



PLANNING COMMISSION MEETING

April 4, 2017
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

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

II. APPROVAL OF MINUTES

- A. March 21, 2017 Special Meeting Minutes**

III. PUBLIC COMMENT

Comment from the audience on any item not listed on the agenda for discussion or public hearing.

IV. PUBLIC HEARING

- A. Temporary Uses, Mobile Vendors, and Food Trucks* (Tate)**

Summary: Second discussion and public hearing on modifications to Chapter 18.46A (temporary uses) and 5.20 (business licenses)

V. OTHER BUSINESS

- A. Open Space Zoning District* (Teague)**

Summary: Second review of proposed zoning code language for the Open Space Zoning District

- B. Planning Commission Rules and Procedures* (Tate)**

Summary: Consider annual amendments to Planning Commission's Rules and Procedures

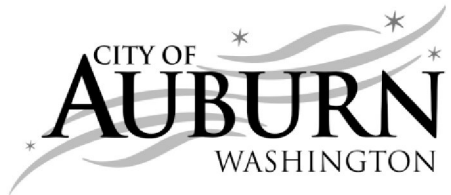
VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. ADJOURNMENT

The City of Auburn Planning Commission is an eight-member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



March 21, 2017

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: Assistant City Attorney Jessica Leiser; Community Development & Public Works Director Kevin Snyder; Assistant Director of Community Development Jeff Tate; Planning Services Manager Jeff Dixon; Planner II Alexandria Teague; Planner Cecil Malik; and Administrative Assistant Tina Kriss.

Members of the public present: Miles Veal, Shelli Veal, Eric Gaston, Kirk Edwards, David Osgood, Philip Dawdy, and Tim Edwards.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. March 7, 2017

Commissioner Smith moved and Commissioner Lee seconded to approve the minutes from the March 7, 2017 meeting as written.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

No items were brought forward for public hearing.

V. OTHER BUSINESS

A. Proposed Ordinance No. 6642, Regulations of Marijuana related Businesses and Cooperatives within the City of Auburn* (Snyder)

Assistant Director of Community Development Services, Jeff Tate, presented the staff report for proposed Ordinance No. 6642, regulations of marijuana related business and cooperatives within the City of Auburn. Assistant Director Tate recounted the discussion at their last meeting and provided background information and an overview of the March 14th, 2017 memorandum which included information

requested by the Commission at their February 22, 2017 meeting. Included were maps and data as part of the "Heat Map" addressing population health vulnerability issues that provide additional general information about health conditions in Auburn referenced by Assistant Chief of Police Bill Pierson. Staff reviewed the sales tax information for marijuana retail stores located in Auburn; \$10,000 in 2015, \$29,000 in 2016, and no distribution of dollars in 2017 to date. This is revenue directly received from the State of Washington but not attributed specifically to a percentage of sales tax.

Staff explained that a request was made to the 4 School Districts to identify any known future school sites for potential inclusion in geographic separation options for marijuana businesses. Based on the information received, staff concluded the Kent, Federal Way, and Dieringer School District boundaries are not within close proximity to property that is zoned C-3, M-1, or M-2 and their intentions related to expansion are not located within Auburn. Mr. Tate stated it is the opinion of staff that Auburn is the only school district within relative close proximity to the zoning designations in which the draft regulations allow for various types of marijuana related activities.

Staff responding to the request of the Commission at the last meeting regarding physical separation of marijuana businesses reported that the school district has identified 5 properties owned by the Auburn School District that are not presently operating as a school. Of the 5 properties, only one property located on I Street NE is identified by the Auburn School District as a potential future school site. Mr. Tate stated it is staffs' opinion that the draft language in the Ordinance should be modified in a manner that excludes school district owned properties from the separation requirements unless they are either currently being used as a school, or the property is specifically identified in an adopted in the District's 6-year capital facilities plan, as a future school site.

Commissioner Copple stated he agreed with staff's opinion to use the adopted 6-year capital facilities plan provided by the school district to determine if a property should be excluded from the separation requirement regulations contained in Ordinance No. 6642.

Mr. Tate reminded the Commission that the social impact data from legalizing marijuana was not copied for the packet and hyperlinks were provided to the Commission on reports conducted by the State of Washington and Colorado and the University of Washington.

Assistant Director Tate explained that the public survey recommended to run for 10 days by the Commission at their March 7, 2017 meeting has been conducted. At 2:00 p.m. today, the results were taken and compiled in a report, the survey remains active. A copy of the report was distributed to the Commissioners at the beginning of the meeting. The results were reviewed by staff.

Staff explained, as part of the outreach methods a mass emailing of 10,450 general emails were sent; a Facebook posting with approximately 3,988 Facebook followers was posted; 3,230 emails were sent with the Weekly Mayor's update message; and an ad was placed in the Auburn Reporter (newspaper), circulated to 23,942. Staff

stated the city received approximately 75 or so responses to the survey which is much less than the outreach effort.

Staff reminded the Commission that the next steps moving forward would be to continue the discussion on the regulations and when the Commission is satisfied, to schedule a public hearing. Mr. Tate asked the Commission if they are satisfied with the outreach efforts to date or if more work is needed to receive public input.

The Commission and staff discussed the social media outreach and survey efforts and other methods of conducting a survey. After discussion, the Commission determined it would be beneficial to leave the survey active until approximately one week before the public hearing to continue to receive input from the public.

A Commission member asked if an increase in retail and producer activity would change the population health vulnerability issues for Auburn. Community Development and Public Works Director Snyder stated that based on the current data collected the question cannot be answered at this time, more data specific to Auburn would need to be collected.

A discussion was held on the current operating marijuana retail businesses and the zoning districts they are located within and if they comply with the separation requirements proposed under Ordinance No. 6642. Staff confirmed that the C-3 zoning district they are operating within is the appropriate zoning designation under the proposed ordinance, but the separation requirements would not be met for Options 1 and 2 and only 1 business would meet the requirements for Option 3. A retail marijuana business in the Downtown Urban Center (D.U.C.) is an outright prohibited use in the DUC as drafted in the proposed ordinance. Staff pointed out that the Commission has the right in their recommendation to City Council to recommend the proposed ordinance, not accept the draft ordinance, and to modify including changes to allow the businesses conditionally (requiring a conditional use permit).

The Commission asked staff to map out the current retail business locations. Staff stated that they will provide the locations mapped out of each of the current active retail marijuana business and the overall boundaries of where marijuana related business would be permitted under the Options.

The Commission and staff discussed various scenarios of vesting of retail marijuana related businesses and if the proposed ordinance addresses a business moving due to nonconforming issues. Staff explained the current draft ordinance does not likely address in detail if a move is necessary to conform to the separation requirements. Staff will be reviewing the language within Proposed Ordinance No. 6642 with optional language that would address a retail business and provide language for the requirements.

After discussing the conformity of zoning and separation requirements Assistant City Attorney Leiser clarified how a business can continue to operate while not appearing to be conforming under new regulations. Ms. Leiser stated all of the active marijuana related businesses currently in the City of Auburn have City of Auburn business

licenses, In the context of conforming vs nonconforming to separation standards it does not apply to business licenses. With regards to the zoning compliance as proposed with the current Options of 1, 2, and 3 some scenarios where currently existing businesses may not conform to all of the requirements whereby they meet the zoning but not the separation requirements. Should the Commission make a different recommendation so that they did meet the proposed separation requirements. If there were a situation where those businesses don't conform to all of the proposals would necessarily inhibit those businesses as they would be entitled to continue where they are or potentially relocate to another location, where allowed. It would not be a hindrance as a result of subsequently adopted regulations. Legacy land uses occurs routinely and business owners are aware of the zoning and land use regulations.

The Commission confirmed that they would like to continue to keep the public survey regarding marijuana businesses active and have staff report back with the additional survey results and the more information requested by the Commission at their May 2, 2017 meeting.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate, noting that this is not the regular meeting, did not have a report for this evening.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:13 p.m.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Tate, Assistant Director, Community Development Services

DATE: March 13, 2017

RE: Temporary Uses, Mobile Vendors and Food Trucks
ZOA16-0008 – Draft Code Amendments

Background:

On December 9, 2016 staff provided an introductory presentation on temporary uses, mobile vendors and food trucks and concepts that were being considered in the preparation of draft code amendments for Planning Commission consideration. Under cover of this memo are two sets of draft code amendments – amendments to Chapter 18.46A (Temporary Uses) and amendments to Chapter 5.20 (business licensing).

Chapter 18.46A is a land use regulation that is under the review authority of the Planning Commission. Chapter 5.20 is a business license regulation (that is not a land use regulation) and is therefore not under the review authority of the Planning Commission. Chapter 5.20 amendments are provided to the Planning Commission in order to help illustrate how mobile vendors and food trucks are proposed to be regulated. Ultimately, the public hearing and Planning Commission recommendation will be limited to those elements that are land use regulations.

Chapter 18.46A Draft Amendment Highlights (subject to Planning Commission review):

1. General Code Reorganization. Several of the proposed code amendments are intended to make the temporary use provisions easier to read and understand. Examples include utilizing a table format to display Type I and Type II temporary uses, simplifying the language that explains review timeframes, and eliminating language that is confusing.
2. Expanding the list of exempt activities. New exempt activities include mobile vendors and food trucks, portable storage containers for moving, storage containers associated with an active construction activity, and clarifying that a temporary use permit is not required if a right-of-way use permit is also required.
3. Temporary fencing. Clarify that the only time a temporary use permit is required for temporary fencing is when the fencing blocks parking and drive aisles that were required as part of the development approval. Current code requires all temporary fencing proposals to be reviewed under a temporary use permit.
4. Living within an RV during home construction. Add a new allowance that permits a property owner to live in an RV while their home is under construction or reconstruction. Current code does not allow someone to live in an RV while constructing or rehabilitating their home.

5. Tents and membrane structures. Clarify that a temporary use permit is only required once the tent structure exceeds 200 square feet. This clarification allows tents smaller than 200 square feet to be exempted in the same manner as a permanent stick built structure.
6. Personal storage containers. Allow for personal storage containers to be placed on residential or commercial properties for up to 6 months. Current codes limits placement of containers for no more than 12 weeks. Extending this allowance is consistent with other temporary use timeframes.
7. Stormwater compliance. Clarify that temporary gravel parking lots must comply with the City's stormwater standards.
8. Gravel parking lots. Clarify that temporary gravel parking lots may be permitted as part of phased construction plans.

Chapter 5.20 Draft Amendment Highlights (not subject to Planning Commission review):

1. Creation of new section on Mobile Vendors and Food Trucks.
2. Exempt Mobile Vendors and Food Trucks from having to obtain a City business license if they are operating on private property for 72 hours or less during a 365-day period.
3. Require that Mobile Vendors and Food Trucks obtain a City business license if they intend to operate more than 72 hours.
4. Require that Mobile Vendors and Food Trucks obtain all land use approvals of the underlying zone if they remain in the same location for more than one year.
5. Clarify that Mobile Vendors and Food Trucks located within the public right of way must obtain a right of way use permit.
6. Establish minimum standards for all Mobile Vendors and Food Trucks that govern location, garbage and recycling management, and fire and health requirements.

March 13, 2017 Update

Based upon Planning Commission feedback provided during the March 7, 2017 meeting, staff modified the draft proposal in two locations:

1. On Page 6 of the Chapter 18.46A draft amendments, under section ACC 18.46A.050.K, the timeframe for exempt portable storage containers has been increased from 30 days to 60 days.
2. On Pages 8 and 9 of the Chapter 5.20 draft amendments, under section ACC 5.20.260.B new section 1.b has been added to specifically exempt vendors from a City business license when they are set up in conjunction with a city sponsored event such as the Auburn International Farmers Market.

Exhibit A

Draft Amendments to 18.46A

Chapter 18.46A TEMPORARY USES

Sections:

- 18.46A.010 Intent.
- 18.46A.020 Permit approval required.
- 18.46A.030 Application and review for temporary use permits.
- 18.46A.040 Appeals of decisions.
- 18.46A.050 Exemptions.
- 18.46A.060 Coordination with other city codes.
- 18.46A.070 General and specific temporary use permits.
- 18.46A.080 Approval criteria.
- 18.46A.090 Performance standards.
- 18.46A.100 Time limitation.
- 18.46A.110 Limitation on activity.
- 18.46A.120 Permit revocation.
- 18.46A.130 Removal of temporary uses.
- 18.46A.140 Assurance device.

18.46A.010 Intent of Temporary Uses.

A. It is the intent of this chapter to provide an administrative approval process whereby the city may **permit** authorize uses to locate within the city on an interim basis without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted in the zoning district.

B. It is not the intent of this chapter to provide a means to circumvent the strict application of the permitted administrative, conditional, and prohibited uses as established elsewhere in this title for the city's zoning districts. Time limits are to be strictly enforced, unless otherwise modified by the planning director or designee.

C. This chapter addresses only those temporary uses located on public or private property outside of public rights-of-way. Uses located in public rights-of-way shall be in accordance with ACC Title 12. (STREETS, SIDEWALKS AND PUBLIC WORKS)

18.46A.020 Permit approval required.

A. For the purposes of this chapter, “temporary use” shall mean a short-term or interim activity or purpose for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased; and where such use is not in full compliance with the applicable development standards of this title and/or is not otherwise ~~allowed~~permitted in the applicable zoning district.

B. No temporary use shall be ~~allowed~~permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses except those specifically exempted pursuant to ACC 18.46A.050. The maximum allowable duration of specific temporary uses shall be 180 calendar days, or as established in the provisions for general and specific temporary use permits in ACC 18.46A.070 together with the extension provisions of ACC 18.46A.100.

C. There shall be two types of temporary use permits identified as a Type I temporary use permit and a Type II temporary use permit.

D. A property owner or an authorized representative of the property owner or a person, business or organization desiring to use a property for a use consistent with this chapter may apply for a temporary use permit. An applicant for a temporary use permit shall provide written evidence of property owner authorization to use the property for the intended temporary use.

E. The planning director or designee may approve permits for temporary uses and structures, with conditions to ensure compatibility and mitigate negative impacts.

F. The planning director or designee may authorize a temporary use permit for a use not specifically listed in the currently adopted use regulations; provided, that it is compatible with the purpose and intent of applicable chapters and sections of this title and the specific zoning district in which it will be located.

G. The planning director or designee may require other reviews or permits including but not limited to environmental review as a prerequisite to issuance of a temporary use permit or as a condition of approval for a temporary use permit. (Ord. 6268 § 2, 2009.)

18.46A.030 Application and review for temporary use permits.

A. Temporary use permit applications shall be processed as either a Type I or Type II permit as listed in ~~ACC 18.46A.070(A). Type I temporary use permit shall be used to authorize the temporary uses listed in~~ ACC 18.46A.070(A). ~~Type II temporary use permit shall be used to authorize the temporary uses listed in ACC 18.46A.070(B).~~

B. The application for a temporary use permit shall be submitted on forms obtained from Department of Community Development and Public Works ~~the planning and development department~~ and shall be accompanied by ~~include~~ applicable filing fees and submittal requirements. The application shall contain all the information required by the city. The department shall verify that the application is consistent with the requirements of this chapter including but not limited to the irrevocable, signed and notarized statement specified in ACC 18.46A.130(C), and that the application contains proof of a legitimate business, if applicable, as evidenced by documentation demonstrating the business has obtained, or will obtain prior to commencing the use, a city of Auburn business license and any other required government licenses or approvals. A temporary use that commences without required application review and approval shall be deemed to be in violation of this chapter and subject to the city's processes and standards for code compliance.

C. Temporary use permits shall be administratively processed and reviewed and not subject to a public hearing, unless a written decision on a temporary use permit is appealed to the city of Auburn hearing examiner.

D. Processing of general and specific Type I and II Temporary Use Permits. Type I and II temporary use permit decisions shall be processed in accordance with the applicable provisions of ACC Title 14 and in accordance with the following:

	<u>Type I</u>	<u>Type II</u>
<u>Decision Timeframe</u>	<u>Within 30 calendar days of the date the application is deemed complete</u> ness <u>determined*</u>	<u>Within 50 calendar days of the date the application</u> completeness <u>is deemed complete</u> terminated <u>and following the public comment period*</u>
<u>Notice of Application Required</u>	<u>No</u>	<u>Yes</u>

*Note: The planning director or designee may extend the decision-making process upon a written determination transmitted to an applicant of the need for more information or other city permits or licenses or other agency licenses or permits. In this instance, a Type I or Type II temporary use permit may be issued following receipt and review of the additional information or receipt of written evidence of other city or agency permits, ~~or~~ licenses, or approvals as applicable.

~~1. Type I temporary use permit decisions shall be processed in accordance with the applicable provisions of ACC Title 14; provided, that a decision approving, approving with conditions or denying the application shall be issued within 30 calendar days of the date of application completeness determination. The planning director or designee may extend the decision-making upon a written determination transmitted to an applicant of the need for more information or other city permits or licenses or other agency licenses or permits. In this instance, a Type I temporary use permit may be issued following receipt and review of the additional information or receipt of written evidence of other city or agency permits or licenses, as applicable.~~

~~2. A notice of application in accordance with the provisions of ACC Title 14, as amended, shall not be required for Type I temporary use permits. A written decision shall be issued to the applicant, property owner if not the same as the property owner, other city departments, as applicable, and other interested parties or agencies that have previously requested to be notified.~~

~~E. Processing of Type II Temporary Use Permits.~~

~~1. Type II temporary use permit decisions shall be processed in accordance with the applicable provisions of ACC Title 14; provided, that a decision approving, approving with conditions or denying the application shall be issued within 50 calendar days of the date of application completeness determination. The planning director or designee may extend the decision-making upon a written determination transmitted to an applicant of the need for more information or other city permits or licenses or other agency licenses or permits. In this instance, a Type II temporary use permit may be issued following receipt and review of the additional information or receipt of written evidence of other city or agency permits or licenses, as applicable.~~

~~2. A notice of application in accordance with the provisions of ACC Title 14, as amended, shall be required for Type II temporary use permits. A decision on a Type II temporary use permit shall not be issued until after the public comment period expires, wherein the city solicits comments regarding impacts to the neighborhood or community. (Ord. 6287 § 2, 2010; Ord. 6268 § 2, 2009.)~~

18.46A.040 Appeals of decisions.

Appeals of administrative decisions issued under the provisions of this chapter shall be made to the city of Auburn hearing examiner in accordance with the provisions of Chapter 2.46 ~~ACC~~, and Chapter 18.70 ACC, as amended. Appeals of the hearing examiner decision may be appealed in accordance with applicable provisions of Chapter 2.46 ~~ACC~~ and 18.70, ACC

18.46A.050 Temporary Use Exemptions.

The following activities are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:

A. Garage sales and yard sales; provided, that the following are complied with:

1. Sales last no longer than three days;
2. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of no more than three contiguous properties of the participants;
3. Signs shall comply with Chapter 18.56 ACC (Signs), as applicable, and must be removed within 24 hours of completion of the sale;

B. City-sponsored events and activities;

C. Uses regulated or exempted by Chapter 18.60 ACC (Home Occupations);

D. Fireworks stands operating under a permit issued by the city of Auburn and the fire marshal's office;

E. The placement of uses and structures in response to a proclamation of civil emergency pursuant to ACC 2.75.070 to provide emergency services to individual citizens or property owners or businesses;

F. City improvement projects pursuant to ACC 18.02.040(E) when the temporary use location, activity and duration is specifically identified in the City approval;

G. Temporary offices, construction staging, equipment storage and other similar activities on a site upon which public buildings or structures are being constructed, remodeled or otherwise modified;

H. Temporary offices, construction trailers, construction staging, equipment storage, storage containers, and other similar activities on a site upon which the City of Auburn has issued a development permit and approved the location, activity, and duration of such temporary use activities.

IH. On a residential property that already has a permitted single-family residence, the use of one recreational vehicle for temporary living when not associated with active construction of a single-family dwelling shall be allowed for not more than fifteen (15) calendar days in any calendar year; provided, that the director may grant extensions utilizing the provisions of ACC 18.46A.100(B) for up to an additional 15 days. Use of one recreational vehicle on a property with a single-family residence for more than 15 calendar days in any calendar year, plus an additional period of up to 15 days if extended by the director, shall be considered prima facie evidence of being detrimental to the neighborhood. Recreational vehicles that are utilized for temporary living shall be registered with the city of Auburn, without fee, prior to starting in order to monitor compliance with the 15-day limitation(s).

J. Mobile Vendors and Food Trucks pursuant to ACC 5.20.260.

K. Placement of portable storage containers that facilitate household moving from one location to another for no greater than 60 days per year, provided they are located on private property and that they are placed on an approved hard surface;

18.46A.060 Coordination with other city codes.

A. Any temporary use otherwise regulated by ACC Title 5, ~~beyond any required general business or solicitor's license, is not~~ subject to the provisions of this chapter unless otherwise noted. ~~However, any license issued under ACC Title 5 shall be consistent with the use regulations of the remainder of this title and any condition or other permit required by this title shall be required.~~

B. A Temporary Use Permit shall not be required for events that occur entirely within a public right of way and that are subject to the review and approval of a Right of Way use permit. For events or activities that are located in both the public right of way and on abutting private property, a Right of Way use permit and Temporary Use Permit shall be required. ~~Any licensed solicitor who, while selling or offering goods, wares, merchandise or anything of value, displays, advertises, or offers such goods to the passing public while standing on any property, street or public way or any other place not used and licensed by such person as a permanent place of business shall secure in addition to the solicitor's license a temporary use permit pursuant to this chapter.~~

18.46A.070 General and specific temporary use permits.

A. General Type I and Type II Temporary Use Permits. In accordance with ACC 18.46A.030, the planning director or designee may approve the following general Type I and Type II temporary uses and structures:

Type I

For All Zoning Districts

- a. Temporary use of land to conduct nonprofit events of up to six calendar days or less, where the events are of a kind not typically used by the sponsor at the location or site of the event;
- b. Temporary fencing for public or private uses ~~for four weeks or less per year~~ located within non-residential or multifamily parking lots where the fencing will restrict vehicular circulation or displace required parking spaces;
- c. Temporary use of privately owned property for temporary offices, construction trailers, materials storage, equipment storage or vehicle parking essential to and only in conjunction with the construction or building of public buildings, structures, road, or utility improvements.

For Residential Zoning Districts

- a. Temporary modular sales and leasing offices for on-site residential development properties;
- b. Placement of tents, canopies, or membrane structures that are larger than 200 square feet in size for up to two weeks per year that meet setbacks of the underlying zone;
- c. On-site temporary caretaker trailers for private or nonprofit residential construction;
- d. Living within a recreational vehicle as a temporary dwelling unit on property when a building permit to construct a permanent single-family residential dwelling unit has been issued and construction activity remains active.
- e. Placement of a personal storage container for no more than six months per year.

For Non-Residential Zoning Districts

- a. Commercial carnivals, circuses and shows;
- b. Temporary sales and leasing offices for on-site commercial or industrial development properties;
- c. On-site temporary caretaker trailers for commercial, industrial or institutional construction sites;
- d. Temporary changes of uses and associated temporary structures for four weeks or less per year;
- e. Placement of commercial storage containers for no more than ~~three weeks per year~~ six months per year;
- f. Special events such as a weekend sales event or outdoor concert causing temporary impacts to public rights-of-way or potential increased need for public services; The City may issue an annual permit for a

series of events over a calendar year. Additional events not included in the annual event permit may be approved individually.

g. Holiday-related seasonal sales lots along with their associated temporary structures subject to compliance with the following:

- i. Applicant demonstrates written proof of property owner permission for use of the subject property;
- ii. Adequate off-street parking is provided and does not impede vehicle maneuvering;
- iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;
- iv. The use will not obstruct pedestrian access on public rights-of-way;
- v. Signage shall comply with the city's signage regulations;
- vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;
- vii. Adequate provisions for trash disposal and sanitary facilities are provided;

h. Agricultural seasonal sale of produce subject to compliance with the following:

- i. Demonstrates written proof of property owner permission for use of the subject property;
- ii. Adequate off-street parking is provided and does not impede vehicle maneuvering;
- iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;
- iv. The use will not obstruct pedestrian access on public rights-of-way;
- v. Signage shall comply with the city's signage regulations;
- vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;
- vii. Adequate provisions for trash disposal and sanitary facilities are provided.

Type II

For All Zoning Districts

a. Temporary use of land in order to conduct a nonprofit event for seven calendar days or more in any such event;

b. Temporary storage of buildings and structures not permanently affixed or constructed or otherwise permanently situated on a property for up to six months;

For Residential Zoning Districts

a. Placement of tents, canopies, or membrane structures that are larger than 200 square feet in size for greater than two weeks per year that meet setbacks of the underlying zone;

~~b. Placement of personal use storage containers for greater than three weeks but no more than 12 weeks per year;~~

~~c.~~ b. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for residential construction;

~~d.~~ c. Temporary use of the following equipment on private property essential to and only in conjunction with the construction or building by the city, another public agency or a private party of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:

- i. Portable asphalt or concrete mixing plants;
- ii. Portable concrete batching plants;
- iii. Portable rock crushing plants;

For Non-Residential Zoning Districts

a. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;

~~b. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for more than two hours per day; Mobile vending and food trucks are exempt in accordance with ACC 5.20.260.~~

~~c.~~ b. Temporary trailer or prefabricated building. The planning director or designee may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any commercial or industrial zoned property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

- i. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;
- ii. The temporary structure is in conformance with all applicable building and fire codes;
- iii. The property to be used for a temporary structure shall already be developed;
- iv. There exists adequate and safe ingress and egress when combined with the other uses of the property;
- v. There exists adequate sight distance;

- vi. There exists adequate parking for the customers or users of the temporary use in conformance with the city's parking standards, as applicable;
- vii. The use will pose no hazard to pedestrians in the area of the use;
- viii. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses in accordance with the provisions of ACC 18.31.180;
- ix. The use can adequately be served by sewer or septic system and water, if applicable; and
- x. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee.

~~1. For all zoning districts:~~

- ~~a. Temporary use of land to conduct nonprofit events of up to six calendar days or less, where the events are of a kind not typically used by the sponsor at the location or site of the event;~~
- ~~b. Temporary parking facilities for private uses for four weeks or less per year;~~
- ~~c. Temporary fencing for public or private uses for four weeks or less per year;~~
- ~~d. Temporary use of privately owned property for temporary offices, construction trailers, materials storage, equipment storage or vehicle parking essential to and only in conjunction with the construction or building of public buildings, structures, road, or utility improvements.~~

~~2. For residential zoning districts:~~

- ~~a. Temporary modular sales and leasing offices for on-site residential development properties;~~
- ~~b. Placement of tents, canopies, or membrane structures for zero to two weeks per year that meet setbacks of the underlying zone;~~
- ~~c. Placement of portable moving and storage containers for no greater than three weeks per year;~~
- ~~d. On-site temporary caretaker trailers for private or nonprofit residential construction;~~

- ~~e. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for private or nonprofit residential construction;~~
- ~~f. Special events such as a community block party, neighborhood parade or similar event involving multiple properties and causing temporary impacts to public rights-of-way or potential increased need for public services;~~
- ~~g. Living within a recreational vehicle as a temporary dwelling unit on property when a building permit to construct a permanent single-family residential dwelling unit has been issued and construction activity remains active.~~

3. For nonresidential zoning districts:

- ~~a. Commercial carnivals, circuses and shows;~~
- ~~b. Temporary sales and leasing offices for on-site commercial or industrial development properties;~~
- ~~c. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;~~
- ~~d. On-site temporary caretaker trailers for commercial, industrial or institutional construction sites;~~
- ~~e. Temporary changes of uses and associated temporary structures for four weeks or less per year;~~
- ~~f. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for no more than two hours per day;~~
- ~~g. Placement of commercial storage containers for no more than three weeks per year;~~
- ~~h. Special events such as a weekend sales event or outdoor concert causing temporary impacts to public rights-of-way or potential increased need for public services;~~
- ~~i. Holiday-related seasonal sales lots along with their associated temporary structures subject to compliance with the following:~~

- ~~i. Applicant demonstrates written proof of property owner permission for use of the subject property;~~
- ~~ii. Adequate off-street parking is provided;~~
- ~~iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;~~
- ~~iv. The use will not obstruct pedestrian access on public rights-of-way;~~
- ~~v. Signage shall comply with the city's signage regulations;~~
- ~~vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;~~
- ~~vii. Adequate provisions for trash disposal and sanitary facilities are provided;~~

~~j. Agricultural seasonal sale of produce subject to compliance with the following:~~

- ~~i. Demonstrates written proof of property owner permission for use of the subject property;~~
- ~~ii. Adequate off-street parking is provided;~~
- ~~iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;~~
- ~~iv. The use will not obstruct pedestrian access on public rights-of-way;~~
- ~~v. Signage shall comply with the city's signage regulations;~~
- ~~vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;~~
- ~~vii. Adequate provisions for trash disposal and sanitary facilities are provided.~~

B. General Type II Temporary Use Permits. In accordance with ACC 18.46A.030, the planning director or designee may approve the following general Type II temporary uses and structures:

1. For all zoning districts:

- a. Temporary use of land in order to conduct a nonprofit event for seven calendar days or more in any such event;
- b. Temporary storage of buildings and structures not permanently affixed or constructed or otherwise permanently situated on a property;
- c. Temporary parking facilities for private uses for greater than four weeks per year;
- d. Temporary fencing for public or private uses for greater than four weeks per year.

2. For residential zoning districts:

- a. Placement of tents, canopies, or membrane structures for greater than two weeks per year that meet setbacks of the underlying zone;
- b. Placement of personal use storage containers for greater than three weeks but no more than 12 weeks per year;
- c. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for residential construction;
- d. Temporary use of the following equipment on private property essential to and only in conjunction with the construction or building by the city, another public agency or a private party of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:
 - i. Portable asphalt or concrete mixing plants;
 - ii. Portable concrete batching plants;
 - iii. Portable rock crushing plants;
 - iv. Accessory equipment essential to the use of the aforementioned plants.

3. For nonresidential zoning districts:

~~a. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;~~

~~b. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for more than two hours per day;~~

~~c. Temporary changes of uses and associated temporary structures for more than four weeks per year;~~

~~d. Temporary trailer or prefabricated building. The planning director or designee may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial zoned property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:~~

~~i. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;~~

~~ii. The temporary structure is in conformance with all applicable building and fire codes;~~

~~iii. The property to be used for a temporary structure shall already be developed;~~

~~iv. There exists adequate and safe ingress and egress when combined with the other uses of the property;~~

~~v. There exists adequate sight distance;~~

~~vi. There exists adequate parking for the customers or users of the temporary use in conformance with the city's parking standards, as applicable;~~

~~vii. The use will pose no hazard to pedestrians in the area of the use;~~

~~viii. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses in accordance with the provisions of ACC 18.31.180;~~

~~ix. The use can adequately be served by sewer or septic system and water, if applicable; and~~

~~x. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee.~~

~~B.C.~~ Specific Type I Temporary Use Permit – Temporary Gravel Parking Facilities.

1. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type I temporary use permit for a temporary gravel parking facility that serves municipal purposes on land owned or leased by the City of Auburn, King or Pierce Counties, or the State of Washington. The planning director or designee may issue a temporary use permit for a period up to 12 months if the planning director or designee finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

- a. The use will not result in significant drainage or other adverse impacts;
- b. The gravel parking area is not required for the purposes of meeting the current minimum off-street parking requirements.

2. The planning director or designee may grant additional extensions to the initial 12-month validity period if he/she finds that such extension is warranted and that the temporary use is still in compliance with all applicable approval criteria.

3. Gravel parking lots approved as part of a development permit to facilitate construction or other purposes identified in a construction phasing plan do not require a temporary use permit and shall be removed prior to the issuance of a certificate of occupancy or final inspection.

4. All gravel parking lots shall meet the stormwater management requirements in ACC 13.48.

~~C.D.~~ Specific Type I Temporary Use Permit – Site Specific Unforeseen/Emergency Situations.

1. In accordance with ACC 18.46A.030, the planning director or designee may approve, approve with conditions or deny a request for approval of an unforeseen/emergency situation(s) for a residential, commercial, industrial or institutional building if the planning director or designee finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

- a. The need for the use is the direct result of a casualty loss resulting from damage or destruction by the elements, including but not limited to earthquake or fire or windstorm or flood, or by human cause of a structure or facility previously occupied on the premises for which the permit is sought;
- b. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property;
- c. There exists adequate off-street or shared parking for the temporary use;
- d. The use will pose no hazard to pedestrians in the area of the use;
- e. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, pursuant to ACC 18.31.180 and 18.46A.090;
- f. The use can be adequately served by sewer or septic system and water, if applicable;
- g. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee.

DE. Specific Type II Temporary Use Permit – Transitional Uses.

1. Existing agricultural and associated uses, which are not permitted outright, may continue provided there are no new structures built in excess of 2,000 square feet, or the use is expanded five acres or less, unless a temporary use permit is issued. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type II temporary use permit if he/she finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

- a. The use must be compatible or sufficient mitigating measures available to make it compatible with adjacent permitted uses;
 - b. The use cannot be a detriment to adjacent permitted uses;
 - c. The use will not result in significant adverse impacts to the area.
2. The planning director or designee may establish a longer validity period than that specified in ACC 18.46A.100 for a temporary use permit for the transitional uses specified herein.
3. Upon encroachment of permitted uses into the area authorized for a transitional use under a temporary use permit, the planning director or designee may review the temporary use permit to determine if such use is no longer compatible with the permitted uses and should be abated.

E.F. Specific Type II Temporary Use Permit – Homeless Encampment. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type II temporary and revocable use permit for a homeless encampment subject to the following criteria and requirements:

1. Procedural Approval.

a. The sponsoring agency shall notify the city of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment for the homeless encampment and at least 14 days before submittal of the temporary use permit. The advance notification shall contain the following information:

- i. The date the homeless encampment will encamp;
- ii. The length of the encampment;
- iii. The maximum number of residents proposed; and
- iv. The host location.

b. The sponsoring agency shall conduct at least one public informational meeting within, or as close to, the neighborhood where the proposed homeless encampment will be located, a minimum of two weeks prior to the submittal of the temporary use permit application. The time and location of the meeting shall be agreed upon between the city and sponsoring agency in advance. All property owners within 1,000 feet of the proposed

homeless encampment shall be notified at least 14 days in advance of the meeting by the sponsoring agency. Proof of mailing shall be provided to the director of Department of Community Development and Public Works~~planning and development~~.

c. The temporary use permit application shall be accompanied by a hold harmless agreement whereby the host agency and sponsoring agency agree to indemnify the city of Auburn for, and hold it harmless from, all damages that may result from the operation of the homeless encampment by such permit grantee and shall pay all damages for which the permit grantee or the city of Auburn shall be held liable as the result of injuries suffered by any person, association or corporation by reason of the operation of the homeless encampment; provided, that in case any claim is filed with the city of Auburn or any suit or action is instituted against said city by reason of any such damage or injury, the city council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.

2. Site Criteria.

a. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.

b. The property must be sufficient in size to accommodate tents and necessary on-site facilities, including, but not limited to, the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines;

ii. Hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles;

iv. Food tent and security tent.

c. The host and sponsoring agencies shall provide an adequate water source to the homeless encampment, as approved by the provider as appropriate or other water service.

d. No homeless encampment shall be located within a critical area or its buffer as defined under Chapter 16.10 ACC.

- e. No permanent structures will be constructed for the homeless encampment.
- f. No more than 100 residents shall be allowed. The city may further limit the number of residents as site conditions dictate.
- g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on site with another use, it shall be demonstrated that the homeless encampment parking will not create a shortage of code-required on-site parking for the other uses on the property.
- h. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- i. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the city.
- j. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.
- k. The sponsoring agency shall be responsible for the cleanup of the homeless encampment site within seven calendar days of the encampment's termination.

3. Security.

- a. An operations and security plan for the homeless encampment shall be submitted and approved by the city.
- b. The host agency shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application.

- c. All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.
- d. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay.
- e. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.
- f. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Pierce County or King County sheriff's office or relevant local police department.
 - i. If said warrant and sex offender checks reveal either: (A) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the sponsoring agency will reject the subject of the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
 - ii. The sponsoring agency shall immediately contact the Auburn police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant, is due to the individual being a sex offender required to register and/or if, in the opinion of the on-duty executive committee member or the on-duty security staff, the rejected/ejected person is a potential threat to the community.
- g. The sponsoring agency shall self-police and self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
- h. The sponsoring agency will appoint an executive committee member to serve on-duty at all times to serve as a point of contact for city of Auburn police and will orient the police as to how the security operates. The names of the on-duty executive committee members will

be posted daily in the security tent. The city shall provide contact numbers of nonemergency personnel, which shall be posted at the security tent.

4. Timing.

a. The maximum continuous duration of a homeless encampment shall be 90 days.

Citywide, the total maximum number of days homeless encampments may operate in the city shall not exceed 180 days in any 24-month period (e.g., two homeless encampments each operating 90 days (maximum 180 days total) may be allowed in a 24-month period).

b. No more than one homeless encampment may be located in the city at any time.

5. Health and Safety.

a. All temporary structures within the homeless encampment shall conform to all building codes.

b. The homeless encampment shall conform to the following fire requirements:

i. Material used as roof covering and walls shall be of flame retardant material.

ii. There shall be no open fires for cooking or heating.

iii. No heating appliances within the individual tents are allowed unless the appliance is designed and licensed for that purpose.

iv. No cooking appliances other than microwave appliances are allowed.

v. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department.

vi. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department.

vii. Adequate separation between tents and other structures shall be maintained as determined by the fire department.

viii. Electrical service shall be in accordance with recognized and accepted practice; electrical cords are not to be strung together and any cords used must be approved for exterior use.

c. The sponsoring and host agencies shall permit inspections by Auburn staff and the King County health department at reasonable times without prior notice for compliance with the conditions of this permit.

6. Termination. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the city learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the temporary use permit may be immediately terminated.

18.46A.080 Approval criteria.

The planning director or designee may approve, or modify and approve, an application for a temporary use permit if all of the application satisfies all of the following criteria:

A. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;

B. The temporary use is compatible with the purpose and intent of this title, and the specific zoning district in which it will be located;

C. The temporary use is compatible in intensity and appearance with existing land uses in the immediate vicinity;

D. Structures proposed in association with a temporary use permit will comply with the applicable setback and vision clearance area requirements, and with applicable provisions of the building and fire codes;

E. Adequate parking is available to serve the temporary use and, if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;

F. Hours of operation of the temporary use are specified;

G. The temporary use can comply with applicable provisions of ACC 18.46A.090;

H. The impacts associated with the temporary use can be mitigated through the application of conditions of approval, as applicable.

18.46A.090 Performance standards.

The planning director or designee shall require compliance to the following performance standards for all authorized temporary use permits and may approve, or modify and approve, an application for a temporary use permit if the application satisfies all of the following criteria:

A. Temporary uses shall, at all times, comply with all local, state or federal standards and regulations, as applicable, pertinent to the type of temporary use being conducted;

B. Temporary uses shall obtain and maintain all other local, state and federal required permits and licenses prior to and during the authorization period for a temporary use;

C. Temporary uses shall comply, as applicable, with the performance standards specified in ACC 18.31.180;

D. Temporary uses shall not generate life safety hazards. Specific mitigating conditions may be required by the planning director or designee.

18.46A.100 Time limitation.

A. A temporary use is valid for up to 180 calendar days from the effective date of the permit, unless otherwise noted herein; provided, however, that the applicant may request, and/or the planning director or designee may establish, a shorter time frame in the written decision based on factors including but not limited to the nature of the temporary use, impacts associated with the temporary use or its proximity to residentially zoned areas of the city.

B. The planning director or designee may grant additional time extensions upon the applicant satisfactorily demonstrating continued compliance with all conditions of permit approval. Extensions may be granted following the submittal of a written request by the holder of the temporary use permit a minimum of 30 calendar days prior to the expiration date of the original and/or extended temporary use permit; provided, that permit holders for permits that are valid 30 calendar days or less shall only be required to submit a written extension request two calendar days before expiration.

18.46A.110 Limitation on activity.

A property owner or other holder of a temporary use permit may not be allowed to file additional temporary use permits for a use on the same site if the planning director or designee determines that the use has become permanent in nature either by the period of use or the extent of on-site improvements.

18.46A.120 Permit revocation.

The planning director or designee may immediately revoke permit authorization of a temporary use should it be found that such use has failed to comply with any of the conditions of the permit authorization or any of the performance standards specified in ACC 18.46A.090 or applicable building and fire codes, is in violation of any state or federal rules and regulations or any other applicable codes, standards or regulations of the Auburn City Code.

18.46A.130 Removal of temporary uses.

A. Upon the expiration of the temporary use permit, the applicant shall immediately discontinue the temporary use. Within 15 calendar days of the expiration of the temporary permit, the applicant shall remove any temporary structures associated with the temporary use. The planning director or designee may extend the timeframe for removal of temporary structures upon written request containing adequate justification for this extension and a specific timeframe for the permanent removal of the temporary use.

B. If a temporary use is not removed as required by the temporary use permit or within any extension timeframe authorized by the planning director or designee, the city shall initiate code compliance proceedings in accordance with Chapter 1.25 ACC (Civil Penalties for Violations), as amended.

C. Prior to the approval of a Type I or Type II temporary use permit, the applicant shall submit to the city an irrevocable, signed and notarized statement from the applicant and property owner, if applicable, granting the city permission to summarily enter the applicant's property with reasonable notice and abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use under the authority of this chapter. Abatement actions shall be conducted in accordance with the provisions of Chapter 1.25 ACC (Civil Penalties for Violations), as amended.

18.46A.140 Compliance Assurance device.

The planning director or designee may require the submittal of a cash or surety bond as a condition of approval to assure compliance with applicable provisions of the Auburn City Code and the temporary use permit, as

approved. In appropriate circumstances, the planning director may require a reasonable performance of maintenance assurance device, in a form acceptable to the finance department, to assure compliance with the provisions of this title. If at the end of this time period such temporary use or structure is not removed or discontinued, said cash or surety bond shall be forfeited.

Exhibit B

Draft Amendments to 5.20

II. Specific Businesses

Chapter 5.20 INDIVIDUAL LICENSE REGULATIONS

Sections:

- 5.20.010 Chapter purpose and scope.
- 5.20.020 Definitions – General.
- 5.20.030 License required – Fee – Term – Notices – Exemptions.
- 5.20.040 License application – Required – Form.
- 5.20.050 License application – Approval or disapproval procedure.
- 5.20.060 License – Display – Nontransferability – Responsibility.
- 5.20.070 License – Revocation.
- 5.20.080 Violation – Penalty.
- 5.20.100 Ambulance businesses.
- 5.20.110 Amusement devices.
- 5.20.120 Auto races.
- 5.20.130 Cabarets.
- 5.20.140 Carnivals, circuses and shows.
- 5.20.150 Dances.
- 5.20.160 Fire extinguisher servicing businesses.
- 5.20.170 Massage businesses, health salons and public bathhouses.
- 5.20.180 Merchant patrol and private detective businesses.
- 5.20.190 Motor vehicle wrecker businesses.
- 5.20.200 Outdoor musical entertainment.
- 5.20.210 Pawnbroker and secondhand dealer businesses.
- 5.20.220 Solicitors.
- 5.20.230 Taxicab businesses – Provisions adopted by reference.
- 5.20.240 Tow truck business.
- 5.20.250 Marijuana related activities.
- 5.20.260 Mobile Vendors and Food Trucks

5.20.010 Chapter purpose and scope.

This chapter provides license requirements for certain business activities. This chapter does not repeal, abrogate, annul or in any way impair or interfere with the existing provision of other laws or ordinances, except those specifically repealed by the ordinance codified in this chapter.

5.20.020 Definitions – General.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section.

A. “Business” is any enterprise, profession or activity conducted by any person or persons including, but not limited to, deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transportation on any premises in the city, or anywhere else within its jurisdiction.

B. “License” as used generally in this chapter includes respectively the words “permit” or “permittee,” or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

C. “Person” includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations, or any officer, agent, employee, factor or any kind of personal representative of any thereof, in any capacity, acting either for himself, or any other person, under either personal appointment or pursuant to the law.

D. “Premises” includes all lands, structures and places, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

5.20.030 License required – Fee – Term – Notices – Exemptions.

A. It is unlawful for any person, firm or corporation to engage in any business as provided in this chapter within the city limits without first obtaining a license pursuant to the provisions of this chapter.

B. The fee licensing under the provisions of this chapter shall be as follows:

Type	Fee		Term
	Initial	Renewal	
Ambulance Services License			
Business	No Fee	No Fee	1/1 – 12/31
Attendant	No Fee	No Fee	1/1 – 12/31

Type	Fee		Term
	Initial	Renewal	
Amusement Device License			
1 to 4	\$40.00	\$20.00	1/1 – 12/31
5 or more	\$70.00	\$20.00	1/1 – 12/31
Auto Races License			
	\$70.00	\$20.00	1/1 – 12/31
Cabaret License			
	\$50.00	\$20.00	1/1 – 12/31
Carnivals, Circuses, Shows, etc., Licenses			
Carnival/circus	\$70.00	\$20.00	1/1 – 12/31
Theater	\$70.00	\$20.00	1/1 – 12/31
Show/exhibition	\$70.00	\$20.00	1/1 – 12/31
Public amusement	\$70.00	\$20.00	1/1 – 12/31
Dance License			
	\$50.00	\$20.00	1/1 – 12/31
Fire Extinguisher			
Without testing	\$30.00	\$20.00	1/1 – 12/31
With testing	\$45.00	\$20.00	1/1 – 12/31
Fireworks Stands License			
	\$70.00	\$20.00	Noon 6/28 to Noon 7/6
(Regulation of fireworks stands under Chapter <u>8.24</u> ACC)			
Massage Business, Health Salon, Public Bathhouse License			
Business	\$85.00	\$20.00	1/1 – 12/31
Attendant	\$85.00	\$20.00	1/1 – 12/31

Type	Fee		Term
	Initial	Renewal	
Merchant Patrol, Private Detective License			
Merchant patrol agency	\$55.00	\$20.00	1/1 – 12/31
Patrolman	\$55.00	\$20.00	1/1 – 12/31
Detective agency	\$55.00	\$20.00	1/1 – 12/31
Detective	\$55.00	\$20.00	1/1 – 12/31
Motor Vehicle Wreckers License			
	\$70.00	\$20.00	1/1 – 12/31
Outdoor Musical Entertainment License			
	\$85.00/Event		1/1 – 12/31
Pawnbrokers/Secondhand Dealers License			
	\$40.00	\$20.00	1/1 – 12/31
Solicitor License			
Master	\$40.00	\$20.00	1/1 – 12/31
Agent	\$40.00	\$20.00	1/1 – 12/31
Individual	\$40.00	\$20.00	1/1 – 12/31
Taxicab License – Requires King County license only to operate in Auburn			
Tow Truck Business License			
Business	\$60.00	\$20.00	1/1 – 12/31
Driver	\$40.00	\$20.00	1/1 – 12/31
Marijuana Related Businesses			
	\$500.00	\$500.00	1/1 – 12/31

C. A duplicate license shall be issued by the business license clerk, as designated by the mayor, to replace any license previously issued which has been lost, stolen, defaced or destroyed, upon the filing of an affidavit attesting to such fact and the paying to the business license clerk of a fee of \$1.00.

D. Any notice required by this chapter to be mailed to any licensee shall be sent by ordinary mail, addressed to the address of the licensee shown by the records of the business license clerk or, if no such address is shown, to such address as the business license clerk is able to ascertain by reasonable effort. Failure of the licensee to receive such mailed notice shall not release the licensee from any fees or penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.

E. This section grants an exemption from paying a fee for any licenses required under the provisions of this chapter to bona fide nonprofit, charitable, religious, or philanthropic persons or organizations.

1. Any person or organization claiming the exemptions of this section shall file with the business license clerk an affidavit setting forth facts sufficient to show the application of this section and the right to such exemption.

2. Persons or organizations required to be licensed by the state of Washington, wherein the state has preempted the field of endeavor of any such persons or organizations, shall not be required to obtain a license from the city under the provisions of this title; provided however, any such persons or organizations doing business within the city limits of the city shall carry the state license on his or her person at all times when doing business within the city, and shall exhibit such state license whenever he or she is requested to do so by any police officer or any person who asks to see the same.

5.20.040 License application – Required – Form.

A. Every person required to have a license under the provisions of this chapter shall submit an application for such license to the business license clerk. The application shall be a written statement upon a form provided by the business license clerk.

B. Whenever a license cannot be issued at the time the application for the same is made, the business license clerk shall issue a receipt to the applicant for the money paid in advance subject to the following conditions: Such receipt shall not be construed as the approval of the business license clerk for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

5.20.050 License application – Approval or disapproval procedure.

The business license staff person shall collect all license fees and shall issue licenses in the name of the city to all persons qualified under the provisions of this chapter and shall:

A. Adopt all forms and prescribe the information required to implement this chapter.

B. Submit all applications to department heads as listed below for their endorsements as to compliance by applicant with all city regulations which they have the duty of enforcing:

1. Ambulance services license: Valley Regional Fire Authority and police department;
2. Amusement device license: police (four or under) and community development and public works and police (five or more);
3. Auto races license: Valley Regional Fire Authority, community development and public works, and police departments;
4. Cabaret licenses: Valley Regional Fire Authority and police departments;
5. Carnivals, circuses, shows, etc., licenses: Valley Regional Fire Authority, community development and public works, and police departments;
6. Dance licenses: Valley Regional Fire Authority and police department;
7. Fire extinguisher service licenses: Valley Regional Fire Authority;
8. Massage business, health salon, etc., licenses: community development and public works, police departments and appropriate county health department;
9. Merchant patrol and private detective licenses: police department;
10. Motor vehicle wreckers licenses: community development and public works and police departments and Valley Regional Fire Authority;
11. Outdoor musical entertainment licenses: community development and public works and police departments and Valley Regional Fire Authority;
12. Pawnbrokers/secondhand dealers licenses: police department;
13. Solicitor license: police department;
14. Tow truck business license: Valley Regional Fire Authority, community development and public works and police departments;

15. Marijuana related business license: community development and public works, police and utilities departments, and Valley Regional Fire Authority.

C. Notify any applicant of the acceptance or rejection of his/her application and shall, upon denial of any license, state in writing the reasons therefor, the process for appeal and deliver them to the applicant.

D. Deny any application for license upon written findings that the granting would be detrimental to the public peace, health or welfare:

1. Whenever any such license is denied the applicant may within 15 calendar days from date of action file written notice of appeal to the city's director of community development and public works. Action of the city's director of community development and public works may be appealed 15 calendar days from date of action to the hearing examiner, and action of the hearing examiner shall be conclusive and not subject to review.

2. When the issuance is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license is issued pursuant to a judgment ordering the same.

5.20.060 License – Display – Nontransferability – Responsibility.

A. Upon receipt of the license the license shall be retained on premises where it may be inspected at any time, or shall be carried, as appropriate.

B. No license issued under the provisions of this chapter shall be transferable or assignable.

C. The agents or other representatives of nonresidents who are doing business in this city shall be personally responsible for the compliance of their principals and the businesses they represent with this chapter.

5.20.070 License – Revocation.

A. Any license issued under the provisions of this chapter may be revoked by the police chief and/or building official for any reason if the further operation thereof would be detrimental to public peace, health or welfare, or the violation of any federal or state law or any ordinance or regulation of the city. The city clerk or the director of community development and public works shall cause to be served upon such parties as may be deemed to be interested therein such reasonable notice as may be determined to be proper of intention to revoke such license.

B. Where deemed necessary to prevent further detriment to public peace, health or welfare, or violation of any federal or state law or any city ordinance or regulation the police chief or building official may immediately revoke any license issued under the provisions of this chapter.

C. Whenever any such license is revoked, the licensee may within 15 days from date of action file written notice of appeal to the city's director of community development and public works. Action of the director of community development and public works may be appealed within 15 days from date of action to the hearing examiner and action of the hearing examiner shall be conclusive and not subject to review. (Ord. 6532 § 8, 2014; Ord. 4012 § 2, 1984.)

5.20.080 Violation – Penalty.

Any violation of the provisions of this chapter is punishable in accordance with ACC 5.15.110.

5.20.260 Mobile Vendors and Food Trucks

A. Definitions

1. “Mobile Vendors” means any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which food and/or goods are peddled, vended, sold, served, displayed, offered for sale or given away.

2. “Food Truck” is a large mobile vehicle equipped to cook and sell food. Food trucks typically contain onboard power, refrigeration, food preparation facilities and space for up to four employees.

B. License Application

1. Exemptions.

a. Mobile Vendors or Food Trucks operating 3 days or less within a 365-day period and that are not parked in the same location for more than 72 hours are exempt from the requirement to obtain a business license. A King County Health Permit is required even if exempt from the requirement to obtain a City business license and the mobile vending or food truck shall comply with all rules and regulations in the Auburn Municipal Code.

b. Mobile Vendors and Food Trucks that are operating under the management of such City sanctioned events as the Auburn International Farmer's Market, Petpalooza, and Veteran's Day Parade.

2. City Business License Required. Any Mobile Vendor or Food Truck operating for more than three calendar days in 365-day period is required to obtain a business license.

3. Permanent Operation. Mobile Vendors and Food Trucks operating in a fixed location for a year or more are required to obtain all appropriate land use approval(s) that are required within the zoning designation in which it is located and shall comply with all applicable zoning and development standards in the Auburn Municipal Code.

3. Operating in the City right-of-way. Mobile Vendors and Food Trucks that desire to operate in the public right-of-way such as along streets or sidewalks shall obtain a right-of-way use permit in addition to a City business license unless exempt based on the criteria in #1 above.

C. License Regulations

1. Zoning Districts. Mobile Vendors and Food Trucks may only operate in non-residential, multi-family, or mixed-use zoning districts. Mobile vendors and food trucks are prohibited from operating in residential zoning districts or within 50' of any residentially zoned property.

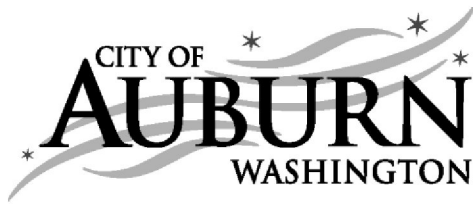
2. Vending location. Mobile Vendors and Food Trucks on private property shall be parked in a designated parking spot or other location used for parking that will not negatively impact vehicular and pedestrian circulation or safety. Mobile Vendors and Food Trucks may be placed in other locations that do not disrupt vehicular or pedestrian circulation. Any Mobile Vendors or food truck operating in the public right-of-way shall be in an officially designated parking stall in accordance with a right-of-way use permit.

3. Garbage, recycling, and composting. Mobile Vendors and Food Trucks shall provide sufficient garbage, recycling, and composting receptacles to accommodate all refuse generated by the operation. Mobile Vendors and Food Trucks that are sited in the same location for less than one year must meet the garbage, recycling and composting provisions established in Title 15. Mobile Vendors and Food Trucks that are sited in the same location for more than one year must meet the garbage, recycling and composting provisions established in Title 15 and Title 18.

4. Use of liquid petroleum gas (propane) or an open flame (wood or charcoal). A permit from the Valley Regional Fire Authority is required for the use of propane or an open flame.

1

See ACC 5.20.250(A).



Memorandum

To: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

From: Alexandria Teague, Planner II Community Development Services
With support by Lisa Grueter, BERK Consulting

Date: March 27, 2017

Re: Open Space Zone: Supplemental Materials

Background

The City of Auburn adopted a new Comprehensive Plan at the end of 2015 that includes a new land use map designation of "Open Space". Under the existing city code structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards. Currently, there is no implementing Open Space zone in the Auburn City Code. The City intends to create an Open Space zone that is consistent with the overall description of the Open Space land use designation that is provided in the City's Comprehensive Plan.

The Planning Commission has reviewed the Open Space Zone between fall 2016 and spring 2017 as follows:

- December 2016 – Initial Study Session
 - Key issues regarding designation: e.g. parks properties, cemeteries
 - Example zones
- January 2017 – Supplemental Study Session
 - Range of ownerships, public and private
 - Discussion of City of Auburn Parks Department properties

- March 2017 – Supplemental Study Session and Introduction of Zoning Code
- April 2017 (pending) – Review Parcel Ownership and Sizes and selected other public and private parcels land use designations (MIT and Segale)

During the meeting on March 7, 2017, the Planning Commission requested additional information addressed in this supplemental staff report, including:

1. Acreage of each of the privately owned (non-governmental agency) parcels.
2. Former and current land use designation of the “other public” parcels (specifically, the parcels owned by the Muckleshoot Indian Tribe [MIT] and within the MIT reservation boundary).
3. Former and current land use designation of privately owned parcels.

ANALYSIS

Ownership of Open Space Designated Properties. A map has been prepared identifying the Open Space designated properties and the ownerships associated with them. The map is included in the attached PowerPoint presentation (slides 3 and 9) and was presented previously in February 2017. Most Open Space properties are owned by the City of Auburn.

Ownership Chart Corrections. The original staff report for the December 2016 meeting reported the public and private ownerships in the Open Space zone. Some corrections are included below and are explained as follows:

- Northwest Pipeline – Three (3) parcels not four (4): one parcel was double-counted.
- Muckleshoot Indian Tribe – Nine (9) parcels instead of seven (7): Added are split zoned properties, mostly designated Residential Conservancy.

November 28, 2016 Staff Report: Exhibit 4. Open Space Zone Designated Parcels – Ownership

Property Use, if Known	City of Auburn	King County	Muckleshoot Indian Tribe	Northwest Pipeline	Olympic Pipeline (Private)	Port of Seattle	Puget Sound Energy	Tacoma Water	Washington State	Private Resident	Private-Segale	Subdivision Tract	Riverfront-Subdivision
Plat-Open Space												4	
Plat-Waterbody													6
Private-Mine-Waterbody											3		
Private-Waterbody										1			
Public-Cemetery	6		1										
Public-Critical Area	17	2							1				
Public-House	1												
Public-Park	7												
Public-ROW	2												
Public-Tribal			4										
Public-Tribal Split Zone			<u>2</u>										
Public-Tribal-Cemetery			1										
Public-UGA	4												
Public-Unspecified*	76	3	1			1							
Public-Utility	3							6					
Public-Vacant	22								1				
Utility-Private				43	1		4						
Utility-Private-Critical Area							1						
Utility-Private-ROW							6						
Total	138	5	79	43	1	1	11	6	2	1	3	4	6

*Assessor data missing. Most appear to be parkland.

Source: King County Assessor, BERK Consulting 2016

Acreages of Private Non-Governmental Parcels. Parcel acreages associated with the non-governmental properties are graphed in the attached PowerPoint slides 5–7. Larger private owner acreages are associated with the Segale property.

Muckleshoot Indian Tribe (MIT) Owned Parcels. There are about nine (9) MIT properties that are designated Open Space, and uses are civic and institutional including a cemetery, government building, religious facilities, and shorelines. All are within the reservation boundaries and appear to be owned by the tribe or in trust for the tribe (per King County Assessor's website owners are MIT and US Government).

Segale Mining Properties. The land use designation of most of the mining properties

is Single Family, with some areas along the White River designated as Open Space.

The 664-acre mine site is also a *designated special planning area*, titled “Stuck River Road” per Auburn’s Comprehensive Plan (slide 14 in the attached PowerPoint).

Auburn’s Comprehensive Plan designated special planning areas are shown on the Comprehensive Plan Map, but do not yet have an subarea plan. The land uses for the Stuck River Road Special Planning Area will be further refined through the subarea planning process and the adoption of a subarea plan. The reclamation plan approved by the State Department of Natural Resources indicates a future use of residential after reclamation. This matches the largely Single Family land use designation applied to most the site, with Open Space applied along the river shorelines. Note, parcels north of Stuck River Road are not part of the mining activities, yet are within the Stuck River Road Special Planning Area.

The parcels within the Stuck River Road Special Planning Area, along the river shoreline are subject to Auburn’s Shoreline Master Program (SMP). The SMP features a system of categorizing shorelines areas into shoreline environment designations. The river shoreline parcels have a shoreline environment designation of Urban Conservancy and would ensure no-net-loss of shoreline ecological function.

Private, Non-Utility Property – Former and Current Land Use Designations. Staff is working on a GIS analysis/comparison of the of former and current Comprehensive Plan land use designations of the private utility parcels.

NEXT STEPS

At the next Planning Commission meeting staff intends to provide:

- A comparison of former and current Comprehensive Plan land use designations of the private utility parcels.
- Planning Commission Direction on Proposed Code – to ensure the code is ready to move to the public hearing stage, the Planning Commission should review the proposed code and provide directions to staff towards a hearing draft. See Attachments A and B.
- Prior to the Planning Commission’s hearing, City staff provide a notice to each of the property owners that the City is proposing zoning code language for their property.

ATTACHMENT A – Proposed Open Space Zone Code

18.02.070 Establishment of zones.

A. The city is divided into the following classes of zones:

1. RC, residential conservancy zone (one dwelling unit per four acres);
2. R-1, residential zone (one dwelling unit per acre);
3. R-5, residential zone (five dwelling units per acre);
4. R-7, residential zone (seven dwelling units per acre);
5. R-10, residential zone (10 dwelling units per acre);
6. R-16, residential zone (16 dwelling units per acre);
7. R-20, residential zone (20 dwelling units per acre);
8. RMHC, manufactured/mobile home community zone;
9. RO, residential office zone and RO-H, residential office-hospital zone;
10. C-N, neighborhood shopping zone;
11. C-1, light commercial zone;
12. C-2, central business zone;
13. C-3, heavy commercial zone;
14. M-1, light industrial zone;
15. M-2, heavy industrial zone;
16. BP, business park zone;
17. LF, airport landing field zone;
18. P-1, public use zone;
19. UNC, unclassified use zone;

20. I, institutional use zone;

21. EP, environmental park zone;

22. DUC, downtown urban center zone.

23. OS, open space zone.

B. The zones set out in subsection A of this section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the city of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title.

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 RO-H zones.

18.35.010 Purpose.

This chapter lists the land uses that may be allowed within the residential office, residential office-hospital, public use, institutional, and open space zones established by ACC 18.02.070 (Establishment of zones), determines the type of land use approval required for each use, and provides basic development standards for site layout and building size.

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 is 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 tends 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.

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	<u>OS</u>	

PUBLIC

Animal shelter, public	X	X	P	X	<u>X</u>	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	<u>C</u>	
Municipal parks and playgrounds	P	P	P	P	<u>P</u>	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds and recreational vehicle parks , private	X	X	X	P	<u>P</u>	
Recreational vehicle parks, private	X	X	X	P	<u>X</u>	
Cemetery, public	X	X	P	A	<u>X</u>	
Cemetery, private	X	X	X	A	<u>X</u>	
College, university, public	X	X	A	A	<u>X</u>	
Commercial recreation facility – Indoor	X	X	X	P	<u>X</u>	
Commercial recreation facility – Outdoor	X	X	X	A	<u>C</u>	ACC 18.57.025 (A)
Conference/convention facility	X	X	X	A	<u>X</u>	
Library, museum	X	X	P	P	<u>A</u>	
Meeting facility, public or private	A	A	P	P	<u>A</u>	
Private school – specialized education/training (for profit)	P	P	X	P	<u>X</u>	

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	<u>OS</u>	
Public schools (K-12) and related facilities	X	X	P	P	<u>X</u>	
Religious institutions , lot size less than one acre	A	P	X	P	<u>X</u>	
Religious institutions , lot size more than one acre	C	A	X	P	<u>X</u>	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	<u>X</u>	

RESIDENTIAL

Duplex	P (1)	X	X	A	<u>X</u>	
Home occupation	P	P	X	P	<u>P</u>	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	<u>X</u>	
Multiple-family dwellings , stand-alone	P (2)	A (3)	X	A	<u>X</u>	
One detached single-family dwelling	P	X	X	X	<u>P (5)</u>	
Nursing home , assisted living facility	A	A	X	P	<u>X</u>	
Senior housing	A	A	X	A	<u>X</u>	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	<u>X</u>	
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SERVICES

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	<u>OS</u>	
Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	<u>X</u>	
Daycare, including mini daycare, daycare center , preschools or nursery schools	A	P	X	P	<u>A</u>	
Home-based daycare	P	P	X	P	<u>P</u>	
Medical services – Clinic or urgent care (4)	P	P	X	X	<u>X</u>	
Mortuary, funeral home, crematorium	X	P	X	X	<u>X</u>	
Professional offices	P	P	X	A	<u>A</u>	
Personal service shops	P	P	X	X	<u>X</u>	
Pharmacies	X	P	X	X	<u>X</u>	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Utility facilities, substations, utility transmission or distribution line	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	See ACC 18.02.040(E)
<u>OTHER USES THAT ARE NOT LISTED</u>						
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	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

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	<u>OS</u>	
<u>and is of the same general character of the uses permitted.</u>						

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.

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, [OS 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 [Zone](#) Development Standards

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office- Hospital	P-1 Public Use	I Institutional	<u>OS Open Space</u>
Minimum lot area	7,200 sf	None	None	6,000 sf	<u>None</u>
Minimum lot width , depth	50 ft, 80 ft	None	None	60 ft, 80 ft	<u>None</u>
Maximum lot coverage	55 percent (1)	None	None	35 percent	<u>5 percent</u>
Maximum impervious area	NA	NA	NA	NA	<u>10 percent (7)</u>
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	<u>20 ft</u>
Side – Interior	5 ft	None	5 ft (4)	5 ft	<u>5 ft</u>
Side – Corner	10 ft	10 ft	10 ft	10 ft	<u>10 ft</u>
Rear	25 ft (3)	None	25 ft	25 ft	<u>25 ft</u>
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)	<u>35 ft</u>
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				

Table 18.35.040 RO, RO-H, P-1, I [Zone](#) Development Standards

Development Feature	Requirement by Zones				
	RO Residential Office	RO-H Residential Office- Hospital	P-1 Public Use	I Institutional	<u>OS Open Space</u>
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 Auburn City Code 13.48.010(J).

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](#).

ATTACHMENT B – Excerpt of Key Definitions from Auburn City Code

18.04.025 Administrative use.

“Administrative use” means a use permitted in a zone only after review and approval by the planning director or designee. Administrative uses are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following review by the city to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.

18.04.200 Building height.

“Height of building” means the vertical distance measured from the finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. If a structure has none of the above features then the height shall be measured from the finished grade to the highest portion of the structure. See Figure 18.04.200. (Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

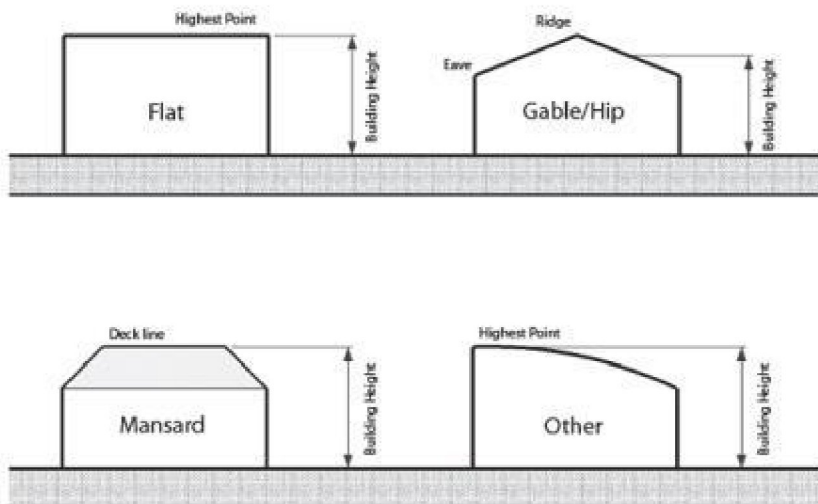


Figure 18.04.200 Building Height

18.04.260 Conditional use.

“Conditional use” means a use permitted in a zone only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zone, or if the site is regulated in a certain manner in order to achieve the purposes of this title.

18.04.310 Development standards.

“Development standards” means regulations pertaining to setbacks, landscaping,

height, site coverage, signs, building layout, site design and related features of land use.

18.04.550 Lot coverage.

“Lot coverage” means that percentage of the plot or lot area covered by all buildings including accessory buildings and uses. Coverage is determined by measuring along a horizontal plane from the outermost edge of eaves, cornices, overhangs, or areas covered by a weathertight roof. The first two feet of an eave overhang will, however, not be used in the lot coverage calculation. See Figure 18.04.550.

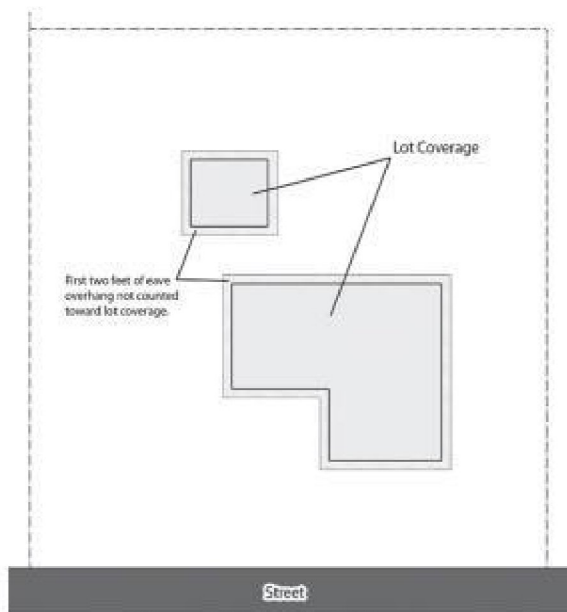


Figure 18.04.550 Lot Coverage

18.04.696 Permitted use.

“Permitted use” means a land use that is allowed outright within a zone.

18.04.752 Prohibited use.

“Prohibited use” means any use which is not specifically enumerated or interpreted by the city as allowable in that zone. Any use not specifically listed as a permitted, administrative, conditional, or accessory use is prohibited, except those determined to be unclassified and permitted by the planning director pursuant to ACC

18.02.120(C)(6). Any prohibited use is illegal.

18.04.497 Impervious surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development.

A hard surface which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

18.04.810 Setback.

“Setback” means the distance between a lot line and the corresponding parallel setback line.

13.48.010(J) Hard surface.

“Hard Surface” means an impervious surface, a permeable pavement, or a vegetated roof.

COMMUNITY DEVELOPMENT SERVICES

OPEN SPACE ZONE

ALEXANDRIA TEAGUE PLANNING COMMISSION STUDY SESSION APRIL 4, 2017

Community Development and Public Works Department

Engineering Services • Administrative Services • Environmental Services

Community Development Services • Maintenance & Operations Services

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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

AGENDA

- **Recap Planning Commission Discussion**
- **Requested Items**
 - **Parcel ownership**
 - **Parcel sizes**
 - **“Other public” (parcels within the Muckleshoot Indian Tribe [MIT] Reservation Boundary)**
 - **Private utility parcels**
 - **Privately owned parcels**
 - **Former and current land use designations**
 - **“Other public” parcels (MIT Reservation Boundary)**
 - **Privately owned parcels**

TABLE OF OWNERS – PRIVATE

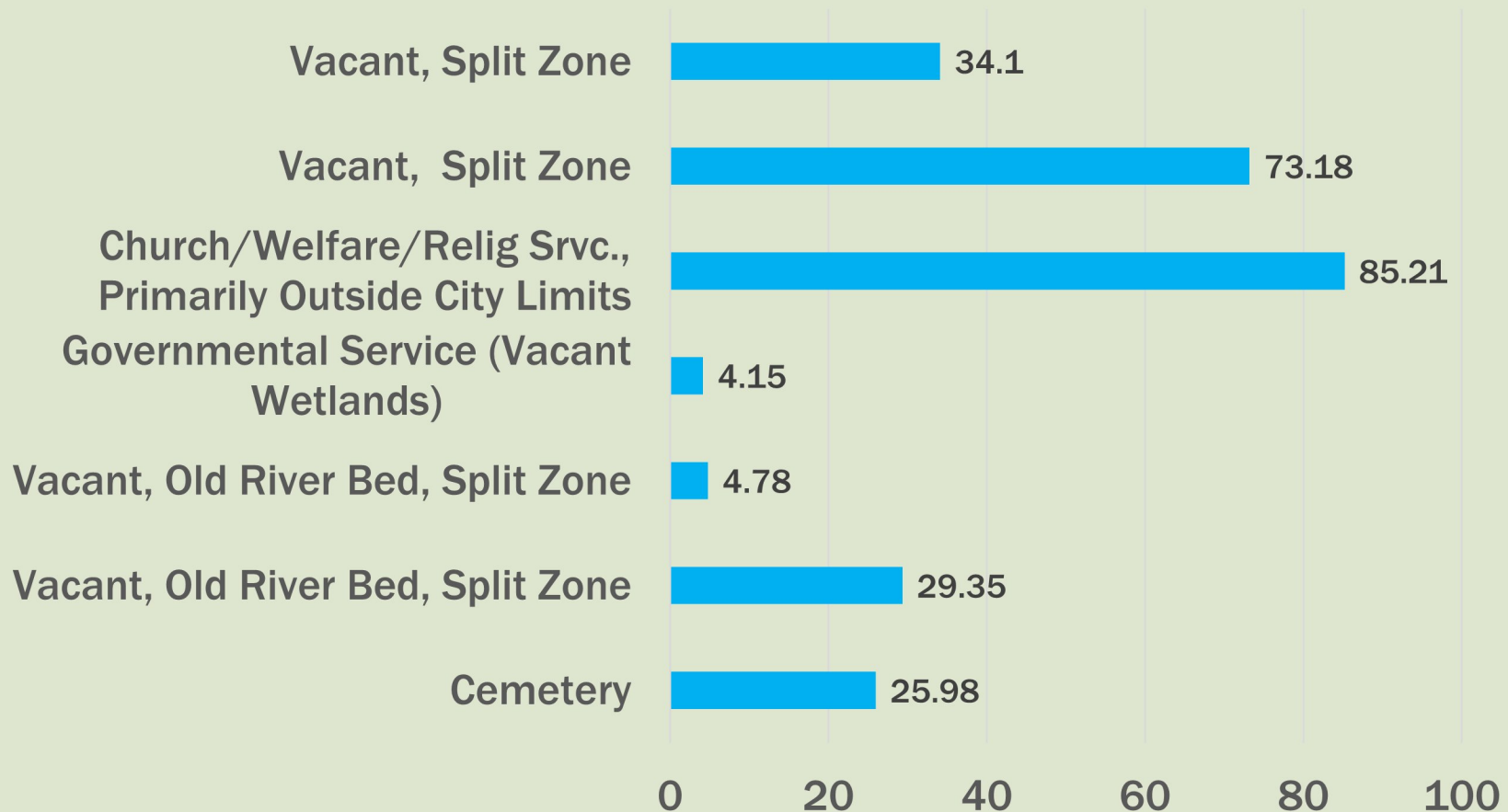
Corrections

NW Pipeline – 3 parcels not 4 (one parcel was double-counted)

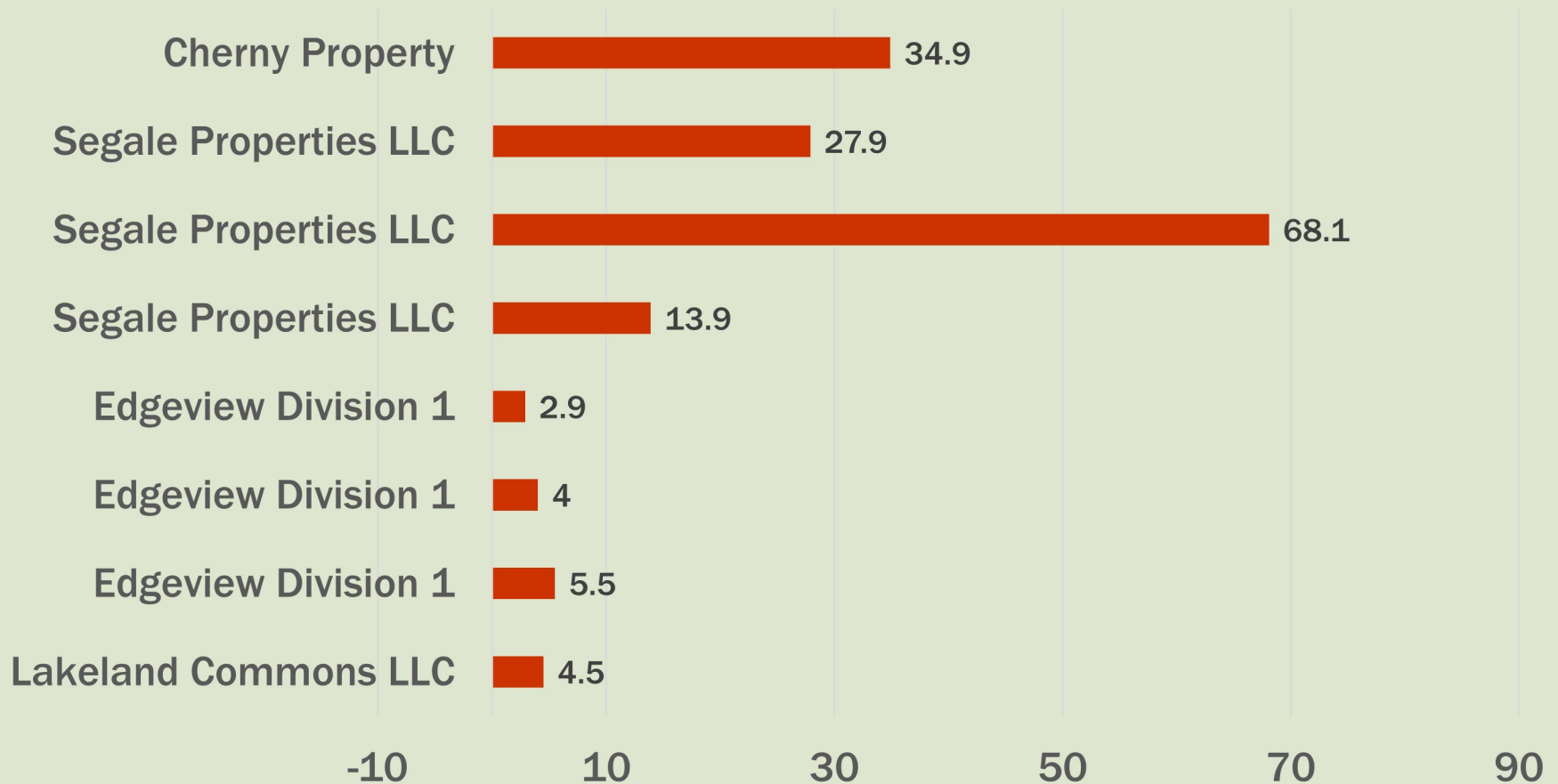
MIT – 9 parcels instead of 7
2 added are split zone and mostly Residential

Property Use, if Known	Muckleshoot Indian Tribe	Northwest Pipeline	Olympic Pipeline (Private)	Puget Sound Energy	Private Resident	Private-Segale	Subdivision Tract	Riverfront-Subdivision
Plat-Open Space							4	
Plat-Waterbody								6
Private-Mine-Waterbody						3		
Private-Waterbody					1			
Public-Cemetery	1							
Public-Tribal	4							
Public-Tribal Split Zone	2							
Public-Tribal-Cemetery	1							
Public-Unspecified	1							
Utility-Private		3	1	4				
Utility-Private-Critical Area				1				
Utility-Private-ROW				6				
Total	9	3	1	11	1	3	4	6

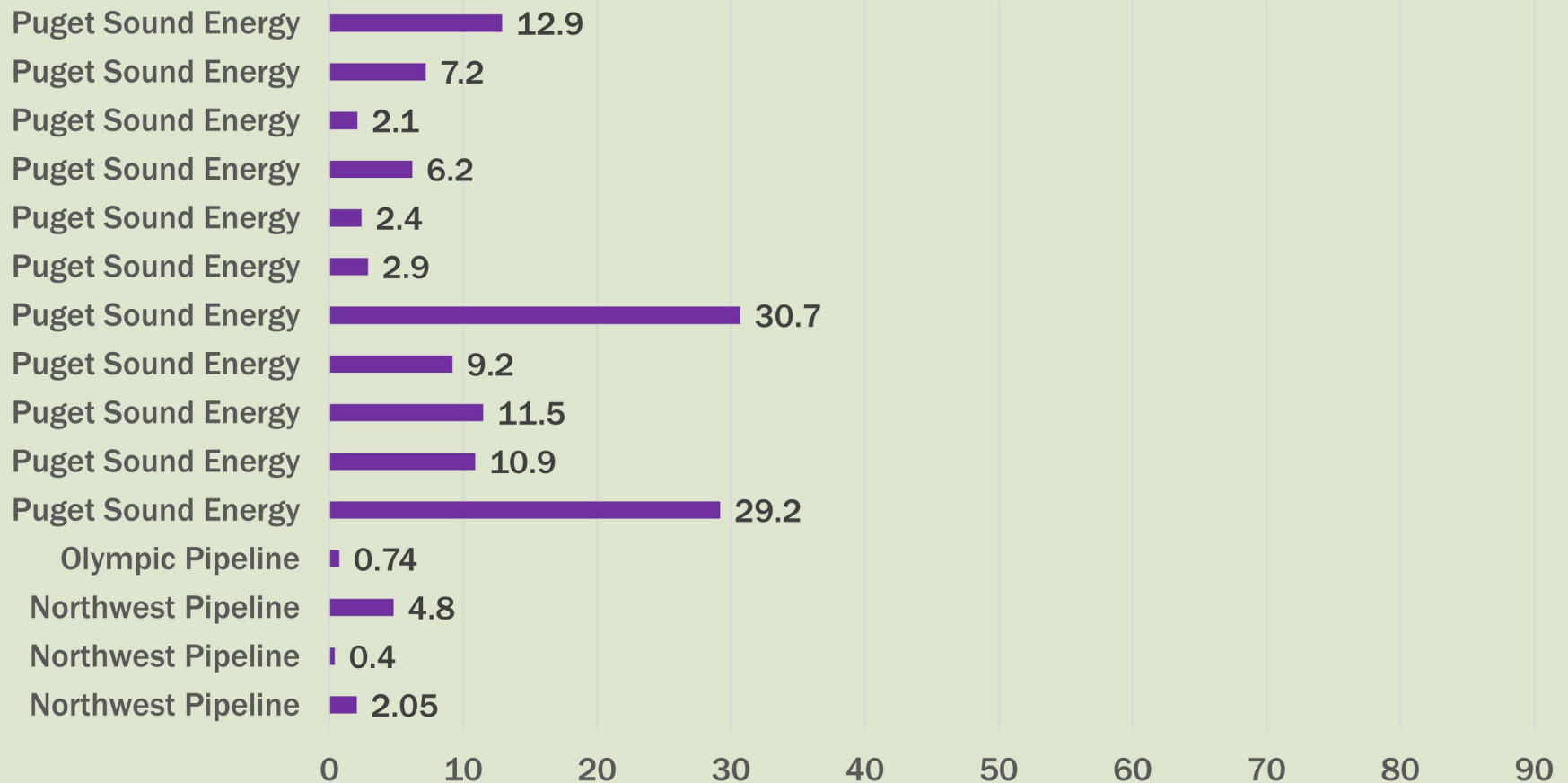
SIZES OF “OTHER PUBLIC” (MIT) PARCELS DESIGNATED OPEN SPACE (IN ACRES)



SIZES OF PRIVATELY OWNED PARCELS DESIGNATED OPEN SPACE (IN ACRES)



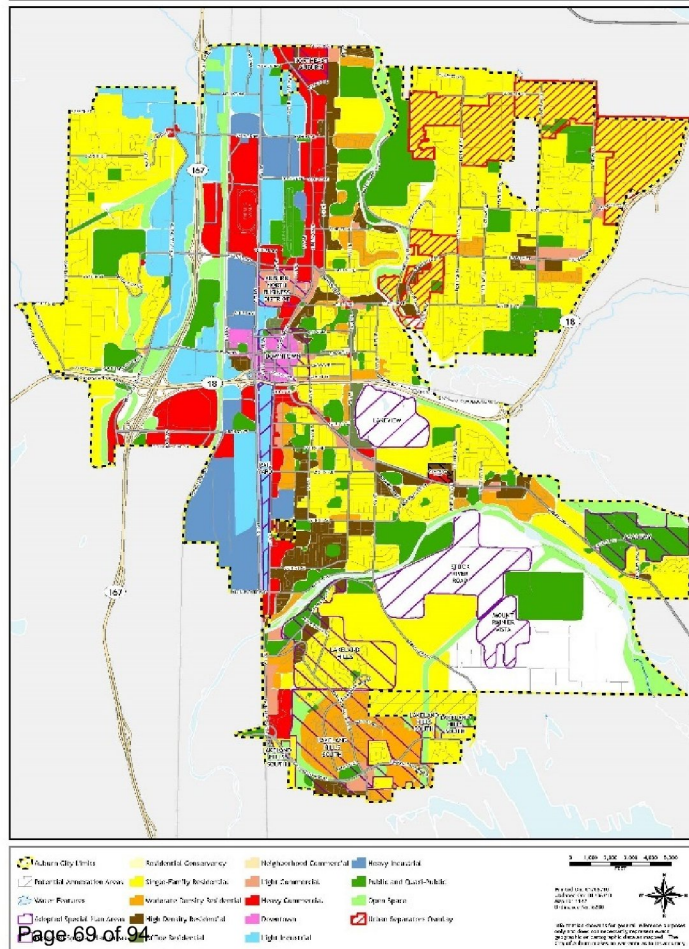
SIZES OF PRIVATE UTILITY PARCELS DESIGNATED OPEN SPACE (IN ACRES)



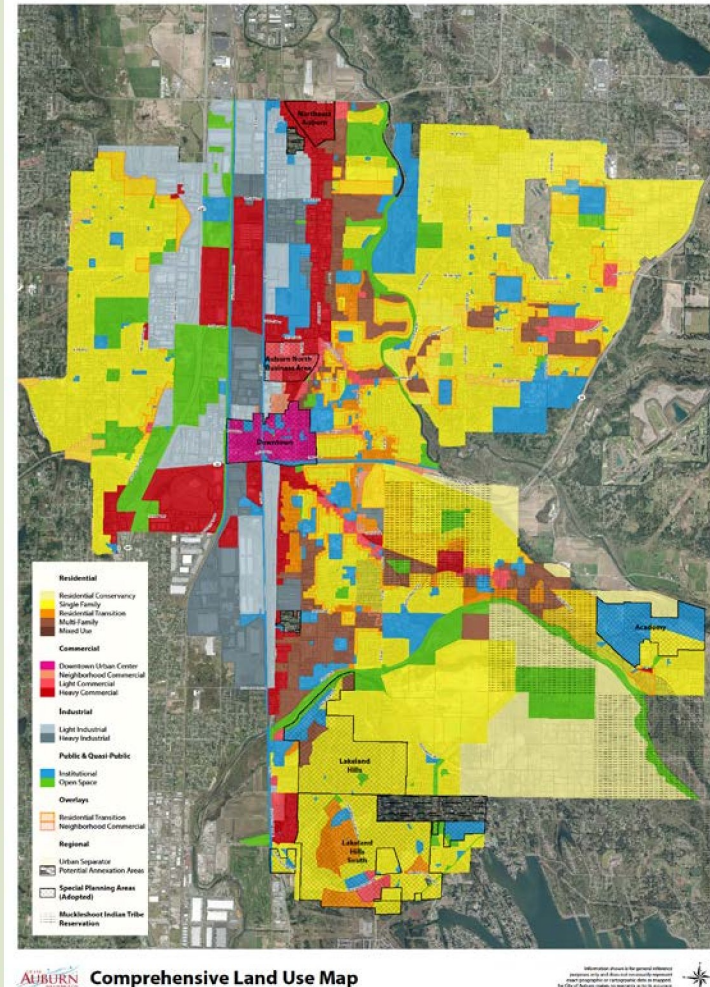
FORMER & CURRENT LAND USE DESIGNATION – OPEN SPACE

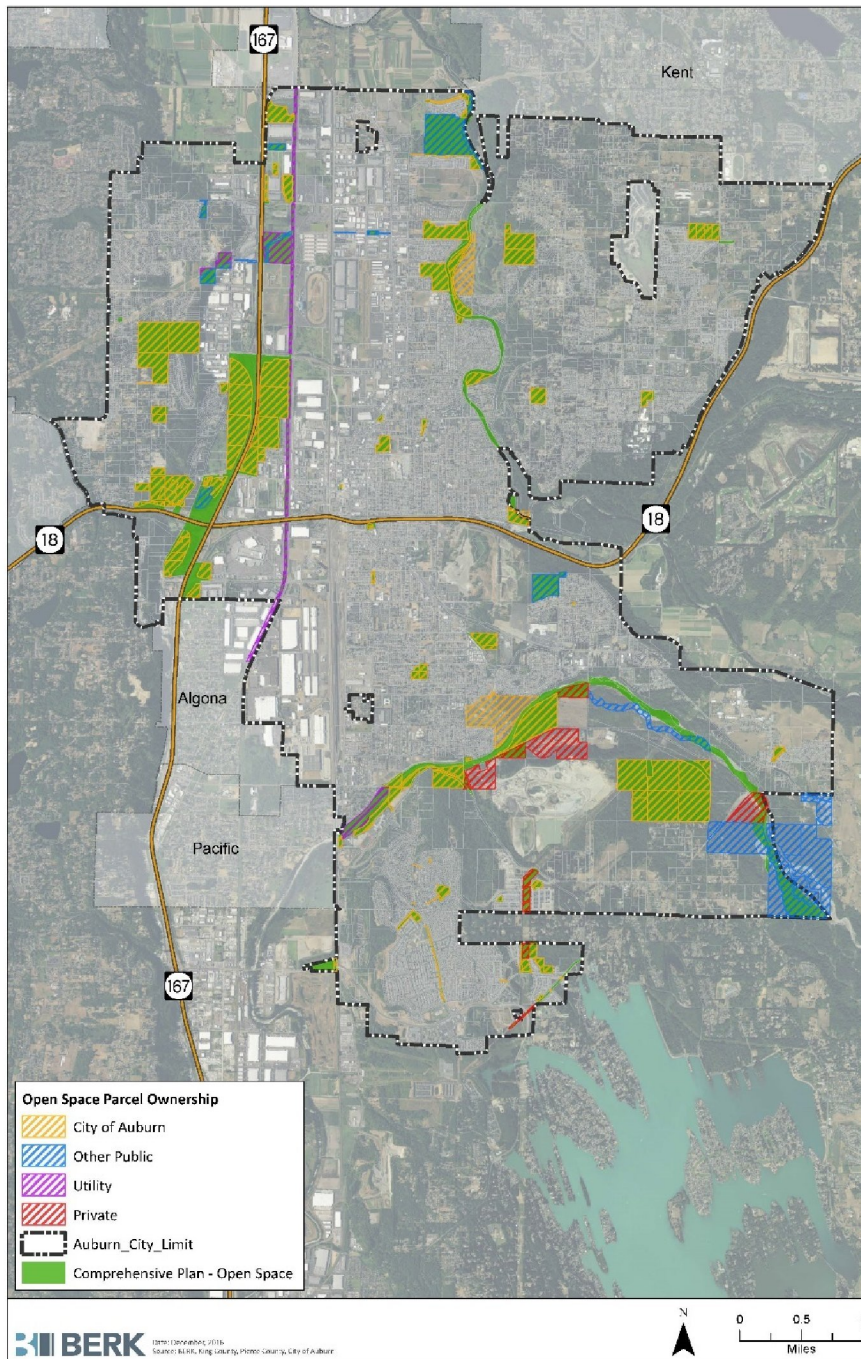
2011 Plan

City of Auburn Comprehensive Land Use



2015 Plan



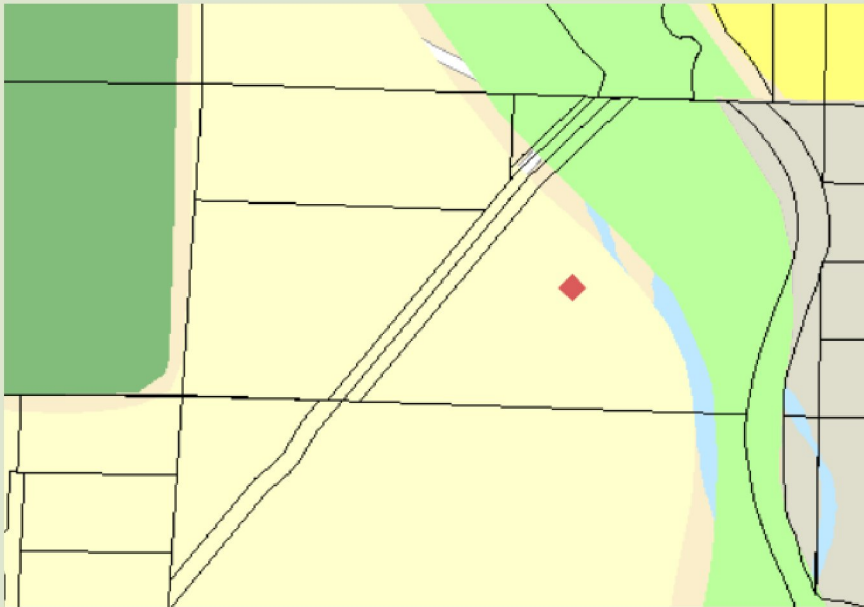


MAP

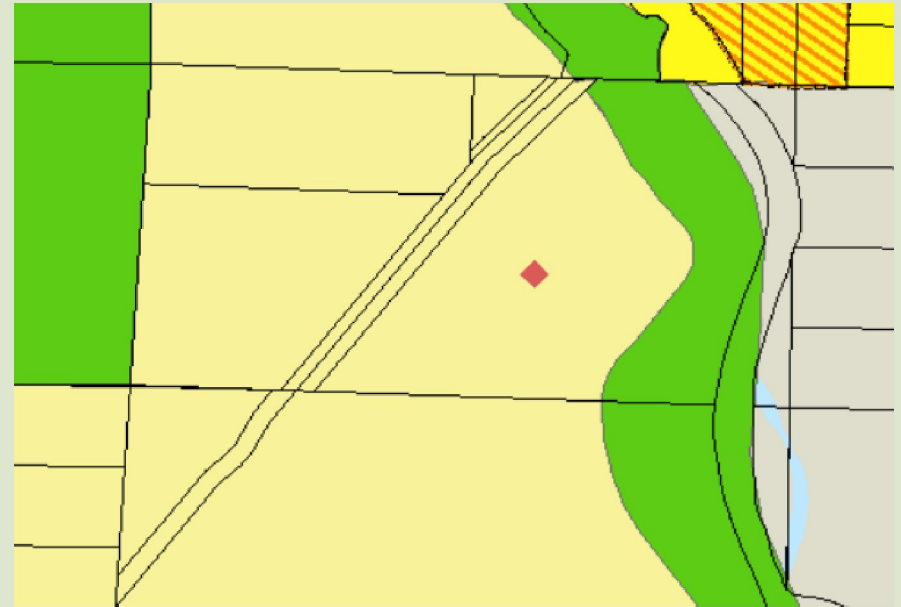
Open Space
Designated
Properties and
Ownership Type

PRIVATELY OWNED PARCELS – LAND USE DESIGNATIONS

2011 Plan



2015 Plan

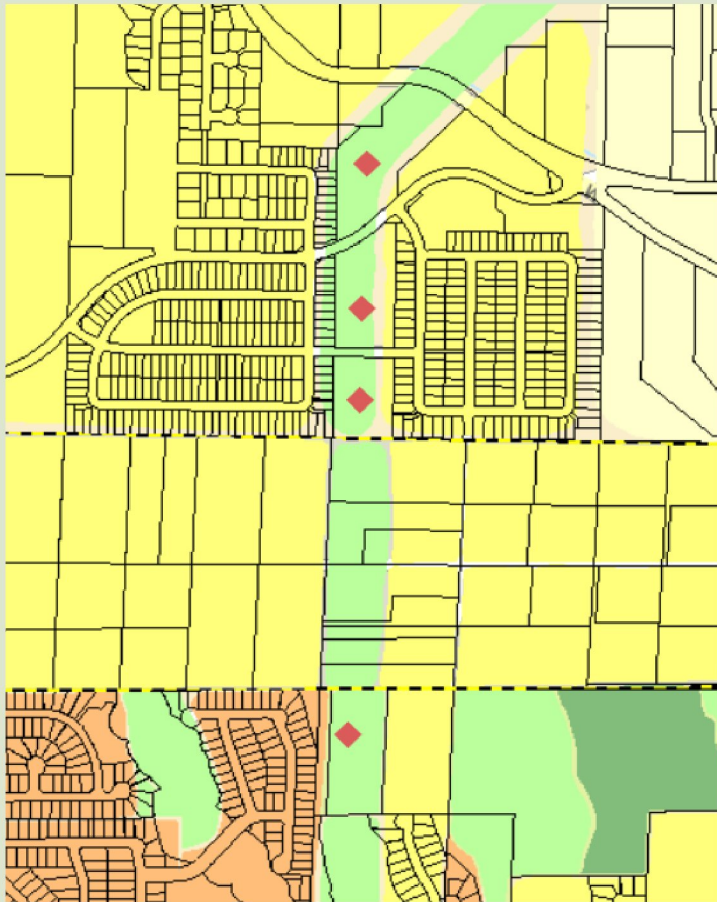


PRIVATELY OWNED PARCELS – 2015 AERIAL IMAGE*

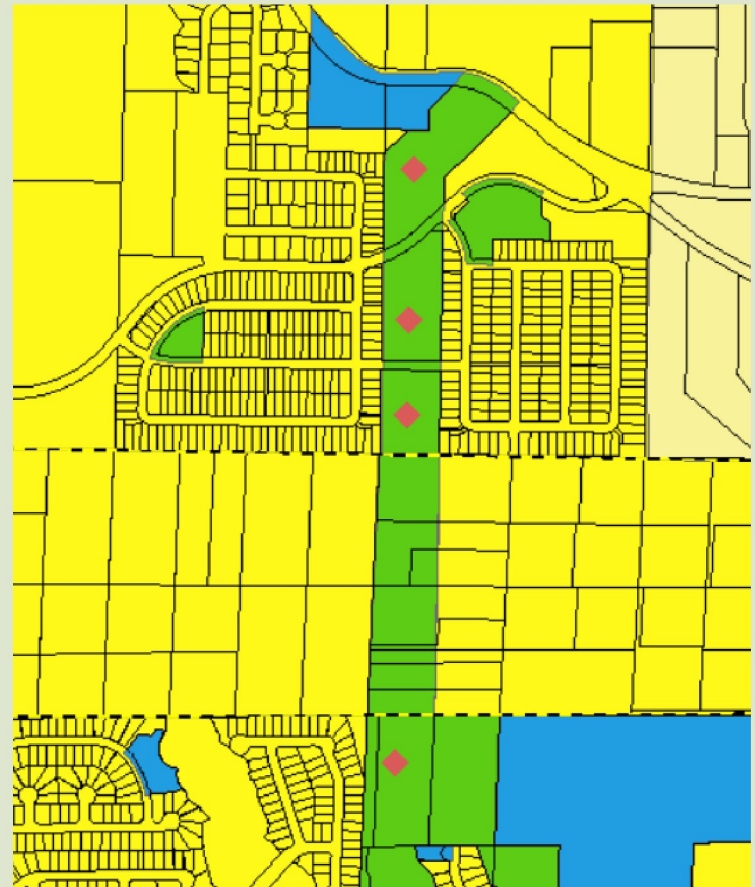


PRIVATELY OWNED PARCELS – LAND USE DESIGNATIONS

2011 Plan

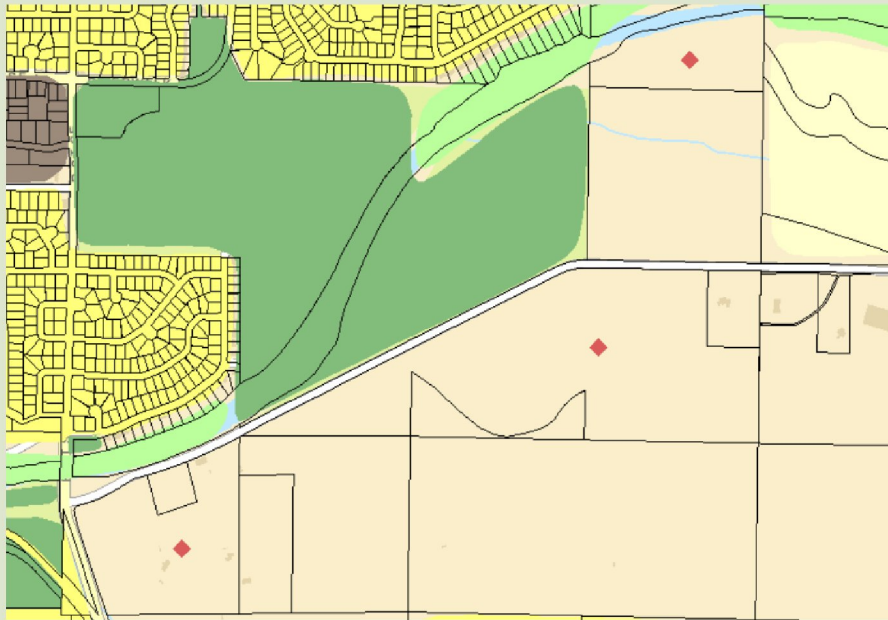


2015 Plan

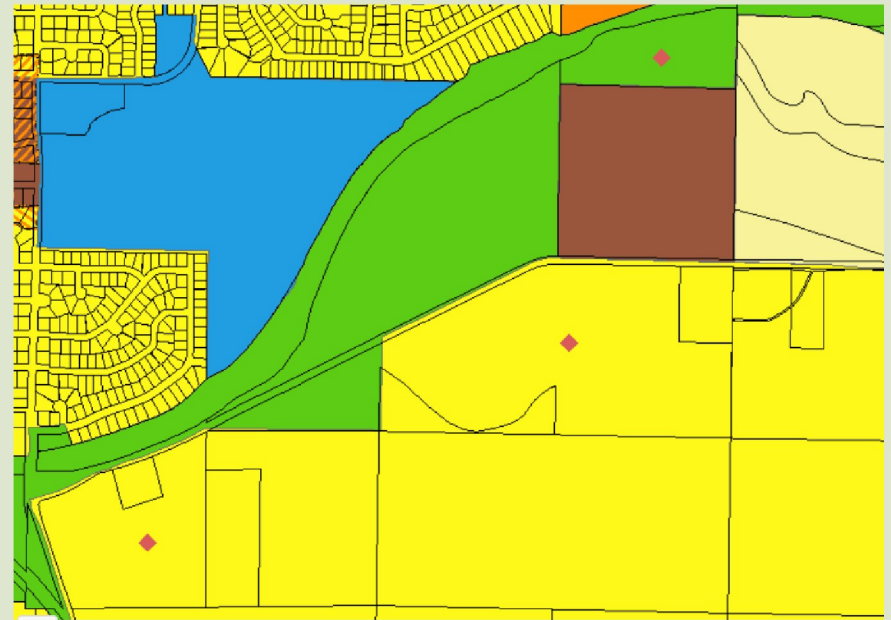


PRIVATELY OWNED PARCELS (SEGALE/STUCK RIVER ROAD AREA)– LAND USE DESIGNATIONS

2011 Plan

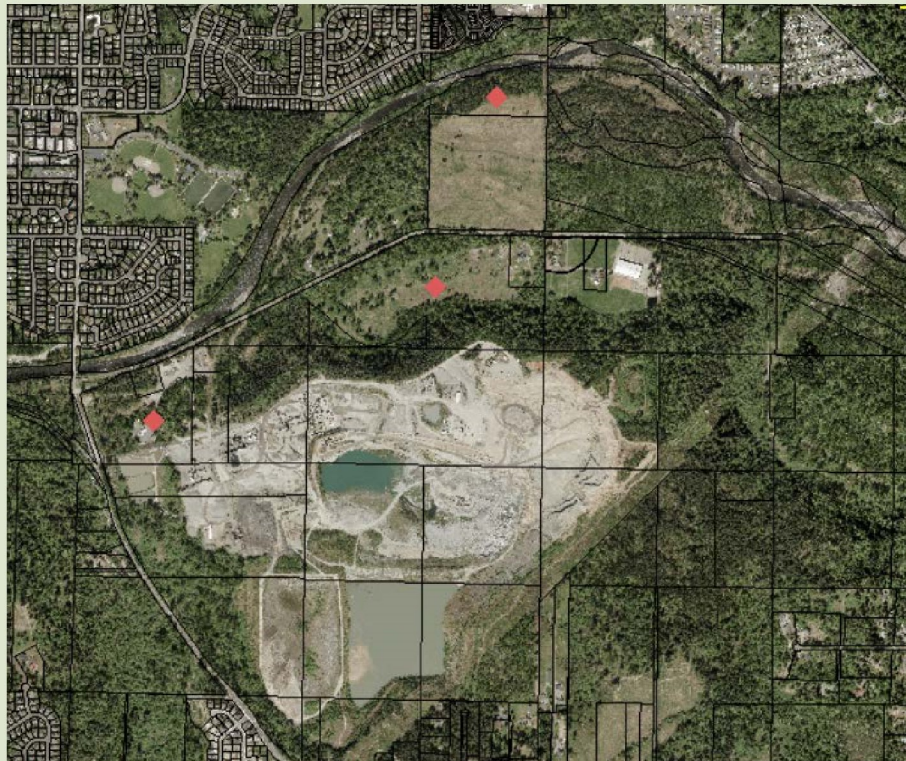


2015 Plan



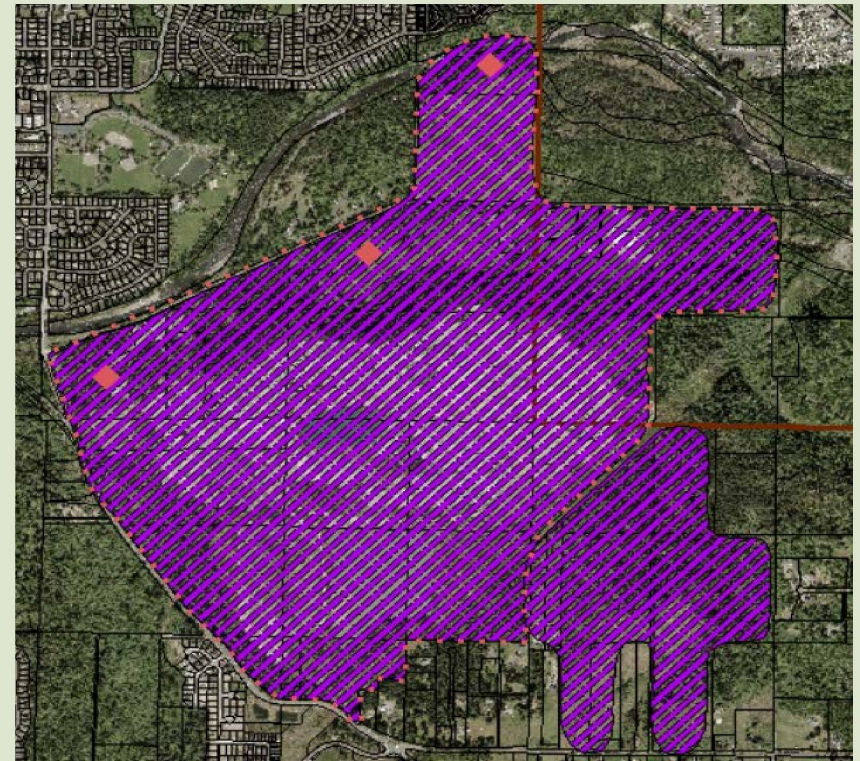
PRIVATELY OWNED PARCELS – SEGALE/STUCK RIVER ROAD AREA

Aerial Image (2015)*



Sand and gravel mine current activities – sand and gravel processing, large asphalt plant, concrete batch plant. Mining area is 664 acres. Commercial life of permit was extended or another 25 to 30 years in 2008 through mining permit extension.

Stuck River Road Special Planning Area*

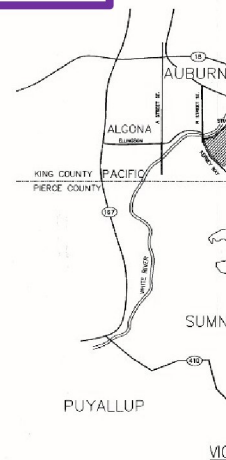
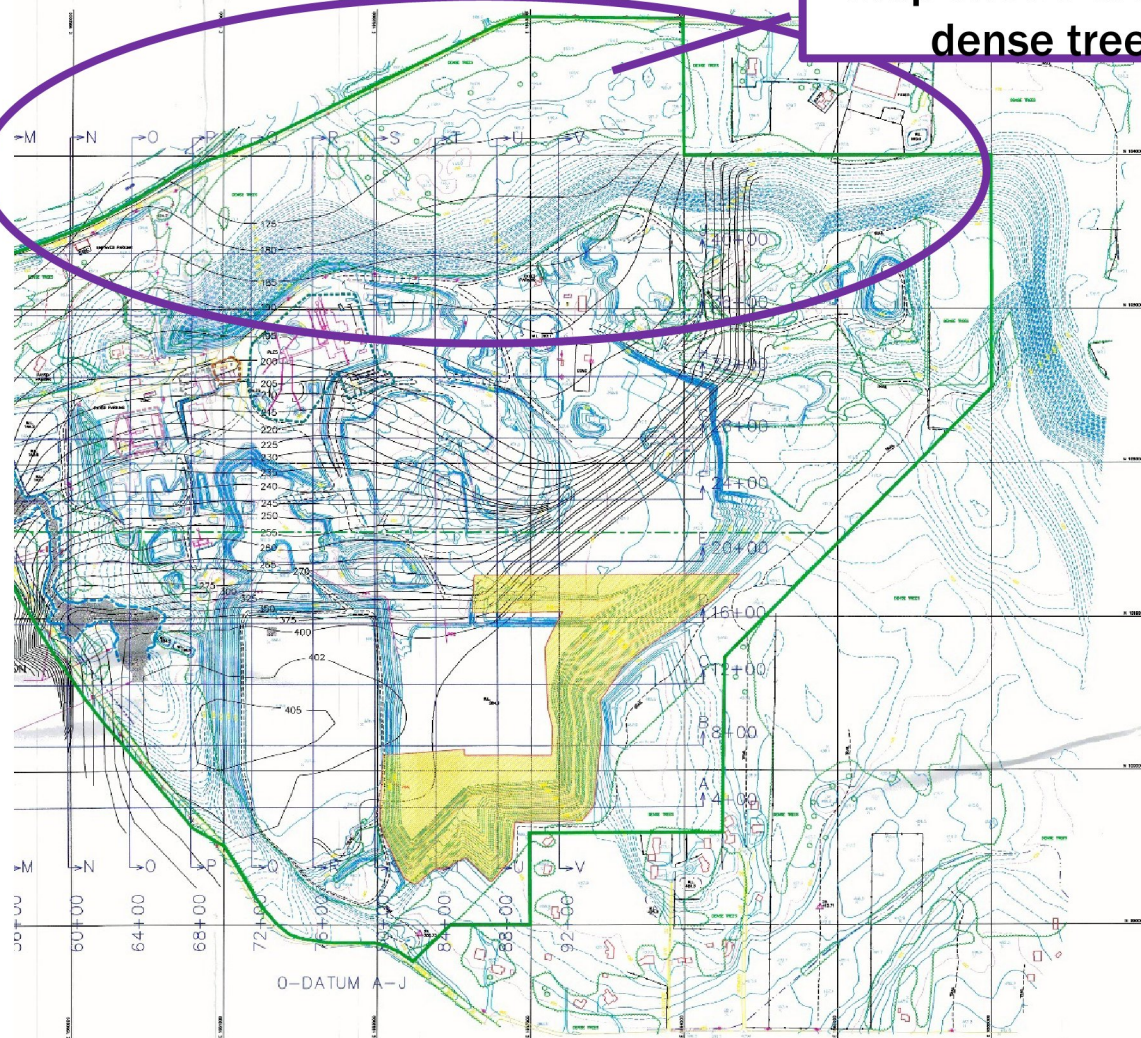


Stuck River Special Planning Area in Comprehensive Plan.

Map shows areas of
dense trees

SEGALE PIT MAP

Post-
reclamation
use =
residential



PLAN KEY

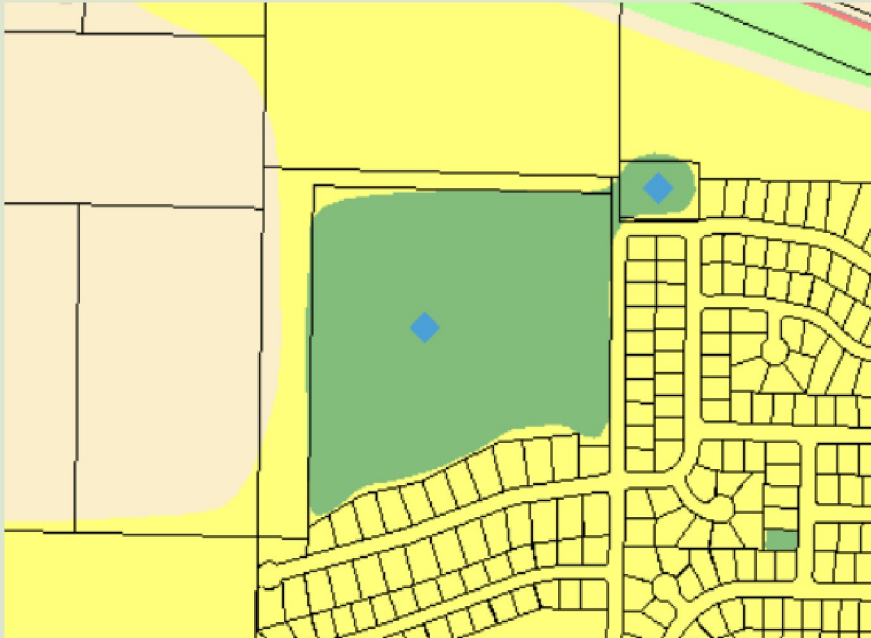
- RECLAIMED AREA
- PROPERTY LINE
- ASPHALT PLANT
- CRUSHER PLANT
- CONCRETE PLANT
- BOWEN CREEK AREA



CADFILE 1
 ICON
 Site Develop
 SCALE: AS S
 DATE: 06/0
 TITLE: AUBUR
 DRAWN BY: AUBUR
 CHECKED BY: GROSS

“OTHER PUBLIC” (MIT) – LAND USE DESIGNATIONS

2011 Plan

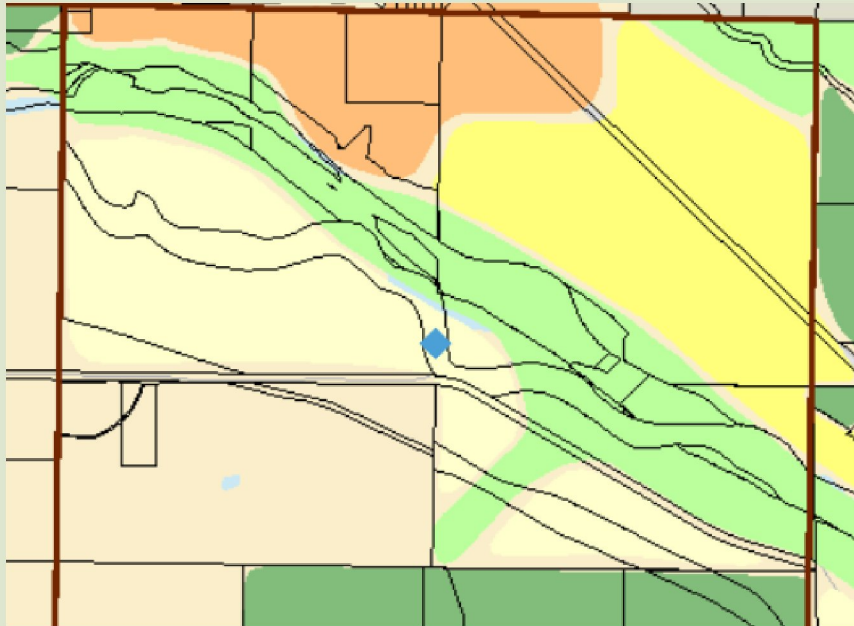


2015 Plan

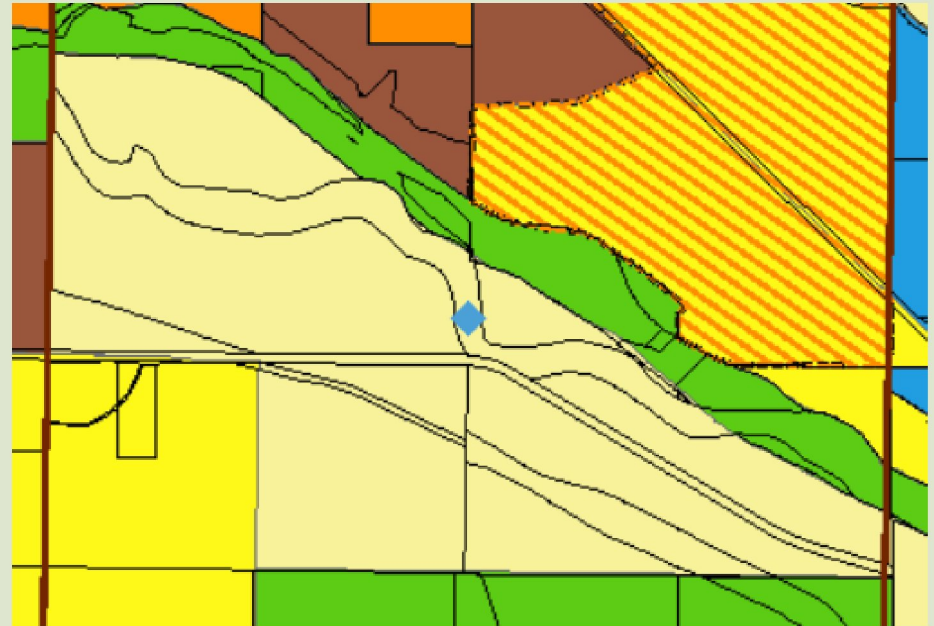


“OTHER PUBLIC” (MIT) – LAND USE DESIGNATIONS

2011 Plan

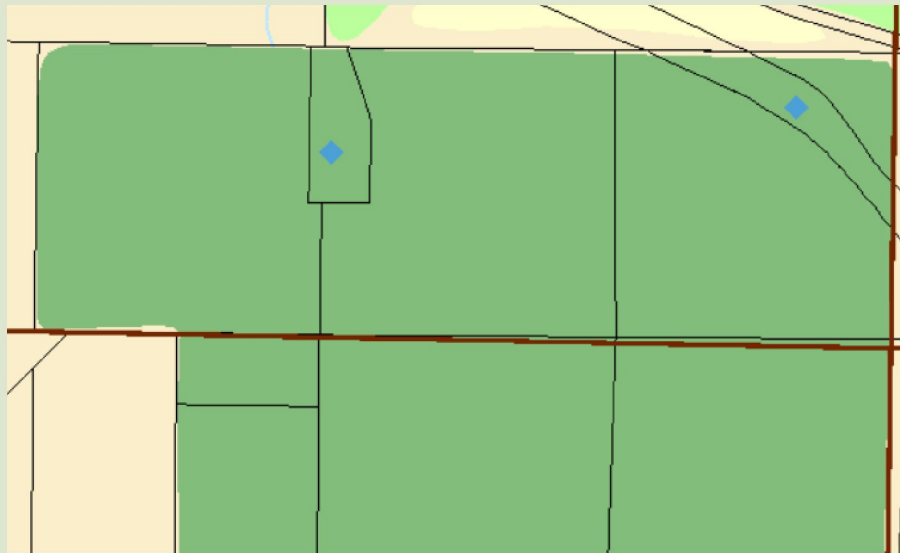


2015 Plan



“OTHER PUBLIC” (MIT) – LAND USE DESIGNATIONS

2011 Plan

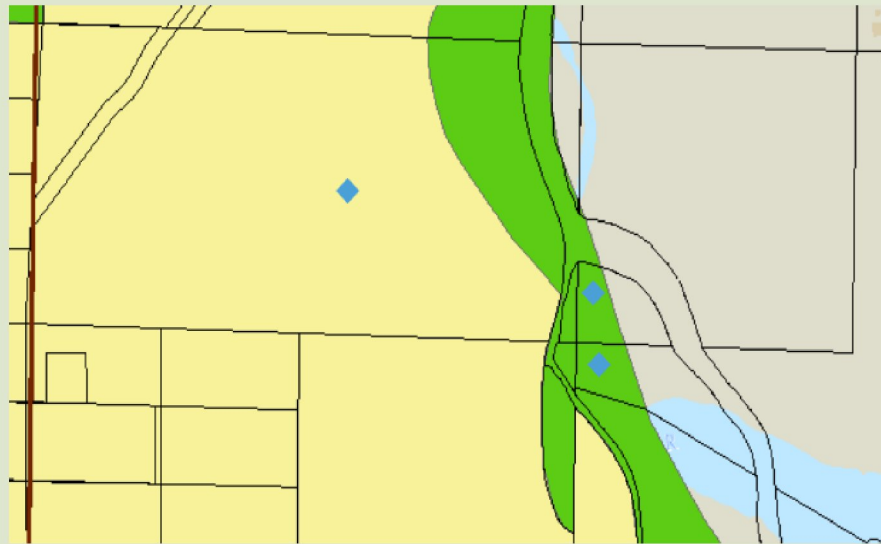


2015 Plan

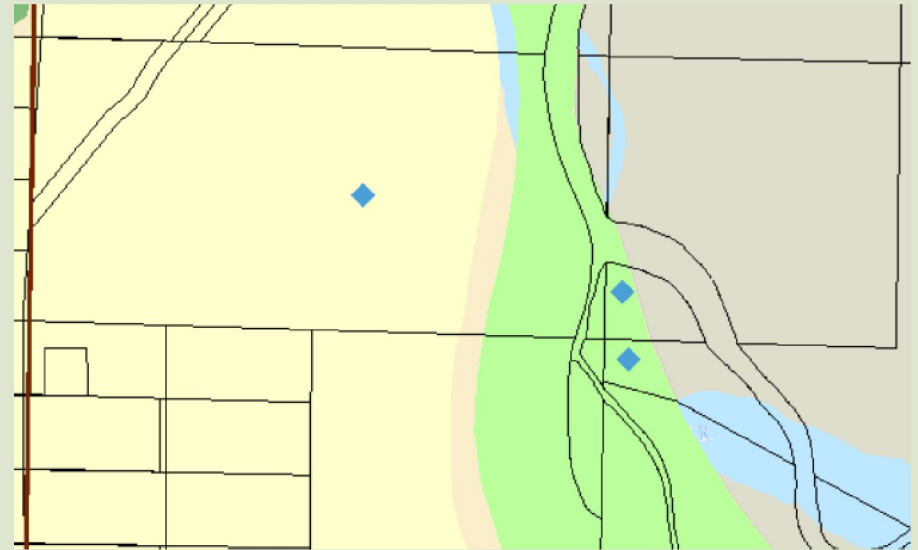


“OTHER PUBLIC” (MIT) – LAND USE DESIGNATIONS

2011 Plan



2015 Plan



“OTHER PUBLIC” (MIT) – 2015 AERIAL IMAGE*



ATTACHMENT C - LAND USE DESIGNATIONS LEGENDS

2011 Comprehensive Plan Land Use Designations

	Residential Conservancy
	Single-Family Residential
	Moderate Density Residential
	High Density Residential
	Office Residential
	Neighborhood Commercial
	Light Commercial
	Heavy Commercial
	Downtown
	Light Industrial
	Heavy Industrial
	Public and Quasi-Public
	Open Space

2015 Comprehensive Plan Land Use Designations

	Downtown Urban Center
	Heavy Commercial
	Heavy Industrial
	Institutional
	Light Commercial
	Light Industrial
	Neighborhood Commercial Overlay
	Residential Transition Overlay
	Multi-Family
	Neighborhood Commercial
	Open Space
	Residential Conservancy
	Residential Transition
	Single Family

NEXT STEPS

- At the next Planning Commission meeting staff intends to provide:
 - A comparison of former and current Comprehensive Plan land use designations of the private utility parcels.
 - Planning Commission Direction on Proposed Code – to ensure the code is ready to move to the public hearing stage, the Planning Commission should review the proposed code and provide directions to staff towards a hearing draft. See Attachments A and B.
 - Prior to the Planning Commission's hearing, City staff provide a notice to each of the property owners that the City is proposing zoning code language for their property.

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED **month, date, 2017**

PLANNING COMMISSION - RULES OF PROCEDURE

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X.	PUBLIC HEARING.....	4-6
XI.	CONFLICT OF INTEREST.....	6-7
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CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

We, the members of the Planning Commission of the City of Auburn, do hereby adopt, publish, and declare the following Rules of Procedure:

I. NAME:

The official name of the City of Auburn advisory planning agency shall be "The City of Auburn Planning Commission." The membership and terms of office of the members of the Planning Commission shall be as provided in Chapter 2.45 of the Auburn City Code (ACC).

II. MEETINGS:

1. All meetings will be held at the Auburn City Hall, Auburn, Washington, unless otherwise directed by the Secretary or Chair of the Planning Commission.
2. Regular meetings shall be held on the Tuesday following the first Monday of each month, and shall be open to the public. The meeting shall convene at 7:00 P.M. unless otherwise directed by the Secretary or the Chair.
3. If the first Monday of the month is a legal holiday, the regular meeting shall be held on the following Wednesday. If a regular meeting day (Tuesday) falls on a legal holiday or on the November General Election, the Commission will convene on the following Wednesday.
4. Special meetings of the Planning Commission shall be at the call of the Chair. Special meetings of the Planning Commission may also be called by any three members of the Commission. A minimum notice of 24 hours shall be provided for special meetings in accordance with State law.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Secretary or Chair provided at least 24 hours in advance.
6. Except as modified by these rules of procedure, Robert's Rules of Order, Newly Revised, most current version, shall govern the conduct of the meetings.
7. Meetings of the Planning Commission shall be conducted in conformity with the requirements of the Washington State Open Public Meetings

Act, Chapter 42.30 of the Revised Code of Washington (RCW). Executive sessions can only be held in accordance with the provisions of Section 42.30.110 RCW.

8. The Planning Commission may conduct business in closed session as allowed in conformity with Section 42.30.140 RCW.
9. An agenda shall be prepared in advance of every regular and special meeting of the Planning Commission. Meeting agendas and materials on items on an agenda for a regular meeting shall be provided to members of the Planning Commission not less than five (5) days in advance of the regular meeting. Meeting agendas and materials on items on an agenda for a special meeting shall be provided to members of the Planning Commission as promptly in advance of the meeting as can reasonably be accomplished.

III. ELECTION OF OFFICERS:

1. The officers of the Commission shall consist of a Chair and Vice Chair elected from the appointed members of the Commission and such other officers as the Commission may, by the majority vote, approve and appoint.
2. The election of officers shall take place once each year at the Commission's first regular meeting of each calendar year. The term of office of each officer shall run until the subsequent election.
3. The vacancy of the Chair or Vice-Chair during his or her term of office shall be filled for the remaining term of office by the Mayor and confirmed by the City Council. The Chair would be replaced by the Vice-Chair or the Vice-Chair would be elected by the vote of the Planning Commission.

IV. CHAIR:

1. The Chair shall preside over the meetings of the Commission and may exercise all the powers usually incident of the office. The Chair shall be considered as a member of the Commission and have the full right to have his/her own vote recorded in all deliberations of the Commission. Unless stated otherwise, the Chair's vote shall be considered to be affirmative for the motion.
2. The Chair shall have power to create temporary committees of one or more members. Standing committees of the Commission shall be created at the direction of the Commission and appointed by the Chair. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more

subjects of interest to the Commission. No standing or temporary committee shall have the power to commit the Commission to the endorsement of any plan or program without the approval at the regular or special meeting of the Commission.

3. The Vice Chair shall in the absence of the Chair, perform all the duties incumbent upon the Chair.
4. In the event of the absence of the Chair and Vice Chair, the senior member of the Commission present shall act as Chair for that meeting or may delegate the responsibility to another member.

V. SECRETARY:

The Planning and Development Director (“Director”), or his/her appointee, shall act as the Secretary for the Planning Commission and shall keep a record of all meetings of the Commission and its committees. These records shall be retained at the Planning and Development Department.

All public hearings shall be electronically recorded verbatim and may be transcribed upon request of the Director, City Attorney, the majority of the Commission, or City Council. Transcriptions may be requested by other parties, in which case, the costs of transcription shall be borne by the requesting party.

VI. QUORUM:

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A simple majority vote of the quorum present shall be sufficient to take action on the matters before the Commission; provided that if at any time during the meeting, a quorum is no longer present, the meeting may only continue for the time and duration necessary to fix a time for adjournment, adjourn, recess or take measures to obtain a quorum.

VII. ABSENCE OF MEMBERS:

In the event of a member being absent for two (2) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Chair may request that the Mayor ask for his or her resignation. To be excused, members must inform the planning commission’s secretary in advance if they cannot attend a scheduled meeting.

VIII. ACTIONS DEFINED:

The rules of the Commission impose different requirements according to the type of action before the Commission.

1. Legislative actions are those which affect broad classes of people of the whole City. These actions include adopting, amending, or revising comprehensive, community, or neighborhood plans, or other land use planning documents or the adoption of area wide zoning ordinances or the adoption of a zoning ordinance amendment that is area wide in significance.
2. Quasi-judicial actions of the Planning Commission are those actions which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions include actions that would otherwise be administrative or legislative if applied more widely or city-wide, rather than affecting one or a small number of persons or properties. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of general or area-wide significance.
3. Organizational actions are those actions related to the organization and operation of the Commission. Such actions include adoption of rules, directions to staff, approval of reports, election of officers, etc.

IX. AGENDA:

An agenda shall be prepared for each meeting consisting of the following order of business:

1. CALL TO ORDER
 - a) Roll Call/Establishment of Quorum
 - b) Pledge of Allegiance
2. Approval of Minutes
3. Public Comment
4. Public Hearings
5. Other Business Items as Appropriate
6. Community Development Report
7. Adjournment

Additional items may be added to the agenda by the Planning Commission. The Chair shall have the discretion to amend the order of business.

X. PUBLIC HEARINGS:

The procedure for conducting all public hearings will be as follows:

1. Chair opens the public hearing and establishes whether the proponent, if applicable, is in attendance.
2. Staff Report.
3. Testimony of Proponent, if applicable. Persons addressing the Commission, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign in sheet available at the Secretary's desk. All remarks will be address to the Commission as a whole. The Secretary shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
4. Chair calls for other testimony, either for or against. Testimony must be called for three times. The Chair shall have the discretion to set time limits on individual public testimony.
5. Questions of staff or persons presenting testimony.
6. Chair closes public hearing.
7. A public hearing may be reopened by motion to accept additional testimony.
8. Deliberation.
9. Voting:
 - A. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in favor of the motion.
 - B. The Chair, Secretary, or upon request from a Commission member, may take a roll call vote.
 - C. It is the responsibility of each member of the Planning Commission to vote when requested on a matter before the full Commission. However, a member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.

- D. If any member of the Planning Commission wishes to abstain, from a vote on the motion, that member shall so advise the Chair and, if there is no objection to the abstention, shall remove and absent himself/herself from the deliberations and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain, provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall confer with the City Attorney to determine if the basis for the member's intended abstention conforms to the requirements hereof. If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the member for that purpose before proceeding further.
- E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.

9. Continuing an Item:

If the Commission wishes to continue a public hearing item, the Chair should open the public hearing, solicit testimony, and request a motion from the Commission to continue the public hearing item to a time, place, and date certain. If any matter is tabled or postponed without establishing a date, time, and place certain, the matter shall be scheduled for a hearing pursuant to Auburn City Code (ACC) Section 18.68.040 before the matter may be considered again.

10. Findings of Fact:

The Commission should adopt findings of fact and conclusions for actions taken involving public hearing items. The findings and conclusions may be approved by any one of the following methods:

- A. The Commission may adopt in whole, in part, or with amendments, the written findings prepared by staff. Motions to approve the staff recommendations shall be deemed to incorporate such findings and conclusions unless otherwise indicated. Such findings and conclusions do not have to be read in order to be deemed a part of the record.

- B. The motion to take action may adopt oral finding statements made by Commission members or staff during the hearing or deliberation.
- C. The motion to take an action may direct that additional written findings and conclusions be developed based on the hearing and deliberation of the Commission.
- D. Findings and conclusions may be approved or amended at any time by the Planning Commission, but all such actions shall be based on the record of the matter at hand.

11. Order of Hearings:

Normally the order of hearings shall be as published in the agenda. However, the Chair in order to avoid unnecessary inconvenience to people wishing to testify, or the late arrival of a proponent, may change the order as may be necessary to facilitate the meeting. If the proponent does not appear at the public hearing, the Planning Commission may continue the public hearing until the next meeting in order to ensure adequate consideration of the proposal. However, in such case the Chair shall take whatever testimony that may be given before accepting a motion to continue pursuant to Section (8).

XI. CONDUCT:

- 1. Any person making personal, impertinent or slanderous remarks while addressing the Commission shall be barred from further audience participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
- 2. No comments shall be made from any other location, and anyone making “out of order” comments shall be subject to removal from the meeting.
- 3. Demonstrations, applause or other audience participation during or at the conclusion of anyone’s presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.
- 4. These rules are intended to promote an orderly system of holding a public meeting and hearing, to give persons an opportunity to be heard and to ensure that individuals are not embarrassed by exercising their right of free speech.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.
 - A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
 - B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
 - C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
 - D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
 - E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.
2. Appearance of Fairness:

Commission members shall strive to follow, in good faith, the Appearance of Fairness Doctrine as established under Washington State Law as it applies to quasi-judicial decisions (RCW 42.36) even for legislative actions before the Commission. The doctrine includes but is not limited to the following:

- A. Members shall avoid communicating in respect to any proposal with any interested parties, other than staff, outside of public hearings. Written communication from an interested party to a

member may be permitted provided that such communication is made part of the record.

- B. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.
- C. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
- D. Members shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the member prior to the hearing.
- E. If any concern relating to Items 1 through 4 should arise, the affected member shall declare at the start of the public hearing on the matter, the extent of such concern and whether the member's decision has been influenced. If the member has been influenced, or if the extent of the concern is significant, the member shall be excused by the Chair from the meeting room and his vote recorded as an abstention.

If, under these rules, a quorum would be excused from the meeting, the Chair in order to establish a quorum, shall under the rule of necessity, permit sufficient members (beginning with those who are least affected by these rules) to participate in the decision.

No member may participate in any decision if the member had not heard the testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement.

These rules are intended to be consistent with RCW 42.36. In the case of any conflict, RCW 42.36 or applicable case law shall govern.

XIII. AMENDMENT:

The Rules of Procedure may be amended at any regular meeting of the Commission by a majority vote of the entire membership. The proposed amendment should be presented in writing at a preceding regular meeting.