

**Planning Commission Meeting
April 2, 2019 - 7:00 PM
City Hall Council Chambers
AGENDA**

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

- A. March 5, 2019 Draft Minutes from the Planning Commission Regular Meeting

III. PUBLIC HEARINGS

- A. PSERN - EMERGENCY WIRELESS COMMUNICATION FACILITY (ZOA18-0001)
Amend the City's Zoning Code – Title 18 to allow the use and siting of emergency community WCFs within the I, Institutional zoning district of the Auburn City Code (ACC)

IV. OTHER BUSINESS

- A. **Discuss joint meeting of the Planning Commission and City Council proposed for the regular City Council Study Session meeting in May**

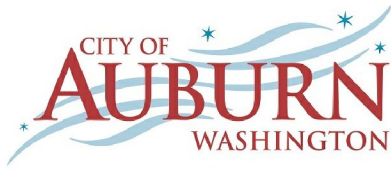
V. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VI. ADJOURNMENT

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

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

March 5, 2019 Draft Minutes from the Planning Commission
Regular Meeting

Date:

March 20, 2019

Department:

Community Development

Attachments:

[Draft Minutes March 5, 2019](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the March 5, 2019 regular meeting minutes.

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

DIXON

Meeting Date: April 2, 2019

Item Number:



March 5, 2019

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:04 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: Planning Services Manager Jeff Dixon, Planner II Alex Teague, and Community Development Administrative Assistant Tina Kriss.

Members of the public present: Ricquel Cardoza, representative of PSERN, Commander Jamie Douglas, and Jeff Watson.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. January 23, 2019, 2019

The Commission asked staff to update the language under Section V. COMMUNITY DEVELOPMENT, changing the word "off" to "on" in Paragraph 3, 1st sentence. The Paragraph should read as follows:

"Staff reported that the former Heritage building on Main Street has been partially removed after experiencing the fire damage."

Commissioner Moutzouris moved and Vice-Chair Lee seconded to approve the minutes from the January 23, 2019 meeting as amended.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC HEARING

No items were brought forward for public hearing.

IV. OTHER BUSINESS

A. PSERN – Emergency Wireless Communication Facility (ZOA18-0001)

Planner II, Alexandria Teague, provided the staff report for PSERN, ZOA18-0001.

Planner Teague regarding the proposed facility and code amendment by PSERN provided an overview. She described the function and purpose, the proposed facility and summarized the amendments to Auburn's Zoning Code.

PSERN stands for Public Safety Emergency Radio Network and is intended to replace the current King County (KC) E-911 Emergency Radio Communications System. First responders to communicate during emergency incidents will use much of the King County (KC) E-911 Emergency Radio Communications System, and the proposed facility in Auburn is part of the system used by all jurisdictions in King County.

The applicant proposes to amend the City's Zoning Code, Title 18 to allow the use and siting of emergency community WCFs within the I, Institutional Zoning district to accommodate their self-supporting, 180-foot, unmanned, wireless communications facility. Under the current city code, the proposed project would not be allowed, so code changes are being requested.

The three sections of the code to be amended are 18.04, "Definitions", 18.31, "Supplemental Development Standards", and 18.35, "Special Purpose Zones" which contains the use and zoning development standards for the I, Institutional zoning district.

Staff shared information in response to Commission questions from the last meeting. Staff reported that the lease term for PSERN is approximately 20 years with renewal options. To answer the question if the WCF tower proposed is needed for adequate emergency coverage in Auburn, staff showed comparison maps and explained that existing gaps in communication signal coverage will be mitigated with the proposed PSERN tower. This site would be one tower in the network for King County completing the coverage in Auburn and the vicinity.

The Commission and staff discussed the footprint of the tower and area of base station and parking area. Staff explained that each side of the three-sided tower is approximately 14 feet long. The parking area is approximately 60 x 70 feet, or approximately 4,200 square feet. For comparison, staff recounted that the minimum standards for a typical R5, Residential zoned lot allowing for 5 dwelling units per acre within the zoning district, is 4,500 square feet.

The Commission and staff discussed the height, siting, and collocation standards recommended by staff. A discussion was held regarding the administrative use permit process, conditional use process to authorize increases in height and the public comment opportunities associated with each land use approval process. The question was asked if a site-specific approval for this proposal could be allowed, or if the option must be open to other sites with similar zoning.

Staff explained, that approval of this proposal is requested through a code amendment process. Generally, code amendments are not made on a site-specific basis. Amendments are proposed through the land use and zoning designations which provide a certain fairness to all property owners with similar circumstances and within the same zoning district.

Staff noted that the approach discussed in this case, making it exclusive to the circumstances of a facility proposed by a public agency for emergency communication purposes, and including a significant restrictions can effectively reduce the likelihood of similar requests in the future.

The Commission and staff discussed having a cap height maximum of 185 feet. Members of the Commission asked staff to bring back an amendment proposal that provides a height cap of 185 feet with no land use approval process for increases in height beyond this cap. Staff also explained certain Federal Communication Commission (FCC) pre-emptions for what are considered minor increases/expansions to wireless communication facilities that the city cannot preclude.

A discussion was held regarding collocation of non-commercial entities. The commission sought clarification of what was meant by non-commercial and it was clarified that these include Federal, State, or Local public governments or agencies. The Commission asked staff to provide language that highlights the specific FCC definition of non-commercial collocation which only includes Federal, State or Local public governments or agencies.

The Commission asked staff to return with language within the code amendment providing the following:

- A height cap limit of 185 feet with no land use approval process for increases.
- Collocation of non-commercial Local, State, and Federal public agencies only (include specific Federal Communication Commission (FCC) noncommercial collocation language)
- Allow the minimum facility changes for expansion of equipment under FCC Section 6409
 - Require an Administrative Use Permit (land use process) for any request for collocation

Staff asked if the Commission would be comfortable if staff brings back draft, language to hold a public hearing at the next regularly scheduled meeting of April 2. The Commission concurred.

B. Modification of Rules of Procedures

Planning Services Manager Jeff Dixon explained that at the January 23, 2019 Planning Commission meeting the Commission recommended changes to the adopted June 5, 2018, Planning Commission Rules of Procedure.

Staff indicated that their packet this evening, includes strikethrough and underline changes for the Commission based on the changes that were requested. The Commission concurred on the recommended changes as proposed by staff to Section II. Meetings, 4. Special Meetings with changes to the 1st sentence and replacing the word "shall" with "may".

After discussion and review, the Commission took action on the proposed amendments to the Rules of Procedure.

Vice-Chair Lee moved and Commissioner Stephens seconded to adopt the amended Rules of Procedure with the updated language to Section II. Meetings, 4. "Special Meetings" as follows:

"Special meetings of the Planning Commission may be called by 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."

Staff will provide a copy of the March 5, 2019 adopted Rules of Procedure to the Commission Members at the next meeting.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon explained that staff would like to schedule a joint meeting between the Planning Commission and City Council at their May 13, 2019 City Council Study Session at 5:30 p.m.

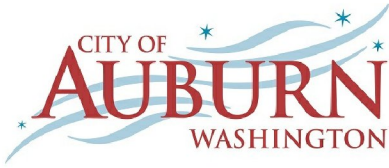
Staff explained that in the past the Commission has routinely met with Council to discuss operations, the comprehensive plan, and other matters. The meeting would be informational; the Council transacts no business during their Study Session Meetings.

Staff explained, if there are specific subjects the Commission would like to discuss, it would be advantageous to inform staff so that each body can be aware of discussion expectations. The Planning Commission joint meeting would be the first part of the City Council meeting and include other subjects for discussion by the City Council.

A formal presentation is not necessary, yet if the Commission would like to discuss specific topics and have a presentation by staff, staff can prepare. The Commission and staff will discuss Commission member availability, potential topics, and format at their next meeting.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:36 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

PSERN - EMERGENCY WIRELESS COMMUNICATION
FACILITY (ZOA18-0001)

Date:

March 25, 2019

Department:

Community Development

Attachments:

[PSERN- Staff Report](#)
[Exhibit A - PSERN Code Amendments](#)
[Exhibit B - PSERN Admin Decision](#)
[Exhibit C - PSERN Public Comments](#)

Budget Impact:

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

Administrative Recommendation:

Planning Commission to review and take action on PSERN - Emergency Wireless
Communication Facility (ZOA18-0001)

Background Summary:

Please see the attached memorandum

Reviewed by Council Committees:

Other: Planning and Legal

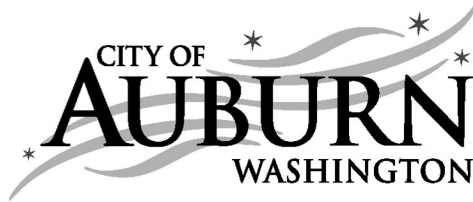
Councilmember:**Staff:**

TEAGUE

Meeting Date: April 2, 2019

Item Number:

PH.1



Memorandum

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

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

DATE: March 21, 2019

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

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

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

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

FINDINGS OF FACT:

Background & Proposal

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

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

Procedural Steps

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

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

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

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

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

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

Can be summarized as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 2. Types of Permit Required for EWCFs

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

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

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

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

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

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

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

ATTACHMENTS:

Exhibit A – Proposed PSERN EWCF Code Amendment

Exhibit B – PSERN Administrative Decision

Exhibit C – Received Public Comments

ATTACHMENT Exhibit A – Proposed PSERN Code Amendment

18.04.912 Wireless communications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.31.100 Wireless communications facilities siting standards.

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

A. Separation between Facilities.

1. New, Freestanding Primary Support Structures.

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

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

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

B. Co-Location Requirements.

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

C. *Height.*

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

D. *Setbacks.*

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

E. *Fencing and Landscaping.*

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

2. *Landscaping.*

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

F. *Aesthetics.*

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

G. *Lighting.*

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

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

H. *Abandoned Facilities.*

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

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

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

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

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

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

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

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

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

L. *Exemptions.*

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

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

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

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

Chapter 18.35

SPECIAL PURPOSE ZONES

Sections:

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

18.35.010 Purpose.

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

18.35.020 Intent of special purpose zones.

- A. *General.* This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.
 - B. RO and RO-H Residential Office and Residential Office-Hospital Zone. The RO and RO-H are intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community.
 - C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.
-

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

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

18.35.030 Uses.

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

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

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

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

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

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

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

Notes:

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

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

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

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

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

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

18.35.040 Development standards.

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

December 5, 2018

LDC, Inc.

Attn: Richard Cardoza

1851 Central Pl. South, Suite 101

Kent, WA 98030

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

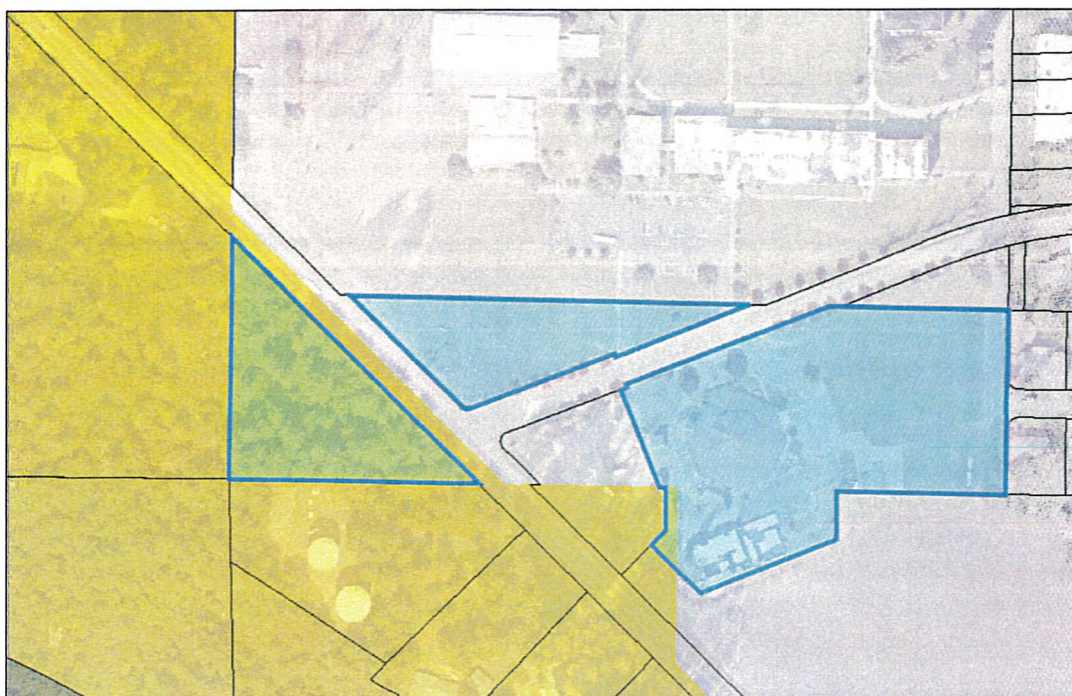
Mr. Cardoza,

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

Summary of Existing Conditions

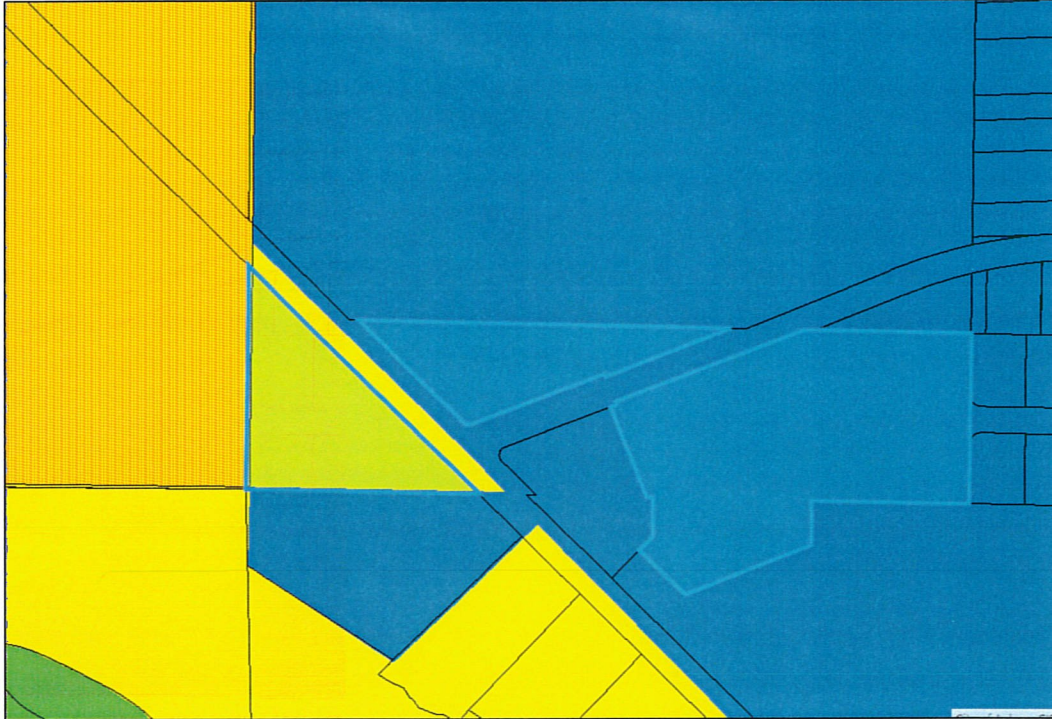
King County Parcel #2721059012 is an 8.38 acre parcel that is owned by the Western Washington Conference of Adventists and that is bisected by Auburn Way South. There are approximately 1.95 acres of land on the west side of Auburn Way South and 6.43 acres to the east. The 1.95 acres to the west is triangular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

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



City of Auburn Zoning Map

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



Comprehensive Plan Map Designations

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

Summary of Request and Overview of City Code

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

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

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

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

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

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

Decision

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

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

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

Sincerely,



Jeff Tate, Director
Department of Community Development

cc: Alexandria Teague, Planner II

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

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

Good morning Jeff,

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

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

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

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

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

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

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

Code excerpt: -----

WAC 197-11-060

Content of environmental review.

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

(2) The content of environmental review:

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

(3) Proposals.

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Alexandria

Alexandria Teague, Planner II
Community Development

City of Auburn | www.auburnwa.gov

253.931.3088 | ateague@auburnwa.gov

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

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

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

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

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

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

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

To: Alexandria Teague <ateague@auburnwa.gov>

Subject: RE: ZOA18-0001 SEP18-0015

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

WAC 197-11-704

Action.

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

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

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

(c) Legislative proposals.

(2) Actions fall within one of two categories:

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

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

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

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

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

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

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

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

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

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

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

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

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

Good Morning Alex,

A few quick questions:

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



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

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

RECEIVED

DEC 21 2018

AT

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

RECEIVED
CITY OF AUBURN
CDPW-COMMUNITY DEVELOPMENT

DEC 21 2018

Dear Mr. Tate,

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

Respectfully,



Jeffrey A. Watson

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

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

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

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

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

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

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

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

File Nos. SEP18-0015
ZOA18-0001

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

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

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

Studies/Plans Submitted With Application:

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

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

Other Permits, Plans, and Approvals Needed:

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

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

Lead Agency: City of Auburn

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

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

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

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

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

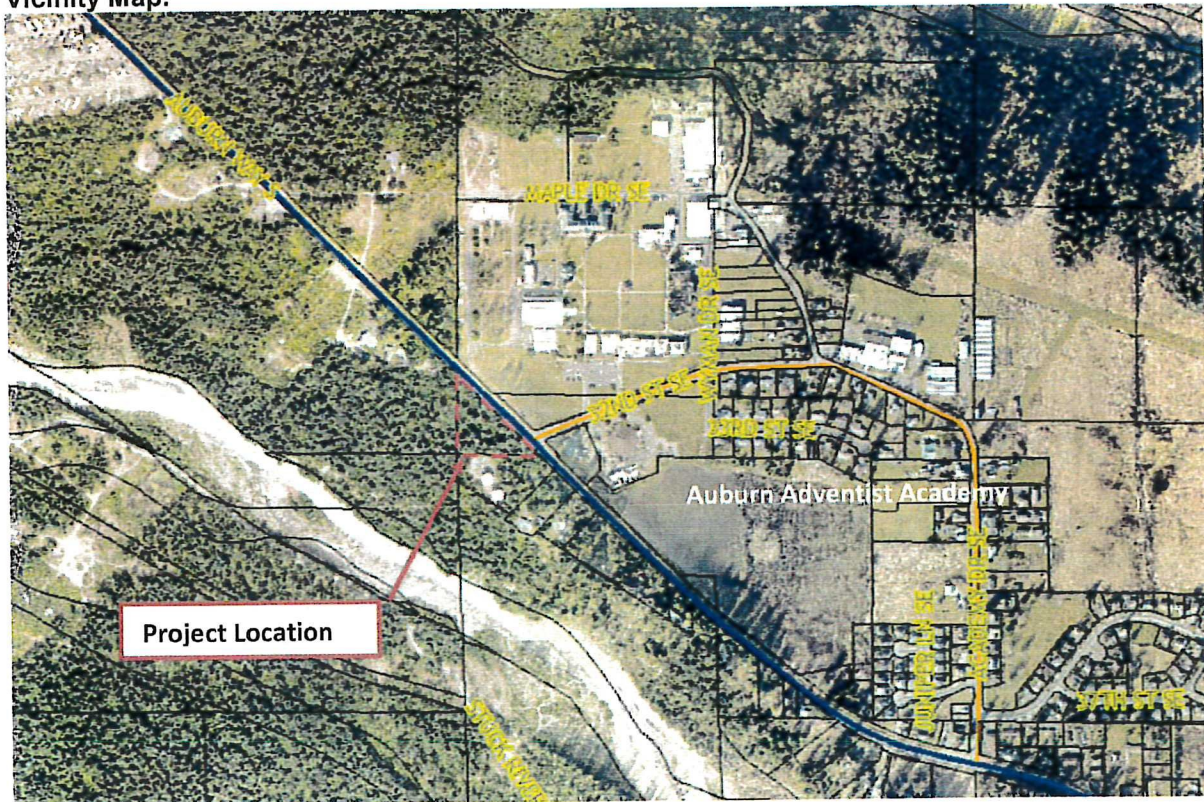
Public Hearing: The January 8, 2019 Planning Commission public hearing is cancelled. A Public Hearing time and date is to be determined.

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

DATE ISSUED: 12/17/18 SIGNATURE: 

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

Vicinity Map:



January 14, 2019

VIA EMAIL AND US MAIL

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

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

Dear Mr. Watson,

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

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

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

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

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

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

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

Sincerely,



Alexandria Teague, Planner II
Department of Community Development

AT/jo

CORR19-004

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

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

Alexandria,

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

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

Dick Wooding
253-732-8940

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

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



Sincerely,

Alexandria

Alexandria Teague, Planner II

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

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

Good afternoon Mr. Wooding,

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

Sincerely,

Alexandria

Alexandria Teague, Planner II

Community Development

City of Auburn | www.auburnwa.gov

253.931.3088 | ateague@auburnwa.gov

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

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

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