit Center Address: 1 E Main Street, Auburn, WA 98002 ([Click Here for Map](#))

Customer Service Survey | <https://www.surveymonkey.com/r/XNSL95J>

Application Forms | http://www.auburnwa.gov/services/resource_library/forms.htm

Zoning Maps | http://www.auburnwa.gov/services/resource_library/maps.htm

From: Jeffrey Watson <Jeffrey.Watson@muckleshoot.nsn.us>

Sent: Wednesday, December 19, 2018 4:39 PM

To: Alexandria Teague <ateague@auburnwa.gov>

Subject: RE: ZOA18-0001 SEP18-0015

... although... not to split hairs but I don't how you can issue a DNS (especially under 197-11-355) for both the project and the non-project code amendment... by definition you can't use 355 as it is for the "... integrated **project** review process (RCW 36.70B.060)."

WAC 197-11-704

Action.

(1) "Actions" include, *as further specified below*:

(a) New and continuing activities (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(b) New or revised agency rules, regulations, plans, policies, or procedures; and

(c) Legislative proposals.

(2) Actions fall within one of two categories:

(a) **Project actions.** A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(i) License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(ii) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(b) **Nonproject actions.** Nonproject actions involve decisions on policies, plans, or programs.

(i) The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment;

(ii) The adoption or amendment of comprehensive land use plans or zoning ordinances;

(iii) The adoption of any policy, plan, or program that will govern the development of a series of connected actions (WAC [197-11-060](#)), but not including any policy, plan, or program for which approval must be obtained from any federal agency prior to implementation;

- (iv) Creation of a district or annexations to any city, town or district;
- (v) Capital budgets; and
- (vi) Road, street, and highway plans.

(3) "Actions" do not include the activities listed above when an agency is not involved.

Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Part Nine identify in more detail governmental activities that would not have any environmental impacts and for which SEPA review is not required).

From: Jeffrey Watson
Sent: Wednesday, December 19, 2018 3:51 PM
To: 'Alexandria Teague'
Subject: RE: ZOA18-0001 SEP18-0015

After digging into the file a bit I think you can disregard questions 2,3,5, and 7 for now...

From: Jeffrey Watson
Sent: Wednesday, December 19, 2018 9:51 AM
To: 'Alexandria Teague'
Subject: ZOA18-0001 SEP18-0015

Good Morning Alex,

A few quick questions:

- 1) Maybe I'm seeing things but your map ([HERE](#)) shows the zoning for the project site listed on the NOA as R-1; land use appears to me as being "Single Family Overlay"
- 2) Are you really able to alter your Zoning code outside of the comp plan amendment process?
- 3) It appears that the SEPA checklist is project specific; is there not a separate SEPA process for the Code Amendment?
- 4) 197-11-355 provisions for the "expected" DNS and the single integrated comment period; this NOA seems to indicate that the DNS is being issued as of 12/14/2018
- 5) No Building Permit?
- 6) Permitted outright in the "I" zone? At the very least I would think a ACUP would be warranted; there's a lot of SFR up there.
- 7) I haven't gone through all of your documentation but I don't see a "site plan"; the exact location of the proposed tower would be helpful as there is a lot of infrastructure in a 180 ft radius depending on placement.



Jeffrey A. Watson
Planner III; Planning Division
Community Development Services
Muckleshoot Indian Tribe
39015-A 172nd Ave. S.E.,
Auburn, WA 98092
Office: 253-285-4048
Cell: 253-350-6515
Fax: 253-876-3182
Email: Jeffrey.Watson@muckleshoot.nsn.us

Jeffrey A. Watson
122 M St SE
Auburn WA, 98002

Jeff Tate, Director
Community Development Services
City of Auburn
25 West Main Street
Auburn, WA 98001

RECEIVED

DEC 21 2018

AT

CITY OF AUBURN
CDPW-COMMUNITY DEVELOPMENT

DEC 21 2018

Dear Mr. Tate,

Please accept this letter as a comment regarding the Notice of Application and Determination of Non-Significance for file numbers ZOA18-0001 and SEP 18-0015 dated 12/17/18, and bearing your signature (attached). I have several procedural and substantive concerns with respect to this application along with its associated environmental review, and wish to respectfully request that the DNS be withdrawn and that the application for a zoning text amendment be re-evaluated and re-initiated in a manner which is consistent with the provisions of RCWs 197-11, 36.70A, 36.70B, and Auburn City Code sections 14.07, 14.15, and Title 18. The DNS referenced above indicates that it is being issued under the provisions of RCW 197-11-355; the fact is, that said section of the RCW (along with your own code; ACC 14.07.050B) stipulates that if one utilizes the Optional DNS process for integrated review, that the DNS be issued following the comment period, not prior to¹. There are other significant elements to this application that give me cause for concern which I would be happy to discuss at your earliest possible convenience, but feel that at this time, based on the reasons cited above, it would be prudent for all concerned that your DNS be withdrawn and the matter reconsidered.

Respectfully,



Jeffrey A. Watson

C.C. to file ZOA-18-0001
Attachment: Notice of Application (NOA) and Determination of Non-Significance (DNS) PSERN –
Emergency Wireless Communication Facility SEP18-0015/ZOA18-0001

¹ 197-11-355(2)(a); 197-11-355(4)(a-d)

**NOTICE OF APPLICATION (NOA) and
DETERMINATION OF NON-SIGNIFICANCE (DNS)
PSERN – Emergency Wireless Communication Facility
SEP18-0015/ZOA18-0001**

You are receiving this 2nd Notice of Application as the hearing date is To Be Determined.

The City of Auburn is issuing a Notice of Application (NOA) and Determination of Non-Significance (DNS) for the following described project. The permit applications and listed studies may be reviewed at the Auburn Department of Community Development at 1 E Main St, 2nd Floor, Customer Service Center, Auburn, WA 98001 and by visiting www.auburnwa.gov/landuse.

Proposal: Construct a self-supporting, 180 foot, unmanned, wireless communications tower and associated equipment (a "WCF"), in support of the Puget Sound Emergency Radio Network system, and amend the City's Zoning Code – Title 18 to allow the use and siting of emergency community WCFs within the I, Institutional zoning district of the Auburn City Code (ACC).

Location: The project site is located at across the street from 5142 32nd St SE, the intersection of Auburn Way S and 32nd St SE, within NW ¼ of Section 27, Township 21, Range 5. King County Assessor Parcel No. 2721059012.

Notice of Application: December 10, 2018; revised December 19, 2018
Application Complete: August 10, 2018
Permit Application: July 13, 2018

File Nos. SEP18-0015
ZOA18-0001

Applicant: Pyramid Network Services, LLC (Pyramid)/PSERN
Pete James
6519 Towpath Rd
East Syracuse, NY 13057

Applicant's Representative: Rick Cardoza
LDC Corp.
20210 142nd Ave NE
Woodinville, WA 98072

Property Owner: Adventist Academy Church Western WA Conference of Seventh Day
Adventists (SDA)
c/o Eric C. Davis
5142 32nd St SE
Auburn, WA 98092

Studies/Plans Submitted With Application:

- PSERN Emergency Services WCF Project Description, LDCcorp., dated July 13, 2018, received July 13, 2018
- SEPA Application, LDCcorp., undated, received July 13, 2018
- SEPA Environmental Compliance Report and Checklist, GSS Inc., dated February 2018, received July 13, 2018, revision received October 9, 2018

- PSERN Auburn-Final Construction Drawings, LDCcorp., dated July 27, 2017, received July 13, 2018
- SEPA Appendix A – Supplemental Sheet for Non-Project Actions, GSS Inc., dated February 2018, received July 13, 2018, revision received October 9, 2018
- Code Text Amendment Application and Written Responses, LDCcorp., received July 13, 2018
- Amendments to Zoning Ordinance – Title 18 (ZOA18-0001), LDCcorp., undated, received July 13, 2018, revision received October 9, 2018
- Technical Information Report, LDCcorp., dated December 2017, revised June 2018, received July 13, 2018
- Technical Memorandum 1 (Steep Slope Delineation), Robinson Noble, dated April 27, 2018, received July 13, 2018
- Geotechnical Engineering Report, Robinson Noble, dated July 2, 2018, received July 13, 2018
- Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report, dated March 30, 2018, received July 13, 2018
- NEPA Environmental Compliance Report, GSS Inc., dated February 8, 2018, received October 9, 2018
- US Fish & Wildlife Consultation Letter, US Department of the Interior Fish & Wildlife Service, dated February 20, 2018, received October 9, 2018
- Determination of No Hazard to Air Navigation, Federal Aviation Administration, dated December, 8, 2017, received October 9, 2018
- Tower Photo-simulation, Pyramid Network Services, LLC, undated, received October 9, 2018
- Tower Paint Color Sample, Pyramid Network Services, LLC, undated, received October 9, 2018

Other Permits, Plans, and Approvals Needed:

- SEPA: None
- Civil Permit (GRA18-0019): City Engineer
- Amendment to City Zoning Code – Title 18: Planning Commission and City Council Approval(s)

Statement of Consistency and List of Applicable Development Regulations: This proposal is subject to and shall be consistent with the Auburn City Code, Comprehensive Plan, and Public Works Design and Construction Standards.

Lead Agency: City of Auburn

The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Public Comment Period: This may be your only opportunity to comment on the environmental impact of the proposal. All persons may comment on this application. This DNS is issued under WAC 197-11-355; the lead agency will not act on this proposal for 15 days from the date issued below. Comments must be in writing and submitted by 5:00PM on **December 25, 2018** to the mailing address of 25 W Main St, Auburn, WA, 98001, or to the email below. Any person wishing to become a party of record, shall include in their comments that they wish to receive notice of and participate in any hearings, if relevant, and request a copy of decisions once made.

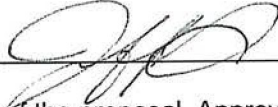
NOTICE OF APPLICATION and DETERMINATION OF NON-SIGNIFICANCE
SEP18-0015 / ZOA18-0001 (Continued)

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk at 25 West Main St, Auburn, WA 98001- 4998 within 14 days of the close of the comment period, or by 5:00PM on **January 8, 2019**.

For questions regarding this project, please contact Alexandria Teague, Planner II, at ateague@auburnwa.gov or 253-931-3088.

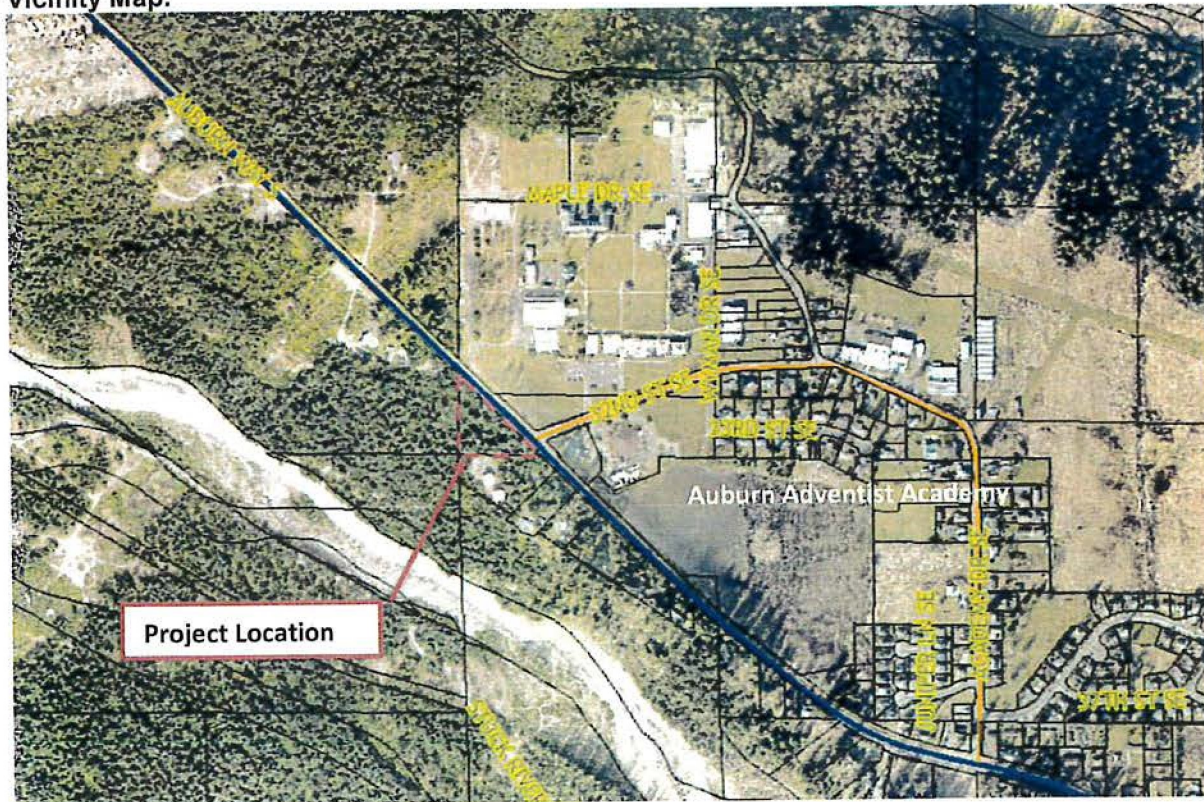
Public Hearing: The January 8, 2019 Planning Commission public hearing is cancelled. A Public Hearing time and date is to be determined.

RESPONSIBLE OFFICIAL: Jeff Tate
POSITION/TITLE: Director, Department of Community Development
ADDRESS: 25 West Main Street
Auburn, Washington 98001
253-931-3090

DATE ISSUED: 12/17/18 SIGNATURE: 

Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations.

Vicinity Map:



January 14, 2019

VIA EMAIL AND US MAIL

Jeffrey A. Watson
122 M St SE
Auburn, WA 98002

RE: PSERN Emergency Wireless Communication Facility Zoning Text Amendment – Public Comment (File Nos. SEP18-0015/ZOA18-0001)

Dear Mr. Watson,

Thank you for the letter received December 21, 2018 regarding the City's Notice of Application (NOA) and State Environmental Policy Act (SEPA) Determination on Non-Significance (DNS) for the PSERN wireless communication facility (WCF) zoning text amendment.

Your letter indicates that you have a procedural concern regarding the City's use of the "Optional DNS Process" (Washington Administrative Code (WAC) 197-11-355) to issue an combined NOA/DNS for the PSERN WCF zoning text amendment. As provided to you in an email on December 21, 2018, WAC 197-11-355 permits a jurisdiction to "to use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal". Therefore, as allowed by WAC 197-11-355, the City issued a combined NOA/DNS and used one integrated comment period to receive comments.

Additionally, while you are correct that by Auburn City Code 14.07.050(B), attached, the City may not issue a threshold determination before the expiration of the public comment period, the combined NOA/DNS for the aforementioned project specifically states that the decision will not be acted upon until 15 days from the issuance date (see excerpt from the Notice, below).

"Public Comment Period: This may be your only opportunity to comment on the environmental impact of the proposal. All persons may comment on this application. This DNS is issued under WAC 197-11-355; the **lead agency will not act on this proposal for 15 days from the date issued below...." (Bold emphasis added)**

Fifteen days from issuance is in fact the duration of the City's comment period, and the City does not make the final threshold determination (DNS) until the expiration of the comment period. While your comment identifies that the language of City notice could be improved and more clear that the threshold determination for any SEPA will not be made until expiration of the comment period, procedurally the City's issuance of the DNS with the NOA is accurate and consistent with ACC 14.07.050(B) and State laws. Also, the Notice identifies that the city is proposing a DNS to better inform the public and allow meaningful comment. Thank you for calling this to our attention and the City will look into making changes in wording on our combined NOA and SEPA threshold determinations to clarify.

Also, your letter also indicated that you have "substantive concerns" with the proposal. However, your letter only makes this statement and does not explain what these concerns are and therefore the city cannot respond. Please be aware that ACC 14.07.050(D), attached, states that comments must be as specific as possible to allow the city to reply and address the comments. If you actually have concerns, please identify how these relate to the elements of the environment (WAC 197-11-444), SEPA authority or City Code so that City staff may address

If you have any questions please contact me at 253-931-3088 or ateague@auburnwa.gov.

Sincerely,



Alexandria Teague, Planner II
Department of Community Development

AT/jo

CORR19-004

Enclosures: ACC 14.07.050 (Notice of Application (Integration of permit procedures with environmental review procedures))

From: [Richard Wooding](#)
To: [Alexandria Teague](#)
Cc: [Richard Wooding](#)
Subject: Re: PSERN Notice of Application Materials
Date: Wednesday, December 26, 2018 12:41:04 PM
Attachments: [image001.png](#)

Alexandria,

It appears from the photos that there would be no direct impact on my property. As I indicated in our conversation I would object to any action that would have an impact on my present use of my property. I will be out of state and not able to attend any meetings.

Thank you for taking the time to inform me on the proposal.

Dick Wooding
253-732-8940

From: Alexandria Teague <ateague@auburnwa.gov>
Sent: Thursday, December 13, 2018 4:50 PM
To: 'f-vlornaingrid@msn.com'
Subject: RE: PSERN Notice of Application Materials

The location is the parcel with the yellow border that also contains the blue dot.



Sincerely,

Alexandria

Alexandria Teague, Planner II

Community Development
City of Auburn | www.auburnwa.gov
253.931.3088 | ateague@auburnwa.gov
Mailing Address: 25 W Main Street, Auburn, WA 98001
Permit Center Address: 1 E Main Street, Auburn, WA 98002 ([Click Here for Map](#))
Customer Service Survey | <https://www.surveymonkey.com/r/XNSL95J>
Application Forms | http://www.auburnwa.gov/services/resource_library/forms.htm
Zoning Maps | http://www.auburnwa.gov/services/resource_library/maps.htm

From: Alexandria Teague
Sent: Thursday, December 13, 2018 4:48 PM
To: 'f-vlornaingrid@msn.com' <f-vlornaingrid@msn.com>
Subject: PSERN Notice of Application Materials

Good afternoon Mr. Wooding,

Here is the link to the City's land use notice page. For more information regarding the PSERN proposal (the letter you received) please visit this website: <https://www.auburnwa.gov/landuse>. Once you are on this page, please look for the link titled **"PSERN Emergency Wireless Communication Facility"**.

Sincerely,

Alexandria

Alexandria Teague, Planner II

Community Development

City of Auburn | www.auburnwa.gov

253.931.3088 | ateague@auburnwa.gov

Mailing Address: 25 W Main Street, Auburn, WA 98001

Permit Center Address: 1 E Main Street, Auburn, WA 98002 ([Click Here for Map](#))

Customer Service Survey | <https://www.surveymonkey.com/r/XNSI95I>

Application Forms | http://www.auburnwa.gov/services/resource_library/forms.htm

Zoning Maps | http://www.auburnwa.gov/services/resource_library/maps.htm

This message is private and privileged. If you are not the person meant to receive this message, please let the sender know, then delete it. Please do not copy or send it to anyone else.

PSE CODE AMENDMENT ZOA18-0001

**CITY COUNCIL
STUDY SESSION
MAY 13, 2019**

Department of Community Development

Engineering Services • Administrative Services • Environmental Services
Community Development Services • Maintenance & Operations Services

Page 92 of 156

AUBURN
VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

PSERN PROPOSAL + PURPOSE

- **The Puget Sound Emergency Radio Network (PSERN) has submitted applications for and requests:**
 - **To amend the City's Zoning Code – Title 18 to allow the use and siting of emergency wireless communication facility or “EWCFs” within the I, Institutional Zone to accommodate their self-supporting, 180-foot, unmanned, wireless communications facility.**

PLANNING COMMISSION SUMMARY

- Planning Commission has reviewed and discussed the proposed zoning code amendment at two (2) meetings
- On April 2, 2019 the Planning Commission held a public hearing regarding the amendment

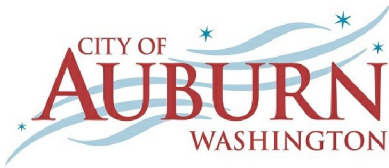
PROPOSED CODE AMENDMENT

- The code change requested by PSERN affects three Chapters of the City's zoning code regulations applicable to WCFs to accommodate their proposed facility.
- The three Chapters to be amended include Auburn City Code Chapter:
 - 18.04 Definitions –
 - Recognize “EWCF” as a special type of WCFs
 - 18.31 Supplemental Development Standards –
 - Define two new types of WCFs
 - Exempt EWCFs from several of the supplemental siting standards
 - Identify the types of permits required for the two new types of WCFs
 - 18.35 Special Purpose Zones -
 - Add EWCFs as a new use allowed within the I Zone

STAFF REQUEST

- **Schedule Ordinance No. 6716 for action by City Council at the regular meeting on May 20, 2019.**

QUESTIONS?



AGENDA BILL APPROVAL FORM

Agenda Subject:

Joint Meeting with Planning Commission

Date:

May 7, 2019

Department:

Community Development

Attachments:

[Past Planning Commission Agenda Items by Month](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion

Background Summary:

Most often City staff serves as conduit for communication between the citizen advisory Planning Commission and the City Council. However, historically the Planning Commission and the City Council have periodically met together to share information and discuss items of mutual interest affecting the growth and development of the City of Auburn. This joint meeting of the Planning Commission and City Council as a portion of the regular Council Study Session is to facilitate this discussion and check-in.

The formation and operation of the Planning Commission is authorized under State Law at RCW 35A.63 (Planning and Zoning in Code Cities). Here, it provides that cities may adopt an ordinance to establish the planning commission for the purpose of adopting and amending the comprehensive plan to anticipate and influence the orderly and coordinated development of land for the city and immediate environs. The ordinance authoring the planning commission is found in City Code at ACC 2.45 (Planning Commission). The planning commission schedules monthly meetings to study potential land use subjects and proposed changes. They conduct public hearings to provide citizen review and then makes recommendations on planning-related matters to the City Council. The City Council makes the final decision on such actions.

Planning commission responsibilities involve review and recommendation on revision of the community's comprehensive plan and its associated documents such as special area (neighborhood) plans and special-purpose plans (such as transportation, utilities or parks plan elements) and on local land use regulations, such as:

- zoning code
- subdivision code
- Critical area regulations

- Shoreline master program

Attached is a listing of the main agenda subjects that have considered by the Planning Commission over the last 15 months (Attachment A). Some of the listed subjects are items that are re-occurring, such as the annual comprehensive plan amendments for housekeeping changes. Other items that are considered by the Planning Commission happen on a less frequent but re-occurring basis such as 8-year periodic update of the shoreline Master Program. Besides these city-initiated subjects, the Planning Commission also considers applications for comprehensive plan or development code changes that are submitted to the city. At the end of the Attachment also lists some future topics that will be considered by the Planning Commission (Attachment A).

Other topics of mutual interest or questions for potential discussion may include:

The City's adopted Comprehensive Plan contains the following chapters or elements:

1. Land Use – Volume 1
Housing – Volume 2
Capital Facilities – Volume 3
Private Utilities – Volume 4
Transportation – Volume 5
Economic Development – Volume 6
Parks, Recreation, & Open Space – Volume 7
Implementation actions related to each of these chapters is found in the introductory “Core Plan” volume. What are the priorities for implementation related to these topics?
2. What are challenges that each governing body sees facing the City of Auburn community and how do these relate to land use regulations or needed land use regulation?
3. What topics generate the most concern or comments from members of the public who comment to individuals of each body?
4. The WA State legislature recently concluded their legislative session and land use subjects and regulations were prominently featured. Some of the topics addressed by the proposed laws included:
 - Accessory dwelling units (ADU's)** – Died but ESSB 5812 would have encouraged local governments to increase the availability of affordable housing by subsidizing accessory dwelling units with local sales tax revenue. It also would have required the state building code council to adopt rules pertaining to accessory dwelling units, required limits on ability to set minimum gross floor area of ADU's, and prohibited local ordinance impact fees for ADU's that are greater

than fifty percent of a single-family residence.

Residential density standards – Passed ESSHB 1923 states that if a city adopts or amends ordinances or development regulations to increase residential building capacity under the new law, those changes are not subject to legal challenges under the Growth Management Act.

Tiny homes – Died but SB5384 would have allowed counties to establish a process to authorize tiny house communities outside of urban growth areas or limited areas of more intense rural development if the county finds that there is a shortage of affordable housing within a “reasonable distance from urban services.”

As staff evaluates the effect of these legislative changes and addresses as necessary, do the Planning Commission members or City Council members have concerns on these or other topics that should be considered?

Reviewed by Council Committees:

Councilmember: DaCorsi

Staff:

Meeting Date: May 13, 2019

Item Number:

Past Planning Commission Agenda Items by Month

January 2018 through April 2019

January 3, 2018:

- Meeting cancelled

February 6, 2018:

- Public hearing on city-initiated rezones in response to the Annual Comprehensive Plan Amendments
- Election of Planning Commission Officers
- Modification of Planning Commission Rules of Procedure

March 6, 2018:

- Meeting cancelled

April 3, 2018:

- Community Development Division presentation from City's Civics Academy
- Planning Commission Rules of Procedure discussion

May 8, 2018:

- Meeting cancelled

June 5, 2018:

- Initial discussion of code changes for new definition for Nexus Youth & Families.
- Planning Commission Rules of Procedure.

July 17, 2018:

- Continue discussion of code changes for new definition for Nexus Youth & Families.
- Introduction discussion of 2018 Annual Comprehensive Plan amendments.
- Introductory discussion of process of periodic amendment to 2009 Shoreline Management Program.
- Planning Commission Rules of Procedure.

August 21, 2018:

- **Public hearing** cancelled due to lack of a quorum

September 5, 2018:

- **Rescheduled Public hearing** on of code changes for new definition for Nexus Youth & Families.
- Continued introduction of periodic amendment to 2009 Shoreline Management Program.
- Legal presentation on Open Public Meetings Act and Public Records Act

October 2, 2018:

- Continued discussion of state-required and city introduced changes as part of the periodic amendment to 2009 Shoreline Management Program
- Continued discussion of city-initiated text and map changes as part of 2018 Annual Comprehensive Plan Amendments

October 16, 2018:

- Continued discussion of state-required and city introduced changes as part of the periodic amendment to 2009 Shoreline Management Program
- Continued discussion of city-initiated text and map changes as part of 2018 Annual Comprehensive Plan Amendments
 - Special Planning Areas policies
 - Ten-year economic development plan policies
 - Historic preservation policies

November 7, 2018:

- **Public Hearing** on 2018 Annual Comprehensive Plan Amendments

January 23, 2019:

- Election of Planning Commission officers
- Introductory discussion of Emergency Wireless Communication Facility code amendment (PSERN).
- Modification of Planning Commission Rules of Procedure

February 5, 2019:

- Continued discussion of Emergency Wireless Communication Facility code amendment (PSERN).
- Modification of Planning Commission Rules of Procedure

March 5, 2019

- Continued discussion of Emergency Wireless Communication Facility code amendment (PSERN).
- Adoption of modifications Planning Commission Rules of Procedure

April 2, 2019:

- **Public Hearing** on Emergency Wireless Communication Facility code amendment (PSERN).
- Discuss joint meeting of Planning Commission & City Council for May 13th.

Future Planning Commission Agenda Items

- Shoreline Management Program state-required periodic update (2019)
- Critical areas code update (associated with Shoreline Management Program update)(2019)
 - Wetlands
 - delineation methodology
 - Wetland buffer standards
 - Streams/rivers
 - Classification system
 - Buffer standards
 - Aquifer Recharge/Well head protection
 - Address protection of private well sites
- Floodplain regulation code update in response to FEMA adoption of new maps (Timing is dependent on FEMA timing)
- 2019 Annual Comprehensive Plan text & map amendments (city-initiated and privately submitted)(2019)
 - Auburn school district has inquired about submitting an application
- Code change to C-4, Mixed Use Commercial zone to accommodate horizontal mixed use from current vertical mixed use in response to a private application.
- Code change to enact rezoning (zoning map change) criteria (*timeframe unspecified*)
- Miscellaneous city-initiated zoning code updates that are clean up actions (*timeframe unspecified*)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Right-of-Way Vacation #V1-18 (Gaub)

Department:

Public Works

Attachments:

[Staff Report](#)

[Vicinity Map](#)

[Vacation Exhibits A-D](#)

[Dedication Exhibits A & B](#)

[Cemetery Master Plan](#)

Date:

May 6, 2019

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Discussion of the Right-of-Way Vacation #V1-18 for Mountain View Cemetery.

Background Summary:

The City of Auburn has determined that a 60 foot wide section of unopened right-of-way in the vicinity SE 328th Street, between 58th Avenue South and 60th Avenue South, and a 30 foot wide section of unopened right-of-way in the vicinity of 60th Avenue South north of SE 328th Street could be vacated to further the City's master plan for Mountain View Cemetery.

The right-of-way was dedicated to the public for street purposes with the West Auburn Five Acre Tracts on March 28th, 1907. City staff and utility providers who have an interest in this right-of-way have reviewed the proposed right-of-way vacation. Through this review, City staff has determined that the right-of-way as it is currently configured does not meet the needs of the City and could be vacated. This review has also determined that while the current configuration does not meet the needs of the City and an east/west alignment between 58th Avenue South and 60th Avenue South may still be needed to meet future connection and transportation needs in the area, that alignment could be moved to the north edge of Mountain View Cemetery's northern most parcel, No. 9262800285. This would require dedication of a 60 foot wide section of right-of-way under a separate action and Resolution and is proposed as a condition of the vacation.

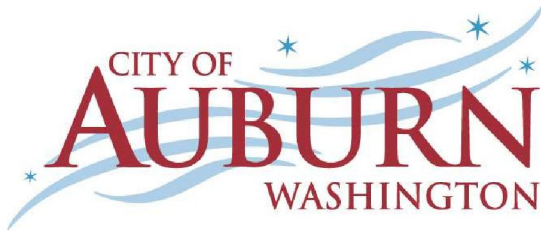
Reviewed by Council Committees:**Councilmember:**

Meeting Date: May 13, 2019

Staff:

Gaub

Item Number:



RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V1-18

Applicant: City Initiated

Property Location: Rights-of-Way located in the vicinity of the 60 foot Right-of-Way of SE 328th Street between 58th Ave South and 60th Avenue South and a portion of the 30 foot Right-of-Way of 60th Avenue South north of SE 328th Street.

Description of right-of-way:

This ROW proposed for vacation consists of a the 60 foot Right-of-Way of SE 328th Street between 58th Avenue South and 60th Avenue South and a portion of the 30 foot Right-of-Way of 60th Avenue South north of SE 328th Street. The SE 328th Street portion of ROW is adjacent to Parcel No. 9262800330, 9262800285 and 1421049011 which are owned by the City of Auburn as part of Mountain View Cemetery. The 60th Avenue South portion of ROW is adjacent to parcel No. 9262800285 and Parcel No. 1421049003 which is privately owned. The total area of ROW proposed for vacation is 44,501 (+/-) square feet.

All of the ROW was dedicated for public street purposes by the plat of West Auburn Five Acre Tracts under Recording Number 475327, Volume 15, Page 12 of Plats, records of King County on March 28, 1907. The ROW is currently unopened.

See Exhibits "A" through "D" for legal descriptions and surveys.

Proposal:

The City proposes to vacate the above described rights-of-way and dedicate a separate 60 foot alignment from the north side of Cemetery Parcel No. 9262800285 under a separate action and Resolution. This plan is in keeping with the City's 2004 master plan for Mountain View Cemetery. This proposal will eliminate the separation between cemetery parcels and keep an east/west alignment for connection between 58th Avenue South and 60th Avenue South for any proposed future need in the area.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The street vacation furthers the City's master plan for Mt. View Cemetery.
- The street vacation decreases the right-of-way maintenance obligation of the City.
- The vacation allows the City to clean-up the parcel lines for the Mt. View Cemetery.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, Lakehaven Water and Sewer District and City staff.

1. Puget Sound Energy (PSE) – PSE received the City's request for comments regarding the proposed street right-of-way vacation. There does not appear to be existing PSE electric or gas facilities located within the proposed right-of-way vacation area.
2. Comcast – Comcast has no objection to the proposed vacation.

3. CenturyLink – CenturyLink currently has underground communications facilities in the portion of SE 328th Street that is proposed for vacation and will require and easement be reserved.
4. Lakehaven Water and Sewer District – Lakehaven has no comment on the proposed ROW vacation, as based on the submittal it appears no existing and/or future Lakehaven water system facilities will be required, desired, or affected by the proposed land use action.
5. Parks – The Parks Department supports of the vacation as it furthers the City's master plan for Mountain View Cemetery.
6. Water – No comments.
7. Sewer – No comments.
8. Storm –No comments.
9. Transportation – Transportation supports the vacation with the condition that an equivalent east/west alignment be dedicated from Mountain View Cemetery's northern most parcel between 58th Avenue South and 60th Avenue South to accommodate any future transportation needs in the area.
10. Planning – No comments.
11. Fire – No comments.
12. Police – No comments.
13. Streets – No comments.
14. Construction –No comments.
15. Innovation and Technology – No comments.

Assessed Value:

ACC 12.48 states "The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense." Note: The city engineer has not required an appraisal for the value of this right-of-way since the right-of-way vacation is being initiated by the City and if approved, will attach to City owned parcels.

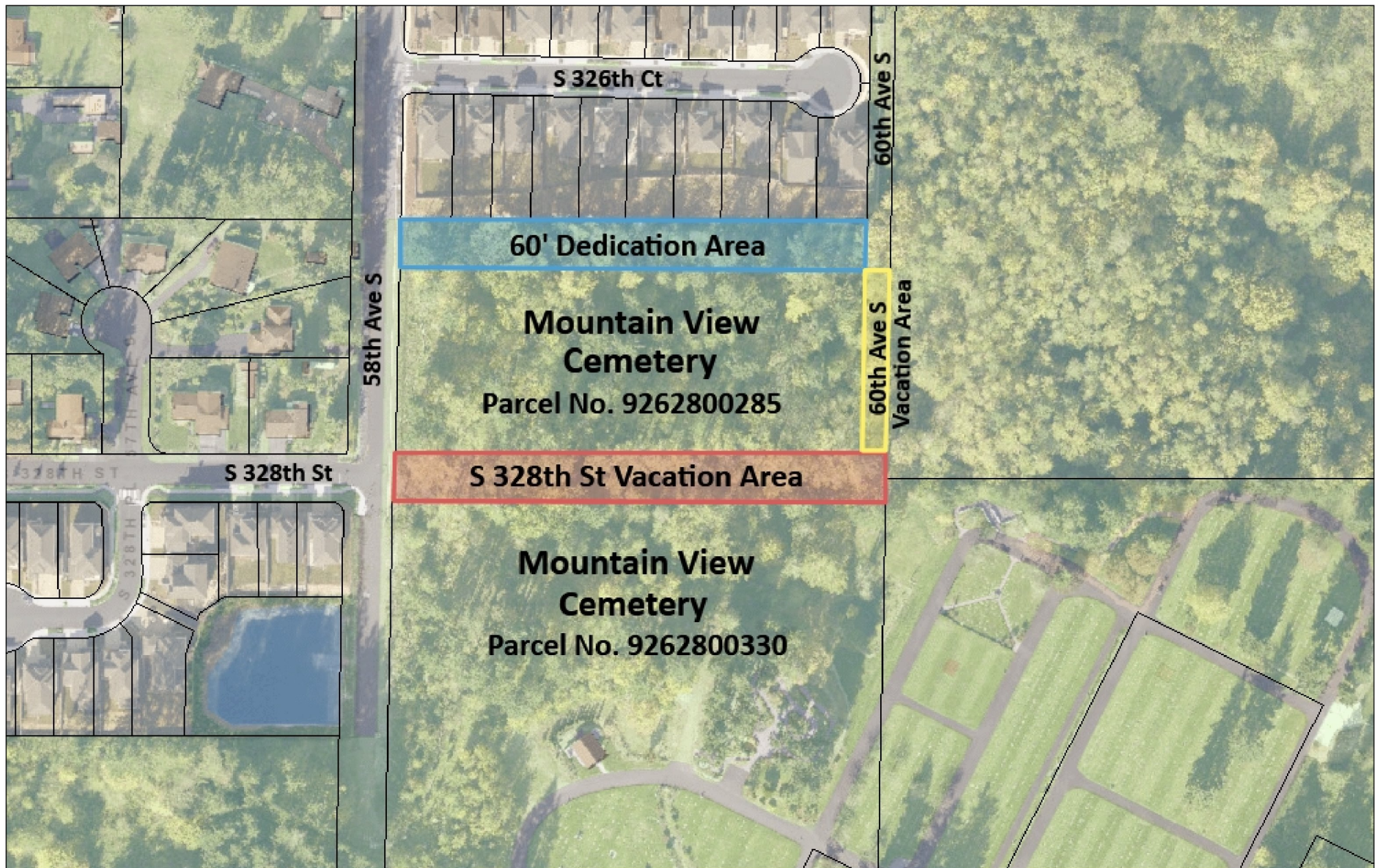
Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

1. The City shall dedicate a separate 60 foot alignment from the north boundary of Cemetery Parcel No. 9262800285 under a separate action and Resolution.
2. A public utility easement shall be reserved for CenturyLink Communications facilities along the entire length and width of the portion of vacated ROW of South 328th Street.

ROW Vacation #V1-18 Vicinity Map

Printed Date: 4/11/2019
Map Created by City of Auburn eGIS
Imagery Date: May 2015



333.3 0 166.7 333.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 167 ft

1:2,000

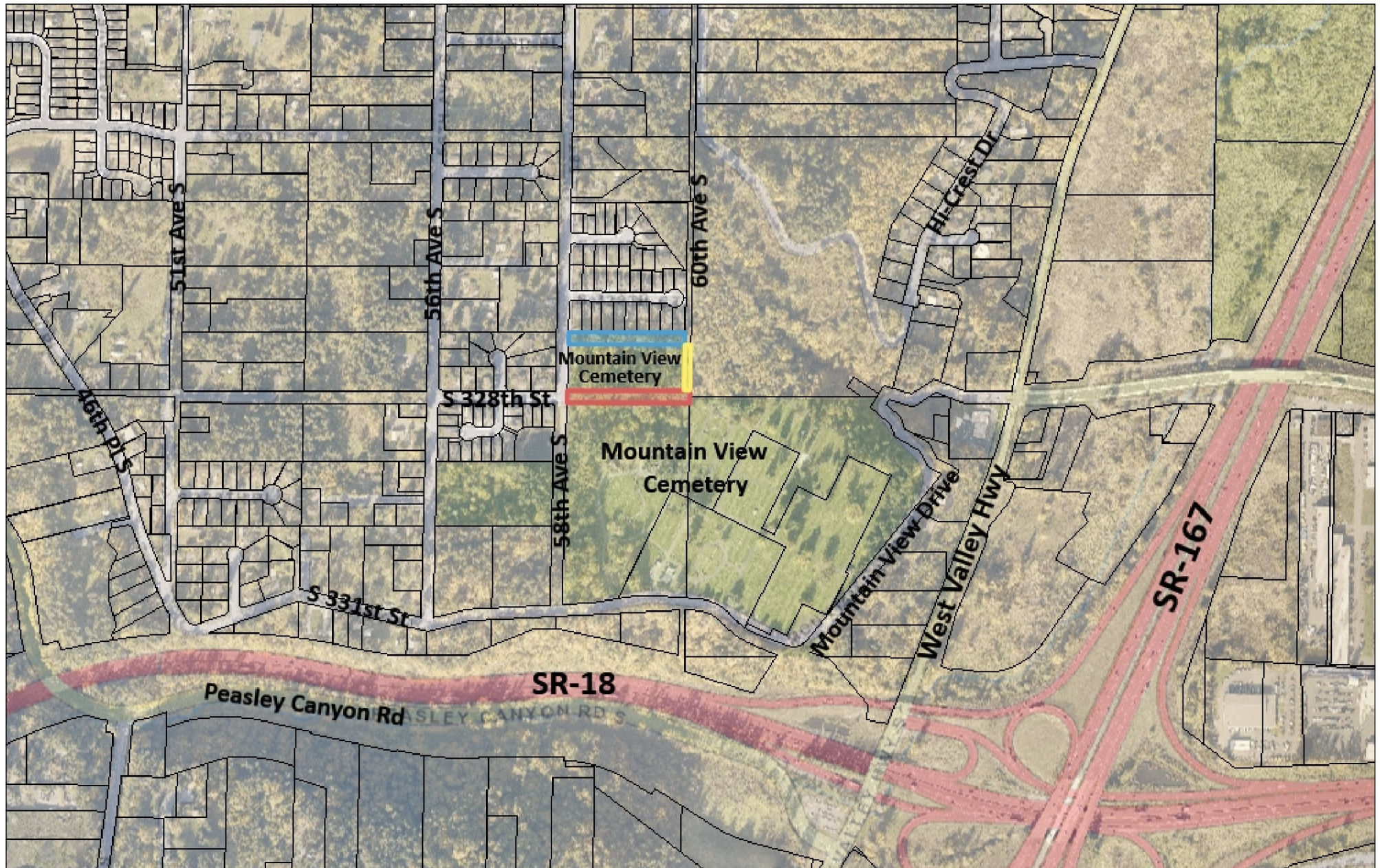


Page 108 of 156

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

ROW Vacation #V1-18 Vicinity Map 2

Printed Date: 4/11/2019
Map Created by City of Auburn eGIS
Imagery Date: May 2015



1,333.3 0 666.7 1,333.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 667 ft

1:8,000



Page 109 of 156

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

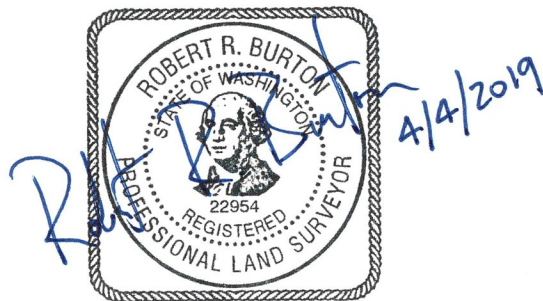
EXHIBIT A
LEGAL DESCRIPTION
VACATED SOUTH 328TH STREET

That portion of South 328th Street, being a right of way 60 feet in width, according to the Plat of West Auburn Five Acre Tracts as recorded March 28th, 1907 in Volume 15 of Plats, Page 12 in King County, Washington, situated within the northwest quarter and the southwest quarter of Section 14, Township 21 North, Range 4 East, Willamette Meridian, generally abutting Tracts 51 and 60, described as follows:

Beginning at the southwest corner of Tract 51 of said Plat, also being a point on the north margin of South 328th Street; thence East along said north margin to the east margin of South 328th Street, also being the east line of said subdivision and the west line of Parcel A of City of Auburn Boundary Line Adjustment BLA15-0005 recorded under recording no. 20151103900003, thence south along said east margin to the northeast corner of Tract 60, also being a point on the south margin of South 328th Street, thence west along said south margin to the northwest corner of Tract 60; thence north a distance of 60.00 feet to the Point of Beginning.

Situate in the City of Auburn, King County, Washington

This description contains 37,381 square feet, more or less.



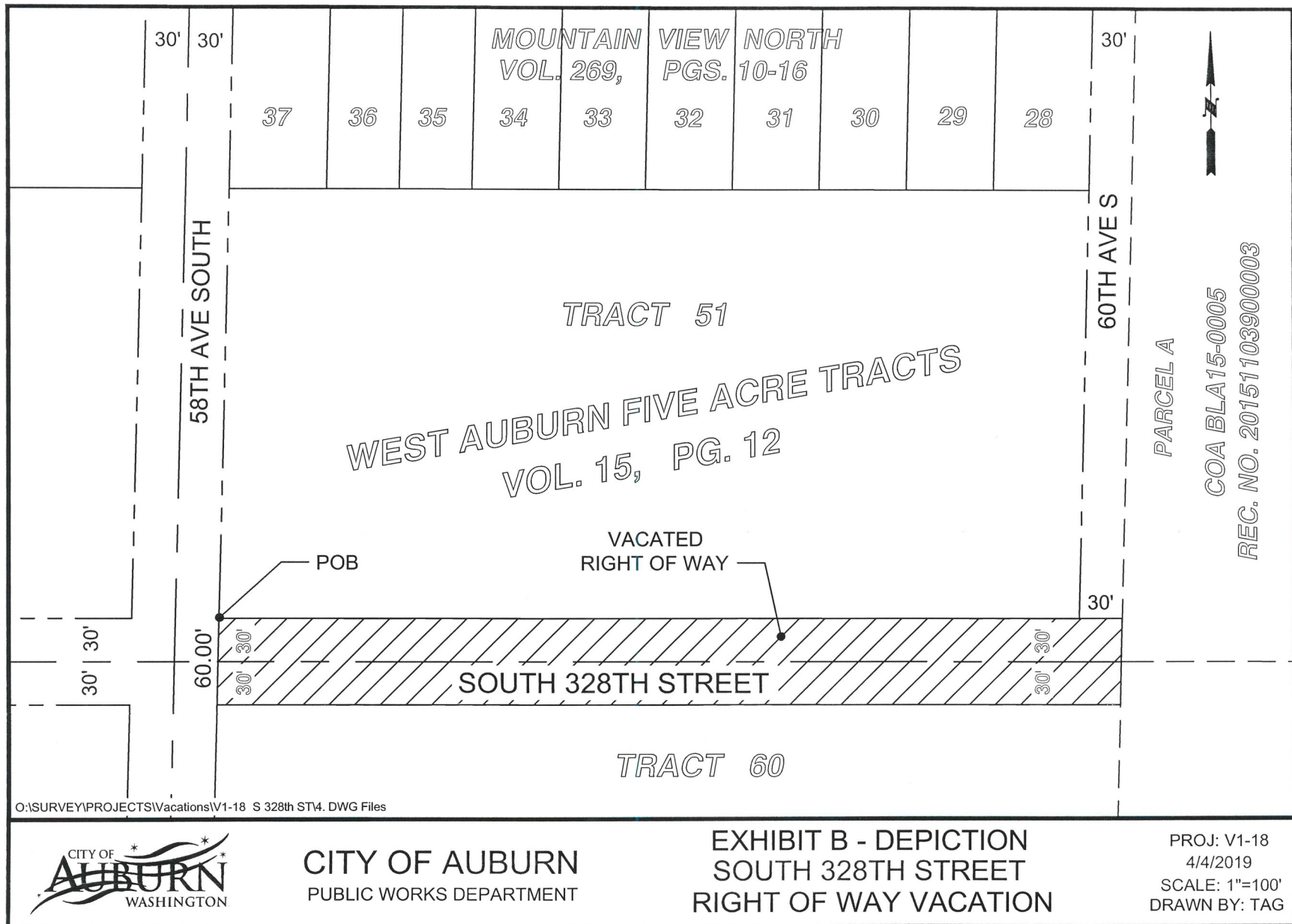


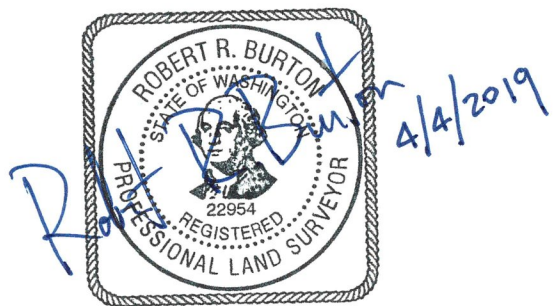
EXHIBIT C
LEGAL DESCRIPTION
VACATED 60TH AVE SOUTH

That portion of 60th Avenue South, being a right of way 30 feet in width, according to the Plat of West Auburn Five Acre Tracts as recorded March 28th, 1907 in Volume 15 of Plats, page 12 in King County, Washington, situated within the southeast quarter of the northwest quarter of Section 14, Township 21 North, Range 4 East, Willamette Meridian, generally abutting Tract 51, described as follows:

Commencing at the northeast corner of Tract 51 of said Plat, also being the southeast corner of the Plat of Mountain View North, recorded in Volume 269 of Plats, pages 10 through 16, records of King County; thence south along the west margin of 60th Avenue South a distance of 60.00 feet to the Point of Beginning, thence continuing along said west margin to the southeast corner of Tract 51, also being a point on the north margin of South 328th Street, thence east a distance of 30.00 feet to the east margin of 60th Avenue South, also being the east line of said subdivision and the west line of Parcel A of City of Auburn Boundary Line Adjustment BLA15-0005 recorded under recording no. 20151103900003; thence north along said east margin to the easterly extension of a line parallel with and 60 feet south of the north line of said Tract 51; thence west along said parallel line a distance of 30.00 feet to the west margin of 60th Avenue South and the Point of Beginning.

Situate in the City of Auburn, King County, Washington

This description contains 7,120 square feet, more or less.



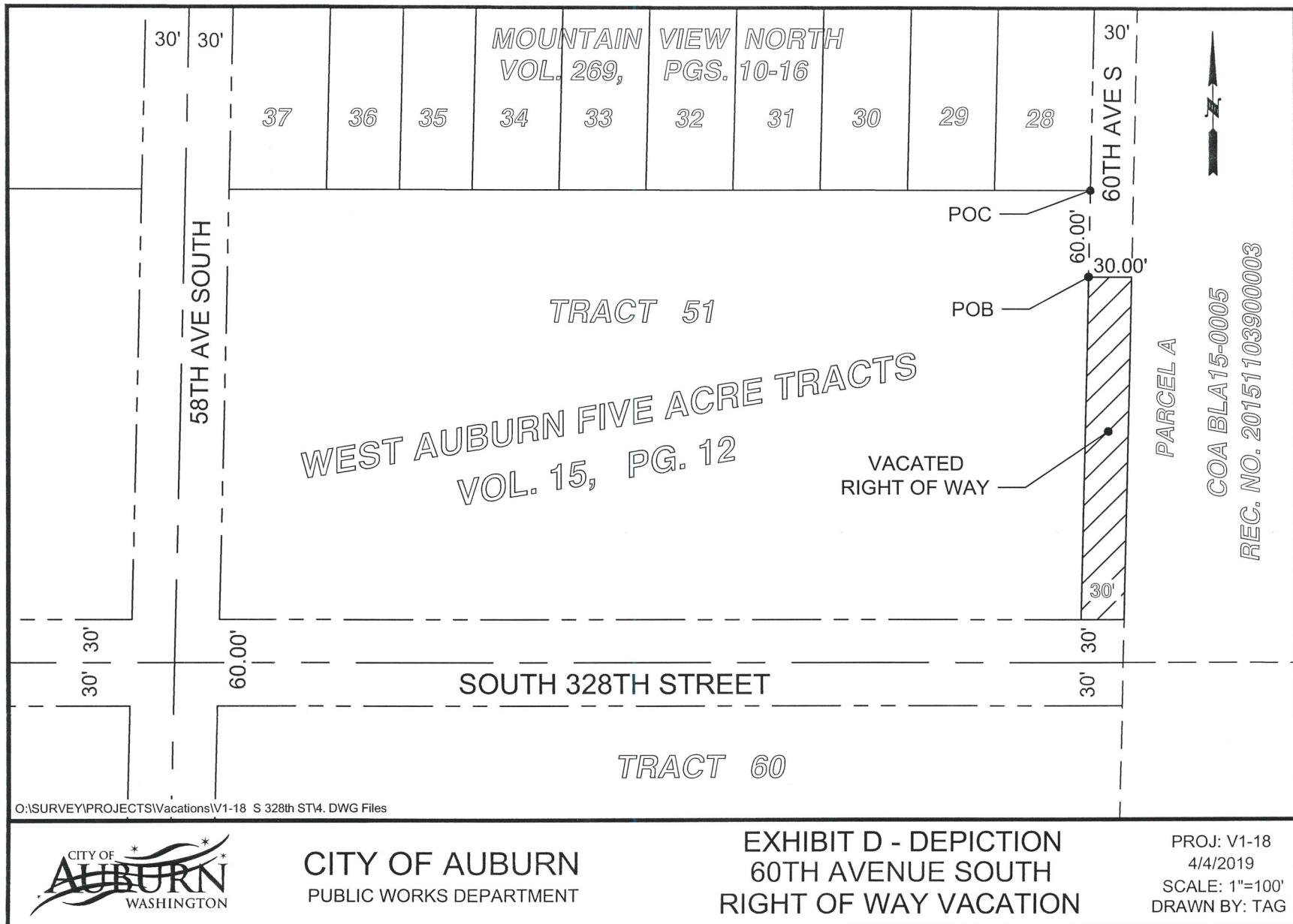


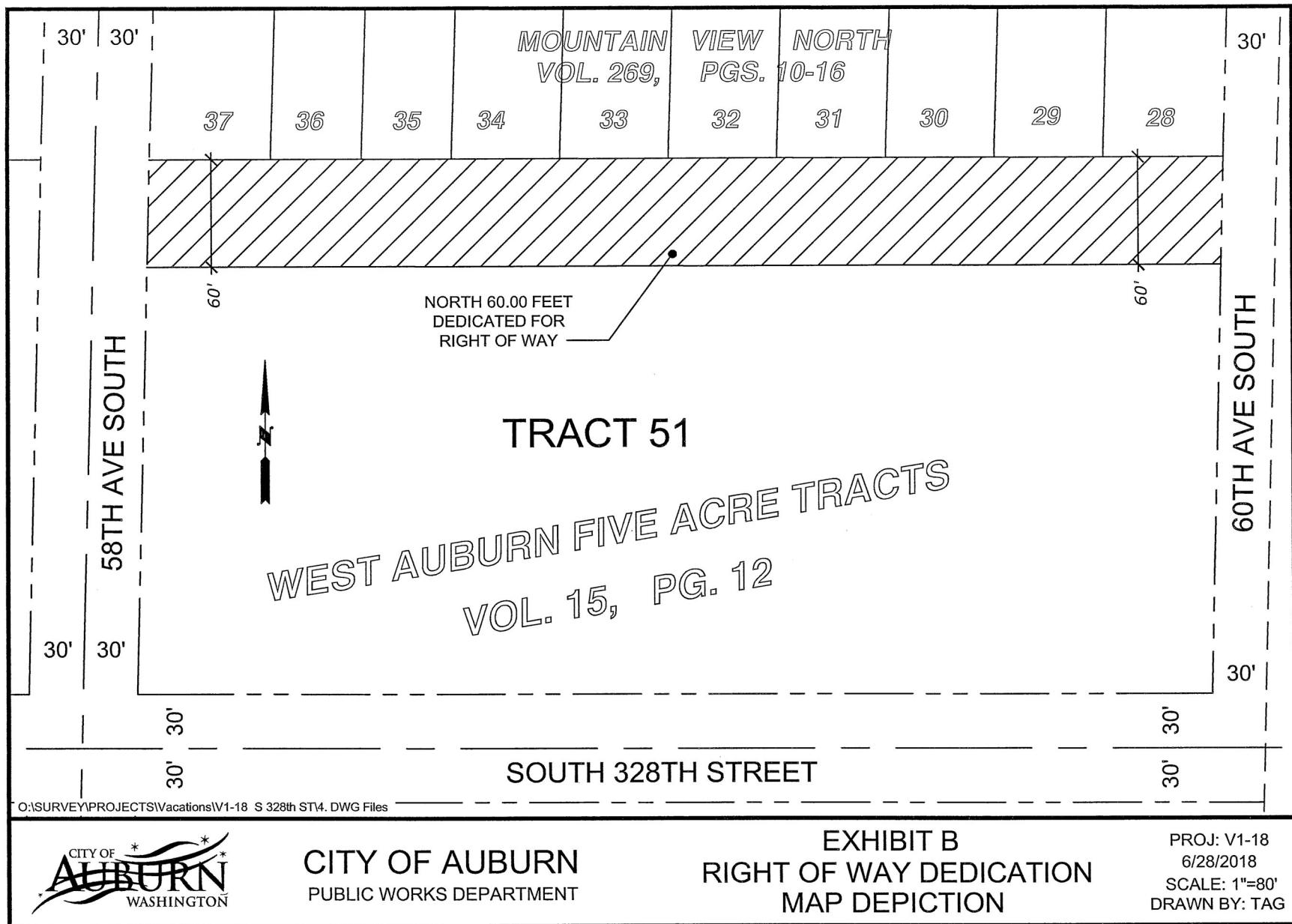
EXHIBIT A
RIGHT OF WAY DEDICATION
LEGAL DESCRIPTION

THE NORTH 60 FEET OF TRACT 51 OF THE PLAT OF WEST AUBURN FIVE ACRE TRACTS AS RECORDED MARCH 28TH, 1907 IN VOLUME 15 OF PLATS, PAGE 12 IN KING COUNTY, WASHINGTON, SITUATED WITHIN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

SITUATE IN THE CITY OF AUBURN, KING COUNTY, WASHINGTON

THIS DESCRIPTION CONTAINS 35,610 SQUARE FEET, MORE OR LESS.



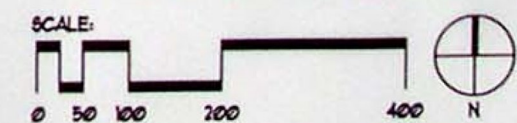




MOUNTAIN VIEW CEMETERY MASTER PLAN UPDATE • 2004

CITY OF AUBURN
PARKS AND RECREATION

JGM
LANDSCAPE ARCHITECTS
INCORPORATED P.S.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6717 (Gaub)

Date:

May 6, 2019

Department:

Public Works

Attachments:

[Draft Ordinance No. 6717](#)

[Exhibits A & B](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to discuss Draft Ordinance No. 6717 for Right-of-Way Vacation No. V3-18.

Background Summary:

Pacific Realty Associates, LP has applied to the City for vacation of the right-of-way of a portion of B Street SE, south of 2nd Street SE, described in Exhibit "A" and shown on Exhibit "B". The applicant currently owns adjacent parcels #0019000056 and is proposing to incorporate the right-of-way into adjacent property which will clean up the parcel and right-of-way lines.

The right-of-way proposed for vacation was Quit Claim Deeded to the City for street purposes on July 9, 1964.

The application has been reviewed by City staff and utility purveyors who have an interest in this right-of-way. Through this review City staff has determined that the right of way is no longer necessary to meet the needs of the City and could be vacated.

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

Gaub

Meeting Date: May 13, 2019

Item Number:

ORDINANCE NO. 6717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF A
PORTION OF B STREET SE, SOUTH OF 2ND STREET SE,
WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), received a petition signed by at least two-thirds (2/3) of the owners of property adjacent to right-of-way located at a portion of B Street SE, south of 2nd Street SE, within the City of Auburn, requesting vacation of the same; and,

WHEREAS, the City Council of the City of Auburn, Washington ("City Council"), has, reviewed the need for streets and right-of-ways in the vicinity of the right-of-way, determined that consideration should be given to the vacation of the same; and,

WHEREAS, in conformity with Chapter 12.48 of the Auburn City Code, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, held on the 3rd day of June, 2019, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation. That the right of way located at a portion of B Street SE, south of 2nd Street SE located within the City of Auburn, Washington, legally described as

Draft Ordinance No. 6717
ROW Vacation V3-18
April 10, 2019
Page 1 of 3

follows:

That portion of “B” Street Southeast as dedicated for street purposes per Quit Claim Deed recorded under Recording Number 5764366 and as depicted on Record of Survey recorded under Recording Number 20131104900005 in King County, Washington, described as follows:

The east 7 feet of the north 20 feet of lot 3, block 2, of Abraham’s Park Addition to the City of Auburn, recorded in Volume 27 of Plats, Page 26, in King County, Washington.

Containing 140 square feet, more or less.

Situate in the City of Auburn, King County, Washington.

[Also identified as Exhibit “A”.]

and shown on the survey, a copy of which is attached, marked Exhibit “B”, the same is vacated and the property lying in the portions of right-of-way described, shall inure and belong to those persons entitled to receive the property in accordance with RCW 35.79.040.

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

Section 4. Effective Date. This Ordinance will take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

Section 5. Recordation. The City Clerk is directed to record this Ordinance with the office of the King County Auditor.

Draft Ordinance No. 6717
ROW Vacation V3-18
April 10, 2019
Page 2 of 3

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

PUBLISHED: _____

EXHIBIT "A"

LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION

THAT PORTION OF "B" STREET SOUTHEAST AS DEDICATED FOR STREET PURPOSES PER QUIT CLAIM DEED RECORDED UNDER RECORDING NUMBER 5764366 AND AS DEPICTED ON RECORD OF SURVEY RECORDED UNDER RECORDING NUMBER 20131104900005 IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE EAST 7 FEET OF THE NORTH 20 FEET OF LOT 3, BLOCK 2, OF ABRAHAM'S PARK ADDITION TO THE CITY OF AUBURN, RECORDED IN VOLUME 27 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON.

CONTAINING 140 SQUARE FEET, MORE OR LESS.

SITUATE IN THE CITY OF AUBURN, KING COUNTY, WASHINGTON.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART HEREOF.



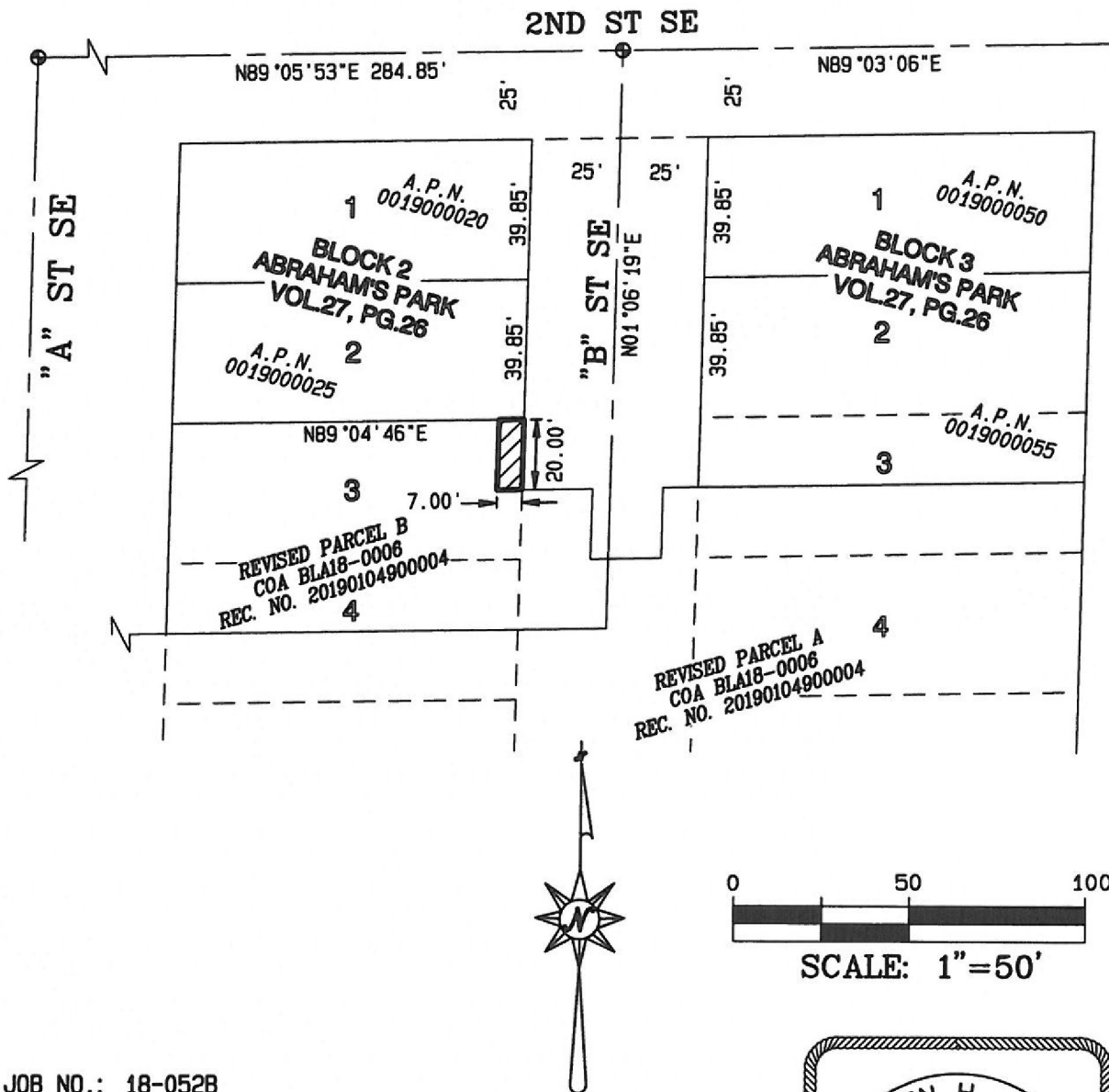
CONTOUR
ENGINEERING • LLC

4706 97th Street Northwest, Suite 100, Gig Harbor, WA 98335. ph 253-857-5454. fax 253-509-0044

EXHIBIT "B"

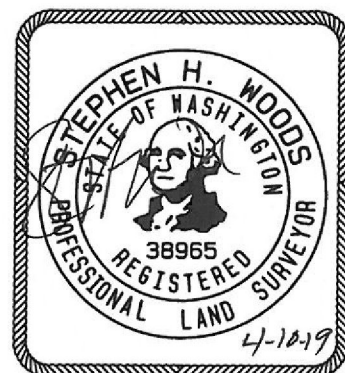
DEPICTION OF RIGHT OF WAY VACATION

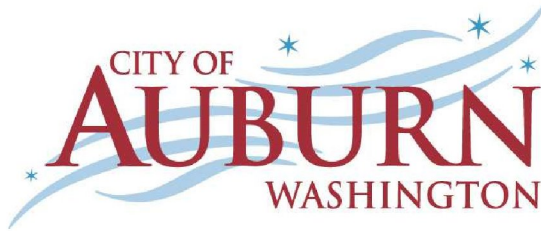
A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 18, TOWNSHIP 21 N., RANGE 5 E., W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON



JOB NO.: 18-052B
DATE: 01/10/2019

CONTOUR
ENGINEERING • LLC
CIVIL ENGINEERS~SURVEYORS~LAND PLANNERS
4706 97th Street NW, Suite 100, Gig Harbor, WA 98335
Phone: 253-857-5454 Fax: 253-509-0044 info@contourpllc.com





RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V3-18

Applicant: Pacific Realty Associates, LP

Property Location: Right-of-Way located at B Street SE, south of 2nd Street SE.

Description of right-of-way:

This ROW proposed for vacation consists of portions of the ROW of B Street SE, south of 2nd Street SE where the ROW lines jog. The proposed ROW is adjacent to Parcel No. 0019000056, Parcel No. 0019000025, and City right-of-way. Parcel No. 0019000056 is owned by the applicant and Parcel No. 0019000025 is owned by a private citizen. The total proposed area of ROW for vacation is approximately 140± square feet.

The ROW proposed for vacation was Quit Claim Deeded to the City of Auburn for street purposes on July 9, 1964.

See Exhibits "A" and "B" for legal description and survey.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way to eliminate the jogs in the parcel and right-of-way lines.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The vacated area may be subject to property taxes.
- The street vacation decreases the Right-of-Way maintenance obligation of the City.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, and City staff.

1. Puget Sound Energy (PSE) – PSE has no facilities located within the area and therefore has no objection to the vacation and no need for any easement reservation.
2. Comcast – Comcast will not be affected by this vacation and does not oppose it.
3. CenturyLink – CenturyLink has reviewed the request for the subject vacation and had determined that it has no objections with respect to the areas proposed for vacation.
4. Water – There are no City water facilities in the area of right-of-way.
5. Sewer – No comments on Auburn Sewer.
6. Storm –No comments.
7. Transportation – No comments.
8. Planning – No comments.
9. Fire – No comments
10. Police – No comments.
11. Streets – No comments.
12. Construction –No comments.
13. Innovation and Technology – No comments

Assessed Value:

ACC 12.48 states “The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city’s expense.”

RCW 35.79.030 states the vacation “shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property

abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated.”

The value of the right-of-way was determined to be \$1,972.00 based on adjacent land values so an appraisal was not required.

Recommendation:

Staff recommends that the street vacation be granted with no conditions and that compensation not be required as the right-of-way was acquired through Quit Claim Deed at no cost to the City.

ROW Vacation #V3-18 B Street SE

Printed Date: 4/9/2019
Map Created by City of Auburn eGIS
Imagery Date: May 2015



166.7 0 83.3 166.7 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 83 ft

1:1,000



Page 126 of 156

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6715 (Gaub)

Date:

May 6, 2019

Department:

Public Works

Attachments:

[Draft Ordinance No. 6715 Franchise Agreement
No. 19-09](#)

Budget Impact:

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

Administrative Recommendation:

Discussion of Draft Ordinance No. 6715 for Fatbeam, LLC Franchise Agreement No. 19-09

Background Summary:

Fatbeam, LLC has applied for a Franchise Agreement to be able to construct within the City's right(s)-of-way, a fiber optic telecommunications network. Fatbeam, LLC wants to provide telecommunications, telephone service, internet access and wide area network connectivity to education, government, hospitals and other enterprise level customers. They do not provide residential services.

The initial proposed build-out includes overhead installations on existing utility poles wherever possible, with underground installation being utilized, if necessary. The applicant is requesting the entire City as the proposed franchise area so that they can connect all of their current customer's facilities together. Exact locations, plans, engineering and construction schedules would be reviewed, approved and managed through the City's permitting processes that are a requirement of the Franchise Agreement.

A Public Hearing to consider this application and hear public comment is scheduled before the City Council on May 20, 2019 in accordance with Auburn City Code Chapter 20.06.030.

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

Gaub

Meeting Date: May 13, 2019

Item Number:

ORDINANCE NO. 6715

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, GRANTING TO FATBEAM, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, A FRANCHISE FOR TELECOMMUNICATIONS AND RELATED SERVICES

WHEREAS, Fatbeam, LLC, a Washington limited liability company ("Grantee") has applied to the City of Auburn ("City") for a non-exclusive Franchise for the right of entry, use, and occupation of certain public right(s)-of-way within the City, to install, construct, erect, operate, maintain, repair, relocate and remove its facilities in, on, over, under, along or across those right(s)-of-way; and

WHEREAS, following proper notice, the City Council held a public hearing on Grantee's request for a Franchise; and

WHEREAS, based on the information presented at the public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City and its inhabitants to grant the franchise to Grantee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, DO ORDAIN as follows:

Section 1. Grant of Right to Use; Franchise Area

A. Subject to the terms and conditions stated in this Agreement, the City grants to the Grantee general permission to enter, use, and occupy the Franchise Area, located within the incorporated area of the City. Grantee may locate the Grantee's Facilities within the Franchise Area subject to all applicable laws, regulations, and permit conditions.

B. The Grantee is authorized to install, remove, construct, erect, operate, maintain, relocate, upgrade, replace, restore, and repair Grantee's Facilities to provide Grantee's Services in the Franchise Area.

C. This Franchise does not authorize the use of the Franchise Area for any facilities or services other than Grantee's Facilities and Grantee's Services, and it extends no rights or privilege relative to any facilities or services of any type, including Grantee's Facilities and Grantee's Services, on public or private property elsewhere within the City.

D. This Franchise is non-exclusive and does not prohibit the City from entering into other agreements, including Franchises, impacting the Franchise Area, for any purpose that does not interfere with Grantee's rights under this Franchise.

E. Except as explicitly set forth in this Agreement, this Franchise does not waive any rights that the City has or may acquire with respect to the Franchise Area or any other City roads, rights-of-way, or property. This Franchise will be subject to the power of eminent domain, and in any proceeding under eminent domain, the Grantee acknowledges its use of the Franchise Area will have no value.

F. The City reserves the right to change, regrade, relocate, abandon, or vacate any right-of-way within the Franchise Area. If, at any time during the term of this Franchise, the City vacates any portion of the Franchise Area containing Grantee's Facilities, the City will reserve an easement for public utilities within that vacated portion, pursuant to RCW 35.79.030, within which the Grantee may continue to operate any existing Grantee's Facilities under the terms of this Franchise for the remaining period set forth under Section 3.

G. The Grantee agrees that its use of Franchise Area will at all times be subordinated to and subject to the City and the public's need for municipal infrastructure, travel, and access to the Franchise Area, except as may be otherwise required by law.

Section 2. Notice

A. Written notices to the parties will be sent by a nationally recognized overnight courier or by certified mail to the following addresses, unless a different address is designated in writing and delivered to the other party.

City: Right-of-Way Specialist,
Public Works Department - Transportation
City of Auburn
25 West Main Street
Auburn, WA 98001-4998
Telephone: (253) 931-3010; Fax: (253) 931-3048

with a copy to: City Clerk
City of Auburn
25 West Main Street
Auburn, WA 98001-4998

Grantee: Fatbeam, LLC
2065 W Riverstone Drive, Suite 105
Coeur d'Alene, ID 83814
Phone: 509-344-1008
E-Mail: regulatory@Fatbeam.com

B. Any changes to the contact information will be sent to the City's Right-of-Way Specialist, Public Works Department – Transportation Division, with copies to the City Clerk, referencing the title of this Agreement.

C. The above-stated Grantee voice and fax telephone numbers will be staffed at least during normal business hours, Pacific time zone. The City may contact Grantee at the following number for emergency or other needs outside of normal business hours of the Grantees: (855) 979-8844

Section 3. Term of Agreement

A. This Franchise will run for a period of five (5) years, from the date of execution.

B. Renewal Option of Term: The Grantee may renew this Franchise for an additional five (5) year period upon submission and approval of the application specified under ACC 20.06.130, as it now exists or is amended, within the timeframe set forth therein (currently 240 to 180 days prior to expiration of the then-current term). Any materials submitted by the Grantee for a previous application may be considered by the City in reviewing a current application, and the Grantee will only submit those materials deemed necessary by the City to address changes in the Grantee's Facilities or Grantee's Services, or to reflect specific reporting periods mandated by the ACC.

C. Failure to Renew Franchise – Automatic Extension. If the Parties fail to formally renew this Franchise prior to the expiration of its term or any extension thereof, the Franchise automatically continues month to month until renewed or either party gives written notice at least one hundred and eighty (180) days in advance of intent not to renew the Franchise.

Section 4. Definitions

For the purpose of this Agreement:

A. "ACC" means the Auburn City Code.

B. "Emergency" means a condition of imminent danger to the health, safety and welfare of persons or property located within the City including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots, acts of terrorism or wars.

C. "Franchise Area" means all present and future Rights-of-Way as defined in Section 4.H., within the City Limits as they currently exist or as amended in the future.

D. "Grantee's Facilities" means Grantee's fiber optic and broadband communications services constructed and operated within the City's Rights-of-Way, and shall include all cables, wires, conduits, ducts, pedestals and any associated converter, equipment or other facilities within the City's Rights-of-Way, designed and constructed for the purpose of providing Telecommunications Service and other lawful services not prohibited by this Ordinance.

E. "Grantee's Services" means any telecommunications service, telecommunications capacity, or dark fiber, provided by the Grantee using its Facilities, including, but not limited to, the transmission of voice, data or other electronic information, or other subsequently developed technology that carries a signal over fiber optic cable. Grantee's Services shall also include non-switched, dedicated and private line, high capacity fiber optic transmission services to firms, businesses or institutions within the City and other lawful services not prohibited by this Ordinance. However, Grantee's Services shall not include the provision of "cable services", as defined by 47 U.S.C. §522, as amended, for which a separate franchise would be required.

F. "Maintenance" or "Maintain" means examining, testing, inspecting, repairing, maintaining, restoring, and replacing the existing Grantee's Facilities or any part thereof as required and necessary for safe operation.

G. "Relocation" means permanent movement of Grantee facilities required by the City, and not temporary or incidental movement of such facilities, or other revisions Grantee would accomplish and charge to third parties without regard to municipal request. Relocation shall conform to the meanings and requirements of Chapter 35.99 RCW.

H. "Rights-of-Way" means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, easements, rights-of-ways and similar public properties and areas.

Section 5. Acceptance of Franchise

A. This Franchise will not become effective until Grantee files with the City Clerk (1) the Statement of Acceptance (Exhibit "A"), (2) all verifications of insurance coverage specified under Section 15, (3) the financial guarantees specified in Section 16, and (4) payment of any outstanding application fees required in the City Fee Schedule. These four items will collectively be the "Franchise Acceptance". The date that such Franchise Acceptance is filed with the City Clerk will be the effective date of this Franchise.

B. If the Grantee fails to file the Franchise Acceptance with the City Clerk within thirty (30) days after the effective date of the ordinance approving the Franchise, the City's grant of the Franchise will be null and void.

Section 6. Construction and Maintenance

A. The Grantee will apply for, obtain, and comply with the terms of all permits required under ACC Chapter 12.24 for any work done within the City. Grantee will comply with all applicable City, State, and Federal codes, rules, regulations, and orders in undertaking such work.

B. Grantee agrees to coordinate its activities with the City and all other utilities located within the public right-of-way within which Grantee is undertaking its activity.

C. The City expressly reserves the right to prescribe how and where Grantee's Facilities will be installed within the public right-of-way and may require the removal, relocation or replacement thereof in the public interest and safety at the expense of the Grantee as provided for in Chapter 35.99 RCW

D. Before beginning any work within the public right-of-way, the Grantee will comply with the One Number Locator provisions of Chapter 19.122 RCW to identify existing utility infrastructure.

E. Tree Trimming. Grantee will have the authority to reasonably trim vegetation on and overhanging streets, public rights-of-way, and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with the Grantee's Facilities. Grantee must get written approval from the City before trimming vegetation in or over the ROW. Grantee will be responsible for debris removal from trimming activities. If debris is not removed within twenty-four (24) hours of completion of the trimming, the City may, at its sole discretion, remove the debris and charge Grantee for the cost of removal. This section does not grant automatic authority to clear vegetation for purposes of providing a clear path for radio signals. Any general vegetation clearing will require a permit.

Section 7. Repair and Emergency Work

In the event of an emergency, the Grantee may commence repair and emergency response work as required under the circumstances. The Grantee will notify the City telephonically during normal business hours (at 253-931-3010) and during non-business hours (at 253-876-1985) as promptly as possible, before such repair or emergency work commences, and in writing as soon thereafter as possible. The City may commence emergency response work, at any time, without prior written notice to the Grantee, but will notify the Grantee in writing as promptly as possible under the circumstances. Grantee will reimburse the City for the City's actual cost of performing emergency response work.

Section 8. Damages to City and Third-Party Property

Grantee agrees that if any of its actions under this Franchise impairs or damages any City property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, the property to a safe condition. All repair work will be performed and completed to the satisfaction of the City Engineer.

Section 9. Location Preference

A. Any structure, equipment, appurtenance or tangible property of a utility, other than the Grantee's, which was installed, constructed, completed or in place prior in time to Grantee's application for a permit to construct or repair Grantee's Facilities under this Franchise will have preference as to positioning and location with respect to the Grantee's Facilities. However, to the extent that the Grantee's Facilities are completed and installed before another utility's submittal of a permit for new or additional structures, equipment, appurtenances or tangible property, then the Grantee's Facilities will have priority. These rules governing preference will continue when relocating or changing the grade of any City road or right-of-way. A relocating utility will not cause the relocation of another utility that otherwise would not require relocation. This Section will not apply to any City facilities or utilities that may in the future require the relocation of Grantee's Facilities. Such relocations will be governed by Section 11 and Chapter 35.99 RCW.

B. Grantee will maintain a minimum underground horizontal separation of five (5) feet from City water, sanitary sewer and storm sewer facilities and ten (10) feet from above-ground City water facilities; provided, that for development of new areas, the City, in consultation with Grantee and other utility purveyors or authorized users of the Public Way, will develop guidelines and procedures for determining specific utility locations.

Section 10. Grantee Information

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested by the City to coordinate municipal functions with Grantee's activities and fulfill any municipal obligations under state law. This information will include, at a minimum, as-built drawings of Grantee's Facilities, installation inventory, and maps and plans showing the location of existing or planned facilities within the City. This information may be requested either in hard copy or electronic format, compatible with the City's data base system, including the City's Geographic Information System (GIS) data base. Grantee will keep the City Engineering Aide informed of its long-range plans for coordination with the City's long-range plans.

B. The parties understand that Washington law limits the ability of the City to shield from public disclosure any information given to the City. Accordingly, the City agrees to notify the Grantee of requests for public records related to the Grantee, and to give the Grantee ten (10) business days to obtain an injunction to prohibit the City's release of records.

Grantee will indemnify and hold harmless the City for any loss or liability for fines, penalties, and costs (including attorney's fees) imposed by an administrative or judicial authority on the City because of non-disclosures requested by Grantee under Washington's public records act, provided the City has notified Grantee of the pending request.

Section 11. Relocation of Grantee's Facilities

A. Except as otherwise so required by law, Grantee agrees to relocate, remove, or reroute its facilities as ordered by the City Engineer at no expense or liability to the City, except as may be required by Chapter 35.99 RCW. Pursuant to the provisions of Section 14, Grantee agrees to protect and save harmless the City from any customer or third-party claims for service interruption or other losses in connection with any such change, relocation, abandonment, or vacation of the Public Way.

B. If a readjustment or relocation of the Grantee's Facilities is necessitated by a request from a party other than the City, that party will pay the Grantee the actual costs associated with such relocation.

Section 12. Abandonment and or Removal of Grantee's Facilities

A. Within one hundred and eighty days (180) of Grantee's permanent cessation of use of any portion of the Grantee's Facilities, the Grantee will, at the City's discretion, either abandon in place or remove the affected facilities.

B. The parties expressly agree that this Section will survive the expiration, revocation or termination of this Franchise.

Section 13. Undergrounding

A. The parties agree that this Franchise does not limit the City's authority under federal law, state law, or local ordinance, to require the undergrounding of utilities.

B. Whenever the City requires the undergrounding of aerial utilities in the Franchise Area, the Grantee will underground the Grantee's Facilities in the manner specified by the City Engineer at no expense or liability to the City, except as may be required by RCW Chapter 35.99. Where other utilities are present and involved in the undergrounding project, Grantee will only be required to pay its fair share of common costs borne by all utilities, in addition to the costs specifically attributable to the undergrounding of Grantee's Facilities. Common costs will include necessary costs for common trenching and utility vaults. Fair share will be determined in comparison to the total number and size of all other utility facilities being undergrounded.

Section 14. Indemnification and Hold Harmless

A. The Grantee will defend, indemnify, and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, suits, or liabilities of any nature including attorneys' fees arising out of or in connection with the Grantee's performance under this Franchise, except to the extent those costs, claims, injuries, damages, losses, suits, or liabilities are caused by the sole negligence or willful misconduct of the City. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Grantee and the City, its officers, officials, employees, and volunteers, the Grantee's liability hereunder shall be only to the extent of the Grantee's negligence.

B. The Grantee will hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee's Facilities caused by maintenance and/or construction work performed by, or on behalf of, the City within the Franchise Area or any other City road, right-of-way, or other property, except to the extent any such damage or loss is directly caused by the negligence or willful misconduct of the City, or its agent performing such work.

C. The Grantee acknowledges that neither the City nor any other public agency with responsibility for firefighting, emergency rescue, public safety or similar duties within the City has the capability to provide trench, close trench or confined space rescue. The Grantee, and its agents, assigns, successors, or contractors, will make such arrangements as Grantee deems fit for the provision of such services. The Grantee will hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee for the City's failure or inability to provide such services, and, pursuant to the terms of Section 14(A), the Grantee will indemnify the City against any and all third-party costs, claims, injuries, damages, losses, suits, or liabilities based on the City's failure or inability to provide such services.

D. Acceptance by the City of any work performed by the Grantee will not be grounds for avoidance of this section.

E. It is further specifically and expressly understood that the indemnification provided herein constitutes the Grantee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section will survive the expiration or termination of this Agreement.

Section 15. Insurance

A. The Grantee will procure and maintain for the duration of this Franchise, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Grantee, its agents, representatives, or employees in the following amounts and types:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles with a minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident. Coverage will be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy will be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance with limits no less than \$2,000,000.00 each occurrence, \$2,000,000.00 general aggregate and a \$2,000,000.00 products-completed operations aggregate limit. Coverage will be written on ISO occurrence form CG 00 01 and will cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, and personal injury and advertising injury and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03

11 85. There will be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse, or underground property damage. The City will be named as an additional insured under the Grantee's Commercial General Liability insurance policy with respect to the work performed under this Franchise using ISO Additional Insured Endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. Professional Liability insurance with limits no less than \$1,000,000.00 per claim for all professional employed or retained Grantee to perform services under this Franchise.

4. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability, and Commercial General Liability insurance:

1. The Grantee's insurance coverage will be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City will be in excess of the Grantee's insurance and will not contribute with it.

2. The Grantee's insurance will be endorsed to state that coverage will not be cancelled by either party except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

D. Verification of Coverage. Grantee will furnish the City with documentation of insurer's A.M. Best rating and with original certificates and a copy of amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

E. Grantee will have the right to self-insure any or all of the above-required insurance. Any such self-insurance is subject to approval by the City.

F. Grantee's maintenance of insurance as required by this Franchise will not be construed to limit the liability of Grantee to the coverage provided by that insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 16. Performance Security

The Grantee will provide the City with a financial guarantee in the amount of Fifty Thousand Dollars (\$50,000.00) running for, or renewable for, the term of this Franchise, in a form and substance acceptable to the City. If Grantee fails to substantially comply with any one or more of the provisions of this Franchise, the City may recover jointly and severally from the principal and any surety of that financial guarantee any damages suffered by City as a result of Grantee's failure to comply, including but not limited to staff time, material and equipment costs, compensation or indemnification of third parties, and the cost of removal or abandonment of facilities. Grantee specifically agrees that its failure to comply with the terms of Section 19 will constitute damage to the City in the monetary amount set forth in that section. Any financial guarantee will not be construed to limit the Grantee's liability to the guarantee amount, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 17. Successors and Assignees

A. All the provisions, conditions, regulations and requirements contained in this Franchise are binding upon the successors, assigns of, and independent contractors of the Grantee, and all rights and privileges, as well as all obligations and liabilities of the Grantee will inure to its successors, assignees and contractors equally as if they were specifically mentioned herein wherever the Grantee is mentioned.

B. This Franchise will not be leased, assigned or otherwise alienated without the express prior consent of the City by ordinance, which such consent will not be unreasonably withheld.

C. Grantee and any proposed assignee or transferee will provide and certify the following to the City not less than sixty (60) days prior to the proposed date of transfer: (a) Complete information setting forth the nature, term and conditions of the proposed assignment or transfer; (b) All information required by the City of an applicant for a Franchise with respect to the proposed assignee or transferee; and, (c) An application fee which will be set by the City, plus any other costs actually and reasonably incurred by the City in processing, and investigating the proposed assignment or transfer.

D. Before the City's consideration of a request by Grantee to consent to a Franchise assignment or transfer, the proposed Assignee or Transferee will file with the City a written promise to unconditionally accept all terms of the Franchise, effective upon transfer or assignment of the Franchise. The City is under no obligation to undertake any investigation of the transferor's state of compliance

and failure of the City to insist on full compliance before transfer does not waive any right to insist on full compliance thereafter.

Section 18. Dispute Resolution

A. In the event of a dispute between the City and the Grantee arising by reason of this Franchise, the dispute will first be referred to the operational officers or representatives designated by Grantor and Grantee to have oversight over the administration of this Franchise. The officers or representatives will meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties will make a good faith effort to achieve a resolution of the dispute.

B. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies. This Franchise will be governed by and construed in accordance with the laws of the State of Washington. If any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue will be exclusively in King County, Washington. The prevailing party in any action will be entitled to its attorneys' fees and costs.

Section 19. Enforcement and Remedies

A. If the Grantee willfully violates, or fails to comply with any of the provisions of this Franchise through willful or unreasonable negligence, or fails to comply with any notice given to Grantee under the provisions of this agreement, the City may, at its discretion, provide Grantee with written notice to cure the breach within thirty (30) days of notification. If the City determines the breach cannot be cured within thirty days, the City may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or the Grantee does not comply with the specified conditions, the City may, at its discretion, either (1) revoke the Franchise with no further notification, or (2) impose liquidated damages of Two Hundred Fifty Dollars (\$250.00) per day against the financial guarantee set forth in Section 16 for every day after the expiration of the cure period that the breach is not cured.

B. If the City determines that Grantee is acting beyond the scope of permission granted in this Franchise for Grantee's Facilities and Grantee's Services, the City reserves the right to cancel this Franchise and require the Grantee to apply for, obtain, and comply with all applicable City permits, franchises, or other City permissions for such actions, and if the Grantee's actions

are not allowed under applicable federal and state or City laws, to compel Grantee to cease those actions.

Section 20. Compliance with Laws and Regulations

A. This Franchise is subject to, and the Grantee will comply with, all applicable federal and state or City laws, regulations and policies (including all applicable elements of the City's comprehensive plan), in conformance with federal laws and regulations, affecting performance under this Franchise. The Grantee will be subject to the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in the Franchise Area.

B. The City reserves the right at any time to amend this Franchise to conform to any federal or state statute or regulation relating to the public health, safety, and welfare, or relating to roadway regulation, or a City Ordinance enacted pursuant to such federal or state statute or regulation enacted, amended, or adopted after the effective date of this Franchise if it provides Grantee with thirty (30) days written notice of its action setting forth the full text of the amendment and identifying the statute, regulation, or ordinance requiring the amendment. The amendment will become automatically effective on expiration of the notice period unless, before expiration of that period, the Grantee makes a written call for negotiations over the terms of the amendment. If the parties do not reach agreement as to the terms of the amendment within thirty (30) days of the call for negotiations, the City may enact the proposed amendment, by incorporating the Grantee's concerns to the maximum extent the City deems possible.

C. The City may terminate this Franchise on thirty (30) days written notice to the Grantee, if the Grantee fails to comply with such amendment or modification.

Section 21. License, Tax and Other Charges

This Franchise will not exempt the Grantee from any future license, tax, or charge which the City may adopt under authority granted to it under state or federal law for revenue or as reimbursement for use and occupancy of the Franchise Area.

Section 22. Consequential Damages Limitation

Notwithstanding any other provision of this Agreement, in no event will either party be liable for any special, incidental, indirect, punitive, reliance, consequential or similar damages.

Section 23. Severability

If any portion of this Franchise is deemed invalid, the remainder portions will remain in effect.

Section 24. Titles

The section titles are for reference only and should not be used for the purpose of interpreting this Franchise.

Section 25. Implementation.

The Mayor is authorized to implement those administrative procedures necessary to carry out the directions of this legislation.

Section 26. Effective date.

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____

EXHIBIT "A"

STATEMENT OF ACCEPTANCE

Fatbeam, LLC, for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise attached hereto and incorporated herein by this reference.

Fatbeam, LLC
2065 W Riverstone Drive, Suite 105
Coeur d'Alene, ID 83814

By: _____ Date: _____
Name:
Title:

STATE OF _____)
)ss.
COUNTY OF _____)

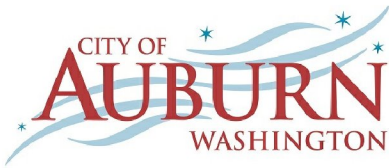
On this ____ day of _____, 2019, before me the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared, _____ of _____, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

Signature

NOTARY PUBLIC in and for the State of _____, residing at _____

MY COMMISSION EXPIRES: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Capital Projects Status Report (Gaub)

Date:

May 7, 2019

Department:

Public Works

Attachments:

[Capital Project Status Report](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

The purpose of this discussion is to inform the Council and Public of the overall status of the City's Capital Project program managed by the Engineering Services Division and to present this quarter's feature capital project, the 2019 Sewer Repair & Replacement project (Project No. CP1805). This project will rehabilitate four large sections of 8 inch diameter sanitary sewer pipe by utilizing an Ultra-Violet (UV) Cured, Cured in Place Pipe (CIPP) construction method. It is anticipated this project will begin construction in the summer of 2019.

The Capital Project Group of Engineering Services is currently managing 32 projects, totaling approximately \$43 million in total project costs. Of these projects, 20 are in the design phase and 12 are in some form of the construction phase. 1 Project is currently advertising for construction bids and within the next 2 months, it is expected that an additional 6 projects that are currently in design are expected to enter the construction phase.

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

Gaub

Meeting Date: May 13, 2019

Item Number:

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1605	Les Gove Lighted Crescent This project constructs a concrete plaza area, trail, and lighting at the Les Gove Community Campus.		\$811,542 (Parks) \$111,705 (Grant)	\$923,247	\$915,010	100%	QTR 1 (JAN-MAR) 18	100%	QTR 1 (JAN-MAR) 19	Jacob Sweeting	Final pay processed on January 23, 2019. Project closeout underway.	Berger Group	HB Hansen
CP1709	Reservoir 1 Seismic Control Valve This project will design and construct a seismic control valve on the City's largest reservoir.	\$99,946 (Water)	\$509,017 (Federal)	\$663,963	\$663,963	100%	QTR 4 (OCT-DEC) 18	65%	QTR 2 (APR-JUN) 19	Jai Carter	Construction is underway. Preparing to install the seismic valve. Electrical work underway, and second shutdown to occur on May 2nd to install the valve.	Parametrix	RL Alia
CP1707	A St SE Corridor Signal Safety & Operations Improvements This purpose of this project is to design for and improve traffic signal timing and operations, corridor coordination, traffic signal head visibility, and pedestrian accessibility along the A St SE Corridor between 3rd St SE and East valley Highway Access Road.	\$111,400 (Street)	\$458,500 (Federal)	\$569,900	\$569,900	100%	QTR 4 (OCT-DEC) 18	100%	QTR 2 (APR-JUN) 19	Kim Truong	Physical completion issued on March 14, 2019. Final pay in process.	PH Consulting, LLC & DKS Associates	Titan Earthwork
CP1718	S 277th Street Preservation Project The purpose of the project is to rehabilitate and preserve the existing pavement on S 277th between Auburn Way North and the SR167 North Bound Off Ramp.	\$702,380 (Streets)	\$662,380 (Federal)	\$1,364,760	\$1,364,760	100%	QTR 3 (JUL-SEP) 18	98%	QTR 2 (APR-JUN) 19	Luis Barba	Substantial Completion was granted on December 31, 2018. Contractor is currently addressing punch list items that were identified in final inspection.	N/A	Miles Resources, LLC

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1804	AWN Sidewalk Improvement Project The purpose of the project is to construct two missing sections of sidewalk, construct ADA improvements, construct a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of Auburn Avenue and 5th Street NE, and install LED lighting along Auburn Way North between E Main St and 5th St NE	\$247,750 (Streets) \$76,000 (Storm)	\$263,250 (TIB)	\$587,000	\$586,718	100%	QTR 2 (APR-JUN) 19	0%	QTR 3 (JUL-SEP) 19	Luis Barba	Project was awarded to the lowest bidder, Rino Construction, on April 1, 2019. Construction began on April 29, 2019.	N/A	Rino Construction
CP1218	Auburn Way South Corridor Safety (Muckleshoot Plaza to Dogwood St SE) This project will construct corridor improvements to AWS between Muckleshoot Plaza and Dogwood Street SE. Improvements include designated U-turns, access management, driveway consolidation, addition of a 2nd left turn lane from eastbound AWS into the MIT Casino, bus pull-outs, medians, signal improvements, and sidewalks.	\$1,295,798 (Streets) \$1,152,309 (Water)	\$2,333,108 (Federal) \$466,191 (WSDOT) \$31,381 (Other Reimbursements)	\$5,278,787	\$5,031,746	100%	QTR 1 (JAN-MAR) 17	100%	QTR 1 (JAN-MAR) 19	Matt Larson	Final pay processed on April 1, 2019. Project Closeout underway. Budget and total estimated costs were updated to reflect project actual costs.	CH2M	Miles Resources
C222A	S 277th-Auburn Way N to Green River Bridge This project will complete the widening of S 277th from the intersection of Auburn Way North to L Street NE, including the construction of a pedestrian trail and relocation of the floodway along S 277th.	\$1,591,162 (Streets) \$134,683 (Water)	\$1,020,700 (Federal) \$2,300,000 (Developer) \$3,933,990 (TIB)	\$8,974,579	\$8,808,059	100%	QTR 2 (APR-JUN) 16	100%	QTR 4 (OCT-DEC) 18	Kim Truong	Final pay processed on November 20, 2018. Project closeout underway.	Parametrix	Scarsella Bros.
CP1502	37th St SE and A St Traffic Signal This project will improve the safety at the intersection by installing a traffic signal, improving ADA ramps, widening the northeast corner of the intersection to accommodate U-turns, and pavement restoration.	\$236,666 (Streets)	\$792,260 (Federal)	\$1,025,306	\$1,004,321	100%	QTR 4 (OCT-DEC) 17	85%	QTR 2 (APR-JUN) 19	Luis Barba	Contract was suspended for weather. Work resumed on April 29, 2019.	KPG	Road Construction Northwest

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1312	Storm Repair & Replacement This project will replace and/or repair aging and damaged storm lines throughout the City.	\$1,243,797 (Storm) \$595,650 (Water) \$46,097 (Street) \$3,000 (Arterial Street)		\$1,888,544	\$1,681,051	100%	QTR 2 (APR-JUN) 18	100%	QTR 1 (JAN-MAR) 19	Seth Wickstrom	Final pay processed on January 25, 2019. Project closeout underway.	N/A	Rodarte
CP1513	22nd St NE and I St NE Intersection Improvements This project will construct a round-a-bout and complete the design of intersection bicycle and pedestrian safety improvements at 22nd St NE and I St NE.	\$318,002 (Streets) \$34,881 (Sewer) \$326,356 (Water)	\$200,000 (State Grant) \$940,000 (Federal Grant)	\$1,819,239	\$1,661,729	100%	QTR 3 (JUL-SEP) 17	100%	QTR 4 (OCT-DEC) 18	Seth Wickstrom	Final pay processed on November 20, 2018. Project closeout underway.	Reid Middleton	DPK, Inc.
CP1521	15th Street NE/NW Preservation Project This project will rehabilitate and preserve the existing pavement in the 15th Street NW/NE and Harvey Road SE corridor between State Route 167 and 8th Street NE. Furthermore, grind and overlay 15th Street NW/NE from State Route 167 to Auburn Way N., and grind and overlay Harvey Road NE from Auburn Way N to 8th Street NE.	\$2,236,500 (Streets) \$65,000 (Storm) \$50,000 (Sewer)	\$815,000 (Federal)	\$3,166,500	\$3,146,200	100%	QTR 2 (APR-JUN) 18	95%	QTR 1 (JAN-MAR) 19	Kim Truong	Contract is currently in suspension awaiting PSE to replace an electrical vault lid prior to completing the remaining traffic signal work and striping. Work is expected to resume in early May 2019.	Parametrix (partial)	ICON Materials
CP1717	2018 Local Streets Pavement Reconstruction This project will reconstruct/overlay selected local streets, improve City owned utilities, and rebuild curb ramps to meet ADA standards. The work at each location varies and may include water, sanitary sewer, and storm drainage improvements as needed for each project street. Improvements are proposed at the following locations: 17th Street NE between Auburn Way N and I St NE; K Street NE between 12th St NE and 14th St NE; 122nd Ave SE south of SE 316th St; and SE 286th St east of 112th Ave SE.	\$1,871,201 (Streets) \$369,598 (Water) \$138,075 (Sewer) \$326,300 (Storm)		\$2,705,174	\$2,396,768	100%	QTR 3 (JUL-SEP) 18	100%	QTR 1 (JAN-MAR) 19	Matt Larson	Final pay processed on February 8, 2019. Project closeout underway.	Jacobs Engineering	Tucci & Sons

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1725	2018 Citywide Patching and Overlay Project Pavement preservation for Arterial & Local streets. Streets to be grind & overlayed: Auburn W N - 45th St NE to S 277th St; Terrace Dr - R St NW to W St NW; 8th Street NE - Auburn W N to M St NE; & R Street SE - E Main St to T St SE. Streets to be thin overlayed: Vista View in West Hill; Lea Hill Village in Lea Hill. Street to be patched - Lakeland Hills W SE - Mill Pond Dr SE to 57th Dr SE. Also to be addressed limited sidewalk repairs, curb & gutter repairs, & upgrading 47 curb ramps	\$1,700,000 (Arterial Street) \$850,000 (Local Street)		\$2,550,000	\$2,547,638	100%	QTR 2 (APR-JUN) 18	55%	QTR 2 (APR-JUN) 19	Jai Carter	Contract was suspended for weather. Work is anticipated to resume on April 30, 2019.	N/A	Lakeside Industries
CP1825	2018 Re-Channelization of Multiple Sites This project will re-channelize multiple locations throughout the city. Work will include removal of paint and thermoplastics. The scope also includes the removal and installation of traffic signage, thermoplastic symbols and stop bars, paint, raised pavement markers, and delineators.	\$105,000 (Streets)		\$105,000	\$105,000	100%	QTR 4 (OCT-DEC) 18	55%	QTR 2 (APR-JUN) 19	Aleksey Koshman	Construction is underway. The 3 priority sites are complete (37th St NE Railroad Crossing; S 300th St/64th Ave S Intersection; and R St NE/4th St NE Intersection).	N/A	Northwest Traffic, Inc.
CP1815	2018 Citywide ADA Sidewalk Project The project will repair and/or replace damaged sidewalk and upgrade or install curb ramps to meet ADA requirements. The project will also build new sidewalk segments to fill gaps in the pedestrian network.	\$298,100 (328 Fund) \$40,000 (Water) \$20,000 (IT)	\$146,867 (Federal)	\$504,967	\$504,967	100%	QTR 1 (JAN-MAR) 18	5%	QTR 2 (APR-JUN) 19	Aleksey Koshman	Construction is underway. The Contractor is currently working at M Street SE between 33rd St SE and 37th St SE.	N/A	Transportati on Systems, Inc.
CP1802	Green River Pump Station Emergency Power This project will provide back up power and upgrade 2 pumps from fixed speed to variable speed at the existing Green River Pump Station located at Isaac Evans Park.	\$1,415,000 (Water)		\$1,415,000	\$1,390,947	100%	QTR 2 (APR-JUN) 19	0%	QTR 1 (JAN-MAR) 19	Luis Barba	Contract was awarded to McClure and Son's on April 15, 2019. Construction is anticipated to begin in May 2019.	BHC Consultants	McClure and Son's

Project Status: DESIGN

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1416	F St SE Non-Motorized Improvements This project will reconstruct F St SE from 4th St SE to Auburn Way South, including adding new sidewalks, curb and gutter, bike lanes, wayfinding signage, street lighting, streetscape elements, and safety improvements, and will include bike boulevard components. Some ROW acquisition is necessary. Some sections of water and sewer lines will be replaced on F St SE between 4th St SE and Auburn Way S.	\$1,433,979 (Streets) \$350,880 (Water) \$115,663 (Sewer)	\$2,520,000 (Federal)	\$4,420,552	\$4,420,552	90%	QTR 2 (APR-JUN) 21	0%	QTR 4 (OCT-DEC) 21	Seth Wickstrom	Design and property acquisition work is underway. City has been awarded a Federal Grant for construction funding which will be available in 2021.	Jacobs	TBD
CP1516	Auburn Municipal Airport Runway Enhancements The purpose of the project is to improve safety and the ability to accommodate the current and forecast fleet of multi-engine piston aircraft for both takeoff and accelerate-stop distances at the Auburn Municipal Airport by extending both ends of Runway 16/34 to a total length of 3,841 feet of runway.		\$124,269 (Airport) \$120,495 (State) \$2,170,253 (Federal)	\$2,415,018	\$2,405,586	90%	QTR 3 (JUL-SEP) 19	0%	QTR 4 (OCT-DEC) 19	Seth Wickstrom	Design underway. For property acquisition status see MS1811. Agreement with FAA reached regarding runway length.	CenturyWest	TBD
CP1603	Coal Creek Springs Transmission Main Repair The project will construct a second, parallel transmission pipeline over the White River suspended from a new pedestrian bridge, inspect the existing steel transmission main for possible leaks and repair the leaks, if any.	\$300,000 (DWSRF Loan) \$1,600,000 (Water)		\$1,900,000	\$3,300,000	40%	QTR 2 (APR-JUN) 22	0%	QTR 1 (JAN-MAR) 22	Seth Wickstrom	Design and environmental permitting are underway. Construction funding for the project is not yet secured. The City anticipates applying for a Drinking Water State Revolving Fund Loan to help pay for construction.	Jacobs Engineering	TBD
CP1705	Auburn Way South (SR164) Sidewalk Improvements This project will construct the missing gap of sidewalk along the north side of Auburn Way South between the existing sidewalk terminations near 17th St SE to the west and Muckleshoot Plaza to the east. The project length is approximately 1,700 feet.	\$430,000 (Streets)	\$400,000 (TIB)	\$830,000	\$830,000	93%	QTR 2 (APR-JUN) 19	0%	QTR 3 (JUL-SEP) 19	Matt Larson	Design Underway; Received verbal approval from WSDOT for preliminary design and speed reduction. Coordinating with WSDOT for channelization plan review and approval.	N/A	TBD

Project Status: DESIGN

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1719	Sewer Pump Station Telemetry (SCADA) Improvements This project will add telemetry and SCADA capabilities to the 22nd Street NE and R Street NE Sewer Pump Stations.	\$590,956 (Sewer)		\$590,956	\$590,294	100%	QTR 2 (APR-JUN) 19	0%	QTR 3 (JUL-SEP) 19	Luis Barba	Bid opening held on April 25, 2019. Anticipate awarding to the apparent low bidder at May 6, 2019 City Council meeting.	Parametrix	Source Electric (Pending)
CP1724	37th St NW Flood Control The purpose of the project is to alleviate significant annual flooding at the 1000 block of 37th St NW of Auburn, Washington, by upgrading the drainage system with a box culvert.	\$81,000 (Storm)	\$200,000 (KC Grant)	\$291,000	\$218,942	20%	QTR 2 (APR-JUN) 19	0%	QTR 4 (OCT-DEC) 19	Luis Barba	Design is underway. Completing storm modeling in support of the design effort. Coordinating with Ecology, Army Corps, and MIT regarding environmental concerns and permitting requirements.	N/A	TBD
CP1726	2019 Local Street Reconstruction Reconstruct selected streets that are in very poor condition, as well as improve utilities, and rebuild curb ramps to meet ADA standards. The improvement at each project sites varies and may include a potential sewer Local Improvement District, storm drainage and water improvements. Improvements are proposed at the following streets: 4th St NE (R St to 4th PI NE), 4th PI NE, M St SE (25th St SE to 28th St SE), 28th St SE (M St SE to R St SE), O St SE, Pike St SE	\$2,625,000 (Streets) \$1,400,000 (Water) \$1,167,000 (Storm)		\$5,192,000	\$5,192,000	90%	QTR 2 (APR-JUN) 19	0%	QTR 4 (OCT-DEC) 19	Kim Truong	Public open house was held on April 24, 2019. Final design documents being prepared.	KPG	TBD
CP1812	Sewer Pump Station Electrical Improvements The purpose of this project is to update the electrical systems at sewer pump stations throughout the City to meet current electrical code, improve safety and increase the efficiency of maintenance.	\$641,000 (Sewer)		\$641,000	\$641,000	0%	QTR 3 (JUL-SEP) 19	0%	QTR 2 (APR-JUN) 20	Luis Barba	The design of this project is dependent on the completion of the control panel design standards for project CP1719-Sewer Pump Station Telemetry Improvements. Once the design of CP1719 is complete, the design of CP1812 will proceed. The design and construction start and end dates were updated to reflect this.	TBD	TBD

Project Status: DESIGN

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
MS1811	Auburn Airport Runway Extension - Property Acquisition Phase Acquire a portion of the King County Park & Ride as part of the Auburn Airport Runway Enhancement Project (Project Number CP1516).		\$500,000 (Federal Grant) \$55,600 (Airport Fund)	\$555,600	\$555,600	50%	QTR 2 (APR-JUN) 19	0%	QTR 3 (JUL-SEP) 19	Seth Wickstrom	Property appraisal is complete. Preparing for negotiations with King County.	N/A	N/A
CP1807	Water Meter Vaults and Lids Replacement Replace 8 large water meter vaults and 1 large water meter vault lid.	\$1,300,000 (Water)		\$1,300,000	\$1,300,000	70%	QTR 3 (JUL-SEP) 19	0%	QTR 4 (OCT-DEC) 19	Seth Wickstrom	Design is underway.	N/A	TBD
CP1805	2019 Sewer Repair and Replacement The project scope has been split into two project phases due to the costs of the repairs at various sites. The 2019 project will construct a Cured-In-Place Pipe liner at 4 projects sites. The remaining 17 project sites will be designed in summer 2019 and constructed in 2021 under a new project.	\$1,800,000 (Sewer)		\$1,800,000	\$1,800,000	100%	QTR 2 (APR-JUN) 19	0%	QTR 4 (OCT-DEC) 19	Jai Carter	Design is underway.	BHC, Inc.	TBD
CP1819	A Street SE Preservation The project proposes to grind, repair, and overlay the roadway; upgrade non-ADA compliant curb ramps; replace traffic loops; upgrade pedestrian signal infrastructure as needed to meet ADA standards; and replace the water main and applicable appurtenances along the A St. SE corridor between East Main St. and 17th St. SE. The project will restore 4.77 lane miles (0.95 CL Miles) of roadway, upgrade up to 42 curb ramps, and replace approximately 1,000 feet of water main.	\$881,800 (Street) \$530,000 (Water) \$15,000 (Sewer) \$105,000 (Storm)	\$881,800 (Federal)	\$2,413,600	\$2,413,600	95%	QTR 2 (APR-JUN) 19	0%	QTR 4 (OCT-DEC) 19	Kim Truong	Design is complete. Anticipate advertising for bids on May 1, 2019 with the bid opening scheduled on May 22, 2019.	N/A	TBD

Project Status: DESIGN

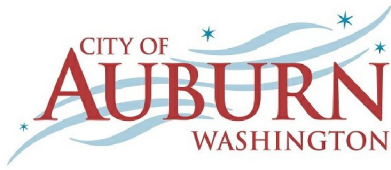
Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1823	2018 Storm Repair and Replacement The purpose of this project is to replace aging storm infrastructure to the existing storm drainage system. The following sites are included in the project: I Street NE at 32nd St NE; 55th Ave S at S 288th St; out fall for Vista View neighborhood; 29th St SE at K St SE and L St SE; 6th St NE at River View Dr; 6th St NW at C St NW; Auburn Way South from Fir St to Hemlock.	\$944,000 (Storm)		\$944,000	\$944,000	80%	QTR 3 (JUL-SEP) 19	0%	QTR 4 (OCT-DEC) 19	Jai Carter	Design is underway.	Murraysmith, Inc. and Brown & Caldwell, Inc.	TBD
CP1806	Lea Hill Road Corridor Study The purpose of the project is to evaluate the Lea Hill Road Corridor from M St. NE to 124th Ave SE to identify potential safety, capacity, and operational improvements. The study may also include analysis of a future roadway connection from 102nd Ave SE to 104th Ave SE and closing off 102nd Ave SE at SE 320th St. to create a cul-de-sac.	\$200,000 (Street)		\$200,000	\$200,000	55%		N/A		Kim Truong	Project study analysis work is underway following the public open house held on January 16, 2019. For more information about the project and to see the results of the open house, visit www.auburnwa.gov/leahillcorridor	SCJ Alliance	N/A
CP1903	Auburn Way North Preservation Phase 2 This project will grind and overlay Auburn Way N from approximately 8th Street NE to 22nd Street NE, remove unused driveways, and upgrade curb ramps and pedestrian signals as needed to meet ADA requirements.	\$738,280 (Street)	\$889,720 (Federal)	\$1,628,000	\$1,628,000	20%	QTR 1 (JAN-MAR) 20	0%	QTR 3 (JUL-SEP) 20	Luis Barba	Design is underway.	N/A	TBD
CP1904	Auburn Way North Preservation Phase 3 This project will grind and overlay Auburn N from approximately 4th Street SE to 8th Street NE, remove unused driveways, and upgrade all curb ramps and pedestrian signals to meet ADA requirements.	\$975,140 (Street)	\$975,140 (Federal)	\$1,950,280	\$1,950,280	20%	QTR 1 (JAN-MAR) 20	0%	QTR 3 (JUL-SEP) 20	Luis Barba	Design is underway.	N/A	TBD

Project Status: DESIGN

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1618	Lake Tapps Parkway ITS Expansion Project Construction of new Intelligent Transportation System (ITS) infrastructure along Lake Tapps Parkway and A St SE. New infrastructure includes new communication lines, Variable Message Sign, ITS PTZ cameras, network upgrades, wireless connections, an interconnection with Sumner at 8th St E, & weather stations at Lakeland hills. The project will also replace some aerial copper communication lines along A St SE.	\$211,050 (Street)	\$793,950 (Federal)	\$1,005,000	\$1,005,000	1%	QTR 2 (APR-JUN) 20	0%	QTR 1 (JAN-MAR) 20	Jai Carter	Grant funding obligation paperwork has been submitted to WSDOT for approval.	TBD	TBD
CP1829	2019 Citywide Patch and Overlay Project The 2019 Citywide Patch and Overlay Project will design and construct the pavement preservation for Arterial, Collector and Local streets. Locations that will be grind and overlaid - Peasley Canyon Road, and Ellingson Rd SW. Locations that will be pavement repair patching - A St SE and W Valley Hwy	\$1,040,000 (Arterial Street Fund)		\$1,040,000	\$1,040,000	100%	QTR 2 (APR-JUN) 19	0%	QTR 3 (JUL-SEP) 19	Jai Carter	Bid opening held on April 23, 2019. Anticipate awarding to the apparent low bidder at May 6, 2019 City Council meeting.	N/A	ICON (Pending)
CP1916	Academy Pump Station 1 Replacement Replacement of Pump Station 1, Improvements to Pump Station 2, Replacement of backup power systems, replacement/installation of underground water main.	\$2,481,000 (Water)		\$2,481,000	\$2,481,000	0%	QTR 4 (OCT-DEC) 20	0%	QTR 1 (JAN-MAR) 22	Jeffrey Bender	Consultant Selection for design services is underway.	TBD	TBD
CP1913	Sewer Manhole Ring and Cover Replacement This project will replace failing sewer manhole rings and covers at various locations throughout the City with new material conforming to the City's current standards.	\$160,000 (Sewer)		\$160,000	\$160,000	0%	QTR 3 (JUL-SEP) 19	0%	QTR 1 (JAN-MAR) 19	Aleksey Koshman	Design is underway.	N/A	TBD

Project Status: DESIGN

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design % Complete	Design Finish Date	Construction % Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1901	AWS - Poplar Curve Safety Improvements This Project will design and construct safety improvements in the vicinity of the Poplar Street curve along Auburn Way S. The specific elements of the project will install LED street lights, a speed-activated curve ahead warning sign, high friction surface treatment, guardrail, and reconstruct curb radii and driveways.	\$5,500 (Street)	\$262,700 (Federal)	\$268,200	\$268,200	0%	QTR 2 (APR-JUN) 20	0%	QTR 4 (OCT-DEC) 20	Jeffrey Bender	Preparing grant funding obligation paperwork. Presenting resolution for consent to accept federal funding at May 6, 2019 city council meeting.	N/A	TBD
CP1917	Deduct Meter Replacement, Phase 1 This Project will replace approximately 30 of the 184 deduct meters within the City limits, including replacing related piping and restoration.	\$250,000 (Water)		\$250,000	\$250,000	0%	QTR 3 (JUL-SEP) 19	0%	QTR 4 (OCT-DEC) 19	Jeffrey Bender	Design underway.	N/A	TBD



AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

May 9, 2019

Department:

Administration

Attachments:

[Special Focus Areas Key](#)

[Matrix](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: May 13, 2019

Staff:

Item Number:

SPECIAL FOCUS AREAS

COMMUNITY WELLNESS	FINANCE, TECHNOLOGY, & ECONOMIC DEVELOPMENT	PUBLIC WORKS & COMMUNITY DEVELOPMENT	MUNICIPAL SERVICES
PUBLIC HEALTH AND WELLNESS COMMUNITY & NEIGHBORHOOD SERVICES HOMELESSNESS & HOMELESSNESS PREVENTION HOUSING QUALITY, AFFORDABILITY & ATTAINABILITY HUMAN & SOCIAL SERVICES DOMESTIC VIOLENCE SERVICES COMMUNITY EQUITY	EQUIPMENT RENTAL FACILITIES INNOVATION & TECHNOLOGY CITY REAL PROPERTY BUSINESS DEVELOPMENT SISTER CITIES INTERNATIONAL	UTILITIES TRANSPORTATION SUSTAINABILITY ENVIRONMENTAL PROTECTION CULTURAL ARTS & PUBLIC ARTS PLANNING & ZONING PERMITS & DEVELOPMENT RIGHT OF WAY MANAGEMENT AIRPORT AIRPORT BUSINESS	POLICE SCORE JAIL DISTRICT COURT PARKS & RECREATION ANIMAL CONTROL SOLID WASTE EMERGENCY PLANNING MULTIMEDIA CEMETERY
Councilmember Trout-Manuel, Chair Councilmember DaCorsi, Vice Chair	Councilmember Wales, Chair Councilmember Holman, Vice Chair	Councilmember DaCorsi, Chair Councilmember Baggett, Vice Chair	Councilmember Brown, Chair Deputy Mayor Pelozo, Vice Chair
2019 MEETING DATES February 11, 2019 April 8, 2019 June 10, 2019 August 12, 2019 October 14, 2019 December 9, 2019	2019 MEETING DATES February 25, 2019 April 22, 2019 June 24, 2019 August 26, 2019 October 28, 2019 December 23, 2019	2019 MEETING DATES January 14, 2019 March 11, 2019 May 13, 2019 July 8, 2019 September 9, 2019 November 12, 2019	2019 MEETING DATES January 28, 2019 March 25, 2019 May 27, 2019 July 22, 2019 September 23, 2019 November 25, 2019

COUNCIL MATRIX

NO.	TOPIC	Chair	STAFF LEAD(S)	STUDY SESSION REVIEW DATE(S)	COUNCIL DISCUSSION SUMMARY	ACTION DATE
1	Auburn Avenue Theater	Chair DaCorsi Vice Chair Baggett	Director Faber	TBD		
2	Animal Control (APD) Update	Chair DaCorsi Vice Chair Baggett	Chief Pierson	TBD		
3	Funding Options	Chair Wales Vice Chair Holman	Director Coleman	Ongoing		
4	Emergency Management Training	Chair Brown Vice Chair Deputy Mayor Pelosa	Director Hinman	5/28/2019		
5	Mandatory City Housing Inspections	Chair Trout-Manual Vice Chair DaCorsi	Director Tate	TBD		