

**Planning Commission Meeting
January 23, 2019 - 7:00 PM
City Hall - Council Chambers
AGENDA**

I. CALL TO ORDER

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

II. PUBLIC HEARINGS

III. APPROVAL OF MINUTES

- A. Regular Meeting Minutes - November 7, 2018**

IV. OTHER BUSINESS

- A. Election of Officers**
- B. PSERN – Emergency Wireless Communication Facility (ZOA18-0001)**
Amend the City's Zoning Code – Title 18 to allow the use and siting of emergency community WCFs within the I, Institutional zoning district of the Auburn City Code (ACC)
- C. Modification of Rules of Procedures**

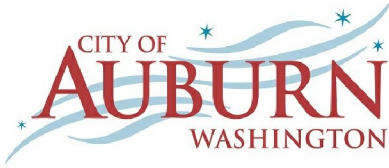
V. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VI. ADJOURNMENT

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

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Regular Meeting Minutes - November 7, 2018

Date:

January 10, 2019

Department:

Community Development

Attachments:

[Draft November 7, 2018 Regular Meeting Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the November 7, 2018 regular meeting minutes.

Background Summary:

See the attached draft November 7, 2018 minutes.

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

Dixon

Meeting Date: January 23, 2019

Item Number:



PLANNING COMMISSION

November 7, 2018

REGULAR MEETING MINUTES

REGULAR MEETING

I. CALL TO ORDER

Chair Roland called the regular meeting to order at 7:00 p.m. in Council Chambers at City Hall, located at 25 West Main Street, Auburn, Washington.

A.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk, Planner II Alex Teague, Traffic Engineer James Webb, Finance Analyst Consuelo Rogel, and Planning Administrative Assistant Tina Kriss.

Members of the public present: Mickey Fus; Kim Richardson; Joyce Kunz; Lois Sanborn; Linda Morris; Dr. Alan Spicciati, Superintendent of the Auburn School district; Bob Kenworthy, Assistant Director of Capital Projects, Auburn School District; Jeffrey Grose, Executive Director of Capital Projects, Auburn School District; Cari Manry, Auburn Citizens for Schools; David Toyer, Toyer Strategic; Pablo Para, PH Consulting; Cindi Blansfield, Executive Director of High School and Post-Secondary Programs at Auburn School District; and Sally McLean, Chief Finance and Operations Officer, Federal Way Public Schools.

B.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. October 16, 2018

Vice-Chair Lee moved and Commissioner Kahnal seconded to approve the October 16, 2018 minutes.

MOTION CARRIED. 6-0

Commissioner Mason was unavailable for the vote, returning to the meeting after the approval of minutes.

III. PUBLIC HEARING

Chair Roland explained that with the number of audience members in attendance for specific items, the order of agenda items will be adjusted as follows:

Items III.A.C. 3, 2, 1, will go before Item III.A. 1-9, with Items III.B. following III.A.

Chair Roland opened the public hearing on CMP #6, CPA18-0004 at 7:02 p.m. and invited Planning Services Manager Dixon forward for the staff report.

Staff provided a PowerPoint presentation to present the staff report. The City of Auburn adopted amendments to its Comprehensive Plan in 1995 in response to the Washington State Growth Management Act (GMA) requirements, as amended. Annually since 1995, the Comprehensive Plan is amended. In 2015, the City adopted a substantially updated Comprehensive Plan in compliance with state-required periodic update.

Annual Comprehensive plan amendments can be initiated by the City of Auburn (city-initiated) and by private parties (private-initiated). The application submittal deadline for the 2018 Annual Comprehensive Plan Amendments was advertised to end June 8, 2018. This year the city is initiating nine policy/text amendments and three map amendments. Also, the city received three private-initiated plan map amendments by the submittal deadline. Each of the private-initiated plan map amendments will be presented with separate staff reports for the hearing.

Chair Roland asked staff to come forward to present their staff report on Item III.C.3., noted below.

A. 2018 Annual Comprehensive Plan Amendments - Annual Comprehensive Plan Text Amendments (Case No. CPA18-0002)

Planning Services Manager Dixon provided a PowerPoint Presentation for P/T #1 through P/T #5. P/T #1 through P/T #4 are the request by the four school districts that fall within the City of Auburn, the Auburn School District, Dieringer School District, Federal Way School District and the Kent School District. The nature of the request is to incorporate each of the of the Capital Facilities Plans (CFP) that were prepared by the districts, ratified by their school boards, and incorporate those by reference into the City of Auburn's Comprehensive Plan.

Each of the school districts serve as their own lead agency for the purposes of preparing their environmental review decision that is required under the State Environmental Policy Act (SEPA). The Capital Facilities Plan (CFP) for each district is provided in the binders the Commissioners received for this meeting, along with a letter requesting an increase in fees if an increase is being requested. A SEPA decision was also included with their review.

The impact fees are authorized under state law; the school impact fees are based on a formula provided by the state and city code. The actual impact fees are set by subsequent action of the City Council.

Staff is recommending approval of the CFP for all school districts, P/T #1 through P/T #4, and to incorporate them into the City of Auburn Comprehensive Plan.

1. P/T #1 – Auburn School District 2018-2024 Capital Facilities Plan

Chair Roland opened the public hearing on P/T #1 at 8:00 p.m. (items were taken out of order) and invited staff to come forward with the staff report.

Planning Services Manager Jeff Dixon provided a PowerPoint presentation to bring forward the staff report for P/T #1. Chair Roland called for testimony from the proponent.

Bob Kenworthy - Assistant Director for Capital Projects, Auburn School District, 915 Fourth Street NE, Auburn

Mr. Kenworthy stated the Auburn School District Board of Directors, 2018 - 2024, approved the Auburn School District Capital Facilities Plan, on June 11, 2018. The school district continues to grow, projections over the next 6 years show an increase of about 500 students per year.

Projections last year were approximately 490 students, an increase of about 100 students per year.

The Auburn School District is heavily underway on bond projects with the replacement of three existing schools (increasing the size) and two new elementary schools. The single-family and multi-family impact fees will increase from last year. Using the formula and variables over the last several years, the impact fees dropped dramatically. With current variables, the formula represents corrected actions. The single-family impact fee for 2018 will be slightly under the impact fee from 2016. The multi-family fees for 2018 are \$400.00 less than the 2013 fees for multi-family.

He indicated the Auburn School District discounted the 2018 multi-family fees approximately \$3,000.00 from the formula and variable calculations. The fees were discounted because the school district wanted to keep the multi-family impact fees between \$4,500.00 and \$5,000.00 rather than \$7,500.00.

Mr. Kenworthy stated, the Auburn School District respectfully requests the Commission move forward P/T #1, the Auburn School District Capital Facilities Plan 2018-2024 to Council for approval and inclusion into the City's Comprehensive Plan.

The Commission and staff discussed the formula. Mr. Kenworthy explained that the formula is mandated by the state and based on variables such as land and construction costs, interest and bond rates, bond sales, and other post-election factors. Mr. Kenworthy emphasized the fees are returning where they were several years ago.

Chair Roland invited the public forward for testimony for and against P/T #1 three times. With no other testimony, Vice-Chair closed the public hearing on P/T #1 at 8:11 p.m., the Commission deliberated.

Commissioner Moutzouris moved and Commissioner Khanal seconded to recommend inclusion of P/T #1, the Auburn School District Capital Facilities Plan 2018-2024 into the City's Comprehensive Plan.

Commissioner Shin stated he is recusing himself from P/T #1 because the firm he is employed with does work for the Auburn School District.

MOTION APPROVED. 6-0

2. P/T #2 – Dieringer School District Capital Facilities Plan 2019-2024

Chair Roland opened the public hearing on P/T #2 at 8:37 p.m. and invited staff to come forward with the staff report (the items were taken out of order).

Planning Services Manager Dixon reported that the request is by the Dieringer School District to incorporate by reference the Capital Facilities Plan 2019-2024 into the City of Auburn Comprehensive Plan. The Dieringer School District did not request an increase in their school impact fees.

Chair Roland noted that no audience members were present to testify, Chair Roland asked the Commission if they had any questions.

With no public testimony, Vice-Chair closed the public hearing on P/T #2 at 8:38 p.m. (items were taken out of order) and the Commission deliberated.

Vice-Chair Lee moved and Commissioner Khanal seconded to recommend inclusion of P/T #2, the Dieringer School District 2019-2024 Capital Facilities Plan into the City of Auburn Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

3. **P/T #3** – Federal Way School District 2019 Capital Facilities Plan

Chair Roland opened the public hearing on P/T #3 at 8:13 p.m. and invited the proponent for testimony (items were taken out of order).

Sally McLean – Finance and Operations Officer for the Federal Way School District, 3330 8th Ave. South, Federal Way

Ms. McLean thanked the Commission for the opportunity to provide testimony in support of P/T #3, incorporating the Federal Way School District's 2019 Capital Facilities Plan into the City of Auburn Comprehensive Plan.

Ms. McLean stated the Federal Way School District currently serves 603 students, a small but growing number who reside in the Auburn city limits. Last year there were about 523 students. Most of the students within Auburn city limits attend Meredith Hill Elementary, Kilo Middle School, and Thomas Jefferson High School. Meredith Hill Elementary School is directly in the Auburn boundary and served by the city.

Students within these schools also have the option of attending one of the other schools under the district's choice policy. Out of those 603 students within the City of Auburn and in the Federal Way School District boundaries, 531 of those students attend Meredith Hill Elementary School. Based on the current educational program configurations, the Federal Way School District is out of room for additional students. Meredith Hill was built to serve a student body population of 425 students, there are currently 531 student. There are currently 1000 unhoused elementary students and 100 portable classrooms within the elementary schools.

Ms. McLean stated the current circumstances of overcrowding is why community support moved the \$450,000,000.00 bond issue in November. The bond will be used to rebuild three elementary schools, two middle schools and three new elementary schools.

As the City of Auburn considers adopting the Federal Way School District 2019 Capital Facilities Plan, two factors drive the majority of the fee. The formula stays the same but the variables change. One variable that has had significant impact in Federal Way is the Student Generation Rate, or numbers of students coming through new housing, both single-family and multi-family housing. In 2017, the number of new students moving into three large multi-family housing developments within the community spiked. For each unit, one student was added. Over 1,000 new students were added to the school district from these three new developments. That represents approximately 5% of the student population increase occurring in the last three years. The additional cost driving the fee formula is the portion of the bond authorization that supports increased student capacity. About 10% of the cost within the bond authorization is supporting expanded capacity.

On behalf of Superintendent Campbell, the Federal Way Public School District asks that the Commission recommend inclusion of the Federal Way School District 2019 Capital Facilities Plan into the City of Auburn Comprehensive Plan.

Chair Roland called for any other public testimony for and against P/T #3 three times. With no other testimony, Vice-Chair closed the public hearing on P/T #3 at 8:21 p.m. (items were taken out of order), the Commission deliberated.

Commissioner Lee moved and Commissioner Stephens seconded to recommend inclusion of P/T #3, Federal Way School District 2019 Capital Facilities Plan into the City of Auburn Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

4. P/T #4 – Kent School District 2018/2019 – 2023/2024 Capital Facilities Plan

Chair Roland opened the public hearing on P/T #4 at 8:22 p.m. and invited staff to come forward to speak on behalf of the Kent School District (items were taken out of order).

Chair Roland called for testimony from the proponent. No members from the Kent School District attended the meeting.

Planning Services Manager Dixon stated that the single-family residences fee will increase by \$162.00 to \$5,397.00 and the multi-family units will increase by \$69.00 to \$2,279.00. The Kent School District is requesting the 2018/2019 – 2023/2024 Capital Facilities Plan be incorporated into the City of Auburn Comprehensive Plan.

Chair Roland asked for clarification on the formula and how the fees are calculated. Planning Services Manager Dixon stated the school impact calculations are mandated and set by the state. With no public present for testimony, Chair Roland closed the public hearing at 8:35 p.m. on P/T #4, Kent School District 2018-2019 to 2023-2024 CFP, the Commission deliberated.

Vice-Chair Lee moved and Commissioner Moutzouris seconded to recommend inclusion of P/T #4, Kent School District 2018-2019 to 2023-2024 CFP into the City of Auburn Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

5. P/T #5 – City of Auburn 2019-2024 Capital Facilities Plan

Planning Services Manager Dixon provided a brief overview of P/T #5, City of Auburn 2019-2024 Capital Facilities Plan (CFP). The city has prepared a six-year Capital Facilities Plan as a required element of the Growth Management Act (GMA) (RCW 36.70A). The capital facilities plan must provide an inventory of existing needs, future needs, and identify funding for those future needs. The CFP has been prepared by the city's Finance Department with assistance from all other City departments and it meets the GMA requirements.

Capital Facilities is defined as a structure, street, utility system improvement or long-term asset, including land. The Finance Department memo dated September 28, 2018 highlights the major changes in the CFP from last year's CFP by projects. Staff reviewed the completed (removed) and projects added to the City of Auburn 2019-2024 Capital Facilities Plan.

Staff is recommending the Planning Commission recommend approval of the City of Auburn's 6-year Capital Facilities Plan 2019-2024 to the City Council.

Chair Roland opened the public hearing on P/T #5, City of Auburn 2019-2024 Capital Facilities Plan at 8:41 p.m. and called for testimony from the proponent, City of Auburn (items were taken out of order). Staff member Consuelo Rogel, Financial Analyst, had no added comments. Chair Roland stated no audience members were present for testimony for or against P/T #5.

With no other testimony, Vice-Chair closed the public hearing on P/T #5 at 8:45 p.m. and the Commission deliberated.

Commissioner Moutzouris moved and Commissioner Stephens seconded to recommend inclusion of P/T #5, City of Auburn 2019-2024 Capital Facilities Plan, into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

6. **P/T #6** – Modify text at the end of Volume 1, “Land Use Element” to clarify and distinguish between the various subcategories of “Special Planning Areas” that are already described in the Plan. Bring back some missing explanation from previous pre-2015 Comprehensive Plan to aid in describing the purpose and actions associated with each subcategory. The changes are shown in strike through and underline in the Commission's packet. Also, change Map No. 1.3 to correspond. See the related Map amendment CPM #1.
7. **P/T #7** – Amend text of Volume 6, Economic Development Element of Comprehensive Plan and the Comprehensive Plan's “Core Plan” (headline chapter) and specifically the Economic Development Vision Statement discussion to reflect preparation of the City of Auburn Ten-Year Economic Development Strategic Plan (TEDSP). Also, amend the Appendices to include the document as one of the background documents to the Plan. The changes are shown in strike through and underline.
8. **P/T #8** – Amend text and policies of Comprehensive Plan to add back the contents of the former Chapter 10, “Historical Preservation” from pre-2015 Comprehensive Plan as a new Chapter 8, with some minor revisions. Also, add a corresponding section to the “Core Plan” to maintain formatting, add a map of designated landmarks, as before and amend the Appendices to reflect the map addition. See related Map amendment CPM #2. The text changes are shown in strike through & underline.
9. **P/T #9** – Modify text of Volume 1, “Land Use Element” of the Comprehensive Plan to remove the mapped designation of “Residential Transition Overlay” from the Comprehensive Plan Map. The text requires modification to eliminate references to the map location. See related Map amendment CPM #3.

Chair Roland opened the public hearing on P/T #6, P/T #7, P/T #8, and P/T #9 at 8:48 p.m. (items were taken out of order).

Chair Roland called for staff to present the staff report for P/T #6. Planner II, Alexandria Teague presented the staff report. Staff stated the section; “Special Planning Areas” is in need of revision for clean-up action so that it is clear, concise, well-organized, and detailed so staff and decision makers can use it for planning processes and decisions. Staff provided information on the text amendment including the strike through and underline changes to Auburn Comprehensive Plan. Staff recommends the Planning Commission to recommend approval of policy text amendments to the “Special Planning Areas” section of Volume 1, “Land Use Element”. The Commission had no questions.

Planning Services Manager Dixon provided the staff report for P/T #7. Staff explained that P/T #7 is to amend text of Volume 6, "Economic Development Element" of the Comprehensive Plan to recognize the preparation of the COA Ten-Year Economic Development Strategic Plan. The proposal is to make the text of the city's comprehensive plan agree with the preparation of the ten-year strategic plan. The city's Core Plan would also be amended to be consistent with the update to the city's comprehensive plan. Staff noted, strike through and underlined versions have been provided in the packet. The appendix and table of contents would also be adjusted to identify the updates. Staff asked if the Commission had any questions. The Commission had no questions on P/T #7.

Planning Services Manager Dixon provided a PowerPoint presentation on P/T #8, and reviewed the staff report. Staff explained that P/T #8 is a proposal to amend text of Comprehensive Plan to add back the former "Chapter 10, Historical Preservation" from the pre-2015 Comprehensive Plan with some minor policy updates. A corresponding section to the "Core Plan" would also be added to maintain formatting along with adding a map of landmark, designated properties, similar to before, and amend the Appendices and Table of Contents to reflect the updates.

The Policy guidance also provides a mechanism for the removal or demolition of a building and a mitigation fund that could fund historic preservation efforts elsewhere and would provide the flexibility to do so by policy. Subsequent regulations would be established for that process. Staff noted that strike through and underlined updates have been provided to the Commission in their packet.

Senior Planner Dustin Lawrence provided a PowerPoint presentation for P/T #9 to present the staff report. Staff explained P/T #9 is to amend the text of Volume 1, "Land Use Element" to remove the mapped designation of "Residential Transition Overlay" and modify text to agree. Staff noted, it is being changed because the approach identified is difficult to implement for multiple reasons. There is redundancy with other provisions that are in place, the proposal will simplify the "Residential Transition" policy and make them applicable for all developments throughout the City when warranted. The RT Map designation can be done through a separate action. The Commission had no questions.

With no audience members in attendance for public testimony, Chair Roland closed the public hearing on P/T #6, P/T #7, P/T #8, and P/T #9 at 9:03 p.m., the Commission Deliberated (items were taken out of order).

Vice-Chair Lee moved and Commissioner Khanal seconded to recommend inclusion of P/T #6, P/T #7, P/T #8 and P/T #9, of CPA18-0002, into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

B. 2018 Annual Comprehensive Plan Amendments - Annual Comprehensive Plan Map Amendments (CPA18-0002 City Initiated)

- 1. CPM #1** – Change the Comprehensive Plan Map, "Designated Areas, Map # 1.3" to remove "Environmental Park" Designated Area and amend "Impression Corridors Map #1.5," to agree with Plan text (See also related text amendment P/T #6).
- 2. CPM #2** – Add back a similar Historic Resource Inventory Map from former Chapter 10, Historic Preservation Chapter, from the pre-2015 Comprehensive Plan as a re-numbered Map 8.1. (See also related text amendment P/T #8)

3. CPM #3 – Amend Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay". (See related text amendment P/T #9)

Chair Roland opened the public hearing on CPM #1, CPM #2, and CPM #3 at 9:04 p.m. and invited staff to come forward with the staff report (items were taken out of order).

Planner II, Alex Teague, presented a PowerPoint presentation to bring forward the staff report on CPM #1. The map update is related to P/T #6, regarding the "Special Planning Areas" to amend "Designated Areas Map #1.3" removing the "Environmental Park" designated area due to rezoning in 2017 to M-1, Light Industrial. CPM #1 will also propose to remove the "Impression Corridors Map #1.5" to agree with the updated list of streets in the Comprehensive Plan. The Commission had no questions.

Planning Services Manager Dixon provided the staff report on CPM #2. Staff explained that CPM #2 would add back an updated and renamed Historic Resource Inventory Map from the former Chapter 10, Historic Preservation Chapter, as a re-numbered Map 8.1. Staff reviewed properties that will be removed and added to the map to indicate only properties that have been officially recognized as "Historic Preservation" properties.

Commissioner Mason asked that JC Pennies be included as a "Historic Preservation" property. Staff explained that the owner applies for the designation and the city has not received a request by the owner, therefore, it does not have an official recognition and thus is not proposed to be included within the map. Staff noted, though an investigation had been undertaken for that property, the owner did not apply for the designation.

Senior Planner Dustin Lawrence provided a PowerPoint presentation on CPM #3 to present the staff report. Staff noted that this map amendment is related to P/T #9. CPM #3 would amend the Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay" from Land Use Map # 1.1. The Commission had no questions for staff.

With no members of the public present for testimony, Chair Roland closed the public hearing on CPM #1, CPM #2, and CPM #3, CPA18-0002, at 9:14 pm, the Commission deliberated.

Commissioner Khanal moved and Commissioner Stephens seconded to recommend inclusion of CPM #1, CPM #2, and CPM #3, CPA18-0002 into the City's Comprehensive Plan.

MOTION APPROVED UNANIMOUSLY. 7-0

C. 2018 Annual Comprehensive Plan Amendments - Annual Comprehensive Plan Map Amendments (Privately- Initiated)

- 1. CMP #4, CPA18-0001 – Labrador Ventures LLC to change 3 parcels totaling approx. 1.89 acres located NE of 40th and I ST NE from the "Residential Transition Overlay" to "Multiple Family Residential" and rezone from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre".**

Chair Roland opened the public hearing on CMP #4, CPA18-0001 at 7:44 pm. and invited staff to come forward with the staff report (items were taken out of order).

Senior Planner Thaniel Gouk provided a PowerPoint Presentation on CMP #4, CPA18-0001. Staff reviewed the decision criteria for map amendment CPM #4. A Determination of Non-Significance (DNS) was issued under city file SEP18-0008 on August 16, 2018. The comment period ended August 31, 2018 and the appeal period ended September 14, 2018. There were no appeals.

Staff believes the request by the applicant is justified and staff's recommendation is for the Planning Commission to recommend to the City Council approval of the Labrador Ventures LLC Comprehensive Plan Land Use Map amendment and rezone request. Chair Roland called for testimony from the proponent on CMP #4, CPA18-0001.

David Toyer, Toyer Strategic, 2705 Colby Avenue, Everett

Mr. Toyer thanked the Commission and staff for their time with the proposed amendment submitted by Toyer.

Mr. Toyer stated the amendment is reasonable. It is a total of 1.89 acres on three parcels. The subject parcels are surrounded by multi-family with heavy commercial adjacent. The amendment would clean up zoning boundaries relative to the property. Mr. Toyer stated that staff has recommended the proposed changes, on behalf of Labrador Ventures LLC asks that you reach the same conclusion.

Mr. Toyer stated there are no immediate development plan for the site but the owner is looking at different options and alternatives available. A traffic study was submitted for the proposal with a previous wetland report submitted some years ago to provide staff ample analysis during the SEPA review process.

Chair Roland called for other testimony for and against CMP #4, CPA18-0001.

Joyce Kunz – 3828 I Place NE, Auburn

Ms. Kunz stated she lives close to the applicant's property. She expressed a concern that if the nearby property owned by the Auburn School District is selected for a future school access may be limited. She also noted that the proposal, if approved, may affect the properties owned by Labrador Ventures LLC since their property faces I Street.

Chair Roland stated that the Commission has no knowledge of future development by the school district but it may be helpful to discuss this with the school district or city staff. Jeffrey Grose agreed that he would be available to discuss the site with Ms. Kunz.

Lois Sanborn – 3828 I Place NE, Auburn

Ms. Sanborn stated she has been in contact with city staff and that her home is directly south of I Place NE, a cul-de-sac of single-family dwellings. The properties north of that parcel are also zoned single-family. She expressed her concern if Labrador's property is zoned multi-family the environmental impact would be greater than if zoning remains single-family. Ms. Sanborn stated though she understands the need for additional housing, she would like the property to remain zoned single-family.

Chair Roland called for public testimony on CMP #4, CPA18-0001 three times.

Commissioner Stephens asked staff if there were any other public comments. Staff reported that no other written comments were received although one or two phone calls were received to inquire what exactly was happening. The calls were inquiries for more information and no

specific comments were noted. The Commission and staff discussed the types of housing would be allowed with the multi-family housing. Staff explained that ACC 18.07.020 notes the permitted uses for the R-20 zone, provided in Exhibit 6. Mostly multi-family units, garden style apartment buildings with 2, 3, and 4 stories. Staff discussed the reviews that would follow a submittal for the review of the design standards.

Commissioner Kahnal asked if the amendment and rezone were approved, would they be required to have a certain portion developed as affordable housing. Staff explained that the City cannot require the development of affordable housing or eliminate the applicant from proposing affordable housing. It is up to the developer to determine what market value of development they propose. With no other testimony, the Chair closed the public hearing on CMP #4, CPA18-0001 at 7:59 pm and the Commission deliberated.

Commissioner Kahnal moved and Vice-Chair Lee seconded to recommend inclusion of CMP #4, CPA18-0001, the request by Labrador Ventures LLC to change the designation of three undeveloped parcels, totaling approx. 1.89 acres, located NE of 40th and I ST NE from "Single Family Residential" & "Residential Transition Overlay" to "Multiple Family Residential" and associated rezone from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre" into the City's Comprehensive Plan.

MOTION APPROVED. 6-1

2. **CMP #5, CPA18-0003** – Auburn School District request to change 2 parcels totaling approx. 0.9 acres located west of Pioneer Elementary from "Single Family Residential" to "Institutional" and rezone from "R-7, Residential 7 dwelling units per acre" to "P-1, Public Use".

Chair Roland opened the public hearing on CMP #5, CPA18-0003 at 7:36 pm and invited staff to come forward with the staff report (items were taken out of order).

Senior Planner Dustin Lawrence provided a PowerPoint presentation for CMP #5, CPA18-0003. Staff provided a review of the project and designated criteria. A Determination of Non-Significance was issued on August 9, 2018. The comment period ended August 24, 2018 with no comments received. The plan for the Auburn School District is to redevelop Pioneer Elementary since it is passing its useful life.

Staff is recommending Planning Commission to recommend to the City Council approval of the Auburn School District No. 408 (CPA18-0003) request for a Comprehensive Plan Map Amendment to change the map designation of two parcels from "Single-Family" to "Institutional" and to rezone both parcels from "R-7, Residential Zone – Seven Dwelling Units Per Acre" to "P1, Public Use" zoning district.

Chair Roland called for testimony from the proponent on CMP #5, CPA18-0003.

Jeffrey Grose, Executive Director of Capital Projects, Auburn School District. 915 4th Street SE, Auburn.

After a thorough review of the city's staff report, Mr. Grose stated he concurs with the Findings of Fact and Recommendation to approve the 2018 Comprehensive Plan Amendment and rezone requested by the School District.

The Auburn School District, as part of the bond package passed, is including the replacement of Pioneer Elementary school. By rezoning, the property so that it can be used for a school it

will provide greater flexibility in the design of the school and provide an additional acre of property that will allow the school to provide more on-site parking to reduce parking within the neighborhood.

Chair Roland called for testimony for and against CMP #5, CPA18-0003 three times. With no other testimony, Vice-Chair closed the public hearing on CMP #5, CPA18-0003 at 7:42 pm, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend inclusion of CMP #5, CPA18-0003, Auburn School District request for a Comprehensive Plan Map Amendment to change the map designation of two parcels, Parcel Nos. 192105-9282 and 192105-9190 from "Single-Family" to "Institutional" and to rezone both parcels from "R-7, Residential Zone – Seven Dwelling Units per Acre" to "P-1, Public Use" zoning district into the City's Comprehensive Plan.

Commissioner Shin stated he is recusing himself from CPM #5, CPA18-0003 because the firm he is employed with provides work for the Auburn School District.

MOTION APPROVED. 6-0

3. **CMP #6, CPA18-0004** – Auburn School Dist. to change 4 parcels totaling approx. 22.08 acres located west of Kersey WY SE from "Residential Conservancy" to "Institutional" and rezone from "RC, Residential Conservancy" to "I, Institutional".

Chair Roland opened the public hearing on CMP #6, CPA18-0004 at 7:02 pm and invited staff to come forward with the staff report (items were taken out of order). Senior Planner Dustin Lawrence provided a PowerPoint presentation on CMP #6, CPA18-0004.

Staff reviewed comments submitted during the comment period that expired on September 12, 2018 for the State Environmental Policy Act (SEPA) determination. Senior Planner Lawrence stated the majority of the comments expressed concerns regarding traffic. Comments regarding aesthetic design and the public wanting to have input as to the design of the building were received. Concern regarding pedestrian safety for children walking to school and issues that could arise with parents dropping off and picking up children at the school were also expressed. The Comments were forwarded to city staff, the applicant and city staff provided written responses to the public comments.

After reviewing applicant's proposal and the location of the property, staff reviewed the decision criteria as set forth in Auburn City Code ACC 14.22.110. Staff stated it is staff's recommendation for the Planning Commission to recommend to City Council approval of the private initiated Comprehensive Plan (Kersey Way SE Site), CPM #6 and associated map amendment (rezone).

Chair Roland called for testimony from the proponent on CMP #6, CPA18-0004.

Jeffrey Grose, Executive Director of Capital Projects, Auburn School District. 915 4th Street NE, Auburn.

Mr. Grose expressed his gratitude for allowing the him to speak on behalf of the school district's proposal to rezone the property on Kersey Way and 57th Street SE as a 2018 Comprehensive Plan Amendment.

The school district owns three of the parcels and has possession and use rights with authorization by the property owner to submit an application in their name for the rezone and comprehensive plan amendment for the fourth parcel.

Mr. Grose stated the school district recognizes this as a complex piece of property and proposal thanking the city for a very thorough and objective staff report. The school district concurs with the findings of the staff report and the city's recommendation to approve the comprehensive plan amendment and rezone under CPM #6, CPA18-0004 & REZ18-0004.

Mr. Grose pointed out for that educational uses for zoning in Auburn are not permitted outright, if property is purchased by the school district the use is not automatically allowed so approval must be requested. With severe overcrowding additional schools are needed, a result of enrollment growth and class size reduction. The Auburn School District is the fastest growing school district in King County; schools are needed to address that growth.

The State of Washington recently mandated that the number of kids in classrooms be reduced. This is a positive educationally, but increases pressure on school districts, as more classrooms are needed so districts are required to find and rezone property to build schools. Currently to address the problem the Auburn School District has 112 portable classrooms spread throughout the district to house approximately 2800 students. If three new schools were built today, the issues regarding space would not be resolved.

On a long-term basis, the school district is looking for and rezoning property to address these issues. The data and information shows that school district needs institutionally zoned property to build schools and relieve the overcrowding.

The property on Kersey way was selected after extensive research, investigations, and analysis. There are two main criteria in selecting a site for a school, the level of overcrowding and if the site is the most suitable for a school. The site is very suitable for a school and the level of overcrowding is high. In 2015, the Auburn School District convened an ad hoc committee of citizens to study the school facilities and provide guidance in building new schools. The recommendation was to acquire and build two new schools as soon as possible, one in the south end and one in the north end. The Kersey Way site is the south end site.

The search for property is extensive, looking at advantages and disadvantages. Further analysis, research, and study is completed on the proposed properties (thirty-three) to determine if it is suitable for a school. Twenty different companies and consultants were involved to assist to research, investigate, and acquire property. The effort to site a school is not taken lightly; the effort is aggressive and extensive.

Mr. Grose stated that the neighborhood/community has identified that traffic is of concern and with the application, a traffic study was provided to the city, dated September of 2017. The traffic study was to be provided before the June 2018 deadline for the 2018 Comprehensive Plan application submittal. If approved, the school district will be submitting an additional comprehensive traffic study for the environmental analysis for that school site.

Mr. Grose emphasized that changing the property from "Residential Conservancy" to "Institutional" will have benefits for a number of parties. First, it will help meet the obligation to serve the needs of the students, help families in the area, and help meet the commitments of the voters who stepped up and voted for a major bond issue package to buy property and build schools. Building a school on this site will relieve overcrowding on the south Auburn end.

The site is large and has a wooded buffer that can be maintained on all four sides of the school. The new school would include the construction of a ten-foot wide sidewalk and the installation of streetlights all along Kersey Way. All students will have the opportunity to be bussed to school, however, a safe walking route would be provided for students and the community.

With a very large site, there will be enough room to park all cars and busses on site for school use and events. No offsite parking will be needed for large events.

Though bussing will be provided for all students, the site will have queuing space for parents who want to pick up their children without any back up into Kersey Way. In addition to the school serving the needs of students and their families, indoor and outdoor space will provide community opportunities.

Mr. Grose thanked the Commission and staff for their time, and stated he and his traffic consultant will be available for any questions. Chair Roland asked what ages the school would serve. Mr. Grose stated it would be an elementary school serving pre-school through 5th grade.

Chair Roland called for testimony for and against CMP #6, CPA18-0004.

Linda Morris, homeowner/property owner near the school site.

Ms. Morris stated her property is located near Kersey Way SE. She states that she was recently visited by a consultant hired by the school district to inform her that the frontage of her property would be acquired in some way for a right-of-way to expand the roadway for a proposed left turn lane for the proposed school site.

Ms. Morris asked how this will affect her property. She stated the consultant provided her a map of the school site and the frontage they would like to acquire. Her understanding is that the property would be affected with 5 to 10 feet of frontage along Kersey, which will greatly influence her property. She expressed a concern that the tall trees along her property line, acting as a noise buffer, would be removed if the school district acquires the property which would greatly impact her property. She asked if a request for easement would be requested through a fee simple purchase.

Ms. Morris explained that if a 10-foot sidewalk and a possible 10-foot construction easement were provided she would that affect the setbacks she was previously in compliance. She would like these questions, the timing of the project and construction timeline to be addressed.

Chair Roland stated that the Commission cannot answer those questions but believes it would be a conversation to address with the school district. Chair confirmed that the public hearing addresses the rezone and amendment.

Chair Roland called for testimony for and against CMP #6, CPA18-0004 a three times. Commissioner Shin asked to be recused from CPM #6 due to a conflict of interest; his firm provides services for the Auburn School District.

The Commission and staff discussed a future traffic analysis to study placement of the building, traffic impacts, and other analysis of the impacts the development may have. Traffic Engineer Webb stated that upon submittal of the project action for the construction of the elementary school on this property, there would be a more extensive traffic impact analysis prepared on behalf of the school district.

With no other testimony, Vice-Chair closed the public hearing on CMP #6, CPA18-0004 at 7:33 pm, the Commission deliberated.

Commissioner Stephens moved and Commissioner Khanal seconded to recommend inclusion of CMP #6, CPA18-0004, changing 22.08 acres located west of Kersey WY SE from "Residential Conservancy" to Institutional" and a rezone from "RC, Residential Conservancy" to "I, Institutional" into the City's Comprehensive Plan.

MOTION APPROVED. 6-0

IV. OTHER BUSINESS

No items were brought forward for "Other Business".

V. COMMUNITY DEVELOPMENT REPORT

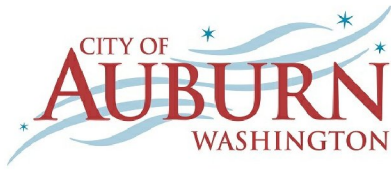
Planning Services Manager Jeff Dixon reported there are no updates to provide to the Commission.

Commissioner Stephens commended staff on the multiple reviews and in depth conversation leading up to the public hearing, allowing the Commission to move through the amendments expediently.

The Commission and staff confirmed the next meeting would be held January 8, 2018.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:23 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Election of Officers

Date:

January 10, 2019

Department:

Community Development

Attachments:

[Memorandum](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to elect the Chair and the Vice-Chair of the 2019 Planning Commission.

Background Summary:

See the attached memorandum.

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

Tate

Meeting Date: January 23, 2019

Item Number:



MEMORANDUM

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

FROM: Jeff Dixon, Planning Services Manager

DATE: January 11, 2019

RE: January 23, 2019 Planning Commission Agenda

Distribution of Rules and Procedures

The Planning Commission's Rules of Procedures were last amended on June 5, 2018. Review existing procedures. Annually, the Planning Commission revisits the Rules and Procedures as a content reminder and also to consider any modifications.

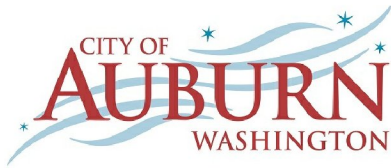
Election of Officers for 2019 – Section III

Pursuant to the Planning Commission's adopted Rules of Procedures (provided as Attachment A), subsection III.2 states that the Planning Commission shall elect officers at the first regular meeting of each calendar year. Before the close of the January 23rd meeting, officers must be elected for 2019. The results of the election will take effect at the following meeting so that new appointments are prepared to serve in their new capacity.

Modifications to Rules and Procedures

Staff Recommendation:

Review the Planning Commission Rules of Procedure adopted June 5, 2018 to determine if the Commission would recommend any changes or additions.



AGENDA BILL APPROVAL FORM

Agenda Subject:

PSERN – Emergency Wireless Communication Facility
(ZOA18-0001)

Date:

January 10, 2019

Department:

Community Development

Attachments:

[Memorandum](#)

[Attachment A - Proposed Amendment](#)

[Attachment B - Administrative Decision](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

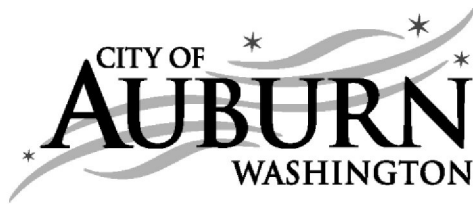
Please see the attached memorandum.

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

Teague

Meeting Date: January 23, 2019

Item Number:



Memorandum

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

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

DATE: January 10, 2019

RE: City File Nos.: ZOA18-0001 and SEP18-0015 – mend the City’s Zoning Code – Title 18 to allow the use and siting of emergency wireless communication facility (“WCFs”) within the I, Institutional Zoning District of the Auburn City Code (ACC).

I. PROPOSAL. The Puget Sound Emergency Radio Network (PSERN) has submitted applications for, and proposes to construct a self-supporting, 180-foot, unmanned, wireless communications facility (“WCF”) consisting of a tower and associated ground equipment, in support of the Puget Sound Emergency Radio Network system. The application also proposes to amend the City’s Zoning Code – Title 18 to allow the use and siting of emergency community WCFs within the I Institutional Zone of the Auburn City Code (ACC). Since the Planning Commission makes recommendations to the City Council on substantive zoning code changes, at your January 23, 2019 meeting, staff would like to introduce and discuss:

- The type of facility proposed (while the proposal will be discussed, the construction approvals are not the scope of the Planning Commission);
- The location and setting;
- The zoning development standards that normally apply to all WCFs;
- The requested zoning code text amendment and affected zoning district; and
- The zoning development standards proposed to apply to this specific category of WCFs.

II. WHAT IS PSERN? PSERN is a public safety wireless communications network intended to replace the current King County (KC) Emergency Radio Communications System, which is 20 years old and is limited in coverage. PSERN, much like the KC Emergency Radio Communications System, will be used by first responders to coordinate activities during emergency incidents, and will be used by all jurisdictions in King County.

Due to the increase in population within the region since the current system was initiated, additional radio coverage is needed. The current system is to be replaced in order to provide greater coverage and increase reliability. Replacing the KC Emergency Radio Communication System will involve both upgrading existing WCFs and constructing new WCFs.

The KC Emergency Radio Communications System replacement project (“replacement project”) is funded by a levy lid lift. A levy lid lift allows a taxing jurisdiction to seek voter approval to allow for additional property taxes to be collected, when the levy is at its limit (known as a “levy limit”). The King County Council approved a levy lid lift to fund the replacement project. The levy lid lift was placed on a 2015 ballot and was approved by King County voters.

While King County is responsible for leading the replacement project, an “Implementation Period Interlocal Cooperation Agreement” is in place for the planning, construction, and testing of WCFs. King County, the City of Auburn, and approximately ten other jurisdictions are signatories of the interlocal agreement.

The current system is owned by four (4) agencies: Eastside Public Safety Communications Agency (EPSCA), King County, City of Seattle and Valley Communications (ValleyComm). While the system is run by a central computer, each of the four entities owns separate WCFs.

Once the replacement project is complete, a new public, non-profit organization will be created to operate and maintain the new system infrastructure. Governance of the operations will also be outlined by another interlocal agreement. Per the PSERN website, an Operations Period Interlocal Agreement has been drafted.

III. WHAT IS A WIRELESS COMMUNICATION FACILITY? The zoning code contains definition of WCF and several related definitions of components. These definitions and regulations are primarily intended to regulate commercial for-profit wireless communication facility providers or carriers, such as T-Mobile, Verizon, Sprint, etc. The zoning code definitions are provided below for background and context.

Auburn City Code (ACC) 18.04.912, says a “**wireless communication facility**” or WCF “means any non-staffed facility for the transmission and/or reception of wireless telecommunications services, typically consisting of an antenna array, an equipment facility and/or a support structure”.

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

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

“**Support structure**” means the structure to which the antenna and other necessary associated hardware are attached”. Both monopoles (a single spire) and lattice towers (consisting of a network of crossed metal braces to form a tower) are considered “primary support structures” or (“towers”).

In short, there are three types of WCFs defined in Auburn City Code (ACC 18.04.912):

- **Type 1** are new antennas erected on existing buildings or nonresidential structures. There are four (4) types of Type 1 facilities. The four types of Type 1 facilities differ by the allowed height of the combined height of the antenna with the existing building.
- **Type 2** are new antennas erected on existing (primary) support structures that have previous city approvals. There are two (2) types of Type 2 facilities. The two Type 2 facilities differ by the allowed expansion of the equipment area.
- **Type 3** is the erection of new (primary) support structures (“towers”). There are two (2) separate Type 3 WCFs:
 - Type A - monopoles that are 75 feet in height or less; and

- Type B - monopoles that are more than 75 feet in height or lattice towers (e.g. electricity transmission towers) of any height.

IV. AUBURN'S PROPOSED EMERGENCY WCF. The new emergency WCF to be located in Auburn is proposed to enhance E-911 emergency communications by increasing coverage throughout the region. The Auburn emergency WCF will consist of a self-supporting tower that is 180 feet in height, with four (4) antennas and two (2) microwave dishes on the tower, and an at grade equipment facility including an emergency backup power generator at the base of the tower within a fenced yard. It would be considered a Type 3 WCF.

Its proposed location (the "subject property") is west of the intersection of Auburn Way S and 32nd St SE, on Auburn Adventist Academy owned property.

This site was selected after extensive site selection process by PSERN. The site elevation, tower height and presence of surrounding obstacles such as tree vegetation are critical factors in site selection. Emergency WCF siting is predicated on radio frequency (RF) engineering which uses line-of-sight (LOS) technology. LOS technology requires an unobstructed path between receivers and transmitters. Obstructions include trees, other structures, and even the landscape (e.g. hills). Therefore, to achieve adequate communication signal coverage a tower and its antennas must be of a higher than surrounding obstructions.

Currently one emergency WCF is proposed within the City of Auburn. And while additional emergency WCFs are unlikely due to the coverage planned with this facility other locations within the City may be warranted in the future. If additional facilities are proposed, the impacts related to the siting of future emergency WCFs will be subject to and addressed under separate project-specific environmental and permitting reviews.

V. SUPPLEMENTAL SITING STANDARDS PERTAINING TO WCFs IN AUBURN CITY CODE. To assist the Planning Commissioners, staff summarizes below the regulations that normally apply to all WCFs and then, in the subsequent section, those changes that are requested for this specific facility. WCFs are subject to the following provisions of ACC 18.31.100 "Wireless communications facilities siting standards" below. A full description of ACC 18.31.100 is included in Attachment A.

1. **Separation between Facilities:** The minimum separation for a new primary support structures (a "tower") that is 75 feet or less in height, is the height of tower (including antennas), multiplied by a factor of 10. The minimum separation for a new primary support structure that is greater than 75 feet in height is the height of the tower (including antennas) multiplied by a factor of 20. The minimum separation between primary support structures is measured by a straight line from the base of the structure to another structure.
(Note the code exception for emergency communication from separation)
2. **Co-Location (collocation) Requirement.** Any Type 3-B facility must execute and provide evidence with the carrier will allow for other carriers to place their antennas on the structure, and must provide evidence that an existing Type 3-B facility could not be used instead of building a new tower.
3. **Height.** A WCF may not exceed the height limitation allowed within a zoning district (zone). The height limitation is determined by the maximum height zoning development standard for a particular zone (e.g. the C-3 zone has a maximum height limitation of 75 feet). A variance may not be used to exceed the height of a variance allowed within a zoning district. However, unless otherwise restricted, building- or structure-mounted antennas may extend up to 15 feet above

the maximum height permitted within the zoning district. Antennas that are mounted on structures that don't otherwise have a height restriction (e.g. stadium and field lighting or elevated water tanks under the jurisdiction of the City) may be allowed to increase the overall height of the structure by 10 percent. Lastly, documentation must be provided to the City that the Federal Aviation Administration (FAA) has evaluated the has approved the location of a primary support structure relative to the Auburn Municipal Airport.

4. **Setbacks.** Equipment shelters, cabinets, support structures or other above-ground facilities ("equipment facilities") are required to meet the setback of the zoning district. However, equipment facilities used to directly support primary support structures must be set back the same distance required of the primary support structure. Further, equipment facilities within a nonresidential zoning district (e.g. C-3, Heavy Commercial) must be set back a minimum of 50 feet from an adjacent residential zoning district. Roof mounted antennas and equipment shelters and/or cabinets should be placed away from public views, and must be screened by a parapet or similar architectural feature.

A primary support structure, of any height, must be setback a distance equal to the overall height of the primary support structure (including antennas) multiplied by a factor of two from a residentially zoned parcel.

5. **Fencing and Landscaping.** All equipment facilities are required to be enclosed by a fence that is six feet in height. An equipment facility that is visible from the right of way must be enclosed by 100% sight-obscuring fencing and five feet of landscape buffer; when visible from an adjacent residential use, it must also be enclosed by fencing and a five foot landscape buffer.
6. **Aesthetics.** New primary support structures ("towers") are required to be painted, with the use of grays, blues and greens being appropriate; however, each application is evaluated individually. New towers may also be required to blend the facilities in with the adjacent development or structure (e.g. disguising the facility as a tree). Building- or roof-mounted antennas will be painted or textured to blend with the adjacent surfaces. Unless required by the FAA or Federal Communications Commission (FCC), a tower nor an antenna may contain symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street.
7. **Lighting.** Primary support structures cannot be artificially lit, unless required by the FAA (or another applicable authority). Lighting must be approved by the City. Security lighting for above-ground support equipment must be directed downward, shielded and kept within the boundaries of the site.
8. **Abandoned Facilities.** A WCF which is not utilized for a period of nine months or more will be considered abandoned. A WCF that falls into a state of disrepair, as determined by the planning director, will also be considered abandoned. Once an WCF has been considered abandoned it must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The 90 day period may be extended if a valid application for use of the facility be submitted to the city.
9. **Noise.** A WCF is subject to the maximum permissible environmental noise levels provided in Washington Administrative Code (WAC) 173-60-040 as a Class B, commercial, noise source.

VI. PROPOSED ZONING CODE AMENDMENT. PSERN has requested changes in three sections of the City's zoning code regulations applicable to WCFs to accommodate their proposed facility. The three

sections would be amended to recognize a special type of WCF as a “Emergency WCF” to fall under the category of a Type 3-A and 3-B WCF. The proposed text amendments to Auburn City Code Chapter 18.04 (Definitions), 18.31 (Supplemental Development Standards), and 18.35 (Special Purpose Zones) to allow the use and siting of emergency community WCFs within the Institutional Zone of the Auburn City Code (ACC) are summarized below in Items 1 through 3, as follows:

Item 1. Add Emergency WCFs to List of Established Zones

The purpose of Item 1 is to define what constitutes an “emergency WCF” in the City’s Zoning Code (Title 18). Therefore, a new definition for emergency WCFs is proposed to be added within Chapter 18.04 “Definitions” ACC is presented below.

18.04.912 Wireless communications.

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

K. “Emergency WCF” means an emergency communication facility system operated by a local public agency responsible for providing emergency communication services.

Item 2. Exempt Emergency WCF Height and Setback Siting Standards

Items 2 describes the proposed height and setback exemptions for emergency WCFs from the siting standards contained in Chapter 18.31 “Supplemental Development Standards”.

Height Exemption. This code amendment requests that an emergency WCF is not subject to the height siting limit for a WCF facility. Currently, a WCF may not exceed the height limitation of the maximum height allowed within a zoning district. For example, the maximum height or height limitation for the Institutional zone is 45 feet. The currently proposed emergency community WCF is approximately 180 feet (185’ with the lighting rod) and therefore does not currently meet the height siting standard for WCFs. A change to the applicable height standard is requested since relief from the height limitation by a variance is specifically precluded by the code language.

The proposed height exemption is intended to prevent height from being a restriction in siting emergency WCFs. Due to the use of the radio frequency line of sight (LOS) technology, adequate LOS is required. The need for the adequate LOS affects both the location of a WCF (i.e. sites at higher elevations are more suitable sites) and the height of the WCF itself. The height of the WCF is in part dependent on achieving adequate LOS. Exhibit 1 depicts height as a proposed exemption.

Setback Exemption. In accordance with ACC 18.31.100(D) ‘Setbacks’, the minimum distance from any primary support structure (“tower”), of any height, to any residentially zoned parcel of property shall be a distance equal to the overall height of the tower (including antennas) multiplied by a factor of two. For example, the proposed tower would need to be set back 360 feet from the residentially zoned properties (reference Image 1 below) located directly west and south of the subject property. However, the proposed tower is approx. 14 ft. from the western property line and is 15 ft. from the southern property line, both of which abut residentially zoned properties, and therefore does not meet the setback siting standard for WCFs.

Unless within a non-residential zoning district, equipment facilities are required to be set back based the setback of the zoning district. When an equipment facility is within a non-residential zoning district (e.g. the Institutional zone), it must be set back 50 feet from any adjacent residential zoning district. For example, the currently proposed equipment facility would need to be setback 50 feet from the

adjacent residentially zoned properties located to the west and south. The proposed equipment facility is approx. 30 feet from the southern property line and approximately three to four feet from the western property line, both of which abut residentially zoned properties. Unlike the height siting standard, relief from the setback standard, via a variance, can be requested for setback siting standard. For approval of the variance, the application would need to meet the criteria for approval of the variance as found at ACC 18.70.010.

Much like the height exemption, the purpose of the setback exemption prevents the setback standards from being a restriction in siting emergency WCFs. Exhibit 1 depicts setbacks as a proposed exemption. It should be noted that while the emergency WCF would be exempt from the setback, a landscape buffer of 5 feet would be required when the above ground equipment was visible from the right of way or an adjacent property.

Image 1. Excerpt Zoning Map

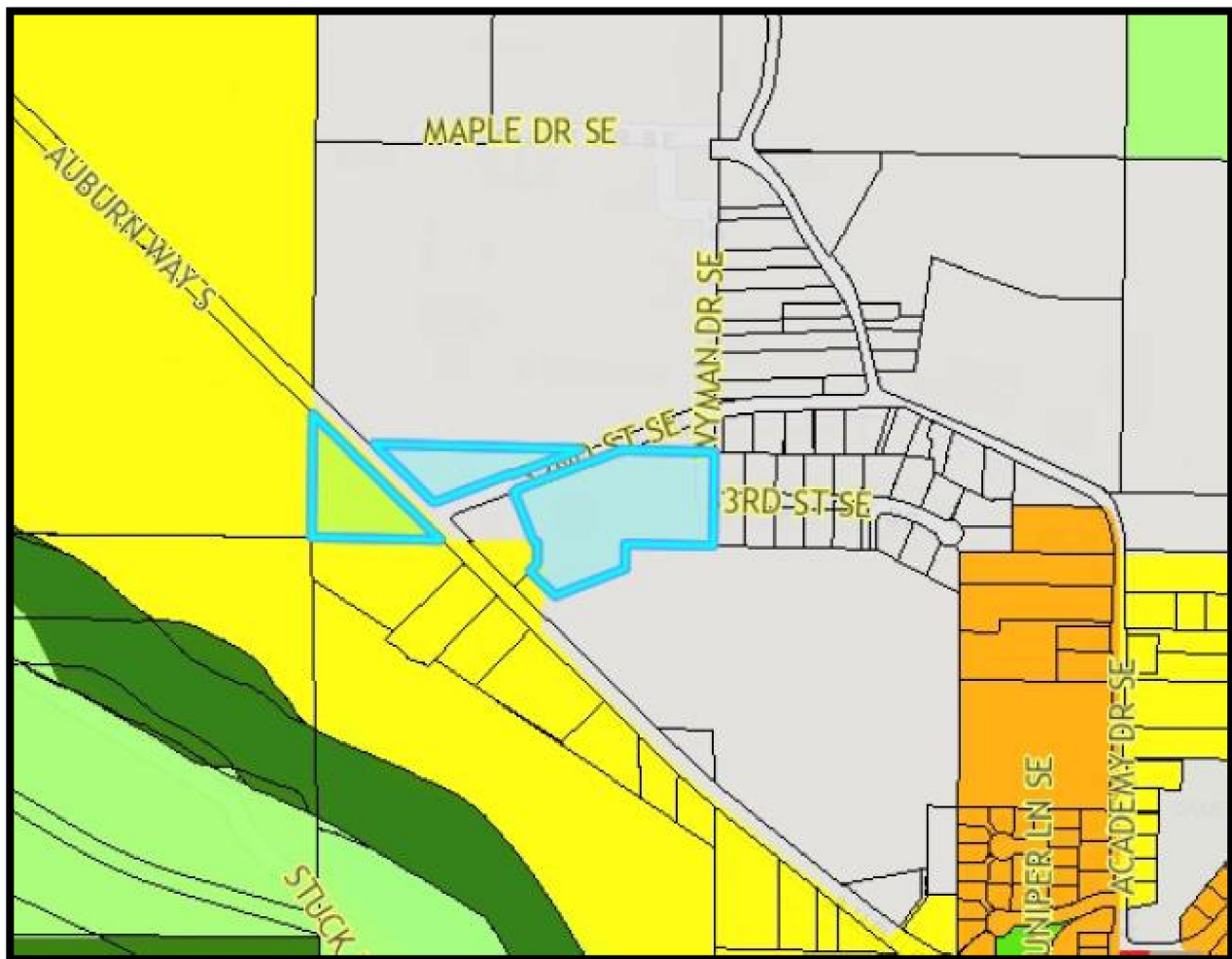


Exhibit 1. Required and Exempt Supplement Siting Standards Applicable to WCFs

Required Standards	Existing Exemptions	Proposed Exemptions
- Co-Location Requirements - Fencing and Landscaping - Aesthetics	Separation between Facilities	- Height - Setbacks

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> • Lighting • Abandoned Facilities • Noise | | |
|---|--|--|

Item 3. Add Emergency WCFs as an Allowed Use in the Institutional Zone

Item 3 depicts emergency WCFs as new use allowed within the Institutional Zone within Chapter 18.35 “Special Purpose Zones”.

Institutional Zoning District. The Institutional Zone is an appropriate zone for emergency WCFs. The proposed use, an emergency WCF, is consistent with the intent and purpose statement of the Institutional zoning district. As shown in Exhibit 1, the purpose of the Institutional zone is to provide an area where “...educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop”. The proposed use will provide a public benefit by enhancing emergency services and radio communication facilities within Auburn and throughout the region. Other public, quasi-public, and private facilities, that provide a public benefit or service, such as cemeteries, government facilities, golf courses, and education facilities are also allowed uses in the Institutional Zone. For example, the Mountain View Cemetery, Auburn Golf Course, and the Green River College are zoned Institutional. Sites adjacent to the subject property, such as the Auburn Adventist Academy, are zoned and have a land use designation of Institutional, while the City’s water towers have a land use designation of Institutional.

Each zoning district features a table of allowed uses which establishes whether a specific use is allowed in a zone and whether that use is allowed as a permitted, administrative, or conditional use. Type 3-A, 3-B Emergency WCFs have been added to the list of allowed uses that are permitted outright. The current proposal does not include the need for an administrative or conditional use permit to be secured to authorize emergency WCF. As provided in Chapter 18.64 ACC, the purpose of an administrative or conditional use permit is

“...to provide a process to allow for uses that are not permitted outright within a zone. Such uses typically require a special degree of control to make sure that they are consistent with the intent of the zone and compatible with other existing and permitted uses within the zone. Only those uses listed as requiring either an administrative or conditional use permit within a particular zone qualify for this process.”

Staff contends that the required supplemental siting standards (provided in Exhibit 1) provide a sufficient degree of control to ensure that the proposed use is compatible with the intent of the Institutional zone and the other existing and permitted uses within the zone.

The subject parcel is divided by two roadways; of Auburn Way South and 32nd St SE and is currently split zoned as Institutional and R-5, Residential 5 dwelling units per acre. The centerline of Auburn Way South defines the location of the split zone boundary (reference Exhibit 1). The land use designation of the subject property is also split between “Single Family Residential” and “Institutional”. The split land use designation falls along exactly the same lines as the split zoning. As shown in Exhibit 1 the majority of the site is zoned (and though not shown, is designated) “Institutional”. Due to the location and nature of the specific proposal in Auburn and the compatibility of the Institutional zone with the proposed use, the Director of Community Development issued an Administrative Decision, indicating that the entire subject property will be regulated using the Institutional zone’s zoning development standards.

Exhibit 2. Summary of Allowed and Prohibited Uses within the Institutional Zone

Allowed	Prohibited
<u>Permitted</u> • Government facilities, this excludes offices and related uses that are permitted outright • Municipal parks and playgrounds • Campgrounds • Recreational vehicle parks, private • Commercial recreation facility – Indoor • Library, museum • Meeting facility, public or private • Private school – specialized education/training (for profit) • Public schools (K-12) and related facilities • Religious institutions, lot size less than one acre • Religious institutions, lot size more than one acre • Home occupation • Nursing home, assisted living facility • Daycare, including mini daycare, daycare center, preschools or nursery schools • Home-based daycare • Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted • <u>Type 3-A, 3-B Emergency WCF (wireless communication facility) – subject to the standards for specific land use contained in ACC 18.04.912(K), 18.31.100</u> <u>Administrative</u> • Cemetery, public • Cemetery, private • College, university, public • Commercial recreation facility – Outdoor • Conference/convention facility • Duplex • Live/work, work/live unit • Multiple-family dwellings, stand-alone • Senior housing • Restaurant, cafe, coffee shop, excluding drive-through facilities • Professional offices	• Marijuana processor • Marijuana producer • Marijuana researcher • Marijuana retailer • Marijuana transporter business • Animal shelter, public • Studio – Art, dance, martial arts, music, etc. • Marijuana cooperative • Multiple-family dwellings, stand-alone • One detached single-family dwelling • Banking and related financial institutions, excluding drive-through facilities (4) • Medical services – Clinic or urgent care (4) • Mortuary, funeral home, crematorium • Personal service shops • Pharmacies • Utility facilities, substations, utility transmission or distribution line Institutional Zoning District I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.

(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.

VII. REGULATIONS PERTAINING TO EMERGENCY WCFs IN NEARBY JURISDICTIONS. The following table depicts the result of staff's research on nearby jurisdictions siting standards for emergency WCFs.

Exhibit 3. Other Jurisdictions Emergency WCF* Siting Standards

Jurisdiction	Required Standards	Exempt Standards	Permitted Zoning Districts
King County	• Height[†] • Setbacks[†]	• Colocation • Fencing and Landscaping • Aesthetics • Lighting • Abandoned Facilities • Noise (N/A)	• All
Kent		• Colocation • Height • Setbacks • Fencing and Landscaping • Aesthetics • Lighting • Abandoned Facilities • Noise (N/A)	• All
Federal Way	• Height[†] • Setbacks[†] • Signs[†]	• Separation between Facilities[°] • Collocation[°] • Abandoned Facilities[°] • Fencing and Landscaping[°] • Aesthetics[°] • Lighting[°] • Noise[°]	• All

*Emergency WCFs have different nomenclature in other jurisdictions (e.g. in the Kent Zoning Code they are known as "Public Safety WTFs [wireless telecommunications facilities] and equipment")

[†]Still subject to the standards of the zoning district.

[°]If the proposed WCF is consistent with the standards outlined in a use zone chart then it is exempt from siting standards for WCFs.

VIII. DISCUSSION QUESTIONS FOR PLANNING COMMISSION:

1. Are the proposed supplemental development standards reasonable and appropriate in light of the request?
2. Is the Institutional zoning district the most appropriate zoning district for such as facility?
3. Should emergency WCFs be permitted outright in the Institutional zoning district or subject to an Administrative Use Permit or Conditional Use Permit?

IX. ATTACHMENTS:

- A** – Proposed PSERN Emergency WCF Code Amendment
B – PSERN Administrative Decision

ATTACHMENT A – Proposed Emergency Wireless Communication Facility (WCF) Code Amendment

18.04.912 Wireless communications.

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

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

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

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

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

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

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

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

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

H. “**Separation**” means minimum distance required between primary **support structures**.

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

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

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

K. **Emergency Wireless Communications Facility (WCF): emergency communication systems operated by a**

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

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

There are four separate Type 1 categories described as follows:

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

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

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

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

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

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

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

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

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

3-B. Monopoles that are more than 75 feet in height or lattice towers of any height. (Ord. 6245 § 3, 2009; Ord. 5777 § 1, 2003; Ord. 5645 § 1, 2002; Ord. 5020 § 1, 1997.)

18.07.020 Uses.

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

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
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
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.							

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
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 <u>18.60</u> 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 <u>35.63.185</u> and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter <u>18.60</u> 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 business	X	X	X	X	X	X	X
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

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
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:							

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
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
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

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
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
Type 3-A, 3-B Emergency WCF (wireless communication facility)	X	X	X	X	X	X	X
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](#).
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 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. 6642 § 4, 2017; 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.)

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	
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	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC

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	
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
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	

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	
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
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 unit	X	X	P	P	P	P	P	X	
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 ²	X	X	P	P	P	P	P	X	ACC 18.57.030
Multiple-family dwellings , stand-alone	X	X	X	X	X	X	X	X	
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing ²	X	X	A	A	X	X	X	X	

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	

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	
Tasting room	P	P	P	P	P	P	P	P	

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	
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	

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	
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)
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	
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	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	

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	
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	
Type 3-A, 3-B Emergency WCF (wireless communication)	X	X	X	X	X	X	X	X	ACC 18.04.912(K), 18.31.100
Wireless Communication Facility (WCF)	-	-	-	-	-	-	-	-	ACC 18.04.912(J), 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 operation 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	
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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	
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6) , Unclassified Uses .	P	P	P	P	P	P	P	P	

¹ Any **motor freight terminal**, as defined by ACC [18.04.635](#), in existence as of the effective date of the ordinance codified in this section, is an outright **permitted use** in the M-1 and M-2 **zones**. Any maintenance, alterations and additions to an existing **motor freight terminal** which are consistent with ACC [18.23.040](#), **Development standards**, are allowed.

² Any **mixed-use development** or **senior housing** project vested prior to Resolution No. 5187 (December 7, 2015) is an outright **permitted use** in the C-1 **zone**. Subsequently, if a nonresidential **use** within a vested **mixed-use development** changes, then the nonresidential **uses** shall maintain a minimum of 10 percent of the cumulative **building** ground floor square footage consisting of the **uses** permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” of the C-1 **zone**.

(Ord. 6642 § 9, 2017; Ord. 6644 § 2, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

18.31.100 Wireless communications facilities siting standards.

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

A. Separation between Facilities.

1. New, Freestanding Primary Support Structures.

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

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

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

B. Co-Location Requirements.

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

C. Height.

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

D. Setbacks.

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

E. Fencing and **Landscaping**.

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

2. Landscaping.

a. Where above-ground support equipment is visible from a public **right-of-way**, a minimum width of five feet of Type II **landscaping** as defined in ACC 18.50.040 will be provided on the exterior of the enclosing **fence** in order to effectively screen the equipment from the public **right-of-way**. **Landscaping** shall meet the sight distance requirements of the city design and construction standards.

b. Where facilities are visible from adjacent residential **uses**, a minimum width of five feet of Type I **landscaping** as defined in ACC 18.50.040 will be provided on the exterior of the enclosing **fence** in order to effectively screen the equipment from the adjacent residential **uses**.

c. Existing on-site vegetation **may** be used to meet the landscape requirements if approved by the **planning director**.

F. Aesthetics.

1. In order to minimize any potential, negative aesthetic impacts from new primary **support structures** including protecting views to and from residential neighborhoods, mitigation **may** be required to blend the facilities in with the adjacent development or environs. Typical solutions for the **support structure** might include: an extension of the **building**, a component of a **sign**structure, disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.

2. Building- or roof-mounted **antennas** will be painted or textured to blend with the adjacent surfaces.

3. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street **shall** be placed on or affixed to any part of the **WCF**, unless required by the FCC or FAA.

4. Except as specifically required by the FAA (but must be approved by the city), freestanding primary **support structures** shall be painted a color that best allows them to blend into the surroundings. The **use** of grays, blues and greens might be appropriate; however, each application **shall** be evaluated individually.

G. Lighting.

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

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

H. Abandoned Facilities.

1. Any **WCF** which is not utilized for a period of nine months or more will be considered abandoned.

2. Any **WCF** which falls into a state of disrepair as determined by the **planning director** will be considered abandoned.

3. Any **WCF** considered to be abandoned must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The code enforcement personnel **may** extend the 90-day period should a valid application for **use** of the facility be submitted to the city.

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

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

1. For a new primary **support structure** and related equipment, the applicant **shall** provide the **carrier's** master network plan for the city showing the **carrier's** existing **WCF** locations and narrative explaining the potential **WCF** locations over the next year, if known. The applicant **shall** also provide technical justification supporting the need for the height of the primary **support structure** and why a shorter **support structure** could not be utilized. Any application for a Type 3-B facility **shall** provide

technical justification as to why a Type 3-A facility could not be utilized instead to adequately serve the Auburn community.

2. Narrative description of the facility including whether there is capacity on the proposed **structure** for more **antennas**, methods for minimizing visual impacts of the facilities, etc.

3. A color swatch for the proposed primary **support structure**.

4. Photographs or similar illustrations that show a reasonable likeness of the proposed facility including the **antenna arrays** and above-ground support equipment.

K. Zones in Which WCF Are Permitted. The following table illustrates which zones the types of facilities:

Zone	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C
C-3	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1, EP	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A ³
I	3-A4, 3-B4 1-A	1-B	1-C
LF	1-A	1-B	1-C

1. Allowance for the **WCF** to extend to a height of 20 percent of the supporting **structure**.
2. Allowance for the **WCF** to extend to a height of 30 percent of the supporting **structure**.
3. The maximum height allowed, including **antennas**, is 45 feet.

4. **Emergency WCF: Emergency communication systems operated by a local public agency responsible for prov**

L. Exemptions.

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

- a. Microcells as defined by ACC 18.04.912(G).
- b. Mobile testing facilities/equipment used to test network limitations. The facilities/equipment **shall** not be at any one location for more than 14 days and **shall** otherwise meet the requirements of any other ordinance, regulation or code provision.

2. The **Emergency Communication s**

3. The following is exempt from the provisions of subsection A of this section, Separation between Facilities:a. En

18.35.030 Uses.

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

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

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

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

MARIJUANA RELATED BUSINESSES

Marijuana processor	X	X	X	X	X	
Marijuana producer	X	X	X	X	X	
Marijuana researcher	X	X	X	X	X	
Marijuana retailer	X	X	X	X	X	
Marijuana transporter business	X	X	X	X	X	

PUBLIC

Animal shelter, public	X	X	P	X	X	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	C	

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Municipal parks and playgrounds	P	P	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds	X	X	X	P	P	
Recreational vehicle parks, private	X	X	X	P	X	
Cemetery, public	X	X	P	A	X	
Cemetery, private	X	X	X	A	X	
College, university, public	X	X	A	A	X	
Commercial recreation facility – Indoor	X	X	X	P	X	
Commercial recreation facility – Outdoor	X	X	X	A	C	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	X	
Library, museum	X	X	P	P	A	
Meeting facility, public or private	A	A	P	P	A	
Private school – specialized education/training (for profit)	P	P	X	P	X	
Public schools (K-12) and related facilities	X	X	P	P	X	
Religious institutions, lot size less than one acre	A	P	X	P	X	
Religious institutions, lot size more than one acre	C	A	X	P	X	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	X	

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

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

RESIDENTIAL

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

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	X	
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SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	X	
Daycare, including mini daycare, daycare	A	P	X	P	A	

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
center, preschools or nursery schools						
Home-based daycare	P	P	X	P	P	
Medical services – Clinic or urgent care (4)	P	P	X	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	X	
Professional offices	P	P	X	A	A	
Personal service shops	P	P	X	X	X	
Pharmacies	X	P	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040 (E)
Type 3-A, 3-B Emergency WCF (wireless communication facility)	X	X	X	P	X	See ACC 18.04.91
OTHER USES THAT ARE NOT LISTED						
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted	P	P	P	P	P	

Notes:

1. Duplexes, 3,600 square feet of **lot area** per **dwelling unit** is required.
2. Multifamily **dwelling**s; provided, that 2,400 square feet of **lot area** is provided for each **dwelling unit**.
3. Multifamily **dwelling**s; provided 1,200 square feet of **lot area** is provided for each **dwelling unit**.
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.
5. One single-family detached **dwelling unit** per existing legal **lot**. No residential subdivisions permitted in the open space **zone**.

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

December 5, 2018

LDC, Inc.
Attn: Richard Cardoza
1851 Central Pl. South, Suite 101
Kent, WA 98030

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

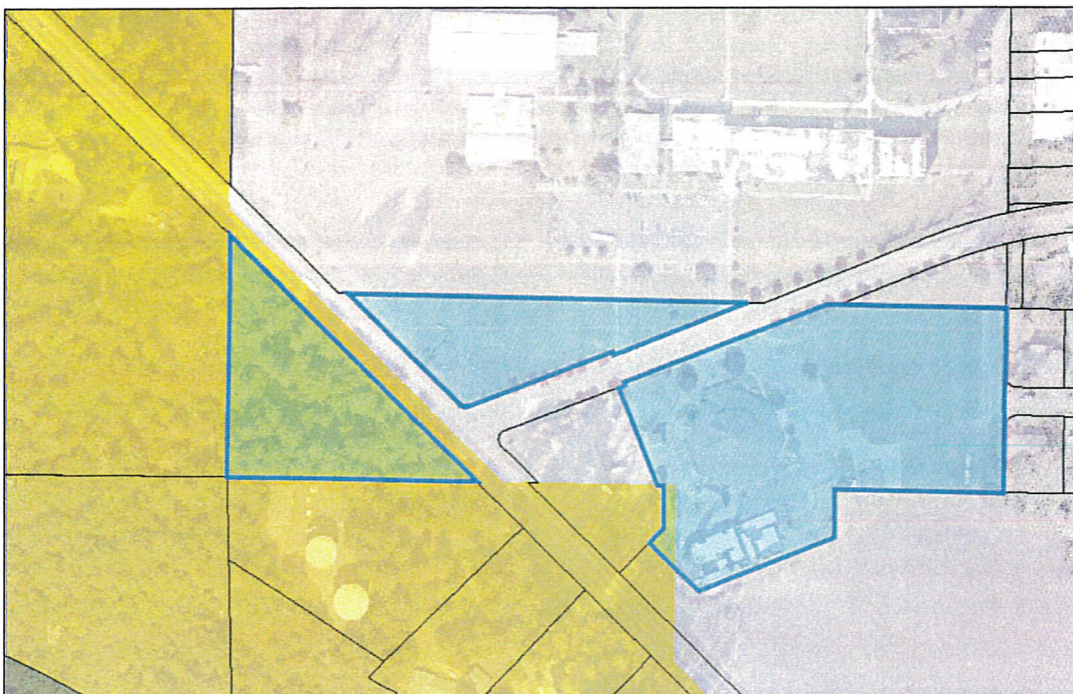
Mr. Cardoza,

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

Summary of Existing Conditions

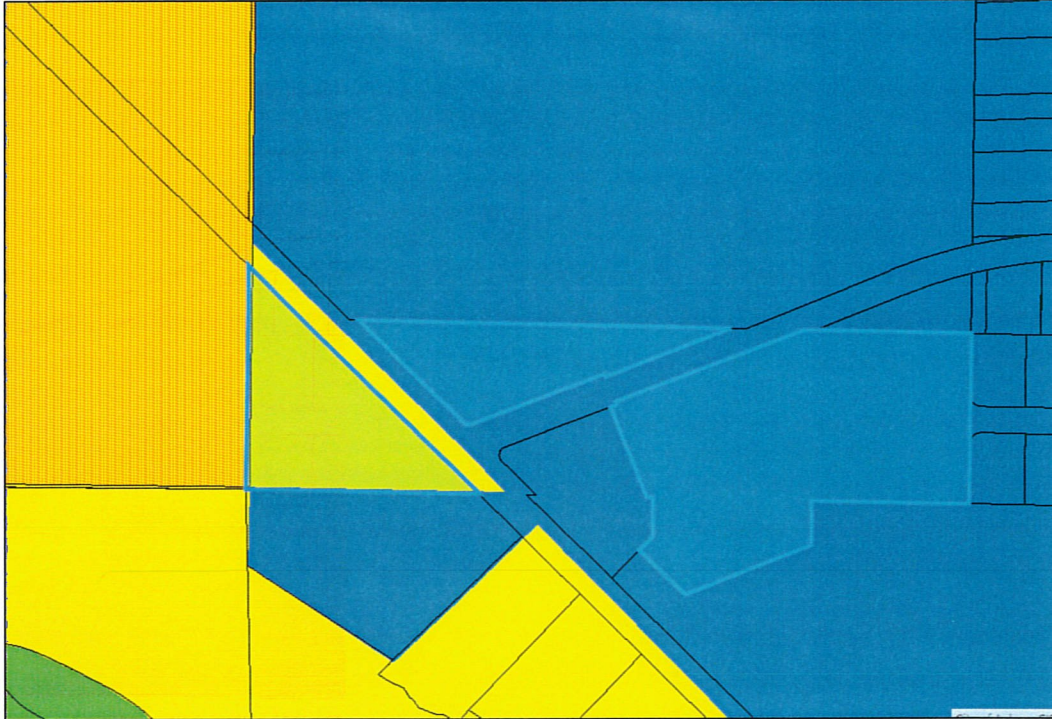
King County Parcel #2721059012 is an 8.38 acre parcel that is owned by the Western Washington Conference of Adventists and that is bisected by Auburn Way South. There are approximately 1.95 acres of land on the west side of Auburn Way South and 6.43 acres to the east. The 1.95 acres to the west is triangular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

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



City of Auburn Zoning Map

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



Comprehensive Plan Map Designations

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

Summary of Request and Overview of City Code

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

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

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

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

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

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

Decision

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

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

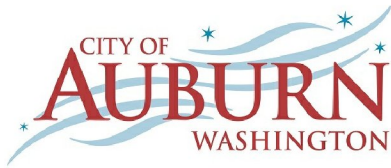
If you have any questions regarding this decision, please do not hesitate to contact me at jtate@auburnw.gov or by phone at 253-804-5036.

Sincerely,



Jeff Tate, Director
Department of Community Development

cc: Alexandria Teague, Planner II



AGENDA BILL APPROVAL FORM

Agenda Subject:

Modification of Rules of Procedures

Date:

January 10, 2019

Department:

Community Development

Attachments:

[June 5, 2018 adopted Rules of Procedures](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review the June 5, 2018 adopted Planning Commission Rules of Procedures for any changes or additions.

Background Summary:

Please see the attached Rules of Procedures.

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

Dixon

Meeting Date: January 23, 2019

Item Number:

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983
REVISED NOVEMBER, 1988
UPDATED APRIL, 2000
REVISED FEBRUARY, 2007
REVISED APRIL 2, 2013
REVISED MARCH 8, 2016
REVISED May 2, 2017
REVISED February 6, 2018
REVISED , 2018
REVISED June 5, 2018

PLANNING COMMISSION - RULES OF PROCEDURE

TABLE OF CONTENTS

SECTION	SUBJECT	PAGE
I.	NAME	4
II.	MEETINGS.....	4-5
III.	ELECTION OF OFFICERS	5
IV.	CHAIR	5
V.	SECRETARY	6
VI.	QUORUM.....	6
VII.	ABSENCE OF MEMBERS	6
VIII.	ACTIONS DEFINED.....	7
IX.	AGENDA	7-8
X.	PUBLIC HEARING	8-10
XI.	CONDUCT	11
XII.	CONFLICT OF INTEREST.....	11-13
XIII.	AMENDMENT	13

CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

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

I. NAME:

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

II. MEETINGS:

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

7. Meetings of the Planning Commission shall be conducted in conformity with the requirements of the Washington State Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington (RCW). Executive sessions can only be held in accordance with the provisions of Section 42.30.110 RCW.
8. The Planning Commission may conduct business in closed session as allowed in conformity with Section 42.30.140 RCW.
9. An agenda shall be prepared in advance of every regular and special meeting of the Planning Commission. Meeting agendas and materials on items on an agenda for a regular meeting shall be provided to members of the Planning Commission not less than five (5) days in advance of the regular meeting. Meeting agendas and materials on items on an agenda for a special meeting shall be provided to members of the Planning Commission as promptly in advance of the meeting as can reasonably be accomplished.

III. ELECTION OF OFFICERS:

1. The officers of the Commission shall consist of a Chair and Vice Chair elected from the appointed members of the Commission and such other officers as the Commission may, by the majority vote, approve and appoint.
2. The election of officers shall take place once each year at the Commission's first regular meeting of each calendar year, or as soon thereafter as possible. The term of office of each officer shall run until the subsequent election.
3. If the Chair or Vice-Chair vacates their position mid-term, the Planning Commission will re-elect officers at their next scheduled meeting and as their first order of business. If it is the Chair position that has been vacated, the Vice-Chair will administer the election proceedings.

IV. CHAIR:

1. The Chair shall preside over the meetings of the Commission and may exercise all the powers usually incident of the office. The Chair shall be considered as a member of the Commission and have the full right to have his/her own vote recorded in all deliberations of the Commission. Unless stated otherwise, the Chair's vote shall be considered to be affirmative for the motion.

2. The Chair shall have power to create temporary committees of one or more members. Standing committees of the Commission shall be created at the direction of the Commission and appointed by the Chair. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Commission. No standing or temporary committee shall have the power to commit the Commission to the endorsement of any plan or program without the approval at the regular or special meeting of the Commission.
3. The Vice Chair shall in the absence of the Chair, perform all the duties incumbent upon the Chair.
4. In the event of the absence of the Chair and Vice Chair, the senior member of the Commission present shall act as Chair for that meeting or may delegate the responsibility to another member.

V. SECRETARY:

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

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

VI. QUORUM:

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

VII. ABSENCE OF MEMBERS:

Participation in Planning Commission responsibilities is essential; not only so that a quorum can be established, but to also ensure that discussions and decision making are as representative of the community as possible. Recurring absence also diminishes a members ability to vote on matters discussed during prior meetings. It is therefore important for all appointed members to participate to the maximum extent possible. If a member is unable to participate on a regular basis, it may be appropriate for a member to

be replaced. This section of the rules is intended to provide standards that ensure that the regular absence of one member does not become disruptive to, or impede the work of, the full Commission.

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

VIII. ACTIONS DEFINED:

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

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

IX. AGENDA:

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

1. CALL TO ORDER
 - a) Roll Call/Establishment of Quorum
 - b) Pledge of Allegiance
2. Approval of Minutes

3. Public Hearings
4. Other Business Items as Appropriate
5. Community Development Report
6. Adjournment

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

X. PUBLIC HEARINGS:

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

1. Chair opens the public hearing and establishes whether the proponent, if applicable, is in attendance.
2. Staff Report.
3. Testimony of Proponent, if applicable. Persons addressing the Commission, who are not specifically scheduled on the agenda, will be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes, in addition to filling out the speaker sign in sheet available at the Secretary's desk. All remarks will be addressed to the Commission as a whole. The Secretary shall serve as timekeeper. The Presiding Officer may make exceptions to the time restrictions of persons addressing the Council when warranted, in the discretion of the Presiding Officer.
4. Chair calls for other testimony, either for or against. Testimony must be called for three times. The Chair shall have the discretion to set time limits on individual public testimony.
5. All testimony and comments by persons addressing the Commission shall be relevant and pertinent to issues before the Commission's public hearing. The Chair shall have the discretion to rule on the relevance of individual public testimony.
6. Questions of staff or persons presenting testimony. Questions by Planning Commissioners that are intended for persons who have provided testimony shall be directed through the Chair. Questions to persons who have provided testimony shall be relevant to the testimony that was provided.
7. Chair closes public hearing.
8. A public hearing may be reopened by motion duly seconded and approved by a majority vote to accept additional testimony.
9. Deliberation.

10. Voting:

- A. Any member, including the Chair, not voting or not voting in an audible voice shall be recorded as voting in favor of the motion.
- B. The Chair, Secretary, or upon request from a Commission member, may take a roll call vote.
- C. It is the responsibility of each member of the Planning Commission to vote when requested on a matter before the full Commission. However, a member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness.
- D. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote on the motion, that member shall so advise the Chair and, if there is no objection to the abstention, shall physically remove and absent himself/herself from the meeting/hearing, all deliberations, and considerations of the motion, and shall have no further participation in the matter. Such advice shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain, provided that, prior to the time that a member gives advice of an intent to abstain from an issue, the member shall confer with the City Attorney to determine if the basis for the member's intended abstention conforms to the requirements hereof.

If the intended abstention can be anticipated in advance, the conference with the City Attorney should occur prior to the meeting at which the subject matter would be coming before the Planning Commission. If that cannot be done, the member should advise the Chair that he/she has an "abstention question" that he/she would want to review with the City Attorney, in which case, a brief recess would be afforded the member for that purpose before proceeding further.

- E. If a tie vote exists, after recording the Chair's vote, the motion fails. However, a motion for denial that fails on a tie vote shall not be considered an approval.
- F. No member may participate in any decision if the member had not reviewed the staff reports and testimony presented at the hearing on the matter. Such member may, however, listen to the recording of the hearing in order to satisfy this requirement.

11. Continuing an Item:

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

12. Findings of Fact:

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

- A. The Commission may adopt in whole, in part, or with amendments, the written findings prepared by staff. Motions to approve the staff recommendations shall be deemed to incorporate such findings and conclusions unless otherwise indicated. Such findings and conclusions do not have to be read in order to be deemed a part of the record.
- B. The motion to take action may adopt oral finding statements made by Commission members or staff during the hearing or deliberation.
- C. The motion to take an action may direct that additional written findings and conclusions be developed based on the hearing and deliberation of the Commission.
- D. Findings and conclusions may be approved or amended at any time by the Planning Commission, but all such actions shall be based on the record of the matter at hand.

13. Order of Hearings:

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

XI. CONDUCT:

1. These rules are intended to promote an orderly system of holding public meetings and public hearings.
2. Any person making personal, impertinent or slanderous remarks or noises while addressing the Commission at a public hearing may be barred from further participation by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.
3. No comments shall be made from any other location other than the podium, lectern or table set up for people to address the Commission at a public hearing, unless approved in advance by the Chair, and anyone making irrelevant, distracting, or offensive comments or noises may be subject to removal from the meeting.
4. Demonstrations, applause, other disruptive behavior, or other audience participation during or at the conclusion of anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying.

XII. CONFLICT OF INTEREST:

1. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would tend to prejudice his or her actions shall publicly indicate, step down and leave the meeting room until the matter is disposed. A member need only be excused from legislative or organizational action if the potential conflict of interest is direct and substantial.
 - A. No member of the Planning Commission may use his or her position to secure special privileges or exemptions for himself, herself, or others.
 - B. No member of the Planning Commission may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
 - C. No member of the Planning Commission may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

- D. No member of the Planning Commission may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.
- E. No member of the Planning Commission may take any action that is prohibited by Chapter 42.23 RCW or any other statutes identifying conflicts of interest.

2. Appearance of Fairness:

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

- A. Members shall avoid communicating in respect to any proposal with any interested parties, other than staff, outside of public hearings. Written communication from an interested party to a member may be permitted provided that such communication is made part of the record.
- B. Members shall avoid drawing conclusions regarding decisions until after the public hearing is closed.
- C. Members shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.
- D. Members shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the member prior to the hearing.
- E. If any concern relating to Items 1 through 4 should arise, the affected member shall declare at the start of the public hearing on the matter, the extent of such concern and whether the member's decision has been influenced. If the member has been influenced, or if the extent of the concern is significant, the member shall be excused by the Chair from the meeting room and his vote recorded as an abstention.

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

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

XIII. AMENDMENT:

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