



PLANNING COMMISSION

January 23, 2019

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: Assistant City Attorney Doug Ruth, Planning Services Manager Jeff Dixon, Planner II Alex Teague, and Administrative Assistant Tina Kriss.

Members of the public present: Jeff Watson and Rick Cardoza.

II. APPROVAL OF MINUTES

A. Regular Meeting Minutes – November 7, 2018

Commissioner Khanal moved and Commissioner Mason seconded to approve the Minutes from the November 7, 2018 regular meeting as amended.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC HEARING

No items were on the agenda for Public Hearing.

IV. OTHER BUSINESS

A. Election of Officers

Chair Roland called for nominations for the Election of Chairperson for the City of Auburn 2019 Planning Commission. Member Mason nominated Commissioner Roland; no other Commissioners were nominated.

A vote was taken. By majority vote of Commissioners, 5-0, Commissioner Roland was elected as the Planning Commission Chairperson for 2019.

Chair Roland called for nominations for the Election of Vice-Chairperson for the City of Auburn 2019 Planning Commission. Member Mason nominated Commissioner Lee as Vice-Chair; no other Commissioners were nominated.

A vote was taken, by majority vote of Commissioners, 5-0, Commissioner Lee was elected as the Planning Commission Vice-Chairperson for 2019.

B. PSERN - Zoning Code Amendment

Planner II Teague presented the staff report on PSERN, Emergency Wireless Communication Facility (ZOA18-0001).

Commissioner Khanal stated due to his work with Verizon Wireless he is recusing himself.

Planner Teague explained that PSERN stands for Public Safety Emergency Radio Network and is an association of public agencies seeking to establish a wireless communications network intended to replace the current King County (KC) E-911 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 communicate during emergency incidents, and will be used by all jurisdictions in King County.

Staff provided an overview of the proposed construction of the tower and facility, the location, and the requested code amendment. Staff clarified that the construction would not be allowed under current regulations and therefore code changes are requested in order to allow. The construction authorization is not the purview of the Planning Commission but the code changes are. As a basis for discussion, staff introduced the current City regulations applicable to private wireless communication facilities (WCF) and contrasted this with the proposed code amendment. To start, staff reviewed what a wireless communication facility is as defined by Auburn City Code (ACC 18.04.912.) and the current supplemental siting standards applicable to WCF.

Staff reviewed the proposed zoning code amendment requested by PSERN:

Item 1. Add Emergency WCFs to List of Established Zones

The purpose of Item 1 is to establish a new definition as a special category of "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

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

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

Item 3 depicts emergency WCFs as new use allowed within the I, Institutional Zone within the existing Chapter 18.35 "Special Purpose Zones".

To orient the Planning Commission, Planner Teague discussed the regulatory approach of several other nearby jurisdictions. She discussed other jurisdictions that were contacted for information and showed on the screen a chart of those other jurisdictions with emergency WCF siting standards.

Staff reviewed the allowed and prohibited uses within the institutional zone and stated that staff believes is most appropriate to be allowed outright in the I, Institutional zones since the proposed supplemental siting standards (provided in Exhibit 1) give 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 permitting uses within the zone. Planner Teague explained that staff considered various approaches for permitting an emergency wireless communication facility.

She explained the possible range of land use permitting available, from being permitted outright as a permitted use, or administrative use requiring an administrative decision by the Department Director in order to allow, or a conditional use requiring a public hearing or considered a prohibited use as they are not allowed in that zone (shown in Exhibit 1).

Staff stated it is staff's recommendation that emergency wireless communication facilities should be permitted outright in the I, Institutional zone. Staff explained the purpose of an administrative use permit and conditional use permit (shown in Exhibit 2).

Staff explained that current Auburn City Code (ACC) provides regulations applicable to private wireless communication carriers. The proposal before you tonight provides an approach to establish a unique subcategory that is for the emergency wireless communications by a public agency. As part of the approach, a fairly narrow definition of what type of facilities that consists of and make certain regulations that are only applicable to that subcategory of those emergency wireless communication facilities.

Staff explained that at the next meeting staff would like to hold a discussion on collocation, commercial and non-commercial collocation on this tower. Tonight's discussion only addresses the PSERN Emergency Wireless Communication facility.

Staff asked the Commission the following questions.

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?

The Commission provided the following feedback:

The Commission asked if there could be a height restriction in the institutional zoning designation applicable to emergency WCF. Staff explained that one has not yet been discussed, a height limitation could be proposed within the I, Institutional zone.

The Commission asked staff if this was the first E-911 wireless communication tower proposed in Auburn and could it be relocated. Staff responded, this is the first facility of its kind in Auburn and staff does not believe this specific facility would be relocated in the future. Staff explained PSERN has completed an extensive site selection process and upon selecting this site has spent considerable resources for soil borings to confirm the height and foundation load, road grades, and other improvements in anticipation to use this specific site.

Staff explained that one of the factors, as part of an extensive site selection was elevation of the site and the lack of presence of surrounding obstacles. Emergency wireless communications siting is predicated upon radio frequency engineering, and requires an unobstructed line of site between receivers and transmitters. To achieve adequate communication signal coverage, the tower antennas must be mounted at a height taller than surrounding obstructions and this location is proposed on a hill.

If the 180-foot tower were allowed on this site, the Commission asked if another tower could be put on other institutional zoned sites within the City. Staff stated that under the concept being discussed, if another property was zoned institutional, it also could be developed with a similar facility but that there are limited areas zoned I, Institutional at higher elevations within the city. Some specific examples were discussed.

Commissioner Stevens asked if we know how long the lease term is; staff responded that they do not have the specific answer to PSERN's intended lease period but would bring back that information at the next meeting. Commissioner Stevens stated if they lose their lease in ten years, would that mean they could relocate to another property.

A discussion was held as to the appropriate zoning of this type of use and staff reported that city staff felt the I, Institutional zone is the best fit for this use.

Commissioner Mason asked there would be traffic impacts from the facility. Staff explained that this is an unmanned facility and there would only be employees visiting once or twice monthly for maintenance and not generating a lot of traffic.

Commissioner Stephens asked if there are instances where the city requires different degrees of land use approval process based on the intensity of land use action. He suggested a model of requiring an administration use permit for a

certain height and when the height limitation is exceeded requiring a conditional use permit. Staff explained that this regulatory approach is currently applicable to the private wireless communication facilities based on the category, height and zoning district. Planner Teague pointed out that the table shows the different requirements based on zone and height.

Staff questioned if the Commission's concern is due to locating another tower within Auburn and the unlimited height. The Commission concurred.

Commissioner Stephens asked staff to provide visuals of what a high-density collocation emergency wireless communication tower looks like. Staff confirmed they would bring these recommended items back to the next meeting.

Commissioner Lee asked, if the purpose of a E-911 wireless communication facility is to enhance or enable emergency 911 communication, is there any negative impact for Auburn and our residents if this tower is not built in Auburn? Staff stated they would find out how vital this project would be to any E-911 communications in Auburn.

The Commission suggested that the facility must not interfere with airport operations and there must not be Federal Aviation Administration (FAA) Concerns; staff confirmed that the FAA has already issued a determination of "no hazard to aviation".

The Commission asked how big the base of the tower and equipment yard would be; staff indicated the appropriate fenced area dimensions and would bring back information on those details at the next meeting.

Staff confirmed that at the next meeting they will respond to the request made by the Commission to provide visuals on co-location and proposed language to address height and co-location.

C. Rules of Procedures

Planning Services Manager Dixon indicated that the Commission has as a matter of practice has reviewed their Rules of Procedure annually to ensure they remain appropriate and that there are not new issues to be addressed by changes. He explained that the Commission made several changes last year and the Rules of Procedures of the Planning Commission; were last revised June 5, 2018.

After reviewing the Rules of Procedure, the Commission recommended that changes be made to the wording of Section II. Meetings, 4. Special Meetings. The Commission suggested the first sentence be changed from "shall" to "may" and to read follows:

"Special meetings of the Planning Commission may be called by the Chair. Special meetings of the Planning Commission may also be called by any three members of the Commission. A minimum notice of 24 hours shall be provided for special meetings in accordance with State Law."

Staff stated that if there were no other changes, staff would update the document with strikethrough and underline revisions and provide the Commission with an update to vote on at their next meeting in accordance with the procedure in Section XIII. Amendment. There were no further changes offered.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Dixon explained that the WA State Dept of Commerce would be holding an upcoming Short Course on Local Planning on April 10 from 6:15 to 9:15 pm in the nearby City of Normandy Park. The Washington State Department of Commerce organizes these voluntary trainings. Copies of the training announcement were provided to the Commissioners. Please feel free to contact the planning staff or follow the link to sign up. If that location does not work for you, a few options for different dates and location are noted on the link provided by the Department of Commerce.

This is an optional training opportunity, which is offered periodically. This training while covering some of the same topics is different from the required Open Public Meetings Act and Open Public Records Act offered by the City's Legal Dept. on a reoccurring basis.

Staff reported that the former Heritage building on Main Street has been partially removed after experiencing the fire damage. The owner has had to secure services of a new contractor and will soon be removing the remaining debris and cleaning up the site and installing more permanent fencing. Staff continues to discuss plans for redevelopment of the property with the property owner's architectural team and are expecting an application for the required Downtown Design Review for a redevelopment proposal before the end of the month.

Staff provided an update on the previously discussed Auburn Apartments. The Auburn Apartments, that is located two blocks south of city hall, and consists of ground floor commercial and upper story residential, has recently had their civil plans approved to address the utility extensions and street frontage improvements necessary to serve that project. The building permit is also expected to be issued very soon.. They are looking to mobilize for ground breaking in February.

The next regular Planning Commission meeting will be held February 5, 2019.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:17 pm.