



SPECIAL PLANNING COMMISSION MEETING

March 21, 2017
AGENDA

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

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

II. APPROVAL OF MINUTES

- A. March 7, 2017

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

No public hearing items were brought forward.

V. OTHER BUSINESS

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

Summary: Review and discuss with City staff a draft ordinance pertaining to the regulation of marijuana related businesses and marijuana cooperatives within the municipal limits of the City of Auburn.

VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. ADJOURNMENT

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

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



March 7, 2017

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: City Attorney Dan Heid; Director of Community Development & Public Works Kevin Snyder; Assistant Community Development Director Jeff Tate, Planning Services Manager Jeff Dixon; Senior Planner Thaniel Gouk; Planner II Alex Teague; and Planning Administrative Assistant Tina Kriss.

Members of the public present: Craig Kruger

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. February 22, 2017 Special Meeting,

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the February 22, 2017 meeting as written.

MOTION CARRIED UNANIMOUSLY. 8-0

III. PUBLIC COMMENT

There was no public present for comments.

IV. PUBLIC HEARING

A. Ordinance No. 6644, ZOA16-0004 – Amending the Residential Uses allowed in the C-1 Zone, and Development Standards for Mixed-Use Developments

Senior Planner Thaniel Gouk provided the staff report for Ordinance No. 6644. He reviewed the purpose of the proposed code revisions; he explained that they were to resolve the City Council moratorium on residential uses in the C-1 Zone and to be responsive to a private code amendment application about the commercial uses allowed as part of a mixed use project (File No. ZOA16-0004) along with some changes to clarify and increase consistency. He also indicated that some of the changes resolve the City Council

moratorium on residential uses in the C1 zone, were the subject of a previous planning commission public hearing and recommendation.

Chair Roland opened the public hearing on Ordinance No. 6644, ZOA16-0004 – Amending the Residential Uses allowed in the C-1 Zone, and Development Standards for Mixed-Use Developments at 7:05 p.m.

Craig Krueger, 15506 NE 103rd Way, Redmond, Washington
Mr. Krueger stated he is a Planner working on behalf of Promenade Apartments LLC and is in support of Ordinance No. 6644. The Promenade apartments is a mixed use residential and commercial development project in the C-1 Zone in a Lea Hill neighborhood. He thanked the Commission for allowing him to testify and expressed his appreciation for the work of the Planning Commission and staff in drafting up the language addressing the private code amendments regarding non-residential uses vested in the mixed-use project. He stated the amendments would allow the YMCA child development center to be located within the Promenade Apartments as envisioned from the onset as part of the mixed use development. Mr. Krueger stated the YMCA child development center will be a great addition to the Promenade Apartments, the Lea Hill neighborhood, and the City of Auburn and is hopeful that you recommend Ordinance No. 6644 to City Council for approval.

At 7:07 with no other public testimony, Chair Roland Closed the public hearing on Ordinance No. 6644, File No. ZOA16-0004 – Amending the Residential Uses allowed in the C-1 Zone, and Development Standards for Mixed-Use Developments. The Commission deliberated.

Vice-Chair Copple moved and Commissioner Moutzouri seconded to recommend moving forward Ordinance No. 6644, ZOA16-0004 – Amending the Residential Uses allowed in the C-1 Zone, and Development Standards for Mixed-Use Developments to City Council for approval.

MOTION CARRIED. 7-1

V. OTHER BUSINESS

A. Discussion of Mixed Use Zone

Senior Planner Thaniel Gouk provided the staff report on an introductory discussion on the creation of a new Mixed Use Zoning district.

Staff explained that policies and guidance in the 2015 Comprehensive Plan created a new Mixed Use Residential land use map designation and described a new zoning district to implement this map designation. Staff is presenting the proposed language which is the set of uses and zoning regulations for this proposed mixed use zone.

Staff explained that Auburn currently allows mixed use (MUR) in a variety of zones but the emphasis of the MUR would be the residential component. Staff clarified that if a developer wanted to build an apartment building with no mixed use it would be allowed in the MUR zone and if the developer wanted the mixed use component the focus would be on residential component. No standalone commercial buildings or big box stores would be allowed as standalone uses as this could be otherwise be allowed in a commercial zone. The MUR designation for the 2015 Comprehensive Plan is proposed to be applied to areas that are existing multi-family or an older multi-family building that have the potential for mixed use along with the residential use. Staff explained that they are not requiring a retail component as everything is market driven, but to accommodate greater flexible for uses that will encourage a more walkable pedestrian oriented neighborhood. As the market changes an update can be made.

The Commission asked if an existing multi-family dwelling in existing higher density residential zoning districts wanted to add mixed use would it be a consideration. Staff explained the goal would be to provide code language that is flexible enough that folks could request a conversion to mixed use residential by applying for a rezone to this designation.

The Commission and staff discussed parking within a mixed use in a residential setting and the demand for pedestrian friendly, walkable residential areas. There was discussion about the struggle between enough parking to meet user needs and requiring less parking to promote walkability. Staff explained this is generally market driven and staff is proposing flexibility within the code to allow the market to drive the demand.

The Commission asked staff if they could include with the proposed draft language a map and a land use table showing the location, allowed uses and a listing of businesses that are not allowed within specific locations of the C-1 zone. Staff explained that they will bring back the updated draft code language at the April 4, 2017 Planning Commission meeting.

B. Temporary Uses, Mobile Vendors and Food Trucks – Draft Code Changes

Assistant Director Tate highlighted the proposed draft code amendment for ZOA16-0008, Temporary Uses, Mobile Vendors and Food Trucks. The code amendments apply to Chapter 18.46A (Temporary Uses) and amendments to Chapter 5.20 (business licensing).

Staff pointed out that the temporary use modifications were discussed with the Commission at their December 9, 2016 meeting. He pointed out that Chapter 18.46A (Temporary Uses) is under the review authority of the Planning Commission and will be included in a public hearing however, Amendments to Chapter 5.20 (business licensing) were shared for information and will not be included as part of the code amendments for the public hearing as they are not part of the land use regulations.

The Commission and staff discussed Chapter 18.46A.040 (K), (Temporary Use Exemptions). The Commission felt the exemption for 30 days or less per year for the

placement and use of portable storage containers was too short and felt providing 45 to 60 days was a timeframe more consistent with the combination of household moving/storage and the length of time for purchase and closing of the sale of a home. Staff concurred and will update the draft language.

Regarding proposed ACC 18.46.060, the Commission asked if vendors from the Auburn Farmers Market are subject to the temporary use regulations or are exempt and staff reported the vendors are under a separate organizational structure and noted that proposed language will be added to provide clarification.

Staff clarified that temporary storage containers are allowed for up to 6 months but thereafter a Temporary Use Permit would be required. The Commission asked staff to make sure the timeframes are consistent throughout the proposed code amendment and include the appropriate provisions for extension of the temporary use permits.

A discussion was held as to the types of accessory structures are allowed and the regulations associated with the use. Staff will bring back the updated draft code language for the Public Hearing on April 4th, 2017.

C. Discussion of Open Space Zone

Planner II Alex Teague provided the staff report for the Open Space Zoning district.

Staff explained the intent statement for the proposed open space zoning district as described in Auburn City Code Section 18.02.070 "Establishment of Zones" is constructed to be consistent with the overall description of the corresponding land use map designation and is important to guide the future interpretation and application of the land use regulations and what land uses fit in with the characterization of the zone. The Commission and staff discussed the Open Space Zone intent statement.

A discussion was held as to the ability for a single family home to be located in an open space zoned property. The Commission asked if mobile homes and manufactured homes are allowed to be placed on a property within the open space zone. Staff explained if it is a manufactured home, and is setup in accordance with the zoning standards (pitched roof and permanent foundation) to meet the definition of a single family residence, it is allowed. She stated that a mobile home is generally allowed only in mobile home parks. Also, if a use is included in a land-use table in one zone but excluded from another zone; then it is considered a prohibited use where not listed.

The Commission and staff discussed open space zones that currently have a single family residence located on the property; after discussion the Commission asked staff to provide a map in the future showing the properties that have a single family residence located on the site.

A discussion was held regarding the open space designation of cemeteries. One commissioner expressed an intention to have the designation changed. Staff explained that a review of the designation of cemeteries will be brought back during

the annual Comprehensive Plan Amendments to the Commission for review and discussion.

A questions was asked by the Commission if staff was aware of development plans for vacant Muckleshoot Indian Tribe (MIT) property within Auburn. Staff was not aware of future development plans but staff can make a request to the MIT and report back to the Commission.

The Commission and staff discussed the Comprehensive Plan of 2015 and how the designation to Open Space impacts private property. The Commission asked staff to provide more information on the designation to Open Space of the Property owned by Segale and located in the vicinity of Stuck River Road SE. Staff will bring back the information requested by the Commission for further discussion at the next meeting.

D. Modification of PC Rules and Procedures

Assistant Director Tate provided a brief overview of the annual review by the Commission of their written Rules and Procedures document. He explained that the rules were reviewed at their last meeting and staff provided some suggested language for the Commission to consider in response to the topic the Commission wanted to discuss related to conduct by persons attending the meetings.

The Commission and staff discussed the current language in the city code used for City Council Meetings regarding disruptive conduct. The Commission concurred that they do not believe the current language of the Planning Commission Rules and Procedures addresses disruptive conduct and would like staff to add language that is consistent with City Council language to regulate the conduct of persons in attendance.

Staff also discussed options for time limitations and procedures for audience participation during public hearings. It was concluded that language to Rules and Procedures under Section **X. Public Hearings** needs to be updated so the language is consistent with the City Council language regarding time limitations.

The Commission and staff discussed how the public in attendance is informed of the public hearing rules and staff pointed out that a written summary of the rules for participation is provided as a handout at all planning commission meetings which provides information on the public hearing testimony. The Commission asked staff to review the language within the document to make sure it is consistent with any changes to the Planning Commission Rules and Procedures. Staff will bring back additional updates to the Rules and Procedures for review at the next meeting.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate reported that on February 21, 2017 City Council adopted Ordinance No. 6638, amending the City of Auburn Downtown Urban Center Design Standards Pedestrian Street Map.

Staff informed the Commission that they have been signed up for a 2017 American Planning Association (APA) membership and will be receiving publications and emails from the APA.

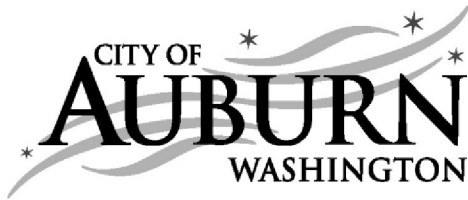
Staff provided an overview of the 2016 Year in Review statistics of Community Development activities (statistics on code enforcement and permit activity and valuation).

Staff remarked that during the February 22, 2017 Planning Commission meeting on an introductory discussion on proposed Ordinance No. 6642, for proposed code amendments that relate to marijuana and related activities, the Commission requested more information from staff. In partial response, this evening a memorandum was distributed to the Commission that includes a "Heat Map", school district owned property information identifying current properties not presently operating as a school, and draft polling questions and the polling strategies.

The Commission and staff discussed the timeline that would be used to conduct the poll. The Commission requested the poll be active for 10 days. The Commission expressed their appreciation for the polling questions and discussed minor changes to the questions (typos). Staff will bring back further information requested by the Planning Commission for discussion at the March 21, 2017 meeting.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:19 p.m.



MEMORANDUM

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

FROM: Jeff Tate, Assistant Director of Community Development

DATE: March 14, 2017

RE: Ordinance 6642 – Marijuana Regulations
Follow Up to February 22, 2017 Planning Commission Request – Part 2

During the February 22, 2017 Planning Commission meeting staff provided a presentation on draft Ordinance 6642 which outlines several potential code amendments that regulate marijuana related activities. During the meeting Planning Commission requested that staff provide several additional items to help better inform the regulatory update and Planning Commission's recommendation to City Council. Staff previously transmitted a memo on February 28, 2017 which provided information on items #1 and #6 below. This memo provides supplemental information for items #2, #3, #4, and #5. Language that is highlighted in bold italics is updated information from the February 28, 2017 memo.

1. The Vulnerability Issues for South King County "Heat Map" that Assistant Chief of Police Bill Pierson referenced. ***Provided as Exhibit 1 under the February 28, 2017 memo. Additionally, Exhibit 1 of this memo provides additional maps and data that were presented to the City's "Auburn Healthiest City Washington 2020 Blue Ribbon Committee" on March 7, 2017. These maps and data provide additional general information about health conditions in Auburn and South King County.***
2. Sales tax information for marijuana retail stores. The City's Finance Department provided the following information that identifies the amount of revenue received by the City of Auburn from the State of Washington:

Year	Amount (\$)
2015	\$10,000
2016	\$29,000
2017	No distribution of dollars has occurred to date

3. School district property issues inclusion in geographic separation options. Staff has identified 5 properties owned by the Auburn School District that are not presently operating as a school:
 - a. Administrative offices on 4th Street NE.
 - b. Bus barn on 15th Street SW.

- c. A maintenance facility located immediately northeast of the SR 167 and Hwy 18 interchange.
- d. A property on M Street SE that is developed with a church.
- e. A vacant property located on I Street NE that is adjacent to The River Mobile Home Park.

It is staff's opinion that the draft regulations should be modified in a manner that excludes school district owner properties from the separation requirements unless they are either currently being used as a school (including accessory uses such as sports fields, theater venues, swimming pools, etc.), or the property is specifically identified in an adopted 6 year capital facilities plan. This modification to the draft regulations would mean that items 3.a, 3.b, 3.c and 3.c would be excluded from the separation requirements. Item 3.d is a large vacant property that the school district has identified as a potential site for school development.

4. Potential inclusion of future school district sites in geographic separation options. Staff has submitted a request to the School Districts to identify any known future school sites. We are awaiting a reply.

Staff has received information from the school districts regarding their respective searches for properties to develop new school sites. Because Kent, Federal Way and Dieringer school district boundaries are not within close proximity to property that is zoned C-3, M-1 or M-2 and their intentions related to expansion are not located within Auburn, staff has concluded that it is only the Auburn School District that has the potential to develop new schools within relative close proximity to the zoning designations in which the draft regulations allow for the various types of marijuana related activities.

The Auburn School District provided city staff with maps that display generalized locations where they are seeking to acquire additional property for the purposes of developing new schools. The only property that the District specifically identified in their response is the same property referenced above under 3.d. Other than this specific property the District provided a generalized map that shows their desire to acquire property on Lea Hill and in Lakeland Hills. Neither of these generalized locations are near property that has a zoning designation that would allow marijuana related activities. The Lea Hill area that is depicted is more than 1.25 miles away from the nearest C-3 zoned property and more than 1.5 miles from the nearest M-1 or M-2 zoned property. The Lakeland Hills area is more than 1.0 miles from the nearest C-3 zoned property and more than 1.25 miles from the nearest M-1 or M-2 zoned property.

5. Social impact data – national or regional or local depending upon availability. The City Attorney's office conducted research for the purposes of providing data and information related to the social impact of legalizing marijuana. The following weblinks are provided in the event that you would like to learn more on this subject.

<http://www.mfiles.org/home/nw-hidta/marijuana-impact-report> - The Washington State Marijuana Impact Report conducted by the Northwest High Intensity Drug Trafficking Area.

<http://www.rmhidta.org/html/2016%20FINAL%20Legalization%20of%20Marijuana%20in%20Colorado%20The%20Impact.pdf> – A report titled The Legalization of Marijuana in

Colorado – The Impact conducted by the Rocky Mountain High Intensity Drug Trafficking Area.

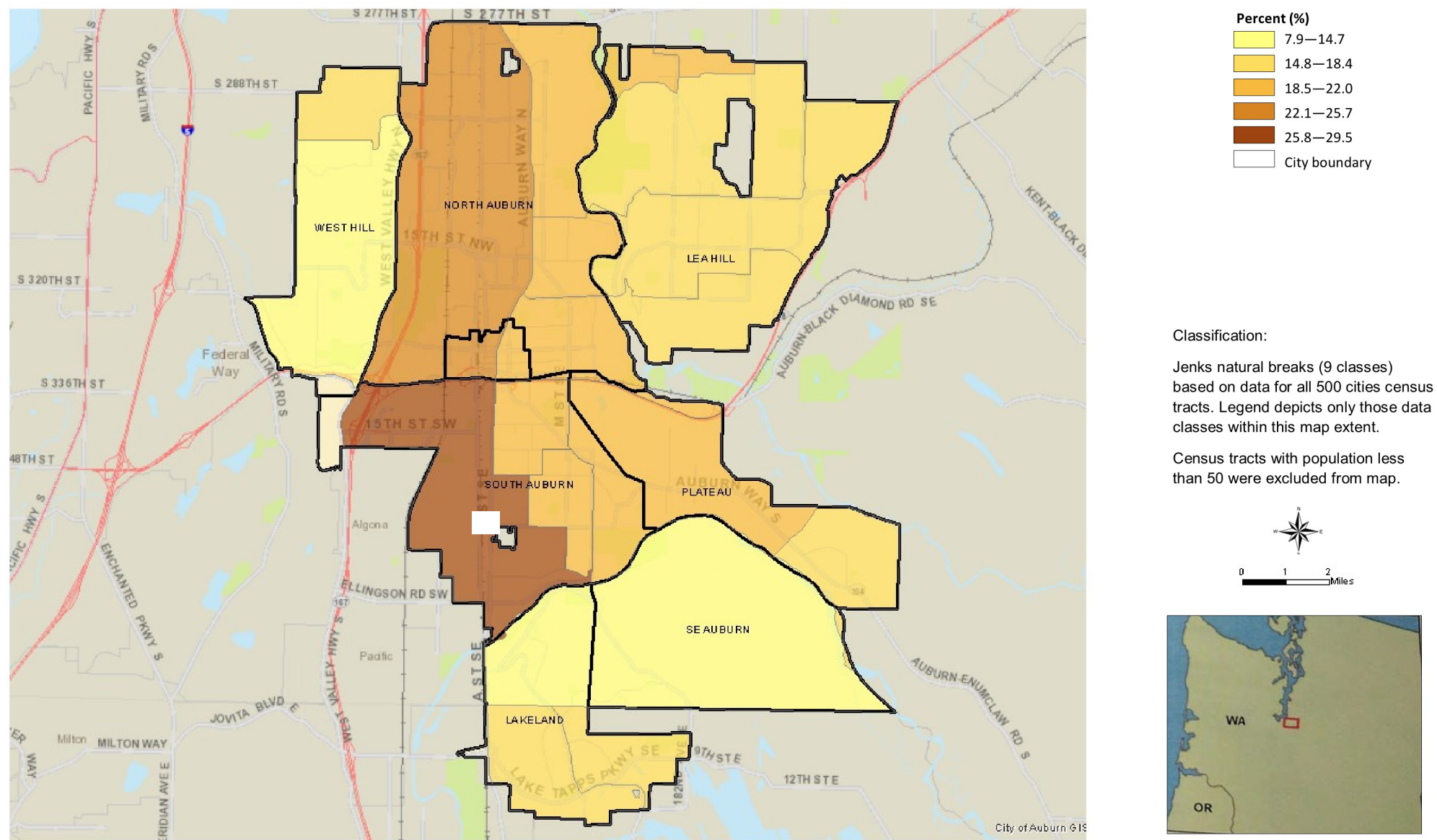
<http://adai.uw.edu/mjsymposium/slides/franklin.pdf> - A slide show presented by Smart Approaches to Marijuana (SAM) Washington at a University of Washington symposium.

6. Draft polling questions and polling outreach strategies. ***Provided as Exhibit 2 under the February 28, 2017 memo. The poll was released on March 10, 2017 and remains active until March 21, 2017. City staff will bring the results of the poll to the March 21, 2017 Planning Commission meeting.***

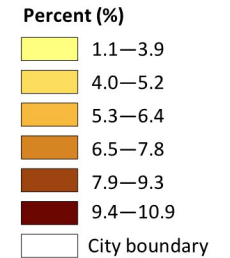
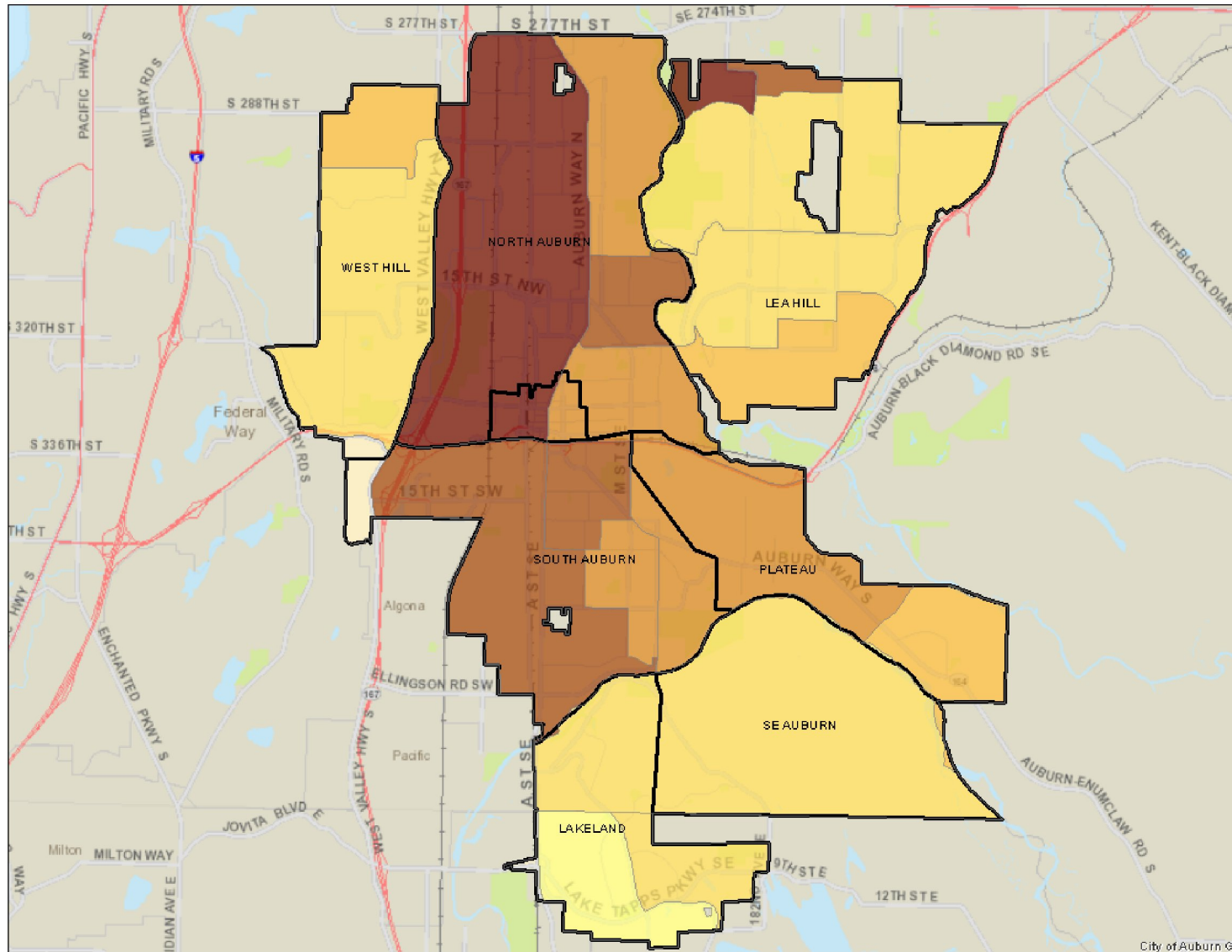
EXHIBIT 1

Maps and Data Presented to the Blue Ribbon Committee
on March 7, 2017

No leisure-time, physical activity among adults aged ≥ 18 years
by census tract, Auburn, WA, 2014



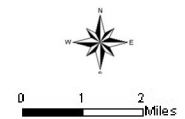
Chronic obstructive pulmonary disease among adults aged ≥ 18 years by census tract, Auburn, WA, 2014



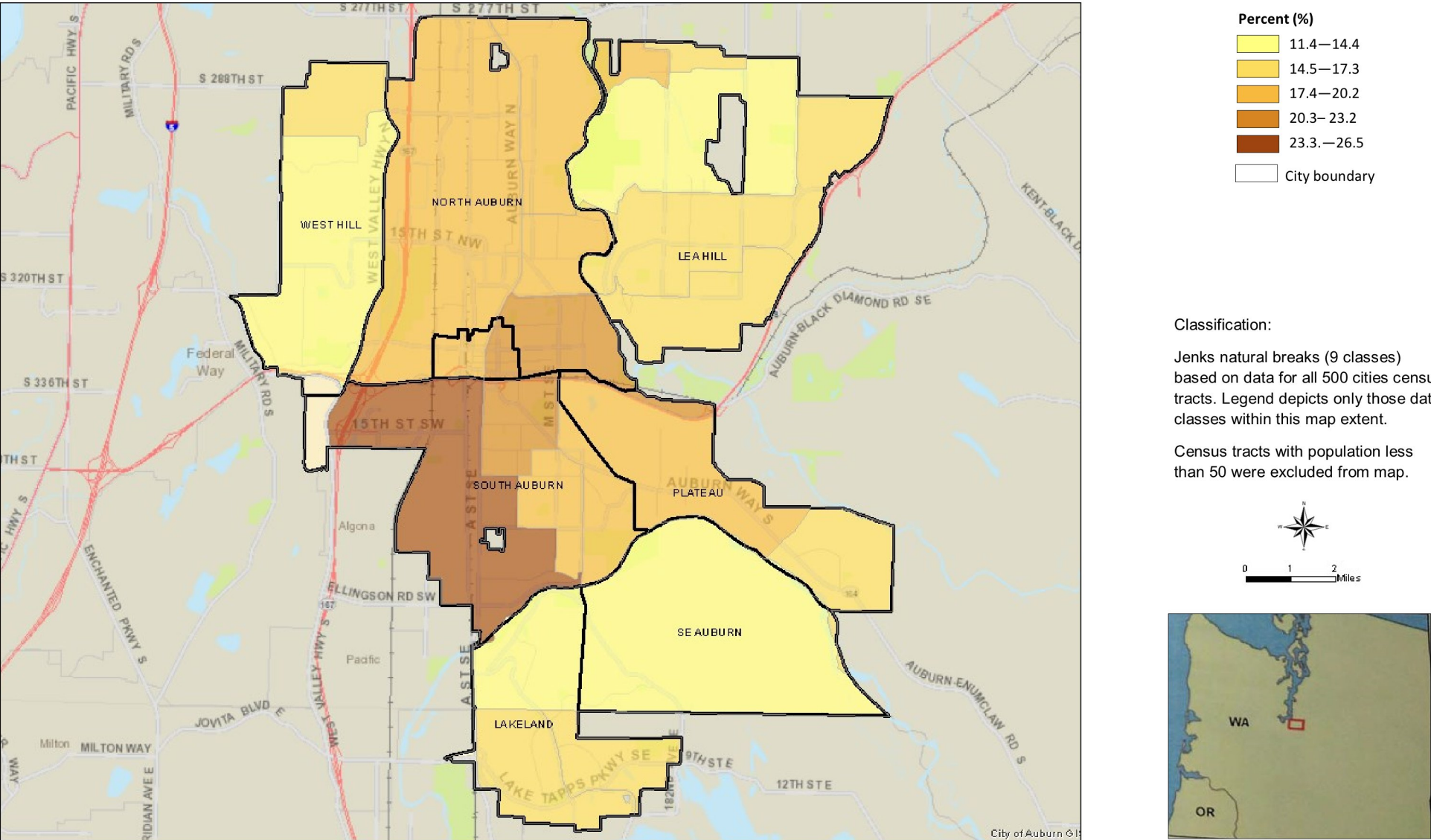
Classification:

Jenks natural breaks (9 classes)
based on data for all 500 cities census
tracts. Legend depicts only those data
classes within this map extent.

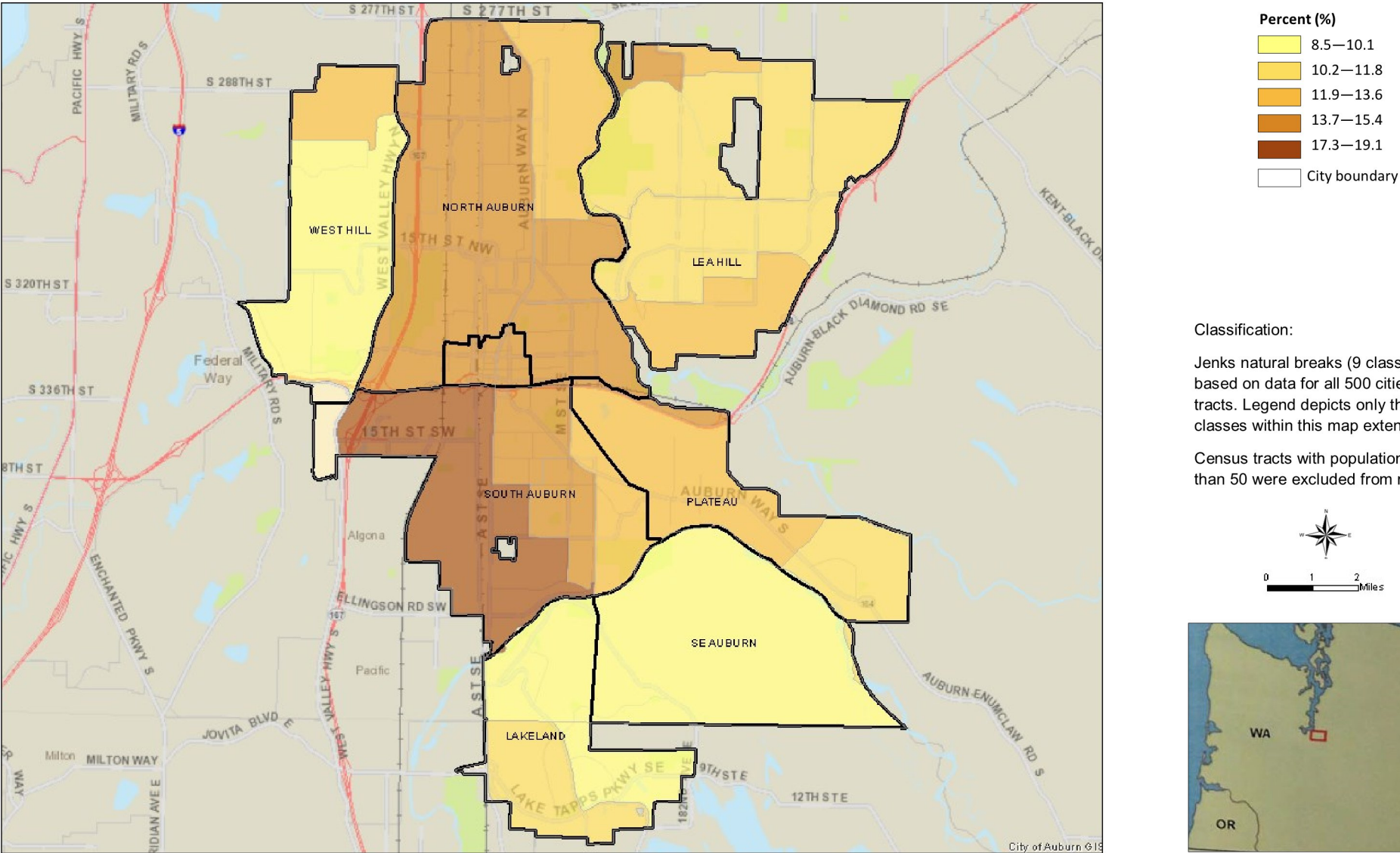
Census tracts with population less
than 50 were excluded from map.



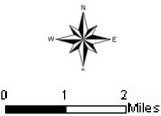
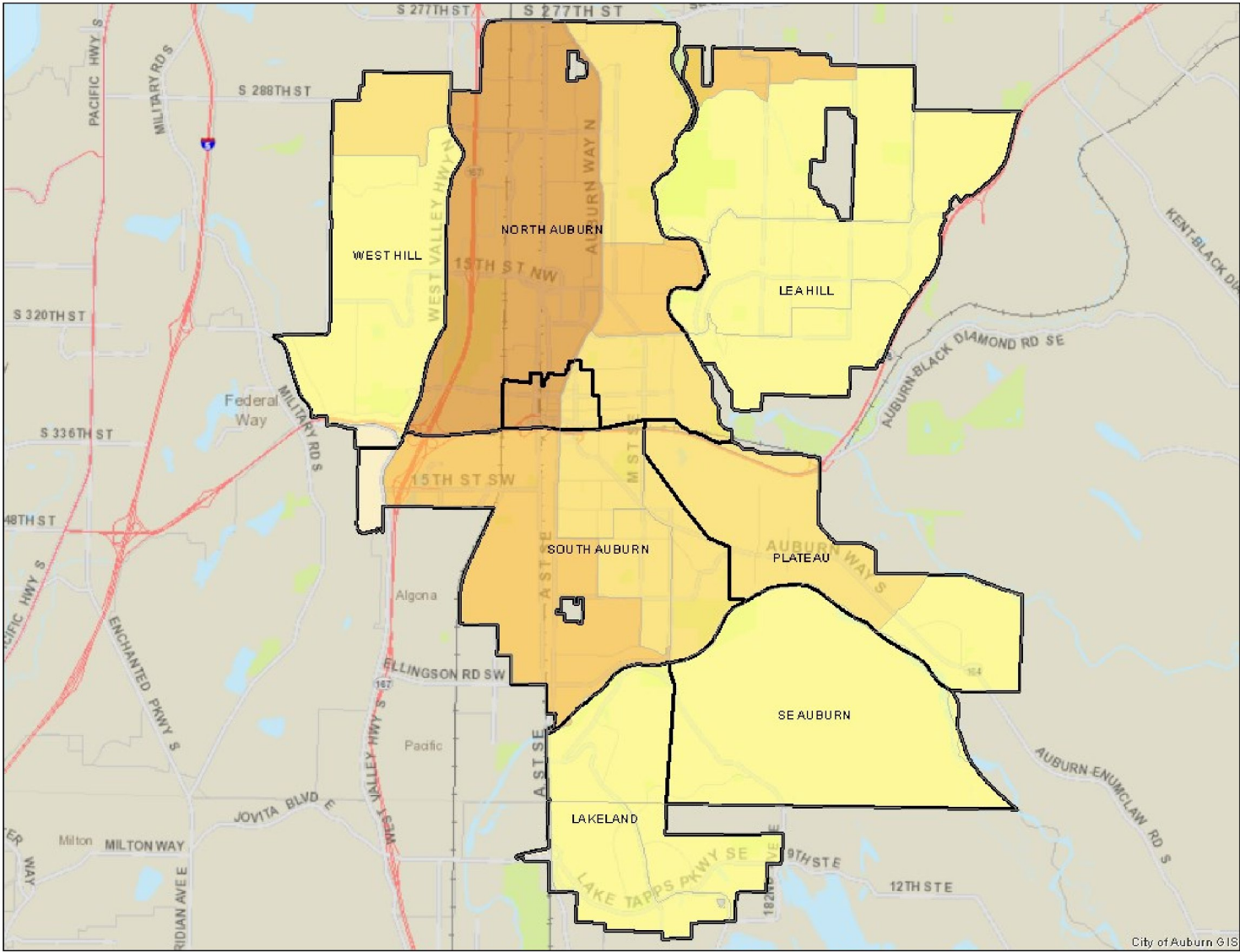
Current smoking among adults aged ≥ 18 years by census tract, Auburn, WA, 2014



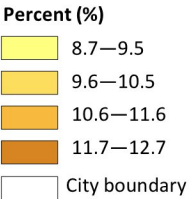
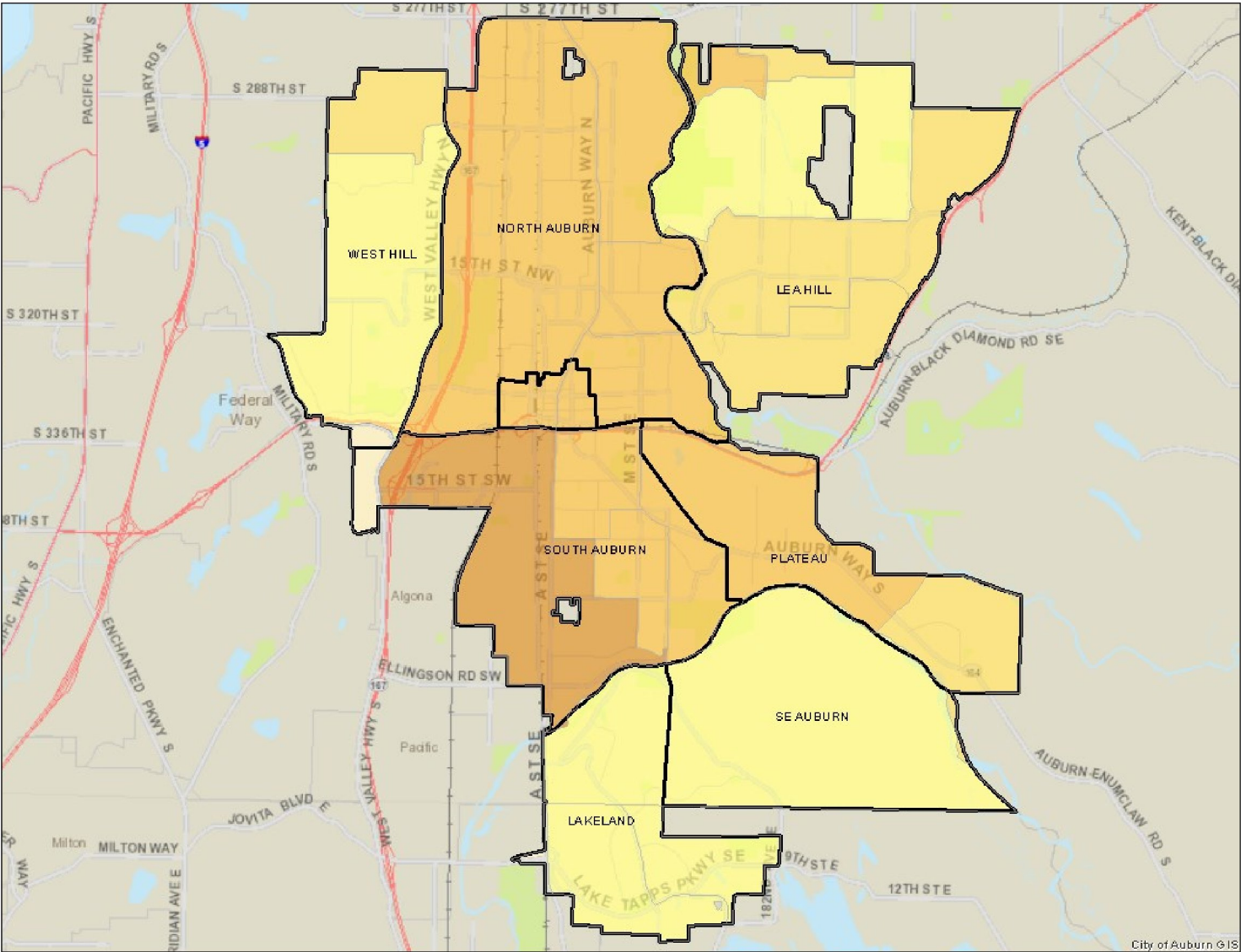
Mental health not good for ≥ 14 days among adults aged ≥ 18 years
by census tract, Auburn, WA, 2014



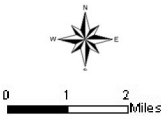
Diagnosed diabetes among adults aged ≥ 18 years
by census tract, Auburn, WA, 2014



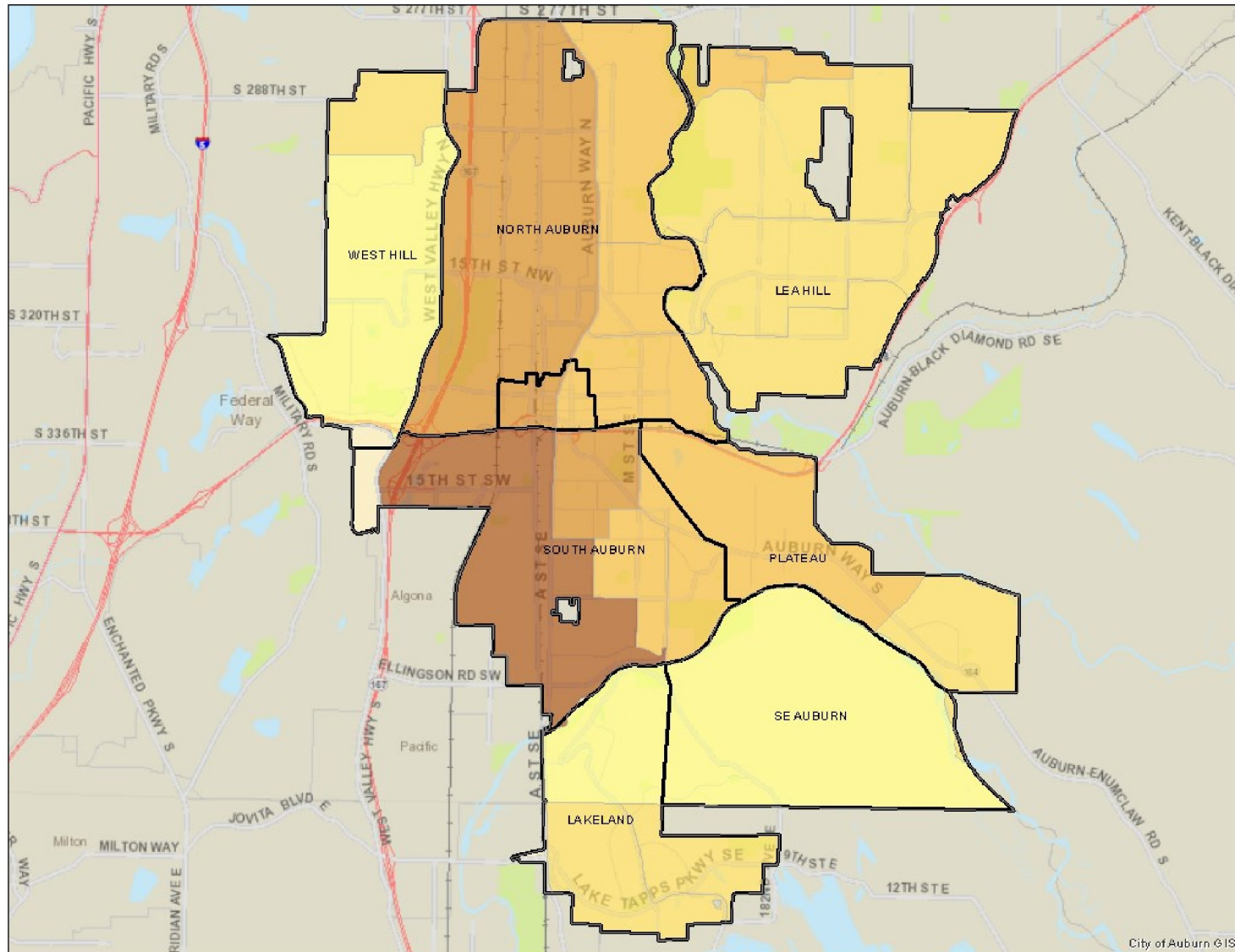
Current asthma prevalence among adults aged ≥ 18 years
by census tract, Auburn, WA, 2014



Classification:
Jenks natural breaks (9 classes)
based on data for all 500 cities census
tracts. Legend depicts only those data
classes within this map extent.
Census tracts with population less
than 50 were excluded from map.



Obesity among adults aged ≥ 18 years by census tract, Auburn, WA, 2014



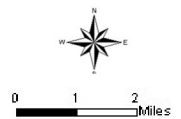
Percent (%)

 19.0—22.8
 22.9—26.3
 26.4—29.7
 29.8—33.3
 33.4—37.2
 City boundary

Classification:

Jenks natural breaks (9 classes)
based on data for all 500 cities census
tracts. Legend depicts only those data
classes within this map extent.

Census tracts with population less than 50 were excluded from map.



King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

Demographics of Age and Race	2010		2014		King County % 2010	King County % 2014	WA State % 2010	WA State % 2014
	Total	%	Total	%				
Total Population	62,761		65,708	-	1,931-249	N/A	6,724,540	N/A
Age								
0-17	16,170	25.8	16,905	25.7	21.4	21.2	23.5	22.8
18-24	6,792	10.8	6,709	10.2	9.2	8.8	9.7	9.5
25-44	16,773	26.7	17,431	26.5	31.6	31.3	27.4	26.9
45-64	16,363	26.1	16,942	25.8	26.9	26.6	27.1	26.7
65+	6,663	10.6	7,722	11.8	10.9	12.2	12.3	14.0
Race								
White	44,205	70.4	49,820	75.8	68.7	70.7	77.3	81.2
Black/African American	3,182	5.1	3,684	5.6	6.2	6.6	3.6	3.9
American Indian/Alaska Native	1,549	2.5	1,765	2.7	0.8	1.0	1.5	1.8
Asian	5,083	8.1	5,745	8.7	14.6	15.6	7.2	7.7
Native Hawaiian/Pacific Islander	1,000	1.7	1,215	1.8	0.8	0.9	0.6	0.7
Other	4,288	6.8	N/A	N/A	3.9	N/A	5.2	N/A
Multiple Race	3,358	5.4	3,480	5.3	5.0	5.1	4.7	4.7
Hispanic/Latino	8,528	13.6	9,611	14.6	8.9	9.7	11.2	12.2

Data Sources:

2010: U.S. Census, 2010 and American Community Survey, 2006-2010 average

2014: Washington State Office of Financial Management, Forecasting Division, single-year intercensal estimates 2001-2014, January 2015

King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

General Health Status

The World Health Organization defines health as the state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. In this section, we present data on life expectancy and self-reported health status to describe the general health status of the residents.

Indicators	Rate		Rank		Sig		KC		WA	
	2010	2014	2010	2014	2010	2014	2010	2014	2010	2014
Had 14+ bad mental health days in past 30 days (%)	11	17	5	2	N	H	8	10.5	10	11.4
Days mental health not good in past 30 days (mean)	4	5	3	1	N	N	3	3.5	3	3.8
Days physical health not good in past 30 days	5	5	1	1	H	H	3	3.2	4	3.9

Except for life expectancy, the general health status indicators are for adults age 18+.

Data year: Life expectancy: 2010-2014. General health status: (1) area and KC=2010-2014; (2) WA=2011-2014.

Rank: ranking among the 25/26 King County areas from worst (1) to best (25/26).

SIG: whether or not the indicator is significantly higher than (H), lower than (L), or not different from (N) the KC rate.

KC: the King County rate; WA: the Washington State Rate.

Data sources: Death certificate and the Behavioral Risk Factor Surveillance System (BRFSS), Washington State Department of Health, Center for Health Statistics.

King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

Leading Causes of Death

This section presents leading causes of death.

Indicators	Rate		Count		R		SIG		KC		WA	
	2006-2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014
Cancer	198.6	173.6	539	531	1	2	H	H	159.2	150.5	174.7	162.5
Heart disease	185.7	165.0	491	486	2	1	H	H	138.2	127.2	160.3	142.3
Chronic lower respiratory disease (CLRD)	50.6	46.8	132	139	1	2	H	H	32.2	29.7	43.2	40.8
Stroke	47.5	39.8	124	112	1	1	H	H	36.6	31.4	40.4	35.5
Diabetes mellitus	30.3	25.6	85	80	3	2	H	H	19.0	18.3	23.3	21.9
Chronic liver disease and cirrhosis	15.6	16.8	46	58	2	2	H	H	8.3	9.3	9.8	11.0
Suicide	14.1	19.2	43	62	2	2	H	H	10.8	21.1	13.0	14.4

Rate: age-adjusted rate per 100,000.

Count: five-year total deaths.

Rank: ranking among the 25/26 King County areas from worst (1) to best (25/26).

SIG: whether or not the indicator is significantly higher than (H), lower than (L), or not different from (N) the KC rate.

Data source: Death certificate data, Washington State Department of Health, Center for Health Statistics.

King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

Health Risk Factors and Chronic Diseases

Health risk factors are behaviors and characteristics that make people more likely to develop disease. Awareness of these risk factors may enable people to make healthy choices about their activities, habits, and diets. Some risk factors, like hypertension and high cholesterol, are also chronic conditions that should be monitored by a healthcare provider, and if treated, may be able to be prevented or reversed. The prevalence of coronary heart disease, diabetes, and asthma among adults are also presented in this section.

Indicators	Pct		Rank		SIG		KC Pct		WA Pct	
	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014
Obese (BMI $\geq$ 30)	29	35	5	2	H	H	21	22.0	26	27.5
Ever been told to have high blood pressure	30	37	5	2	N	N	24	26.3	27	30.2
Have been told to have diabetes	10	16	1	1	H	H	6	7.0	7	8.8
Have current asthma	12	14	2	1	N	N	8	8.7	9	9.7

Note: unless specified, data are for adults age 18+. WA State data re for 2006-2010.

Rank: ranking among the 25/26 King County areas from worst (1) to best (25/26). For homicide, 2010-2016, ranking is not provided because there are insufficient numbers for reliable comparisons.

SIG: whether or not the indicator is significantly higher than (H), lower than (L), or not different from (N) the KC rate.

Data source: the Behavioral Risk Factor Surveillance System (BRFSS), Washington State Department of Health, Center for Health Statistics.

King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

Injury and Violence-Related Mortality

Injury is a leading cause of death, disability, and hospitalization. Many unintentional and intentional injuries are potentially preventable. For example, death from motor vehicle accidents can be reduced through education, mandating the use of seatbelts, tougher laws against drunk driving and distracted driving, and engineering.

Indicators	Rate		Count		Rank		SIG		KC		WA	
	2006-2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014
Suicide	14.1	19.2	43	62	2	2	N	H	10.8	12.1	12.0	14.4
Homicide	2.0	5.1	6	16	NA	2	N	N	3.2	2.6	2.8	3.0

Rate: age-adjusted rate per 100,000.

Count: five-year total deaths.

Rank: ranking among the 25/26 King County areas from worst (1) to best (25/26).

SIG: whether or not the indicator is significantly higher than (H), lower than (L), or not different from (N) the KC rate.

Data source: Death certificate data, Washington State Department of Health, Center for Health Statistics.

King County City Health Profile Comparison

Statistics Where Auburn Ranks Poorly

2012/2016

Maternal and Child Health

Planning for a healthy pregnancy and a healthy baby begins before conception, through healthy lifestyle and nutrition choices. Once pregnant, getting early and regular prenatal care is an important step to have a healthy pregnancy and to decrease the incidence of maternal and prenatal morbidity and mortality.

Indicators	Rate		Count		Rank		SIG		KC		WA	
	2006-2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014	2006 - 2010	2010 - 2014
Smoking during pregnancy/100 births	10.3	11.0	480	422	1	1	H	H	4.2	4.4	9.9	10.6

Rate: ranking among the 25/26 King County areas from worst (1) to best (25/26).

Count: five-year total numbers.

Rank: ranking among the 25/26 King County areas from worst (1) to best (25/26).

SIG: whether or not the indicator is significantly higher than (H), lower than (L), or not different from (N) the KC rate.

Data source: Birth certificate and linked infant birth-death certificate data, Washington State Department of Health.

Option #1 – 1 Mile Approach

Printed Date: 2/14/2017

Map Created by City of Auburn eGIS
Imagery Date: May 2015

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

Legend

-  Auburn City Limits
-  Industrial Zones
-  C-3 Zone

Notes

Scale

1 in = 6,018.7 ft

1: 72,224



Option #3 – ¼ Mile, 1,000 Foot Approach

Printed Date: 2/13/2017

Map Created by City of Auburn eGIS
Imagery Date: May 2015

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

Legend

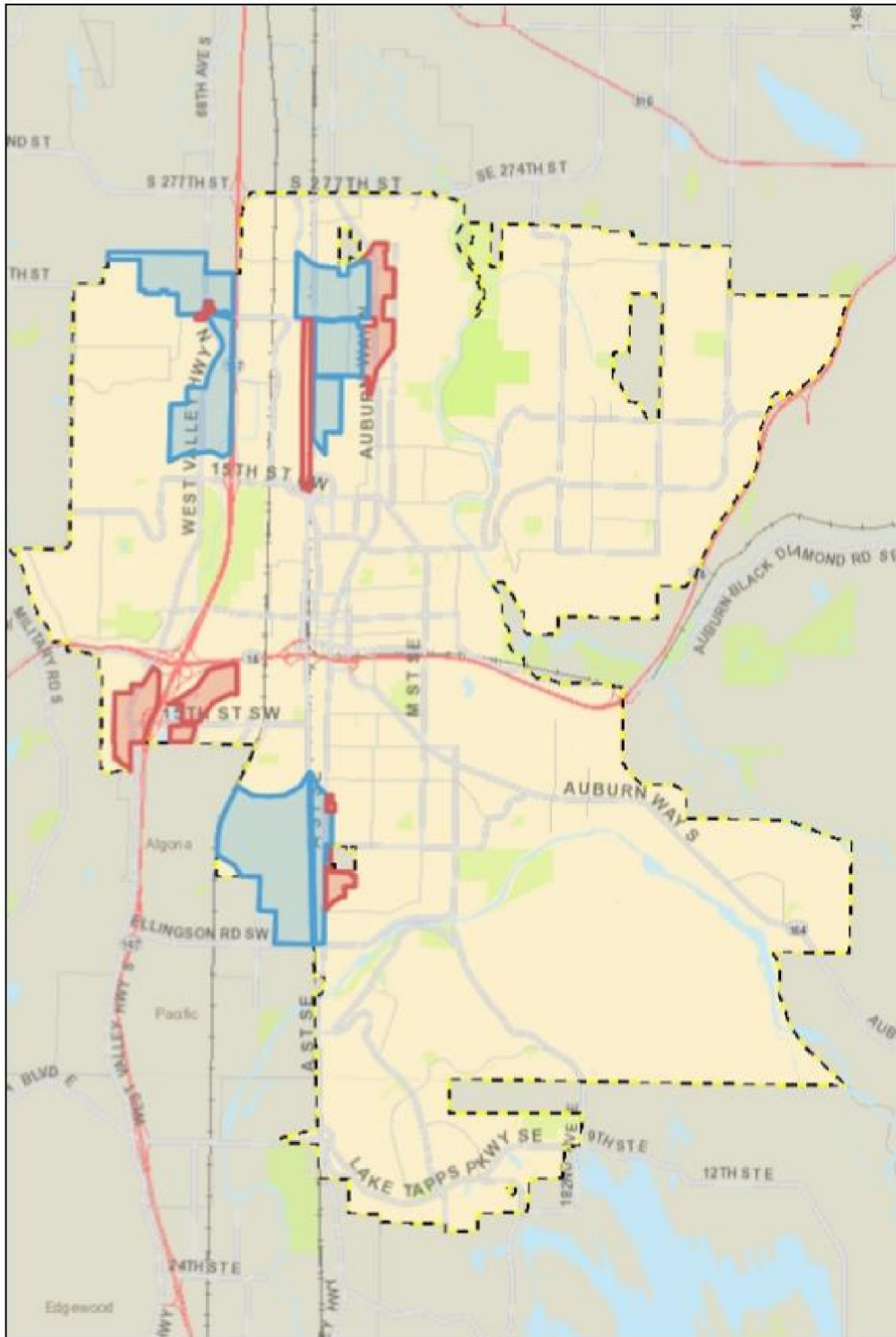
-  Auburn City Limits
-  Industrial Zones
-  C-3 Zone

Notes

Scale

1 in = 6,018.7 ft

1: 72,224



ORDINANCE NO. 6 6 4 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 5.20.250, 18.07.020, 18.09.020, 18.21.010, 18.21.020, 18.21.020, 18.21.030, 18.23.030, 18.29.050, 18.35.030, 18.42.020, 18.78.020, OF THE AUBURN CITY CODE, AND CREATING NEW SECTIONS 18.04.1001, 18.04.1003, 18.04.1005, 18.04.1007, 18.04.1009, 18.04.1011, 18.04.1013, 18.04.1015, 18.04.1017, 18.76.046 AND A NEW CHAPTER 18.59 OF THE AUBURN CITY CODE RELATING TO MARIJUANA BUSINESSES, AND REPEALING THE MORATORIUM ESTABLISHED BY ORDINANCE NO. 6613

WHEREAS, the voters of the State of Washington approved Initiative Measure No. 502 (I-502), in 2012, now codified within Chapters 46.04, 46.20, 46.21, 46.61 and 69.50 of the Revised Code of Washington (RCW), which initiative decriminalized possession and use of certain amounts of marijuana and marijuana paraphernalia, and authorized promulgation of regulations and issuance of licenses by the Washington State Liquor and Cannabis Board (WSLCB) for the production, processing and retailing of marijuana; and

WHEREAS, in relevant part, I-502 legalized the possession of small amounts of marijuana and marijuana-related products by persons 21 of age and older, and directed the (then) state Liquor Control Board to develop and implement rules to regulate and tax recreational marijuana producers, processors, and retailers; and

WHEREAS, marijuana is still classified as a schedule 1 controlled substance under federal law and crimes related to marijuana remain subject to prosecution under federal law; and

WHEREAS, on August 29, 2013, the United States Department of Justice, Office of the Attorney General, (DOJ) released updated guidance regarding marijuana enforcement. The guidance reiterates that DOJ is committed to using its limited investigative and prosecutorial resources to address the most significant threats to public safety related to marijuana crimes in "the most effective, consistent, and rational way."

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The guidance directs federal prosecutors to review potential marijuana-related charges on a case-by-case basis and weigh all information and evidence, including whether the operation is demonstrably in compliance with a strong and effective state regulatory system and if the conduct at issue implicates one or more of eight stated federal enforcement priorities. The DOJ does not appear to differentiate application of its guidance between medical cannabis and recreational marijuana; and

WHEREAS, in a joint statement dated August 29, 2013, Governor Jay Inslee and Attorney General Bob Ferguson stated the following:

Today we received confirmation Washington's voter-approved marijuana law will be implemented. We received good news this morning when Attorney General Eric Holder told the governor the federal government would not pre-empt Washington and Colorado as the states implement a highly regulated legalized market for marijuana. Attorney General Holder made it clear the federal government will continue to enforce the federal Controlled Substance Act by focusing its enforcement on eight specific concerns, concerns, including the prevention of distribution to minors and the importance of keeping Washington-grown marijuana within our State's borders. We share those concerns and are confident our state initiative will be implemented as planned. We want to thank the Attorney General for working with the states on this and for finding a way that allows our initiative to move forward while maintaining a commitment to fighting illegal drugs. This reflects a balanced approach by the federal government that respects the states' interests in implementing these laws and recognizes the federal government's role in fighting illegal drugs and criminal activity.

WHEREAS, on September 16, 2013, the Auburn City Council adopted Resolution No. 4992 establishing a one (1) year moratorium prohibiting the City from receiving and/or processing any applications for any marijuana/cannabis related business in any and all zoning districts in the City of Auburn; and

WHEREAS, on October 16, 2013, the WSLCB adopted rules for applying for, obtaining, and maintaining licenses for the production, processing, and retailing of recreational marijuana. Under these rules, applicants will be required to identify a business location with their application submittals; and

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WHEREAS, on September 2, 2014, the Auburn City Council passed Ordinance No. 6525 amending certain Sections of the Auburn City Code relating to the enforcement of state regulations regarding the production, processing, and/or retail outlets and sales of marijuana and terminating the moratorium implemented pursuant to Resolution No. 4992 passed on September 16, 2013; and

WHEREAS, Second Engrossed Second Substitute House Bill 2136 (2E2SHB 2136)(approved on June 30, 2015), and Second Substitute Senate Bill 5052 (2SSB 5052) (approved on April 24, 2015 [with partial veto]), revised state requirements for state marijuana regulations, including marijuana processors, producers, retailers, and cooperatives; and

WHEREAS, the WSLCB notified the City of Auburn on September 23, 2015, that pursuant to SB 5052 it would not limit the number of marijuana retailers licensed within the City of Auburn to only those allocated per I- 502; and

WHEREAS, the City of Auburn adopted a moratorium, through Resolution No. 5194, prohibiting any new marijuana retailers not already in operation on January 4, 2016; and

WHEREAS, in a public hearing on February 16, 2016, and in comments to City elected officials, including social media posts, Auburn residents voiced concern for any marijuana retailers in excess of the initial two (2) originally approved by I- 502; and

WHEREAS, the WSLCB notified the City of Auburn on March 8, 2016, that it would increase the number of marijuana retailers licensed within the City of Auburn to the two (2) authorized by I- 502 and identified as the Stash Box and Evergreen Market, and an additional two (2) Priority 1 applicants for licenses under SB 5052; and

WHEREAS, the WSLCB has since indicated that the number of SB 5052 retail

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licenses within the City of Auburn may be increased in the future; and

WHEREAS, WSLCB then notified the City of Auburn on March 8, 2016, that marijuana retailers, including the Evergreen Market, that were licensed using the I-502 lottery are not allowed to move out of the jurisdictions where they are licensed; and

WHEREAS, based upon — and in reliance on — that information, the City of Auburn amended its moratorium, through its Resolution No. 5215, so as to authorize the operation of [only] the two (2) marijuana retailers initially provided for by I-502; and

WHEREAS, other cities in Washington, such as - including Everett, Renton and Vancouver, have adopted restrictions on the number of licensed retailers to conform to initial I-502 approved caps; and

WHEREAS, the WSLCB continued to process and issue licenses to marijuana retailers intended to operate within the City of Auburn pursuant to SB 5052 despite the transmittal of Resolution No. 5215 to the WSLCB; and

WHEREAS, because of WSLCB's continued processing and issuing of licenses for retail marijuana businesses, and because new retail marijuana businesses continued to engage in activities contrary to the City's moratoria, and in response to the inconsistent, conflicting, and uncooperative positions of the WSLCB, the City of Auburn adopted its Ordinance No. 6595 on April 4, 2016, which ordinance prohibited all marijuana related activities within the City of Auburn; and

WHEREAS, the City Council approved Ordinance No. 6613 on August 15, 2016, which Ordinance indicated (consistent with a report by the Northwest High Intensity Drug Trafficking Area, a division of the Office of National Drug Control Policy) the need to protect public health, safety and welfare by minimizing societal effects and impacts of marijuana, such as a 122% increase in fatality motor vehicle accidents involving the use of marijuana between 2010 and 2014 and a 312% increase in contacts to the Washington

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Poison Center for intoxication calls pertaining to youth consumption of marijuana, and other increases on demands for public services such as fire and police presence; and

WHEREAS, Ordinance No. 6613 also indicated that the City desired to provide greater clarity as to permitted and prohibited marijuana retailers within the City of Auburn, avoid onerous enforcement proceedings, improve voluntary compliance with local laws pertaining to marijuana activities, facilitate improved cooperation with the WSLCB, and protect the public health, safety and welfare while remaining cognizant of the approval of I-502 by voters within the City of Auburn; and

WHEREAS, Ordinance No. 6613 further noted that the Auburn City Code did not currently have specific provisions addressing a number of statutorily permitted marijuana provisions and/or uses; and

WHEREAS, Ordinance NO. 6613 noted that the provisions for marijuana cooperatives, marijuana researchers and marijuana transporters contained within SB 5052 went into effect July of 2016, and that marijuana cooperatives, marijuana researchers and marijuana transporters are not explicitly addressed by current code provisions; and

WHEREAS, Ordinance No. 6613 also indicated that the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters on Auburn and the Auburn community are unknown and deserving of study and review; and

WHEREAS, Ordinance No. 6613 further indicated that the inclusion of the prohibition of marijuana cooperatives, marijuana researchers and marijuana transporters in the City's business licensing requirements, pending review and potential amendment of the City Code, would provide greater safety, clarity, consistency, predictability and uniformity that will benefit Auburn businesses and residents; and

WHEREAS, Ordinance No. 6613 stated that it would be advantageous for the City

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of Auburn to have a thorough review made of the impacts and effects of marijuana cooperatives, marijuana researchers and marijuana transporters; and

WHEREAS, Ordinance No. 6613 also stated that Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW) authorize the City Council to adopt an immediate moratorium for a period of up to twelve (12) months if a public hearing on the proposal is held within at least sixty (60) days of its adoption and a work plan is developed for related studies providing for the moratorium period; and

WHEREAS, Ordinance No. 6613 further stated that the City Council desired to impose a moratorium for an initial term of twelve (12) months on the acceptance and/or processing of any permit or applications, for or related to any marijuana related activities, including, but not limited to, licensing, permitting, siting, making structural or building improvements, or operating any new marijuana activities; and any other marijuana uses or activities that are not expressly provided by the City Code regulations addressed herein; and

WHEREAS, Ordinance No. 6613 also stated that the City Council anticipated that it could develop and adopt appropriate controls for marijuana retail facilities prior to the expiration of the moratorium enacted hereby; and

WHEREAS, Ordinance No. 6613 identified the City Council's position that it would be advantageous for the City of Auburn to have a thorough review made of the alternatives and options available to it for regulation of marijuana related uses and activities; and

WHEREAS, Ordinance No. 6613 also identified the Council's position that in the event permanent regulations are adopted prior to the expiration of the twelve (12) month moratorium established by the Ordinance, Ordinance No. 6613 could be repealed, terminating the moratorium; and

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WHEREAS, on January 14, 2014, the Washington State Attorney General's Office issued its opinion (AGO No. 2014) that 1-502 does not preempt counties, cities, and towns from banning recreational marijuana within their jurisdictions and that local ordinances that do not expressly ban state licensed marijuana licensees from operating within the jurisdiction but make such operation impractical are valid if they properly exercise the local jurisdiction's police power; and

WHEREAS, several state courts have issued decisions that approve and affirm the Attorney General's opinion that cities have the authority to regulate marijuana uses; and

WHEREAS, on May 20, 2015, the King County Superior Court issued its decision in *Greensun Group LLC v. City of Bellevue*, No. 14-2-29863-3 SEA, which decision is incorporated herein as if set forth in full. The court determined, inter alia, that "the City of Bellevue has the authority to regulate the location and density of marijuana retail outlets within its boundaries, including through the adoption and enforcement" of a requirement that a retail marijuana outlet cannot be located within 1,000 feet of another retail marijuana outlet; and that "the City has the authority to develop and apply processes for enforcing" a 1,000 foot separation requirement, including through use of a first-in-time determination based on the date and time of issuance of the state liquor control board license or conditional license, whichever is issued first; and

WHEREAS, with the passage of 2SSB 5052 and 2E2SHB 2136, and consistent with court decisions the City has the authority to regulate the location and density of marijuana production, processing, distribution, and retail sales within its boundaries; and

WHEREAS, the establishment and/or licensing of marijuana uses may allow new uses that are incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

WHEREAS, the presence of large amounts of cash and/or marijuana makes retail outlets and other marijuana facilities a potential target of violent crime, including robberies

and burglaries, thereby placing area residents, business owners, and others in danger of bodily harm, and increasing police enforcement risks and costs; and

WHEREAS, there may be other harmful secondary effects to public health, safety, morals, and welfare as a result of marijuana production, processing, distribution, and retail sales, which effects include but are not limited to loitering, odors, crime, and other behaviors that may be inconsistent with the character of the surrounding neighborhood; and

WHEREAS, it is critical to the public safety and economic vitality of the City to ensure the impacts of business obtaining a license from the WSLCB to produce, process, or sell marijuana are minimized; and

WHEREAS, the City Council deems it to be in the public interest to establish permanent regulations regarding where marijuana producers, processors, and retail uses may be located in the City of Auburn; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, ACC 14.03.060, Legislative Non-Project Decisions, specifies that legislative non-project decisions made by the city council under its authority to establish policies and regulations are not classified as a “type” of project permit decision and that legislative non-project decisions include, but are not limited to amendments to the text and map of the comprehensive plan or development regulations; and

WHEREAS, the Planning Commission held work sessions on **DATE** and conducted a properly noticed public hearing (s) on **DATE** for the proposed amendments to Title 18 (Zoning) of the Auburn City Code) contained herein; and

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WHEREAS, the Planning Commission on a **TBD** motion voted to recommended **TBD** to the Auburn City Council; and

WHEREAS, the City Council finds that the proposed amendments were processed in accordance with applicable standards of Chapter 18.68, Amendments, of the Auburn City Code and are consistent with the Comprehensive Plan, enhance the public health, safety, and welfare, and are not contrary to the best interest of the residents, citizens, property owners and businesses of the City of Auburn; and

WHEREAS, the City of Auburn has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Review Procedures, Chapter 16.06 ACC through issuance of **TBD on DATE**.

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

Section 1. Recitals Adopted. That the City Council hereby adopts the recitals contained in this Ordinance as Findings of Facts and Conclusions, as appropriate given the context of each recital and incorporates said recitals herein by this reference.

Section 2. Repeal of Moratorium. That the moratorium specified in Sections 9 of Ordinance No. 6613 is automatically expired on the effective date of this Ordinance consistent with the applicable provision of Section 10 of Ordinance No. 6613 that specifies that the moratorium shall automatically expire upon the effective date of zoning and land use regulations adopted by the City Council to address the implementation of the State's licensing of any marijuana/cannabis related business to be located in the City of Auburn.

Section 3. Amendment to City Code. That Section 5.20.020 of the Auburn City Code be and the same hereby is amended to read as follows:

5.20.250 Marijuana related activities.

A. Definitions.

1. "Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit. ~~At least until a thorough review of land use and code enforcement issues by the planning commission and the city council, and possible amendment to the city code, marijuana cooperatives shall not be permitted within the city of Auburn.~~

2. "Marijuana related business" means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the Controlled Substances Act, codified at 21 USC Section 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

a. "Marijuana processor" means any person or entity licensed by the Washington State Liquor and Cannabis Board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of Chapters 65.50 and 69.51A RCW and Chapter 314-55 WAC.

b. "Marijuana producer" means any person or entity licensed by the Washington State Liquor and Cannabis Board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

c. "Marijuana retailer" means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged 21 and over.

d. "Marijuana researcher" is a position licensed by the Washington State Liquor and Cannabis Board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372. ~~At least until a thorough review of land use and code enforcement issues by the planning commission and the city council, and possible amendment to the city code, marijuana researcher businesses shall not be permitted within the city of Auburn.~~

e. "Marijuana transporter" is a position licensed by the Washington State Liquor and Cannabis Board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington State. ~~At least until a thorough review of land use and code enforcement issues by the planning commission and the city council, and possible amendment to the city code, marijuana transporter businesses shall not be permitted within the city of Auburn.~~

B. License Application – Qualification – Requirements to Apply. In addition to the information required to be included with an application form pursuant to ACC 5.10.040(a), an application for a license for a marijuana related business shall also include:

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1. License. Each application for a marijuana related business shall be accompanied by a current, valid license to operate, ~~as a marijuana producer or marijuana processor~~ issued by the Washington State Liquor and Cannabis Board, ~~or a current, valid license to operate as a marijuana retailer awarded by the Washington State Liquor and Cannabis Board on the basis of I-502 lottery selection.~~ Even if permitted or licensed by and/or registered with the Washington State Liquor and Cannabis Board, marijuana cooperatives, marijuana researchers and marijuana transporters are not qualified or entitled to operate within the city of Auburn or to apply for a permit or business license within the city of Auburn.¹

a. The maximum number of licensed marijuana retailers authorized and allowed to operate in the city of Auburn shall not exceed two.

b. ~~Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to WAC 314-55-104 and RCW 69.50.348, and (ii) shall have at least 4,000 square feet of building space utilized for its individual business, and the total square feet of all marijuana producers and processors in the city shall not exceed 90,000 square feet of building space; provided, that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building space utilized for its individual business may continue operating at its current location even though it did not have at least 4,000 square feet of building space utilized for its individual business.~~

2. Security Requirements. Each application for a marijuana related business shall be accompanied by documentation of compliance with the security requirements of WAC 314-55-083(2) and (3).

3. Fingerprints. Each application for a marijuana related business ~~or renewal~~ shall be accompanied by a complete set of fingerprints of all managers and owners of the business, utilizing fingerprint forms as prescribed by the chief of police.

4. Crime Prevention Through Environmental Design (CPTED) Review. Each application for a marijuana related business shall be required to complete a CPTED review by the Auburn Police Department and to implement any CPTED measure directed. Each applicant shall be required to provide certification of CPTED completion, as well as evidence of compliance with required CPTED measures.

5. Compliance with Zoning Code. Each application for a marijuana related business shall be required to provide certification that the proposed location complies with all applicable provisions of ACC 18.59.030. In the event that certification of compliance with the provisions of ACC 18.59.030 requires investigation of existing land uses within an adjoining municipality, the applicant shall provide documentation from the relevant municipality that the proposed location meets the requirements of ACC 18.59.030.

6. Release of Liability and Hold Harmless. Each application for a marijuana related business shall be required to provide an executed release in a form approved by the Auburn City Attorney's Office to the City of Auburn, for itself, its agents, officers, elected officials and employees from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a marijuana related use and business. Additionally, within the release document,

the permittee of a marijuana use shall indemnify and hold harmless the City of Auburn and its agents, officers, elected officials, and employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the marijuana use and for any claims brought by any of the marijuana use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the marijuana use.

C. License Regulations.

1. Access by City Officials. All city officials shall have free access to marijuana related businesses licensed under the provisions of this chapter for the purposes of inspecting and enforcing compliance with the provisions of this chapter, including periodic CPTED review and compliance with required CPTED measures as directed by the Auburn Police Department.

2. Entry Prohibitions for Certain Persons. It is unlawful for the owner, proprietor, manager, or person in charge of any marijuana related business licensed under the provisions of this chapter, or for any employee of said place, to allow entry or admission to any person under the age of 21 years of age, any lewd or dissolute person, any drunken or boisterous person, or any person under the influence of any intoxicant.

3. Law Enforcement Officers Entry Right. It is unlawful for the owner, proprietor, manager or person in charge of any marijuana related business licensed under the provisions of this chapter to refuse admission to any peace officer of the city or of the state, or any officer of the United States government charged with the duty of enforcing the police laws of the United States. Said officers shall have free access at all times to any marijuana related businesses licensed under the provisions of this chapter.

4. Operation Regulations. All marijuana, including tetrahydrocannabinols or cannabimimetic agents, equipment and all cultivation, processing, production, storage or sales shall be conducted entirely inside buildings. Any perimeter fencing intended for security purposes shall meet the requirements of the city of Auburn and of the state of Washington applicable thereto.

5. State Statute Compliance. All marijuana related businesses licensed under the provisions of this chapter shall also comply with Chapters 69.50 and 69.51A RCW, and Chapter 314-55 WAC, as applicable. (Ord. 6613 § 3, 2016.)

Section 4. Amendment to City Code. That Section 18.07.020 of the Auburn City Code be and the same hereby is amended to read as follows:.

Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping of animals ⁴	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P

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Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Marijuana cooperative	X	X	X	X	X	X	X
Marijuana processor	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X
Marijuana related businesses	X	X	X	X	X	X	X

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Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Marijuana researcher	X	X	X	X	X	X	X
Marijuana retailer	X	X	X	X	X	X	X
Marijuana transporter business	X	X	X	X	X	X	X
Mixed-use development ³	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X

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Table 18.07.020
Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communication facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.

2. Please see the supplemental development standards for animals in ACC 18.31.220.

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3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.
 4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
 5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
 6. Administrative use permit not required when approved as part of a subdivision or binding site plan.
 7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.
 8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.
- (Ord. 6600 § 9, 2016; Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 5. Amendment to City Code. That Section 18.09.020 of the Auburn City Code is hereby amended as follows:

18.09.020 Uses.

Permitted Use Table – Residential Zoning Designations

	Land Use	R-MHC Zone
A	Manufactured/Mobile home community	P
B	Residential accessory use	P
C	Manufactured/Mobile home community accessory use	P
D	Keeping of not more than six household pets. This limit shall not apply to birds, fish, or suckling young of pets.	P
E	Home-based daycare	P
F	Daycare limited to a mini daycare center, daycare center, or preschool/nursery school	A
<u>G</u>	<u>Marijuana cooperative</u>	<u>X</u>
<u>H</u>	<u>Marijuana processor</u>	<u>X</u>
<u>I</u>	<u>Marijuana producer</u>	<u>X</u>
<u>J</u>	<u>Marijuana related businesses</u>	<u>X</u>
<u>K</u>	<u>Marijuana researcher</u>	<u>X</u>
<u>L</u>	<u>Marijuana retailer</u>	<u>X</u>
<u>M</u>	<u>Marijuana transporter business</u>	<u>X</u>

P = Permitted Use

A = Use may be permitted in district when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

C = Use may be permitted in district when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

X = Prohibited

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Also see ACC 18.02.120 for further rules on interpretation. (Ord. 6269 § 4, 2009; Ord. 6245 § 6, 2009.)

Section 6. Amendment to City Code. That Section 18.21.010 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.010 Lea Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the Lea Hill annexation area, as annexed under city of Auburn Ordinance Nos. 5346 and 6121, and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the Lea Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the Lea Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, or preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation into the city of Auburn, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide to the city evidence of these previous approvals.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16
R-10	2,500	4,300	30	40	10	5	5	10	35	35
R-16	2,500	2,700	30	55	10	5	5	10	35	35
R-20	2,500	2,175	30	55	10	5	5	10	35	35

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar

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contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 zones, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone. Property owners of more than an acre in the Lea Hill Overlay may choose to apply these standards or the standards in subsection 18.31.210.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and shall be 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture area.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. Lot Averaging – R-1 Zone. It may be possible to subdivide land in the R-1 zone into lots smaller than 35,000 square feet if the property has a significant amount of non-buildable land due to steep slopes, wetlands or similar features that would be in the public's best interest to maintain. The following regulations shall apply in situations where lot averaging is permitted or required:

1. At least 50 percent of the subdivision must be set aside as open space. Critical areas (i.e., steep slopes, wetlands) can count towards the 50 percent requirement. Maintenance of the open space tract or easement shall be the responsibility of the property owner and/or a homeowners' association.

2. The number of allowable lots in a subdivision shall be determined by multiplying the total number of acres in the subdivision by one. Any fraction shall be rounded to the nearest whole number with one-half being rounded up.

3. The minimum size of any lot shall be 8,000 square feet. For lots less than 35,000 square feet, the minimum lot width shall be consistent with the requirements of the R-5 zone (Chapter 18.07 ACC). All other applicable development standards related to the R-1 zone will continue to apply.

4. Lots within the subdivision shall be clustered so as to provide for continuity of open space within the subdivision and, where possible, with adjoining parcels.

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5. Each lot within a subdivision shall illustrate a building area within which the house, accessory structures, and parking areas shall be constructed. The building area shall be exclusive of setbacks, non-buildable areas or any required buffers from the non-buildable areas. Any preliminary plat, final plat or short plat shall illustrate the building area for each lot. Any future construction will be limited to the identified building area.

6. A native growth protection easement or similar device, which may include provisions for the limited removal of vegetation and passive use of the easement, that perpetually protects the non-buildable areas must be recorded with the final plat or short plat.

G. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Lea Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 7. Amendment to City Code. That Section 18.21.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.020 West Hill overlay.

A. Purpose. The purpose of this section is to provide for additional development standards to address the area commonly referred to as the West Hill annexation area, as annexed under city of Auburn Ordinance No. 6122 and identified on the city of Auburn comprehensive zoning map. While the intent is that the development standards for zones in the West Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the West Hill overlay.

B. Development Standards – Lots Previously Approved.

1. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide evidence of these previous approvals/decisions.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, subsection E of this section or subsection 18.31.210 shall apply.

Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16

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Zone	Min Lot Area (Sq. Ft.)	Min Lot Area (Sq. Ft. per Unit)	Min Lot Width (Ft.)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft.)	Rear (Ft.)	Side, Interior (Ft.)	Side, Street (Ft.)	Main (Ft.)	Accessory (Ft.)
R-7	2,500	6,000	30	35	10	5	5	10	35	16

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County Approvals. The city of Auburn will recognize the terms of any King County-approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn.

D. Planning Director Authorization. The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation, then the most restrictive provision shall apply as determined by the planning director.

E. Farm Animals.

1. For properties greater than an acre in the R-1, R-5 and R-7 **zones** within the West Hill overlay, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 **zones**); provided, there **shall** not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum **lot** size requirements of the applicable **zone**. Property owners of more than an acre in the West Hill Overlay district may choose to apply these standards, or the standards in subsection 18.31.210.

2. Shelters provided for farm animals **shall** be constructed no closer than 50 feet from any adjoining **lot** and no closer than 100 feet from any **public street** or **alley**. Any corral, exercise **yard**, or arena **shall** maintain a distance of 35 feet from any property line. This excludes pasture areas.

3. For those properties that do not meet the requirements of subsection (E)(1) of this section, and farm animals were present prior to annexation, the farm animals **may** remain as legal **nonconforming uses**. In such case, the number of farm animals allowed **may** be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

F. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the West Hill overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 8. Amendment to City Code. That Section 18.21.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.21.030 Urban separator overlay.

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A. Purpose. The purpose of this section is to provide for additional development standards to address the area designated as urban separator in the city's comprehensive plan, as prescribed in the interlocal agreement between the city and King County approved under city of Auburn Resolution No. 4113 and identified on the city of Auburn comprehensive land use map. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the urban separator overlay.

B. Development Standards. For property located within a designated urban separator, lot averaging shall be required. The regulations of ACC 18.21.010(F) shall apply in situations where lot averaging is used.

C. All marijuana related businesses and marijuana cooperatives are prohibited land uses within the Urban Separator Overlay. (Ord. 6369 § 3, 2011; Ord. 6245 § 13, 2009.)

Section 9. Amendment to City Code. That Section 18.23.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.23.030 Uses.

A. General Permit Requirements. Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. Requirements for Certain Specific Land Uses. Where the last column in Table 18.23.030 ("Standards for Specific Land Uses") includes a reference to a code 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 18.23.030 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 Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	ACC 18.31.180
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180

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Table 18.23.030 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 Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	ACC 18.59
Marijuana producer	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	ACC 18.59
Marijuana researcher	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	ACC 18.59
Marijuana retailer	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	ACC 18.59
Marijuana transporter business	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	ACC 18.59
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	X	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC

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Table 18.23.030 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 Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work or work/live unit	X	P	P	P	P	P	P	X	
Marijuana Cooperative	X	X	X	X	X	X	X	X	
Multiple-family dwellings as part of a mixed-use development	X	P	P	P	P	P	P	X	ACC 18.57.030(A)
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	ACC 18.57.030(B)
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing	X	A	A	A	X	X	X	X	
RETAIL									
Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	

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Table 18.23.030 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 Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040(C)
Government facilities, this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging – Hotel or motel	X	P	P	P	P	A	P	A	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)

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Table 18.23.030 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 Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	See Footnote No. 1
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	–	–	–	–	–	–	–	–	ACC 18.04.912, 18.31.100
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)
OTHER									
Any commercial use abutting a residential zone which has hours of operations outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	

(Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

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Section 10. Amendment to City Code. That Section 18.29.050 of the Auburn City Code be and the same hereby is amended to read as follows:

18.29.050 Use limitations.

Hereafter, all buildings, structures or properties may be used for any use, unless specifically prohibited herein. Ground floor retail, restaurants and/or office use is required for all building frontages facing Main Street. All uses shall be subject to review and approval by the director. The following uses are prohibited:

- A. Sexually oriented businesses as defined in Chapter 18.74 ACC.
- B. Taverns.
- C. All industrial uses as defined in the North American Industrial Classification System (1997 Edition), categories 48 – 49 (transportation), 31 – 33 (manufacturing) and 42 (wholesale).
- D. Outdoor storage of materials and equipment (except during active construction projects).
- E. New automobile maintenance and repair businesses.
- F. Work release facilities; secure community transition facilities.
- G. Wrecking yards.
- H. Solid waste transfer stations.
- I. Car washes.
- J. New gasoline stations.
- K. Street-level ministorage.
- L. Outdoor sales of vehicles, boats or equipment.
- M. Drive-in/drive-through facilities with direct vehicular driveway access onto Main Street.
- N. [All Marijuana Related Businesses and Marijuana Cooperatives](#)
- O. Other uses may be prohibited by the director if the use is determined to be inconsistent with the intent of this zone or is of the same general character of the other prohibited uses listed in this section. (Ord. 6071 § 6 [Exh. A], 2007.)

Section 11. Amendment to City Code. That Section 18.35.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.35.30 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.

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone					P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations				Standards for Specific Land Uses
	RO	RO-H	P-1	I	
<u>MARIJUANA RELATED BUSINESSES</u>					
<u>Marijuana processor</u>	X	X	X	X	
<u>Marijuana producer</u>	X	X	X	X	
<u>Marijuana researcher</u>	X	X	X	X	
<u>Marijuana retailer</u>	X	X	X	X	
<u>Marijuana transporter business</u>	X	X	X	X	
PUBLIC					
Animal shelter, public	X	X	P	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	
Municipal parks and playgrounds	P	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY					
Campgrounds and recreational vehicle parks, private	X	X	X	P	ACC 18.57.025(A)
Cemetery, public	X	X	P	A	
Cemetery, private	X	X	X	A	
College, university, public	X	X	A	A	
Commercial recreation facility – Indoor	X	X	X	P	
Commercial recreation facility – Outdoor	X	X	X	A	
Conference/convention facility	X	X	X	A	
Library, museum	X	X	P	P	
Meeting facility, public or private	A	A	P	P	
Private school – specialized education/training (for profit)	P	P	X	P	
Public schools (K-12) and related facilities	X	X	P	P	
Religious institutions, lot size less than one acre	A	P	X	P	
Religious institutions, lot size more than one acre	C	A	X	P	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	
RESIDENTIAL					
Duplex	P (1)	X	X	A	

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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	
Home occupation	P	P	X	P	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	
Marijuana Cooperative	X	X	X	X	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	
One detached single-family dwelling	P	X	X	X	
Nursing home, assisted living facility	A	A	X	P	
Senior housing	A	A	X	A	
RETAIL					
Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	
SERVICES					
Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	
Home-based daycare	P	P	X	P	
Medical services – Clinic or urgent care (4)	P	P	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	
Professional offices	P	P	X	A	
Personal service shops	P	P	X	X	
Pharmacies	X	P	X	X	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required
2. Multi-family dwellings; provided that 2,400 square feet of lot area is provided for each dwelling unit
3. Multi-family dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit. (Ord. 6269 § 28, 2009)
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.

(Ord. 6434 § 1, 2012.)

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Section 12. Amendment to City Code. That Section 18.42.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.42.020 Establishment.

Those areas previously annexed to the city for which no city zoning classification has been fixed or determined by ordinance are zoned UNC, unclassified use district. Unclassified zoned property shall assume the R-1 standards for permitted uses and development standards, provided that all marijuana related businesses and marijuana cooperatives shall be prohibited in the Unclassified Use District. (Ord. 4229 § 2, 1987.)

Section 13. Amendment to City Code. That Section 18.78.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.78.020 Permitted uses.

The permitted uses allowed in the Terrace View zoning district will be those as allowed within Chapter 18.30 ACC, C-3 Heavy Commercial District, as may be amended. The process to allow any use on the Terrace View property shall be as required by this title with the exception that apartments/multifamily units will be considered an outright permitted use and will not require an administrative use permit. Notwithstanding the foregoing, all marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Terrace View zoning district. (Ord. 6269 § 26, 2009; Ord. 5377 § 2, 2000.)

Section 14. New Section to City Code. That a new Section 18.04.1001 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1001 "Child care center".

"Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under Chapter 170-295 of the Washington Administrative Code (WAC).

Section 15. New Section to City Code. That a new Section 18.04.1003 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1003 "Game arcade".

"Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted

Section 16. New Section to City Code. That a new Section 18.04.1005 of the Auburn City Code be and the same hereby is created to read as follows

18.04.1005 "Marijuana" or "marihuana."

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"Marijuana" or "marihuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Section 17. New Section to City Code. That a new Section 18.04.1007 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1007 "Marijuana cooperative."

"Marijuana cooperative" means up to four qualifying patients, as defined by RCW 69.51A.010(19), who share responsibility for acquiring and supplying the resources needed to produce and process marijuana, including tetrahydrocannabinols or cannabimimetic agents, only for the medical use of members of the cooperative and not for profit.

Section 18. New Section to City Code. That a new Section 18.04.1009 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1009 "Marijuana-infused products."

"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana- infused products" does not include useable marijuana.

Section 19. New Section to City Code. That a new Section 18.04.1011 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1011 "Marijuana processor."

"Marijuana processor" means any person or entity licensed by the Washington state liquor and cannabis board to process, package, and label marijuana concentrates, including tetrahydrocannabinols or cannabimimetic agents, in accordance with the provisions of RCW chapters 65.50 and 69.51a and WAC chapter 314-55.

Section 20. New Section to City Code. That a new Section 18.04.1013 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1013 "Marijuana producer."

"Marijuana producer" means any person or entity licensed by the Washington state liquor and cannabis board to produce marijuana, including tetrahydrocannabinols or cannabimimetic agents, for wholesale to marijuana processors and other marijuana producers pursuant to RCW 69.50.325.

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Section 21. New Section to City Code. That a new Section 18.04.1015 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1015 “Marijuana related business.”

“Marijuana related business” means a person or entity engaged in for-profit activity that includes the possession, cultivation, production, processing, distribution, dispensation, or sale of tetrahydrocannabinols or cannabimimetic agents, as defined by the controlled substances act, codified at 21 U.S.C. § 812, including marijuana retailers, marijuana processors, and marijuana producers, as defined herein.

Section 22. New Section to City Code. That a new Section 18.04.1017 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1017 “Marijuana retailer.”

“Marijuana retailer” means any person or entity established for the purpose of making marijuana concentrates, usable marijuana and marijuana-infused products, including tetrahydrocannabinols or cannabimimetic agents, available for sale to adults aged twenty-one and over.

Section 23. New Section to City Code. That a new Section 18.04.1019 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1019 “Marijuana researcher.”

“Marijuana researcher” is a position licensed by the Washington state liquor and cannabis board that permits a licensee to produce, process, and possess marijuana for the limited research purposes set forth in RCW 69.50.372.

Section 24. New Section to City Code. That a new Section 18.04.1021 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1021 “Marijuana transporter.”

“Marijuana transporter” is a position licensed by the Washington state liquor and cannabis board pursuant to WAC 314-55-310 that allows a licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington state.

Section 25. New Section to City Code. That a new Section 18.04.1023 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1023 “Public or private park.”

“Public or private park” means an area of land for the enjoyment of the public or private parties, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a private for-profit entity, a non-profit entity,

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a homeowners' association, city, county, state, federal government, sovereign nation or metropolitan park district. Public park does not include trails.

Section 26. New Section to City Code. That a new Section 18.04.1025 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1025 "Public or private playground."

"Public or private playground" means a public or private outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a private business, a non-profit entity, city, county, state, or federal government or sovereign nation.

Section 27. New Section to City Code. That a new Section 18.04.1027 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1027 "Public or private recreational center."

"Public or private recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a private business, charitable nonprofit organization, sovereign nation, city, county, state, or federal government.

Section 28. New Section to City Code. That a new Section 18.04.1029 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.1029 "Public transit center."

"Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers

Section 29. New Section to City Code. That a new Section 18.76.046 of the Auburn City Code be and the same hereby is created to read as follows:

18.76.046 Marijuana related uses.

All marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or non-residential portion of the Planned Unit Development.

Section 30. New Chapter to City Code. That a new Chapter 18.59 of the Auburn City Code be and the same hereby is created to read as follows:

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Chapter 18.59

DEVELOPMENT STANDARDS FOR MARIJUANA RELATED BUSINESSES

Sections:

- 18.59.010 Purpose.
- 18.59.020 Maximum number of marijuana retail businesses.
- 18.59.030 Required geographic separation.
- 18.59.040 Marijuana required to be grown in a structure.
- 18.59.050 Required odor control for marijuana retail stores.
- 18.59.060 First-in-time – change in ownership, relocation and abandonment for marijuana retail stores.
- 18.59.070 Signage.
- 18.59.080 Security required.
- 18.59.090 Specific standards for marijuana processors, producers. research and transportation businesses.
- 18.59.100 Pre-application conference meeting required.
- 18.59.110 Public review meeting required.

18.59.010 Purpose.

The development standards contained in this Chapter are intended to address the substantive impacts that marijuana related businesses may have on all or a portion of the community by providing clear and objective development standards that will reduce or mitigate said impacts and provide, when appropriate, opportunities for public awareness and input prior to an application being made to the City. In addition, the development standards will provide the City, adjacent property owners (residential or non-residential) and adjacent business owners as well as the entire community the opportunity to be kept informed and aware through on-going reporting for those marijuana related businesses that successfully obtain appropriate approvals and authorizations to operate in the City of Auburn.

18.59.020 Maximum number of marijuana retail businesses.

A. The total maximum number of marijuana retail businesses operating within the City at any given time shall be limited to a maximum of three (3) properly licensed and permitted stores. For purposes of these regulations, these standards shall be considered in addition to the numeric allowances on these businesses specified now or in the future by the Washington State Liquor and Cannabis Board.

B. In the event that one (1) of the permitted three (3) marijuana retail businesses ceases to legally operate within the City, the maximum number of properly licensed and permitted stores shall be a maximum of two (2) stores. For purposes of this section, ceases to legally operate shall mean that the business has physically stopped operating at a specified addressed location in the City as confirmed and documented by

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the City, provided that a legal change in business name or ownership or Washington State Unified Business Identifier (UBI) number shall not constitute cessation of business operation.

18.59.030 Required geographic separation.

Marijuana related businesses operating within the City shall be geographically separated as follows. For purposes of these regulations, these standards shall be considered in addition to those geographic siting standards specified by the Washington State Liquor and Cannabis Board:

A. A marijuana retailer authorized by the Washington State Liquor and Cannabis Board and the City to operate within the City shall be sited a minimum of one (1) mile from another similarly authorized marijuana business.

B. A marijuana retailer business shall be sited a minimum of 1,320 feet from any properties zoned and utilized for single-family residential or multi-family residential land uses.

C. All marijuana related businesses shall not be located within **REFER TO POTENTIAL OPTIONS BELOW** of the following uses or any use included in Chapter 314-55 WAC now or as hereafter amended:

OPTION 1:

5,280 feet (1 mile) for all of the following:

1. Public elementary or secondary school;
2. Privately operated school
3. Public or private playgrounds inclusive of those located within a multi-family residential complex;
4. Public or private recreation center or facility;
5. Child care centers;
6. Public or private parks;
7. Public trails
8. Public transit centers;
9. Religious institutions;
10. Public libraries;
11. Any game arcade; and,
12. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties

OPTION 2:

2,640 feet for:

1. Public elementary or secondary school;
2. Privately operated school
3. Public or private playgrounds inclusive of those located within a multi-family residential complex;

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4. Public or private recreation center or facility;
 5. Child care centers;
 6. Public or private parks;
 7. Any game arcade; and,
- 1,320 feet for:
1. Public trails
 2. Public transit centers;
 3. Religious institutions;
 4. Public libraries;
 5. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties

OPTION 3:

- 1,320 feet for:
1. Public elementary or secondary school;
 2. Privately operated school
 3. Public or private playgrounds inclusive of those located within a multi-family residential complex;
 4. Public or private recreation center or facility;
 5. Child care centers;
 6. Public or private parks;
 7. Any game arcade; and,
- 1,000 feet for:
1. Public trails
 2. Public transit centers;
 3. Religious institutions;
 4. Public libraries;
 5. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties

D. Measurement. All separation requirements shall be measured as the shortest straight line distance from the property line of the proposed business location to the property line of the use specified in this section.

E. Any marijuana producer or marijuana processors operating within the city (i) shall strictly comply with all industrial, health and safety codes, including but not limited to Section 314.55.104 WAC and Section 69.50.348 RCW, and (ii) shall have at least 4, 000 square feet of building utilized for its individual business, and the total square feet of all marijuana producers and processor in the city shall not exceed 90,000 square feet of building space; provided that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building utilized for its individual business may continue operating at its current location even though it did not have at least 4, 000 square feet of building utilized for its individual business.

18.59.040 Marijuana required to be grown in a structure.

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For all marijuana related businesses and marijuana cooperatives, marijuana shall be grown in a structure. Outdoor cultivation is prohibited in all instances.

18.59.050 Required odor control for marijuana retail stores.

Marijuana odor shall be contained within the retail store so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana retailer shall be required to implement measures, including but not limited to, the installation of the ventilation equipment necessary to contain the odor.

18.59.060 First-in-time – Change in ownership, relocation and abandonment for marijuana retail stores.

A. Areas where no retail marijuana uses are located. If two or more marijuana retail applicants seek licensing from the state and propose to locate within less than one (1) mile of each other, the City shall consider the entity that is licensed first by the State Liquor and Cannabis Board to be the "first-in-time" applicant who is entitled to site the retail use. First-in-time determinations will be based on the date and time of the state-issued license or conditional license, whichever is issued first. The Director or designee shall make the first-in-time determination.

B. First-in-time determinations are location-specific and do not transfer or apply to a new property or site, unless the new site is within the same tax parcel.

C. Ownership. The status of a first-in-time determination is not affected by changes in ownership.

D. Relocation. Relocation of a retail store to a new property voids any first-in-time determination previously made as to the vacated property. The determination shall become void on the date the property is vacated. Applicants who may have been previously denied a license due to a first-in-time determination at the vacated property may submit a new application after the prior first-in-time determination becomes void.

E. Discontinuance. If an existing marijuana retail use is discontinued or abandoned for a period of six (6) months with the intention of abandoning that use, then the property shall forfeit first-in-time status. For purposes of this Section, discontinuance shall not mean a legal change in business name or ownership or Washington State Unified Business Identifier (UBI) number. Discontinuance of a licensed retail use for a period of six (6) months or greater constitutes a prima facie intent to abandon the retail use. Intent to abandon may be rebutted by submitting documentation adequate to rebut the presumption. Documentation rebutting the presumption of intent to abandon includes but is not limited to:

1. State licensing review or administrative appeal; or
2. Review of building, land use, other required development permits or approvals; or
3. Correspondence or other documentation from insurance provider demonstrating an intent to reestablish the use after either a partial or full loss or disruption of the use.

4. The Director shall determine whether a retail use has been discontinued, abandoned, or voided, whether in connection with an application for an administrative conditional use permit or as otherwise appropriate.

F. Accidental Destruction. First-in-time status or cessation is not affected when a structure containing a state-licensed retail outlet is damaged by fire or other causes beyond the control of the owner or licensee; provided all necessary local, regional, state or other permits and approvals are successfully obtained and redevelopment commences within twelve (12) months from the documented date of the accidental destruction or the licensee provides documentation demonstrating why redevelopment cannot commence within twelve (12 months), provided that redevelopment is completed within twenty-four (24) months of the documented date of accidental destruction.

18.59.070 Signage.

All marijuana related businesses shall comply with applicable sign regulations and standards as specified in Chapter 18.56 (Signs) as may be amended.

18.59.080 Security required.

In addition to the security requirements in chapter 315-55 WAC, during non-business hours, all marijuana producers, processors, and retailers shall store all marijuana concentrates, useable marijuana, marijuana-infused products, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Director, provided the container is affixed to the building structure.

18.59.090 Specific standards for marijuana producers, processors, research and transportation businesses.

A. Marijuana production and processing facilities shall comply with the following provisions:

1. Marijuana production, processing research and transportation facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;

2. A screened and secured loading dock, approved by the Director shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products.

18.59.100 Pre-application conference meeting required.

A minimum of one (1) pre-application conference meeting with the City of Auburn and other relevant parties including but not limited to the Valley Regional Fire Authority shall be conducted prior to the submittal of a formal application for all marijuana related businesses within the City.

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18.59.110 Public review meeting required.

A. A minimum of one (1) public review meeting shall be conducted by applicant for any marijuana related business in the City. The purpose of the Public Review Meeting is to allow adjacent property owners (residential and non-residential) and adjacent business owners an opportunity to become familiar with the proposal and to identify any associated issues. The Public Review Meeting is intended to assist in producing applications that are responsive to the concerns of adjacent property owners (residential and non-residential) and adjacent business owners and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of these parties when preparing an application. The City expects these parties to work with the applicant to provide reasonable concerns and recommendations.

B. Prior to submittal of an application for any marijuana related business, the applicant shall provide an opportunity to meet with adjacent property owners (residential or non-residential) and adjacent businesses owners within whose boundaries the site for the proposed marijuana related business is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one Public Review Meeting provided such meeting is held within six (6) months prior to submitting an application for one (1) specific site.

C. Public Review Meetings shall occur prior to submitting a formal application to the City of Auburn.

D. Public Review Meetings shall occur after the required pre-application conference with the City of Auburn.

E. The applicant shall hold a public review meeting in a publicly accessible location within one (1) mile of the proposed business site, provided that if no such place is immediately available, the applicant may submit a written request to the Director proposing an alternate meeting location and the Director may approve said location, in writing. The meeting starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a national holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act (ADA). A portable sign at least 22 inches x 28 inches in size with minimum two (2) inch lettering shall be placed at the main entrance of the building where the meeting will take place at least one (1) hour prior to the meeting. Such sign will announce the meeting, and announce that the meeting is open to the public and that interested persons are invited to attend. This sign shall be removed by the applicant upon conclusion of the meeting.

F. The applicant shall send by regular mail a written notice announcing the Public Review Meeting to the Director, property owners pursuant to the most current public records of the King County Assessor's Office or Pierce County Assessor's Office within 1,320 feet on all sides of the property involved in the anticipated application and to all current businesses registered with the City of Auburn within 1,320 feet on all sides of the property involved in the anticipated application. At the request of the applicant, and

upon payment of the applicable fee, the City will provide the required mailing lists for property owners and/or registered businesses.

G. Not less than twenty (20) calendar days prior to the Public Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within fifty (50) feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed marijuana related business, the type of marijuana related business in sufficient detail for a reasonable person to ascertain the nature and type of business, the name of the applicant and the applicant's telephone number and electronic mail address where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the Public Review Meeting.

H. At the Public Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for City consideration and analysis.

I. At the Public Review Meeting, the applicant shall take notes of the discussion on the proposed application.

J. To comply with this section, an applicant shall submit the following information with the application:

1. A copy of the notice sent to surrounding property owners pursuant to Section 18.59.120 (F).

2. A copy of the mailing list used to send out meeting notices pursuant to Section 18.59.120.(G).

3. A written statement and clear photographs containing the information posted on the property pursuant to Section 18.59.120 (G)

4. A notarized affidavit of mailing and posting notices.

5. Copies of written materials and 8.5-inch x 11 inch size plans presented at the Public Review Meeting.

6. Typed notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.

K. If responses to the meeting notice were not received by the applicant and no one attended the Public Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.

L. Failure of a property owner or business owner to receive notice shall not invalidate the Public Review Meeting proceedings.

Section 31. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 32. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 33. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

Introduced: _____

Passed: _____

Approved: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____

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