

**Planning Commission
Regular Meeting
January 6, 2026 - 7:00 PM
City Hall Council Chambers**

AGENDA

PUBLIC PARTICIPATION

- A. The Planning Commission Meeting scheduled for Tuesday, January 6, 2026, at 7:00 p.m. will be held in person and virtually.

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/84378936456>

Phone one-tap:

+12532050468,,84378936456# US

+12532158782,,84378936456# US (Tacoma)

Join via audio:

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

877 853 5257 US Toll Free

888 475 4499 US Toll Free

Webinar ID: 843 7893 6456

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

This is the place on the agenda where the public is invited to speak to the Board on any issue.

- A. Comment from the audience on any proposal for action by the Commission. If the comment is related to an action subsequently listed here as a public hearing, the comment should be provided at the time of the public hearing.

The public can participate in-person or submit written comments in advance.

Participants can submit written comments via mail, fax, or email.

All written comments must be received prior to 5:00 p.m. on the day before the scheduled meeting and must be 350 words or less.

Please mail written comments to:

City of Auburn

Attn: Tammy Gallier, Administrative Specialist

25 W Main St

Auburn, WA 98001

Please fax written comments to:
Attn: Tammy Gallier, Administrative Specialist
Fax number: 253-804-3114

Email written comments to: planning@auburnwa.gov

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day before the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the Community Development Department in person, by phone (253) 931-3090 or by email (planning@auburnwa.gov).

AGENDA MODIFICATIONS

APPROVAL OF MINUTES

- A. December 2, 2025 Draft Minutes from the Planning Commission Meeting

OTHER BUSINESS

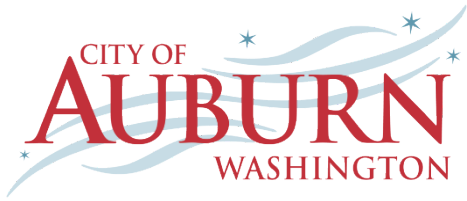
- A. **Planning Commission Chair and Vice Chair Selection**
Select Planning Commission Chair and Vice Chair Selection for 2026.
- B. **Rules of Procedure (Byrne)**
Planning Commission to review and adopt the 2026 Rules and Procedures and proposed amendments.
- C. **BESS Code Update (Clark)**
Planning staff to provide an update to the development of BESS code. Staff will present the identified threshold quantities, zoning districts, and project permit decisions for each tier of BESS.

COMMUNITY DEVELOPMENT REPORT

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:

December 2, 2025 Draft Minutes from the Planning Commission Meeting

Meeting Date:

January 6, 2026

Department:

Community Development

Attachments:

12-2-2025 Planning Commission
Minutes

Budget Impact:

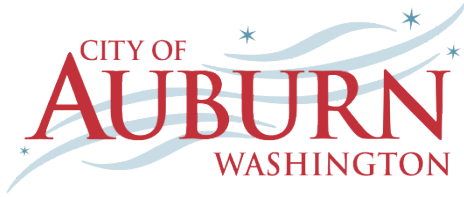
N/A

Administrative Recommendation:**Background for Motion:****Background Summary:**

See attached Draft Minutes

Councilmember:

Staff: Jason Krum



**Planning Commission
Regular Meeting
December 2, 2025 - 7:00 PM
City Hall Council Chambers**

MINUTES

PUBLIC PARTICIPATION

The City of Auburn Planning Commission Meeting was held in person and virtually.

CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:02 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

ROLL CALL

Commissioners present: Chair Judi Roland, Vice Chair William Stewart, Julie Berry, Aaron Vanderpol, Lynn Walters, and Kirk Hiller. Commissioner Ajay Ganesan arrived at 7:04 p.m.

Staff members present: Planning Services Manager Alexandria Teague, Planner II Owen Goode, Assistant Director of Community Development Steve Sturza, Planner II Gabriel Clark, Assistant City Attorney Chandra Hein, and Deputy City Clerk Rebecca Wood-Pollock.

PLEDGE OF ALLEGIANCE

Chair Roland led those in attendance in the Pledge of Allegiance.

PUBLIC COMMENT

Written Comments:

Julien Loh provided public comment which was shared with the Commission.

In Person Comments:

No one came forward to speak.

AGENDA MODIFICATIONS

There were no modifications to the agenda.

APPROVAL OF MINUTES

- A. October 21, 2025 Draft Minutes from the Special Planning Commission Meeting

Commissioner Walters moved and Vice Chair Stewart seconded to approve the October 21, 2025, Special Planning Commission Meeting minutes.

MOTION CARRIED UNANIMOUSLY. 7-0

OTHER BUSINESS

A. Battery Energy Storage Systems & Development Regulations (Clark)

Staff will introduce the Planning Commission to Battery Energy Storage Systems (BESS), how they operate, the regional needs, and the creation of development regulations.

Planner Clark shared a presentation with the Commission on the Battery Energy Storage Systems (BESS) and Development Regulations, including background information, commercial installation and accessory uses, legislative actions and industry responses, research results, developing standards, and the proposed timeline.

Commission discussed spacing requirements and unit size, safety, ownership and leasing, containment and decommissioning plans, and future developers.

B. Co-Living Housing Code Update (Goode)

Community Development Department will present on the implementation of RCW 36.70A.535 for co-living housing. Co-living housing means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. This text amendment to Title 18 ACC will allow for the new use to be permissible in the R-3, R-4, R-NM, DUC, C-2, C-AG, and M-1 Zones and provides details on development standards for the new use.

Planner Goode shared a presentation with the Commission on the Co-Living Housing Code Update, including the purpose and effect of the text amendment, zoning allowing for co-living, reasons for the text amendment, and staff recommendations.

Commission discussed single family homes, parking requirements, anticipated interest in co-living housing, and zoning requirements.

PUBLIC HEARINGS

A. Co-Living Housing Code Update (Goode)

Public Hearing for public testimony and Planning Commission deliberation on the co-living housing text amendment to Title 18 ACC.

Chair Roland opened the Public Hearing at 7:40 p.m.

No one came forward to speak.

Chair Roland closed the Public Hearing at 7:41 p.m.

Commission discussed parking and State compliance.

B. 2024 Downtown Subarea Plan Update (Teague)

Public Hearing for public testimony and Planning Commission deliberation on the 2024 Auburn Downtown Subarea Plan, Planned Action EIS (Appendix A), Baseline Report Final (Appendix B), and associated subarea land use map and subarea zoning map amendments.

Chair Roland opened the Public Hearing at 7:44 p.m.

Manager Teague shared an overview of the 2024 Downtown Subarea Plan Update, including the status of the plan, features of the plan, public engagement, written public comments received, existing and proposed land use designations and zoning districts, the Downtown Urban Center (DUC) districts, the next steps in the process, and provided staff recommendations to the Commission.

Written Comments

John Brekke and Jeff Small provided public comments which were shared with the Commission.

In-Person Comments

Wayland Scarff, Pat Byrne, Steve Small, Doug Small, Barrett Stamps, Kristin Small, Mike Small, and Sandra Fuller provided public comment.

Commission discussed nonconforming standards and use, future Code updates, land usage restrictions, heavy commercial zones, and business notifications.

Chair Roland closed the Public Hearing at 8:40 p.m.

The Commission unanimously agreed to reopen the Public Hearing at 8:40 p.m.

Steve Small provided additional public comment.

Chair Roland closed the Public Hearing at 8:42 p.m.

ACTION ITEMS

A. Co-Living Housing Code Update (Goode)

Planning Commission to take action on the co-living housing text amendment to Title 18 ACC.

Vice Chair Stewart moved and Commissioner Walters seconded to

recommend to City Council the adoption of the Co-Living Housing Code Update as recommended by Staff.

MOTION CARRIED UNANIMOUSLY. 7-0

B. 2024 Downtown Subarea Plan Update (Teague)

Planning Commission to take action on the 2024 Auburn Downtown Subarea Plan, Planned Action EIS (Appendix A), Baseline Report Final (Appendix B), and associated subarea land use map and subarea zoning map amendments.

Vice Chair Stewart moved and Commissioner Vanderpol seconded to recommend to City Council the adoption of the 2024 Downtown Subarea Plan Update as recommended by Staff.

MOTION CARRIED. 6-1. Commissioner Berry voted no.

COMMUNITY DEVELOPMENT REPORT

Assistant Director Sturza shared updates related to the GSA site, the Auburn School District, Woodcrest Ranch, Walnut Lane, and the Critical Area Ordinance Update. Manager Teague shared that the next meeting would be held on January 6, 2026.

Commission discussed the Bridges area, a new Police Department building, the Auburn Justice Center, and the Planning Commission Rules of Procedure.

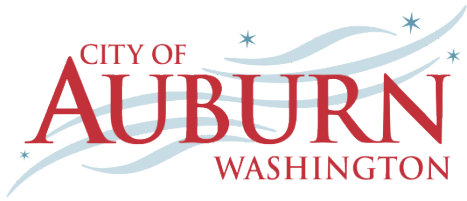
ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:51 p.m.

APPROVED this 6th day of January, 2026

JUDI ROLAND, CHAIR

Rebecca Wood-Pollock, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:**Planning Commission Chair and Vice Chair Selection**

Select Planning Commission Chair and Vice Chair Selection for 2026.

Meeting Date:

January 6, 2026

Department:

Community Development

Attachments:

None

Budget Impact:

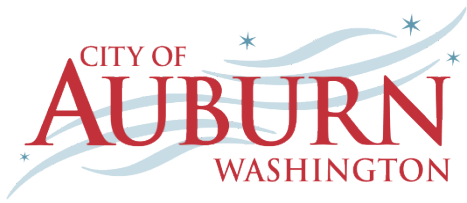
N/A

Administrative Recommendation:

For discussion

Background for Motion:**Background Summary:****Councilmember:**

Staff: Jason Krum



AGENDA BILL APPROVAL FORM

Agenda Subject:**Rules of Procedure (Byrne)**

Planning Commission to review and adopt the 2026 Rules and Procedures and proposed amendments.

Meeting Date:

January 6, 2026

Department:

Legal

Attachments:

Attachment 1 2025 CURRENT
PC Rules of Procedure,
Attachment 2 2026 AMENDED
PC Rules of Procedure with
Changes Accepted, Attachment
3 2026 AMENDED PC Rules of
Procedure with Track Changes

Budget Impact:

N/A

Administrative Recommendation:

Adopt suggested edits to the Planning Commission Rules of Procedure

Background for Motion:

After reviewing the 2025 Planning Commission's Rules of Procedure, staff approached the Legal Department for guidance, and concluded that the Planning Commission's Rules of Procedure would benefit from an update.

Background Summary:

The suggested edits are for both housekeeping items (consistent formatting, updated terminology, etc.) and for streamlining and clearly defining Planning Commission processes.

Councilmember:

Staff: Jason Whalen

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
REVISED March 5, 2019
REVISED March 3, 2020
REVISED June 8, 2021
REVISED May 3, 2022
REVISED March 7, 2023
REVISED JUNE 4, 2024
REVISED December 17, 2024

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PLANNING COMMISSION - RULES OF PROCEDURE

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CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

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

I. NAME:

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

II. MEETINGS:

1. All meetings will be held at the Auburn City Hall, Auburn, Washington, unless otherwise directed by the Secretary or Chair of the Planning Commission. Commissioners shall attend in person at the notified location unless the Chair consents to remote attendance by a member(s).

If after a declaration of an emergency by the mayor, governor, or the federal government, the Chair determines that a meeting in-person with public attendance cannot be held with reasonable safety due to the emergency, the Chair may order the meeting held at a site other than City Hall, held remotely without a physical location, or held with limitations on the physical attendance of some or all members of the public. At any such meeting, the Commission may determine if future meetings will be held in the same manner until the declaration is terminated or the Commission determines that an in-person meeting with public attendance is reasonably safe. Remote or partially remote meetings shall comply with RCW 42.30.230.

"remotely" and "remote attendance" means attending a meeting virtually or using an internet connection where all persons attending the meeting in any manner can hear one another, including telephonic connections and broadcasting the meeting.

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 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.
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.
10. At all meetings of the Commission, commissioners are prohibited from using cell phones or other personal communication devices, and shall

not send or receive and read e-mails, text messages, or any other social media postings.

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.
2. The Chair shall have the power to create temporary committees of one, two or three 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 Community 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 Community Development Department and by the City Clerk.

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.

The City Clerk shall record the meeting minutes, which shall be action minutes that include the meeting date, time, and place; commissioner attendance; and official acts taken at the meeting. The Clerk shall prepare the minutes in writing and present them to the Commission for correction and approval.

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 Commission may not take action on any matter.

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 member’s 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 Commission when warranted, at 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. The Chair shall call for a vote.

- B. Members shall vote by voice, unless a member is unable to do so or a member requests a vote by show of hands. If unable to vote by voice, a member shall make a clear expression of the member's vote through raising a hand, sending an electronic message or electronic signal that can be seen by all other commissioners simultaneous with the vote, or other similarly clear and timely action. Any member, including the Chair, not voting or submitting an unclear vote shall be recorded as voting in the negative.
- C. The Chair or a Commission member may request that the Secretary take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, the Secretary may take either on his/her own initiative.
- D. A member may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of fairness. If any member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote, that member shall so advise the Commission, shall remove and absent himself/herself from the deliberations, and considerations of the matter, and shall have no further participation in the matter. The member should make this determination prior to any discussion or participation on the subject matter or as soon thereafter as the member perceives a need to abstain. A member may confer with the City Attorney to determine if the member is required to abstain.

If the intended abstention can be anticipated in advance, any 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 wants to review with the City Attorney, in which case, the Chair shall call a brief recess 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 the appropriate noticing procedure in the Auburn City Code and the day, time, and place shall be those defined in these rules for regular meetings of the Commission.

The secretary shall conspicuously post notice that a hearing has been continued and the date, time, and location of the continued hearing on the City's website and at or near the place where the continued meeting was held.

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 of fact 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).

14. Hearing Record

- A. The “record” for a public hearing shall consist of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted, according to these rules, in connection with the matter being considered. Specifically, the record shall include, but not limited to the following:
- Recordings of a hearing;
 - The hearing agenda, attendance sheet(s), and the Secretary’s minutes;
 - All final staff recorded testimony, presentations, documents, maps, reports, memos, and other staff-produced evidence submitted to the Commission to assist it make a decision or recommendation regarding the agenda topic that is the subject of the hearing subject matter;
 - All submissions to the City by the proponent of the hearing subject matter;
 - The Planning Commission’s findings of fact and formal recommendation, and record of any other action taken by the Commission;
 - Any document publicly cited by the Commission or a Commission member in connection with a decision or recommendation.
- B. Anyone wanting to submit into the record physical evidence (e.g. documents, letters, photographs, maps) shall provide the evidence to the Secretary. Persons may submit evidence by email or other electronic means to:

Planning@auburnwa.gov

or by post mail to:

Secretary of the Planning Commission
Community Development Dept.
City of Auburn
25 West Main Street
Auburn, WA 98001-4998

Additionally, a person may submit evidence into the record at the public hearing. However, Commission members may not be able to consider evidence that is submitted at the time of the hearing. The Secretary will enter the evidence into the record without the necessity of it being read into the record and shall make note in the minutes that the evidence was entered. Persons submitting evidence are discouraged from reading verbatim the evidence at a hearing; they are encouraged rather to summarize such evidence during testimony. It may not be possible to copy evidence submitted at the time of a hearing. All material submitted to the record by whatever means may be subject to disclosure to the public under the Public Records Act, RCW 42.56.

- C. The Planning Commission will accept evidence into the record prior to the date and time of the close of the public hearing. The Commission may close the record at an earlier time upon approval by a majority of the Commission. If the Commission reopens a hearing, the record shall also be reopened to submission of evidence. The Commission may accept evidence into the record after close of a hearing if it has not already adopted a recommendation or decision on the matter being considered and if a majority of the Commission finds that the Commission would substantially benefit from the material being submitted into the record.
- D. All evidence shall be suitable for copying for distribution (e.g. will be legible and on paper not exceeding 8-1/2 x 14 inches in size, except diagrams or drawings) and shall identify at the top of the first page or on a cover sheet the date(s) of the public hearing, the date the evidence was submitted, and the submitter's contact information. All pages shall be consecutively numbered, regardless of the number of different documents submitted. Any submitted material proposing revisions to Auburn City Code shall show the revisions by striking out the text proposed to be removed from the code (e.g. ~~for example~~) and underlining text proposed to be added to the code (e.g. for example).
- E. Submitted evidence must consist of less than 100 pages, unless a majority of the Commission approves accepting submissions exceeding that number. If the Commission does not approve, a person submitting evidence exceeding this page number shall have 3 business days from the close of the hearing to comply with the page limit. Evidence submitted by the city is not subject to this page limitation.

- F. All digital or electronic submissions shall be sent to the Commission Secretary as an attachment to an email and may not exceed 20 megabytes. The email shall state the hearing date and topic that the digital documents regard. Submissions larger than 20 megabytes shall be transmitted by a different electronic method pre-arranged with the Secretary. The digital or electronic evidence shall be in portable document format (PDF) and otherwise meet the requirements for physical evidence (e.g. consist of no more than 100 pages, be consecutively paginated, etc.). No audio or video evidence will be accepted without prior consent of a majority of the Commission. Evidence submitted by email shall be considered received at the date and time the email arrives in the Secretary's email box, or the date and time of a delivery receipt if one is requested by the sender. If desired, it is the sender's responsibility to remove metadata from digital submissions.

XI. PUBLIC COMMENT AND CONDUCT:

1. In any meeting when the Commission takes final action, the Commission shall provide an opportunity for the submission of written comment at or before its meeting and oral comment during the meeting.

"Final action" means a collective positive or negative decision, or an actual vote by a majority of Commission members on a motion, proposal, resolution, or order.
2. Persons may address the Commission by filling out a speaker sign-in sheet (available at the entrance to the room or from the staff) and when recognized by the Chair, stepping to the podium, lectern, or table designated by the Chair for speaking.
3. Public remarks will be limited to 3 minutes unless the Chair consents to an extension of time. Speakers may not "donate" their speaking time to others. Comments will be addressed to the Commission as a body and not to individual commissioners.
4. Public comment at a meeting is reserved for topics that are not the subject of a public hearing being conducted at that same meeting. Persons may comment on public hearing topics at the time for testimony during the public hearing.
5. Written public comments not submitted for a public hearing, shall be submitted to the Secretary no later than 3 business days before the meeting for which the comments will be distributed. Written comments shall be limited to 1,000 words of 12-point font. Any related diagrams,

pictures, or drawings will be limited to three pages. Once submitted, the secretary shall distribute the written comments to the commissioners for consideration.

6. These rules are intended to promote an orderly system of holding public meetings and public hearings. Any person who causes a disruption by making personal, impertinent or slanderous remarks or noises, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for the individual speaker's public comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by other disruptive conduct while addressing the Commission at a public hearing may be barred from further participation by the Chair, unless permission to continue is granted by a majority vote of the Commission.
7. 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 that are disruptive may be subject to removal from the meeting.
8. Demonstrations, disruptive applause, other disruptive behavior, or audience interruption during anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying and renders orderly conduct of the meeting unfeasible.

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 A through D- 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. By a two-thirds affirmative vote of the quorum present at a meeting, the Commission may suspend the rules as authorized by Robert's Rules of Order, except when such suspension would conflict with state law or city ordinance.

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
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REVISED March 5, 2019
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PLANNING COMMISSION - RULES OF PROCEDURE

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CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

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

I. NAME:

The official name of the City of Auburn advisory planning agency shall be "The City of Auburn Planning Commission." The membership and terms of office of the members of the Planning Commission ("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 Chair of the Planning Commission ("Chair"). Commissioners shall attend in person at the notified location unless the Chair consents to remote attendance by a member(s).

If after a declaration of an emergency by the mayor, governor, or the federal government, the Chair determines that a meeting in-person with public attendance cannot be held with reasonable safety due to the emergency, the Chair may order the meeting held at a site other than City Hall, held remotely without a physical location, or held with limitations on the physical attendance of some or all members of the public. At any such meeting, the Commission may determine if future meetings will be held in the same manner until the declaration is terminated or the Commission determines that an in-person meeting with public attendance is reasonably safe. Remote or partially remote meetings shall comply with RCW 42.30.230.

"Remotely" and "remote attendance" means attending a meeting virtually or using an internet connection where all persons attending the meeting in any manner can hear one another, including telephonic connections and broadcasting the meeting.

2. Regular meetings are held on the Tuesday following the first Monday of each month and are open to the public. The meeting convenes at 7:00 P.M.

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 Commission may be called by the Chair or by a majority of the Commission by complying with RCW 42.30.080. A minimum notice of 24 hours will be provided for special meetings.
5. If no matters over which the Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the 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 are conducted in conformity with the requirements of the Washington State Open Public Meetings Act, Chapter 42.30 of the Revised Code of Washington ("RCW").
9. An agenda is prepared in advance of every regular and special meeting of the Commission. The Commission finds that receiving meeting agendas and materials for a regular meeting at least five (5) days in advance of the regular meeting allows Commissioners adequate time to review relevant materials and prepare. By law, meeting agendas and materials on items on an agenda for a special meeting must be provided to members of the Commission and the public at least 24 hours in advance of the meeting.
10. At all meetings of the Commission, Commissioners are prohibited from using cell phones or other personal communication devices and shall not send, receive, or read e-mails, text messages, or any other social media postings.

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 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 their own vote recorded in all deliberations of the Commission.
2. The Chair shall have the power to create temporary committees of any size that do not constitute a quorum of the Commission. 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. CLERK:

The City Clerk's Office keeps a record of all meetings of the Commission and its committees. These records are retained by the City Clerk ("Clerk"). Further, all public meetings are electronically recorded.

The Clerk records the meeting minutes, which include the meeting date, time, and place; Commissioner attendance; and official acts taken at the meeting. The Clerk prepares the minutes in writing and presents them to the Commission for correction and approval.

VI. QUORUM:

1. A majority of the appointed members shall constitute a quorum for the transaction of business. A 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 Commission cannot take action on any matter.

2. At least one (1) week before the scheduled meeting, Commissioners shall notify the Director of Community Development or their designated liaison ("Liaison"), in writing, whether they will be in attendance.

VII. ABSENCE OF MEMBERS:

Participation in Commission responsibilities is essential; not only so that a quorum can be established but also to ensure that discussions and decision making are as representative of the community as possible. Recurring absence also diminishes a Commissioner's 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 Commissioner 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 Commissioner 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 their resignation. To be excused, Commissioners must inform the Liaison in advance if they cannot attend a scheduled meeting.

VIII. POWERS OF THE COMMISSION

The Commission may act as the research and fact-finding agency of the City. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by the Council.

The Commission, upon such request or authority may also:

1. Make inquiries, investigations, and surveys concerning the resources of the county, including but not limited to the potential for solar energy development and alternative means to encourage and protect access to direct sunlight for solar energy systems;
2. Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;
3. Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

4. Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and
5. In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW [43.21A.350](#) and in advance planning of public works programs.
6. In carrying out its powers and duties, the commission should demonstrate how land use planning is integrated with transportation planning.

IX. AGENDA:

The Commission shall conduct its business in the following order:

1. Call to order
2. Public Participation
3. Pledge of Allegiance
4. Roll Call
5. Agenda Modifications
6. Public Comment
7. Approval of Minutes
8. Discussion Items
9. Public Hearings
10. Action Items
11. Community Development Report
12. Adjournment

Additional items may be added to the agenda by the Commission, except at Special Meetings.

The Chair or a majority of the Commission shall have the discretion to amend the order of business.

X. PUBLIC HEARINGS:

1. A Public Hearing is an opportunity for members of the public to offer testimony to the Commission on a specific agenda item being considered by the Commission for action. Public Hearings are topic specific.
2. All Public Hearings will adhere to the following protocol:
 - A. The Chair opens the Public Hearing and calls for public testimony. The Chair will recognize those members of the public who have added their names to the speaker sign-in sheet first. After those who have signed-in have spoken, the Chair will invite all others to provide testimony.
 - B. Members of the public addressing the Commission during a Public Hearing will be requested to step up to the podium, give their name for the record, and limit their remarks to three (3) minutes. All remarks will be addressed to the Commission as a whole. The Clerk serves as timekeeper. The Chair may make exceptions to the time restrictions when warranted. Members of the public addressing the Commission will be given equal time and equal opportunity to speak.
 - C. Commissioners may, if necessary, ask clarifying questions of the speaker, but no debate is allowed.
 - D. A call for additional testimony will be announced before the Chair closes the Public Hearing. Once testimony has concluded, the Chair shall close the Public Hearing.
 - E. A Public Hearing may be reopened by a majority vote of the Commission.
3. Continuing an Item:
 - A. 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 Commission requests that the Liaison schedule the

continued hearing for a future regular meeting of the Commission.

- B. In accordance with applicable law and City practices, the Liaison will conspicuously post notice that a hearing has been continued, which will include the date, time, and location of the continued hearing.

4. 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 into the record in order to be deemed a part of the record.
- B. The motion to take action may adopt oral statements made by Commissioners or staff during the hearing or deliberation.
- C. The motion to take an action may request that the Liaison develop additional written findings and conclusions based on the hearing and deliberation of the Commission.
- D. Findings and conclusions may be approved or amended at any time by the Commission, but all such actions shall be based on the record of the matter at hand.

5. 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, may change the order as may be necessary to facilitate the meeting. The Commission may also 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 X(3).

6. Hearing Record:

- A. The "record" for a Public Hearing shall consist of all testimony or comment presented at the hearing and all documents or exhibits

that have been submitted, according to these rules, in connection with the matter being considered. Specifically, the record shall include, but is not limited to, the following:

- Recordings of a hearing;
 - The hearing agenda, attendance sheet(s), and the Clerk's minutes;
 - All final staff recorded testimony, presentations, documents, maps, reports, memos, and other staff-produced evidence submitted to the Commission to assist the Commission in making a decision or recommendation regarding the agenda topic that is the subject of the hearing;
 - All submissions to the City on the hearing subject matter;
 - The Commission's findings of fact, formal recommendation, and record of any other action taken by the Commission;
 - Any document publicly cited by the Commission or a Commissioner in connection with a decision or recommendation.
- B. Anyone wanting to submit into the record physical evidence (e.g. documents, letters, photographs, maps) shall provide the evidence to the Liaison.
- C. Persons may submit evidence by email or other electronic means to: Planning@auburnwa.gov
- or by mail to:
Planning Commission
c/o Community Development Dept.
City of Auburn
25 West Main Street
Auburn, WA 98001-4998
- D. Additionally, a person may submit evidence into the record at the Public Hearing. However, Commissioners may not be able to consider evidence that is submitted at the time of the hearing. The Liaison will enter the evidence into the record without the necessity of it being read into the record, and the Clerk will make note in the minutes that the evidence was entered. Members of the public submitting evidence are discouraged from reading verbatim the evidence at a hearing; they are encouraged rather to summarize such evidence during testimony. It may not be possible to copy evidence submitted at the time of a hearing. All material submitted for the record, by whatever means, may be

subject to disclosure to the public under the Public Records Act, RCW 42.56.

- E. The Commission will accept evidence into the record through the conclusion of the Public Hearing. The Commission reserves the right to accept late submissions if approved by a majority of the Commission.
- F. All evidence shall be suitable for copying for distribution (e.g. will be legible and on paper not exceeding 8-1/2 x 14 inches in size, except diagrams or drawings) and shall identify at the top of the first page or on a cover sheet the date(s) of the Public Hearing, the date the evidence was submitted, and the submitter's contact information. All pages shall be consecutively numbered, regardless of the number of different documents submitted. Any submitted material proposing revisions to Auburn City Code shall show the revisions by striking out the text proposed to be removed from the code (e.g. ~~for example~~) and underlining text proposed to be added to the code (e.g. for example).
- G. Submitted evidence must consist of less than 100 pages, unless a majority of the Commission approves accepting submissions exceeding that number. If the Commission does not approve, a person submitting evidence exceeding this page number shall have three (3) business days from the close of the hearing to comply with the page limit. Evidence submitted by the City is not subject to this page limitation.
- H. All digital or electronic submissions shall be sent to the Commission Liaison as an attachment to an email and may not exceed 20 megabytes. The email shall state the hearing date and topic that the digital documents regard. Submissions larger than 20 megabytes shall be transmitted by a different electronic method pre-arranged with the Liaison. The digital or electronic evidence shall be in portable document format (PDF) and otherwise meet the requirements for physical evidence (e.g. consist of no more than 100 pages, be consecutively paginated, etc.). No audio or video evidence will be accepted without prior consent of a majority of the Commission. Evidence submitted by email shall be considered received at the date and time the email arrives in the Liaison's email inbox, or the date and time of a delivery receipt if one is requested by the sender. If desired, it is the sender's responsibility to remove metadata from digital submissions.

XI VOTING:

1. The Chair shall call for a motion.
2. The Chair shall call for a second.
3. Once moved and seconded, the Chair shall call for discussion.
4. Once discussion has concluded, the Chair shall call for a vote.
5. Commissioners shall vote by voice, unless a Commissioner is unable to do so or a Commissioner requests a vote by show of hands.
6. The Chair or a Commissioner may request that the Clerk take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, the Clerk may take either on their own initiative.
7. A Commissioner may abstain from voting but otherwise participate in the item before the Commission.
8. A Commissioner who recuses themselves from an item shall remove and absent themselves from the deliberations and consideration of the matter. The Commissioner shall have no further participation in the matter. The Commissioner should make this determination prior to any discussion or participation on the subject matter or as soon thereafter as the Commissioner decides to recuse themselves. A Commissioner may confer with the City Attorney to determine if recusal is required.
9. If a tie vote exists, the motion fails.

XII. PUBLIC COMMENT AND CONDUCT:

1. In any meeting when the Commission takes final action, the Commission shall provide an opportunity for the submission of written comment at or before its meeting and oral comment, whether in person or remotely, during the meeting.

“Final action” means a collective positive or negative decision, or an actual vote by a majority of Commission members on a motion, proposal, resolution, or order.
2. Persons may address the Commission, when recognized by the Chair, by stepping to the podium, lectern, or table designated by the Chair for speaking.

3. Public remarks will be limited to three (3) minutes. The Chair may make exceptions to the time limit, when warranted. Members of the public addressing the Commission will be given equal time and equal opportunity to speak. Speakers may not “donate” their speaking time to others. Comments will be addressed to the Commission as a body and not to individual Commissioners.
4. Written public comments not submitted for a Public Hearing, shall be submitted to the Liaison no later than 5:00 p.m. on the day before the scheduled meeting for which the comments will be distributed. Written comments shall be limited to 350 words or less of 12-point font. Any related diagrams, pictures, or drawings will be limited to three (3) pages. Once submitted, the Liaison shall distribute the written comments to the Commissioners for consideration.
5. These rules are intended to promote an orderly system of holding public meetings and Public Hearings. Any person causing a disruption will be admonished by the Chair. If disruptions continue despite admonitions from the Chair, the Chair may escalate enforcement by first giving an additional warning and opportunity to behave in an orderly manner. If a person making disruptions fails to heed such admonitions and warnings, the Chair may request that the person causing the disruption leave Council Chambers for the duration of the Commission’s discussion of that item, or, as a last resort, by requesting that the person causing the disruption leave that meeting entirely. The Commission reserves the right to recess or adjourn as necessary if the person causing the disruption fails to abide by the instructions of the Chair.
6. Disruptions include, but are not limited to, making remarks or noises while seated in the audience, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for testimony or comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by any other disruptive conduct during a Public Hearing or meeting.
7. No comments shall be made from any other location other than the podium, lectern, or table set up for people to address the Commission unless approved in advance by the Chair.

XIII. ETHICS IN PUBLIC SERVICE:

Commissioners will at all times conduct themselves in accordance with Chapters 42.23 and 42.52 of the Revised Code of Washington.

XIV. AMENDMENT:

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

CITY OF AUBURN

PLANNING COMMISSION

RULES OF PROCEDURE

ADOPTED NOVEMBER, 1983

REVISED NOVEMBER, 1988

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PLANNING COMMISSION - RULES OF PROCEDURE

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CITY OF AUBURN PLANNING COMMISSION

RULES OF PROCEDURE

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

I. NAME:

The official name of the City of Auburn advisory planning agency shall be "The City of Auburn Planning Commission." The membership and terms of office of the members of the Planning Commission ("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 ("Chair"). Commissioners shall attend in person at the notified location unless the Chair consents to remote attendance by a member(s).

If after a declaration of an emergency by the mayor, governor, or the federal government, the Chair determines that a meeting in-person with public attendance cannot be held with reasonable safety due to the emergency, the Chair may order the meeting held at a site other than City Hall, held remotely without a physical location, or held with limitations on the physical attendance of some or all members of the public. At any such meeting, the Commission may determine if future meetings will be held in the same manner until the declaration is terminated or the Commission determines that an in-person meeting with public attendance is reasonably safe. Remote or partially remote meetings shall comply with RCW 42.30.230.

“~~R~~Remotely” and “remote attendance” means attending a meeting virtually or using an internet connection where all persons attending the meeting in any manner can hear one another, including telephonic connections and broadcasting the meeting.

2. Regular meetings ~~are shall be~~ held on the Tuesday following the first Monday of each month and ~~are shall be~~ open to the public. The meeting ~~shall convenes~~ 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 may be called by the Chair or by a majority of the Commission by complying with RCW 42.30.080. ~~Special meetings of the Planning Commission may also be called by City Staff with concurrence by the Chair, and/or by any three members of the Commission.~~ A minimum notice of 24 hours will be ~~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 ~~are 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”). ~~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 ~~is shall be~~ prepared in advance of every regular and special meeting of the ~~Planning~~ Commission. The Commission finds that receiving Mmeeting agendas and materials ~~on items on an agenda~~ for a regular meeting at least ~~shall be provided to members of the Planning~~

~~Commission not less than~~ five (5) days in advance of the regular meeting allows Commissioners adequate time to review relevant materials and prepare. By law, mMeeting agendas and materials on items on an agenda for a special meeting must ~~shall~~ be provided to members of the ~~Planning~~ Commission and the public at least 24 hours in advance of the meeting. ~~as promptly in advance of the meeting as can reasonably be accomplished.~~

10. At all meetings of the Commission, ~~C~~ommissioners are prohibited from using cell phones or other personal communication devices, and shall not send, ~~or~~ receive, or ~~and~~ read e-mails, text messages, or any other social media postings.

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 ~~their his/her~~ own vote recorded in all deliberations of the Commission.
2. The Chair shall have the power to create temporary committees of any size that do not constitute a quorum of the Commission. ~~of one, two or three 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**~~CLERK~~:

The ~~City Clerk's Office Community 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 ~~are~~ shall be retained ~~at the Community Development Department and~~ by the City Clerk ("Clerk"). Further, all public meetings are electronically recorded.

~~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 paid borne by the requesting party.~~

The ~~City~~ Clerk shall record the meeting minutes, which ~~shall be action minutes that~~ include the meeting date, time, and place; ~~C~~ommissioner attendance; and official acts taken at the meeting. The Clerk shall prepare the minutes in writing and presents them to the Commission for correction and approval.

VI. **QUORUM**:

1. 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 Commission ~~cannot~~ may not take action on any matter.

~~4.2. At least one (1) week before the scheduled meeting, Commissioners shall notify the Director of Community Development or their designated liaison ("Liaison"), Secretary, in writing, whether they will be in attendance of the week prior to the scheduled meeting of their attendance.~~

VII. **ABSENCE OF MEMBERS**:

Participation in ~~Planning~~ Commission responsibilities is essential; not only so that a quorum can be established, but ~~to~~ also to ensure that discussions and decision making are as representative of the community as possible. Recurring absence also diminishes a ~~Commissioner~~ member's 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 ~~Commissioner 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 ~~Commissioner~~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 ~~their his or her~~ resignation. To be excused, ~~Commissioners~~members must inform the ~~Liaison~~Planning commission's secretary in advance if they cannot attend a scheduled meeting.

VIII. POWERS OF THE COMMISSION

The Commission may act as the research and fact-finding agency of the City. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by the Council.

The Commission, upon such request or authority may also:

1. Make inquiries, investigations, and surveys concerning the resources of the county, including but not limited to the potential for solar energy development and alternative means to encourage and protect access to direct sunlight for solar energy systems;
2. Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;
3. Make recommendations from time to time as to the best methods of such conservation, utilization, and development;
4. Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and
5. In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43.21A.350 and in advance planning of public works programs.
6. In carrying out its powers and duties, the commission should demonstrate how land use planning is integrated with transportation planning.

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:~~

The Commission shall conduct its business in the following order:

1. Call to order
2. Public Participation
3. Pledge of Allegiance
4. Roll Call
5. Agenda Modifications
6. Public Comment
7. Approval of Minutes

8. Discussion Items

9. Public Hearings

10. Action Items

11. Community Development Report

12. Adjournment

Additional items may be added to the agenda by the Commission, except at Special Meetings.

The Chair or a majority of the Commission shall have the discretion to amend the order of business.

~~1. CALL TO ORDER~~

~~a) Roll Call/Establishment of Quorum~~

~~b) Pledge of Allegiance~~

~~2. Approval of Minutes~~

~~2. Other Business~~

~~3. 43. Public Hearings~~

~~54. Other Business Items as Appropriate~~Action Items

~~65. Community Development Report~~

~~76. Adjournment~~

~~1. 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:

1. A Public Hearing is an opportunity for members of the public to offer testimony to the Commission on a specific agenda item being considered by the Commission for action. Public Hearings are topic specific.

2. All Public Hearings will adhere to the following protocol:

where a general audience is in attendance to present arguments for or against a public issue will be conducted as follows:

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

A. ~~_____ 1. _____ The Chair opens the Public Hearing and calls for public testimony. The Chair will recognize those members of the public who have added their names to the speaker sign-in sheet first. After those who have signed-in have spoken, the Chair will invite all others to provide testimony. _____ and establishes whether the proponent, if applicable, is in attendance.~~

~~_____ 2. _____ Staff Report. The Director or Director's designee shall present the issue to the Commission and respond to questions.~~

~~_____ 3. _____ The Testimony of Proponent, if applicable. Chair calls for public testimony. 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.~~

B. Members of the public Persons addressing the Commission during a Public Hearing, 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 Clerk-Secretary shall serve as timekeeper. The Presiding Officer Chair may make exceptions to the time restrictions of persons addressing the Commission when warranted. Members of the public addressing the Commission will be given equal time and equal opportunity to speak. If additional time is given, all persons must be given an additional opportunity to speak, at the discretion of the Presiding Officer.

~~B.C. After the speaker has used their allotted time, Commissioners may, if necessary, ask clarifying questions of the speaker, but no debate is allowed, and the speaker may respond but may not engage in further debate~~

~~D. 64. Chair calls for other testimony, either for or against. A call for additional testimony will be announced before the Chair closes the Public Hearing. Once testimony has concluded, the Chair shall close the Public Hearing.~~

~~Testimony must be called for three times before being closed. 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.~~

~~76. The hearing will then be closed to public participation and open for discussion among Commissioners.~~

~~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.~~

~~C. 87. The Chair closes public hearing.~~

~~D.~~

~~E. 98. A Public Hearing may be reopened by motion duly seconded and approved by a majority vote of the Commission to accept additional testimony. If additional time is given, all persons must be given an additional opportunity to speak.~~

3. Continuing an Item:

A. 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 Commission requests that the Liaison schedule the continued hearing for a future regular meeting of the Commission.

B. In accordance with applicable law and City practices, the Liaison will conspicuously post notice that a hearing has been continued, which will include the date, time, and location of the continued hearing.

4. 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 into the record in order to be deemed a part of the record.

B. The motion to take action may adopt oral statements made by Commissioners or staff during the hearing or deliberation.

C. The motion to take an action may request that the Liaison develop additional written findings and conclusions based on the hearing and deliberation of the Commission.

D. Findings and conclusions may be approved or amended at any time by the Commission, but all such actions shall be based on the record of the matter at hand.

5. 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, may change the order as may be necessary to facilitate the meeting. The Commission may also 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 X(3).

6. Hearing Record:

A. The "record" for a Public Hearing shall consist of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted, according to these rules, in connection with the matter being considered. Specifically, the record shall include, but is not limited to, the following:

- Recordings of a hearing;
- The hearing agenda, attendance sheet(s), and the Clerk's minutes;
- All final staff recorded testimony, presentations, documents, maps, reports, memos, and other staff-produced evidence submitted to the Commission to assist the Commission in making a decision or recommendation regarding the agenda topic that is the subject of the hearing;
- All submissions to the City on the hearing subject matter;
- The Commission's findings of fact, formal recommendation, and record of any other action taken by the Commission;
- Any document publicly cited by the Commission or a Commissioner in connection with a decision or recommendation.

B. Anyone wanting to submit into the record physical evidence (e.g. documents, letters, photographs, maps) shall provide the evidence to the Liaison.

C. Persons may submit evidence by email or other electronic means to: Planning@auburnwa.gov

or by mail to:

Planning Commission

c/o Community Development Dept.

City of Auburn

25 West Main Street

Auburn, WA 98001-4998

D. Additionally, a person may submit evidence into the record at the Public Hearing. However, Commissioners may not be able to consider evidence that is submitted at the time of the hearing. The Liaison will enter the evidence into the record without the necessity of it being read into the record, and the Clerk will make note in the minutes that the evidence was entered. Members of the public submitting evidence are discouraged from reading verbatim the evidence at a hearing; they are encouraged rather to summarize such evidence during testimony. It may not be possible to copy evidence submitted at the time of a hearing. All material submitted for the record, by whatever means, may be subject to disclosure to the public under the Public Records Act, RCW 42.56.

- E. The Commission will accept evidence into the record through the conclusion of the Public Hearing. The Commission reserves the right to accept late submissions if approved by a majority of the Commission.
- F. All evidence shall be suitable for copying for distribution (e.g. will be legible and on paper not exceeding 8-1/2 x 14 inches in size, except diagrams or drawings) and shall identify at the top of the first page or on a cover sheet the date(s) of the Public Hearing, the date the evidence was submitted, and the submitter's contact information. All pages shall be consecutively numbered, regardless of the number of different documents submitted. Any submitted material proposing revisions to Auburn City Code shall show the revisions by striking out the text proposed to be removed from the code (e.g. ~~for example~~) and underlining text proposed to be added to the code (e.g. for example).
- G. Submitted evidence must consist of less than 100 pages, unless a majority of the Commission approves accepting submissions exceeding that number. If the Commission does not approve, a person submitting evidence exceeding this page number shall have three (3) business days from the close of the hearing to comply with the page limit. Evidence submitted by the City is not subject to this page limitation.
- H. All digital or electronic submissions shall be sent to the Commission Liaison as an attachment to an email and may not exceed 20 megabytes. The email shall state the hearing date and topic that the digital documents regard. Submissions larger than 20 megabytes shall be transmitted by a different electronic method pre-arranged with the Liaison. The digital or electronic evidence shall be in portable document format (PDF) and otherwise meet the requirements for physical evidence (e.g. consist of no more than 100 pages, be consecutively paginated, etc.). No audio or video evidence will be accepted without prior consent of a majority of the Commission. Evidence submitted by email shall be considered received at the date and time the email arrives in the Liaison's email inbox, or the date and time of a delivery receipt if one is requested by the sender. If desired, it is the sender's responsibility to remove metadata from digital submissions.

XI VOTING:

~~109. Deliberation.~~

~~110. Voting:~~

1. ~~_____ A.~~ The Chair shall call for a motion.
 2. The Chair shall call for a second.
 3. Once moved and seconded, the Chair shall call for discussion.
 4. Once discussion has concluded, the Chair shall call for a vote.
 5. Commissioners shall vote by voice, unless a Commissioner is unable to do so or a Commissioner requests a vote by show of hands.
 6. The Chair or a Commissioner may request that the Clerk take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, the Clerk may take either on their own initiative.
 7. A Commissioner may abstain from voting but otherwise participate in the item before the Commission.
 8. A Commissioner who recuses themselves from an item shall remove and absent themselves from the deliberations and consideration of the matter. The Commissioner shall have no further participation in the matter. The Commissioner should make this determination prior to any discussion or participation on the subject matter or as soon thereafter as the Commissioner decides to recuse themselves. A Commissioner may confer with the City Attorney to determine if recusal is required.
- 4-9. If a tie vote exists, the motion fails.

~~_____ B. CommissionersMembers shall vote by voice, unless a Commissionermember is unable to do so or a Commissionermember requests a vote by show of hands. If unable to vote by voice, a Commissioner member shall make a clear expression of the Commissioner'smember's vote through raising a hand, sending an electronic message or electronic signal that can be seen by all other Commissioners simultaneous with the vote, or other similarly clear and timely action. Any Commissionermember, including the Chair, not voting or submitting an unclear vote shall be recorded as voting in the negative.~~

~~_____ C. The Chair or a Commissioner member may request that the ClerkSecretary take a roll call vote or a vote by show of hands. Also, to ensure an accurate record of voting, the ClerkSecretary may take either on his/her own initiative.~~

~~D. — A Commissionermember may abstain from discussion and voting on a question because of a stated conflict of interest or appearance of unfairness. If any Commissionery member of the Planning Commission wishes to abstain, or has disclosed a conflict of interest and must abstain from a vote, that Commissionermember shall so advise the Commission, shall remove and absent himself/herself from the deliberations, and considerations of the matter, and shall have no further participation in the matter. The Commissionermember should make this determination prior to any discussion or participation on the subject matter or as soon thereafter as the Commissionermember perceives a need to abstain. A Commissionermember may confer with the City Attorney to determine if the member is required to abstain.~~

~~—— If the intended abstention can be anticipated in advance, any 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 Commissioner member should advise the Chair that he/she has an "abstention question" that he/she wants to review with the City Attorney, in which case, the Chair shall call a brief recess 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 Commissionermember may participate in any decision if the Commissionermember had not reviewed the staff reports and testimony presented at the hearing on the matter. Such Commissionermember may, however, listen to the recording of the hearing in order to satisfy this requirement.~~

XII.

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 the appropriate noticing procedure in the Auburn City Code and the day, time, and place shall be those defined in these rules for regular meetings of the Commission.~~

~~The secretary shall conspicuously post notice that a hearing has been continued and the date, time, and location of the continued hearing on the City's website and at or near the place where the continued meeting was held.~~

~~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 of fact statements made by Commissioners 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. The If the proponent does not appear at the public hearing, the Planning Commission may also 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 (11)8.~~

~~14. Hearing Record:~~

~~A. The "record" for a public hearing shall consist of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted, according~~

~~to these rules, in connection with the matter being considered. Specifically, the record shall include, but is not limited to, the following:~~

- ~~• Recordings of a hearing;~~
- ~~• The hearing agenda, attendance sheet(s), and the ClerkSecretary's minutes;~~
- ~~• All final staff recorded testimony, presentations, documents, maps, reports, memos, and other staff-produced evidence submitted to the Commission to assist in makingt make a decision or recommendation regarding the agenda topic that is the subject of the hearing subject matter;~~
- ~~• All submissions to the City by the proponent onf the hearing subject matter;~~
- ~~• The Planning Commission's findings of fact, and formal recommendation, and record of any other action taken by the Commission;~~
- ~~• Any document publicly cited by the Commission or a Commission member in connection with a decision or recommendation.~~

~~B. Anyone wanting to submit into the record physical evidence (e.g. documents, letters, photographs, maps) shall provide the evidence to the Secretary. Persons may submit evidence by email or other electronic means to:~~

~~_____ Planning@auburnwa.gov~~

~~or by post mail to:~~

~~_____ Secretary of the Planning Commission
_____ Community Development Dept.
_____ City of Auburn
_____ 25 West Main Street
_____ Auburn, WA 98001-4998~~

~~_____ Additionally, a person may submit evidence into the record at the public hearing. However, Commissioners members may not be able to consider evidence that is submitted at the time of the hearing. The Secretary will enter the evidence into the record without the necessity of it being read into the record, and the Clerk shall make note in the minutes that the evidence was entered. Persons submitting evidence are discouraged from reading verbatim the evidence at a hearing; they are encouraged rather to summarize such evidence during testimony. It may not be~~

~~possible to copy evidence submitted at the time of a hearing. All material submitted forto the record, by whatever means, may be subject to disclosure to the public under the Public Records Act, RCW 42.56.~~

- ~~C. The Planning Commission will accept evidence into the record prior to the date and time of the close of the public hearing. The Commission may close the record at an earlier time upon approval by a majority of the Commission. If the Commission reopens a hearing, the record shall also be reopened to submission of evidence. The Commission may accept evidence into the record after close of a hearing if it has not already adopted a recommendation or decision on the matter being considered and if a majority of the Commission finds that the Commission would substantially benefit from the material being submitted into the record.~~
- ~~D. All evidence shall be suitable for copying for distribution (e.g. will be legible and on paper not exceeding 8-1/2 x 14 inches in size, except diagrams or drawings) and shall identify at the top of the first page or on a cover sheet the date(s) of the public hearing, the date the evidence was submitted, and the submitter's contact information. All pages shall be consecutively numbered, regardless of the number of different documents submitted. Any submitted material proposing revisions to Auburn City Code shall show the revisions by striking out the text proposed to be removed from the code (e.g. for example) and underlining text proposed to be added to the code (e.g. for example).~~
- ~~E. Submitted evidence must consist of less than 100 pages, unless a majority of the Commission approves accepting submissions exceeding that number. If the Commission does not approve, a person submitting evidence exceeding this page number shall have three (3) business days from the close of the hearing to comply with the page limit. Evidence submitted by the Ccity is not subject to this page limitation.~~
- ~~F. All digital or electronic submissions shall be sent to the Commission Secretary as an attachment to an email and may not exceed 20 megabytes. The email shall state the hearing date and topic that the digital documents regard. Submissions larger than 20 megabytes shall be transmitted by a different electronic method pre-arranged with the Secretary. The digital or electronic evidence shall be in portable document format (PDF) and otherwise meet the~~

~~requirements for physical evidence (e.g. consist of no more than 100 pages, be consecutively paginated, etc.). No audio or video evidence will be accepted without prior consent of a majority of the Commission. Evidence submitted by email shall be considered received at the date and time the email arrives in the Secretary's email box, or the date and time of a delivery receipt if one is requested by the sender. If desired, it is the sender's responsibility to remove metadata from digital submissions.~~

~~XI.~~ PUBLIC COMMENT AND CONDUCT:

1. In any meeting when the Commission takes final action, the Commission shall provide an opportunity for the submission of written comment at or before its meeting and oral comment, whether in person or remotely, during the meeting.

"Final action" means a collective positive or negative decision, or an actual vote by a majority of Commission members on a motion, proposal, resolution, or order.

2. Persons may address the Commission ~~by filling out a speaker sign-in sheet (available at the entrance to the room or from the staff) and,~~ when recognized by the Chair, by stepping to the podium, lectern, or table designated by the Chair for speaking.

3. Public remarks will be limited to three (3) minutes. ~~unless the Chair may make exceptions to the time limit, when warranted. Commission chair consents to an extension of time. Members of the Public addressing the Commission will be given equal time and equal opportunity to speak. If additional time is given, all persons must be given an additional opportunity to speak.~~ Speakers may not "donate" their speaking time to others. Comments will be addressed to the Commission as a body and not to individual Commissioners.

- ~~4. Public comment at a meeting is reserved for topics that are not the subject of a public hearing being conducted at that same meeting. Persons may comment on public hearing topics at the time for testimony during the public hearing.~~

- ~~5.4.~~ Written public comments not submitted for a Public Hearing, shall be submitted to the Secretary Liaison no later than 5:00 p.m. on the day before the scheduled 3 business days before the meeting for which the comments will be distributed. Written comments shall be limited to 4,000350 words or less of 12-point font. Any related diagrams, pictures, or drawings will be limited to three (3) pages. Once

submitted, the ~~S~~ecretary Liaison shall distribute the written comments to the ~~C~~ommissioners for consideration.

5. These rules are intended to promote an orderly system of holding public meetings and ~~P~~ublic ~~H~~earings. Any person causing a disruption will be admonished by the Chair. If disruptions continue despite admonitions from the Chair, the Chair may escalate enforcement by first giving an additional warning and opportunity to behave in an orderly manner. If a person making disruptions fails to heed such admonitions and warnings, the Chair may request that the person causing the disruption leave Council Chambers for the duration of the Commission's discussion of that item, or, as a last resort, by requesting that the person causing the disruption leave that meeting entirely. The Commission reserves the right to recess or adjourn as necessary if the person causing the disruption fails to abide by the instructions of the Chair.

6. Disruptions include, but are not limited to, Any person who causes a disruption by making personal, impertinent, or slanderous remarks or noises while seated in the audience, by using speech intended to incite fear of violence, by failing to comply with the allotted time established for the individual speaker's public testimony or comment, by yelling or screaming in a manner that prevents the Commission from conducting the meeting, or by any other disruptive conduct during a while addressing the Commission at a Ppublic Hhearing or meeting, may be barred from further participation by the Chair, unless permission to continue is granted by a majority vote of the Commission.

7. 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 that are disruptive may be subject to removal from the meeting.

8. ~~Demonstrations, disruptive applause, other disruptive behavior, or audience interruption during anyone's presentation are prohibited. It is distracting to the Commission, the audience, and persons testifying and renders orderly conduct of the meeting unfeasible.~~

XIII. ~~CONFLICT OF INTEREST~~ETHICS IN PUBLIC SERVICE:

Commissioners will at all times conduct themselves in accordance with Chapters 42.23 and 42.52 of the Revised Code of Washington.

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 Commissioner 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:~~

~~Commissioners 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. CommissionersMembers 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 Commissioner member may be permitted provided that such communication is made part of the record.~~

~~B. CommissionersMembers shall avoid drawing conclusions regarding decisions until after the public hearing is closed.~~

~~C. CommissionersMembers shall avoid participating in decisions which affect their or any family member's property, personal or business interest, or organization.~~

~~_____ D. _____ CommissionersMembers shall avoid participating in decisions in which a preconceived bias or conclusion has been formed in the mind of the Commissionermember prior to the hearing.~~

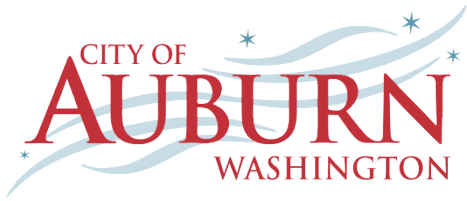
~~_____ E. _____ If any concern relating to Items A through D should arise, the affected Commissionermember shall declare at the start of the public hearing on the matter, the extent of such concern and whether the Commissioner'smember's decision has been influenced. If the Commissioner member has been influenced, or if the extent of the concern is significant, the Commissionermember shall be excused by the Chair from the meeting room and his or her 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 Commissionersmembers (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.~~

XIV~~H~~. 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. ~~By a two-thirds affirmative vote of the quorum present at a meeting, the Commission may suspend the rules as authorized by Robert's Rules of Order, except when such suspension would conflict with state law or city ordinance.~~



AGENDA BILL APPROVAL FORM

Agenda Subject:**BESS Code Update (Clark)**

Planning staff to provide an update to the development of BESS code. Staff will present the identified threshold quantities, zoning districts, and project permit decisions for each tier of BESS.

Meeting Date:

January 6, 2026

Department:

Community Development

Attachments:

Memorandum , Attachment 1 -
Presentation, Attachment 2 -
ACC 18.04.174 Text
Amendment, Attachment 3 - ACC
18.07.020 Text Amendment,
Attachment 4 - ACC 18.23.030
Text Amendment, Attachment 5 -
Chapter 18.29 ACC Text
Amendment, Attachment 6 - ACC
18.35.030 Text Amendment,
Attachment 7- PSE Response

Budget Impact:**Administrative Recommendation:**

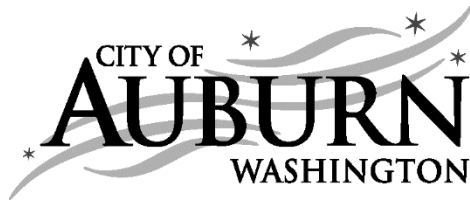
Staff requests Planning Commission to review the items listed in the memo and corresponding attachments.

Background for Motion:**Background Summary:**

See attached Memorandum

Councilmember:

Staff: Jason Krum



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Bill Stewart, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Gabriel Clark, Planner II
Department of Community Development

DATE: December 26th, 2025

RE: City File No. ZOA24-0004 – City of Auburn Battery Energy Storage Code

I. INTRODUCTION AND BACKGROUND

Battery Energy Storage Systems (BESS) are systems of rechargeable batteries that balance the demand for electricity on our grid. During peak usage or extreme weather events, BESS can react quickly, providing electricity. In extreme cases BESS protects sensitive equipment such as transformers, transmission lines, switches and other infrastructure from overloads, preventing blackouts or long-term service outages.

At the December 2nd meeting, staff presented background information which described the purpose of the code updates. At this meeting staff will introduce the land use tables of each zone and the proposed “project permit decision” (Title 14 ACC) applicable to each tier of BESS.



Figure 1 BESS, Tier I [residential accessory BESS cabinet]



Figure 2 BESS, Tier II [commercial BESS cabinet]

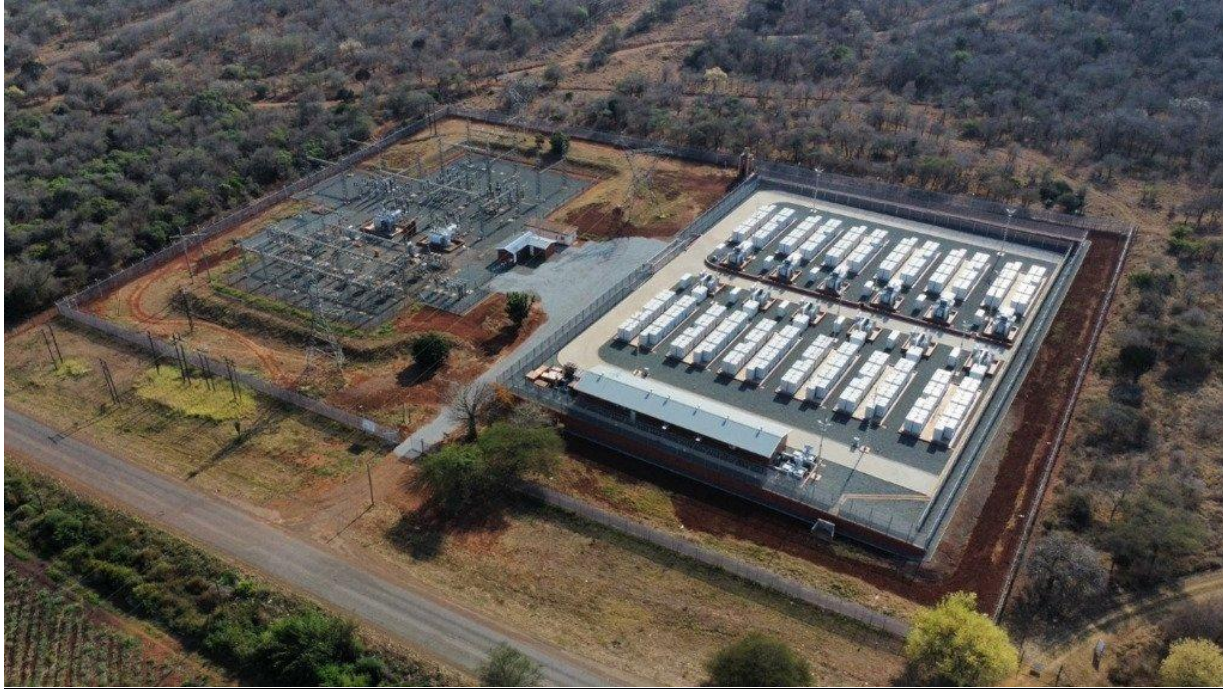


Figure 3 BESS, Tier III [utility BESS station, image includes BESS cabinets, accessory buildings, and substation connections]

How is the Capacity of BESS Measured?

The capacity of BESS is measured in two separate ways, one being a Watt-Hour (Wh) and the second being a Watt (W).

A **Watt-hour** is the **capacity of electrical energy** in watts (W) BESS can **store and discharge over time (h)**. A typical BESS operates in capacities of kilowatt-hours (kWh) and a megawatt-hours (MWh). Think of this portion of BESS as a **reservoir to a dam**, which can contain many hundreds to millions of gallons of water to be sent over the spillway.

A **Watt (W)** is the **maximum amount of energy** that **BESS can charge or discharge**. A typical BESS has charging and discharging capacities in kilowatts (kW) to megawatts (MW). Think of this portion of BESS to the **spillway of a dam**, this portion of the dam controls the amount of water that can exit the system.

The appropriate capacity to regulate is the Wh component of BESS since it limits the amount of stored energy at the site. This size limitation also restricts the number of BESS cabinets and the scale of the facility which is more appropriate when considering the siting within the City. WAC 51-54A-1207 has established precedent to regulate this capacity as it targets the sizing of these systems.

If the City were to regulate only the W component, then the threshold quantities would be a moot point and BESS of larger scales could be installed in areas the City originally saw as unfit for operation leading to an ineffective code.

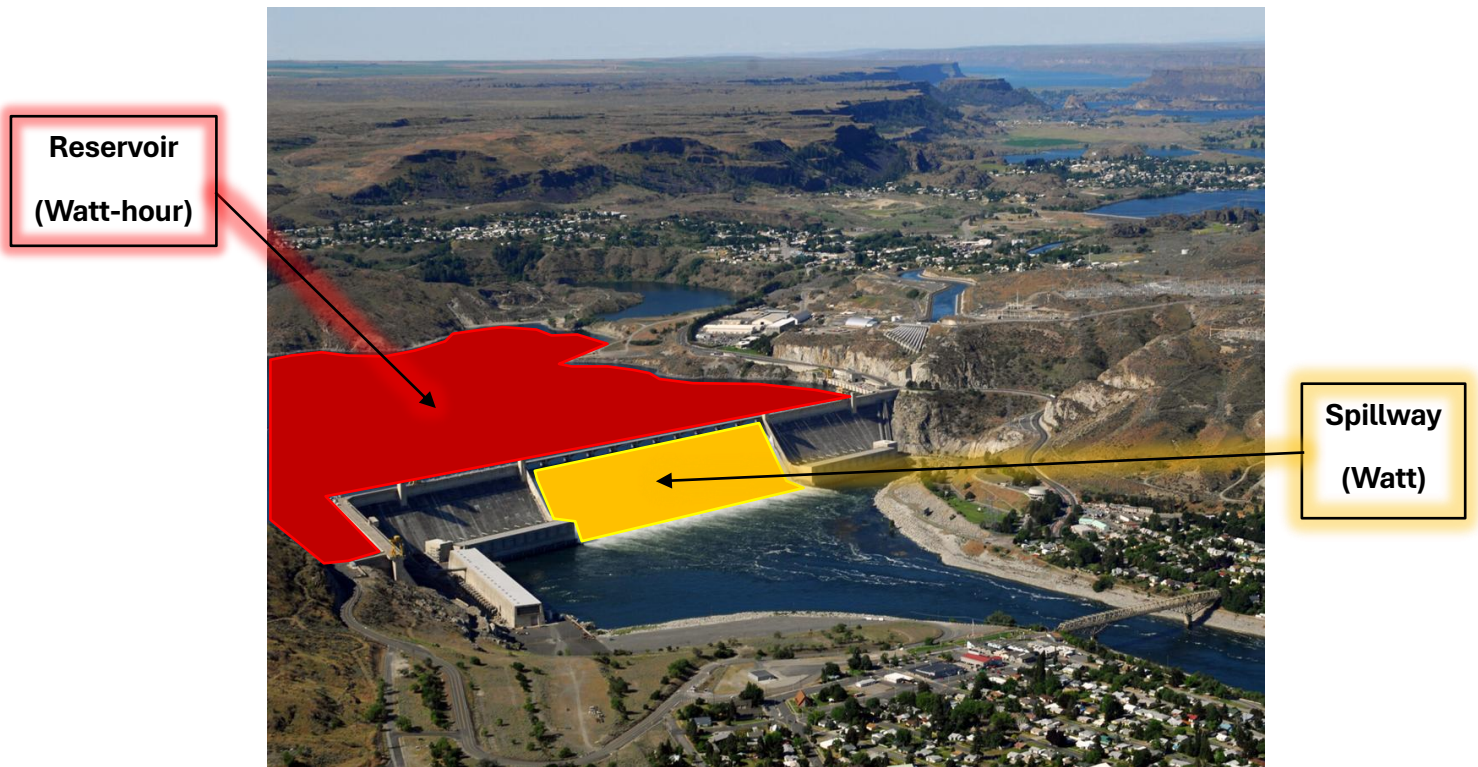


Figure 4 Grand Coulee Dam [comparing watt-hour to a reservoir and watt to the spillway]

Regulatory Breakdown

The regulations that determine the design, siting, construction, and operation are based on several standards including Washington Administrative Code (WAC), the International Building Code (IBC), International Fire Code (IFC), National Fire Protection Association (NFPA), Underwriters Laboratories (UL), and Auburn City Code (ACC).

State Regulations

Chapter 51-54A WAC contains the State building code and its amendments and regulatory information pertaining to electrical energy storage systems. These regulations are proposed to be adopted by reference to Auburn City Code.

As shown in Table 1207.1.1 (Figure 4), the State requires all electrical energy storage systems exceeding the prescribed thresholds to comply with the minimum standards of the section. These are dependant on the type of technology used. The minimum standards of WAC 51-54A-1207 include submitting 1) construction documents, 2) a hazard mitigation analysis, 3) commissioning and decommissioning plans and 4) testing standards, size and separation requirements, and explosion control documents to the permitting jurisdiction.

**TABLE 1207.1.1
Energy Storage System (ESS) Threshold Quantities**

Technology	Energy Capacity^a
Capacitor ESS	3 kWh
Flow batteries ^b	20 kWh
Lead-acid batteries, all types	70 kWh ^c
Lithium-ion batteries	20 kWh
Sodium nickel chloride batteries	70 kWh
Nickel-cadmium batteries (Ni-Cd), Nickel Metal Hydride (Ni-MH), and Nickel Zinc (Ni-Zn) batteries	70 kWh
Nonelectrochemical ESS ^d	70 kWh
Other battery technologies	10 kWh
Other electrochemical ESS technologies	3 kWh
Zinc manganese dioxide batteries (Zn-MnO ₂)	70 kWh

For SI: 1 kilowatt-hour = 3.6 megajoules.

^a Energy capacity is the total energy capable of being stored (nameplate rating), not the usable energy rating. For units rated in amp-hours, kWh shall equal rated voltage times amp-hour rating divided by 1,000.

^b Shall include vanadium, zinc-bromine, polysulfide-bromide and other flowing electrolyte-type technologies.

^c Fifty gallons of lead-acid battery electrolyte shall be considered equivalent to 70 kWh.

^d Covers nonelectrochemical technologies such as flywheel and thermal ESS.

Figure 5 Threshold Quantities Table [a table depicting energy storage capacities in kilowatt hours which trigger state requirements]

II. SUMMARY OF KEY CODE CHANGES

Staff is preparing revisions to Title 18 “Zoning,” to incorporate these changes.

- Chapter 18.04 ACC “Definitions”
- Chapter 18.07 ACC “Residential Zones”
- Chapter 18.23 ACC “Commercial and Industrial Zones”
- Chapter 18.29 ACC “DUC Downtown Urban Center District”
- Chapter 18.31 ACC “Supplemental Development Standards”
- Chapter 18.35 ACC “Special Purpose Zones”

Given that the City is granted the authority to develop regulatory standards, the proposed code will contain the following standards to supplement the regulatory minimums provided by statute.

Threshold Quantities

The capacity thresholds for each tier of BESS are derived from the State’s standards for each type of battery technology (per WAC 51-54A-1207). These are the most used and readily available to the consumer. Table 1207.1.1 (Figure 4) includes specific thresholds to which these standards apply. Additionally, the state has set the precedent to measure the energy storage capacity by watt-hour versus watt. As described in the introduction and background, codes regulating watt-hour are critical to establishing boundaries for the size and scope of BESS.

BESS, Tier I operate in energy capacities of up to the threshold quantities identified in Table 1207.1.1. BESS that are below the threshold quantities for their specific battery chemistry do not

require the applicant to submit additional application materials such as a hazard mitigation plan, commissioning plans, decommissioning plans, and other materials.

This is generally considered sufficient for residential accessory use and is comparable home back up generators. Compliance with the building, electrical, fire, and City codes and UL certification is required.

BESS, Tiers II and III are larger in scale and surpass the threshold quantities listed in Table 1207.1.1. As a result State law requires the proponent of the project to meet the minimum requirements of WAC 51-54A-1207. The proposed City Code intends to adopt by reference each of these standards and as amended to ensure any development is regulated by the latest available standards.

Permitted Zoning Districts

Figure 5 depicts the land use approval process for each Tier of BESS.

BESS, Tier I is permitted in most zoning districts.

BESS, Tier II is allowed in the high density residential and commercial zones with exception of the R-F zone. This tier would be allowed through the administrative use permit process contained in Chapter 18.64 ACC.

BESS, Tier III is limited to the City's highest intensity zones. This tier would be allowed as an administrative or conditional use process contained in Chapter 18.64 ACC.

Figure 6 Land Use Approval Process

Zoning District	BESS, Tier I	BESS, Tier II	BESS, Tier III
RC	P	X	X
R-1	P	X	X
R-2	P	X	X
R-3	P	A	X
R-4	P	A	X
R-NM	P	A	X
R-F	P	X	X
C-1	P	A	X
C-2	P	A	C
C-AG	P	A	X
M-1	P	A	A
M-2	P	A	A
P-1	P	A	X
I	P	A	X
OS	P	A	X
DUC	P	A	X

***P = Permitted, A = Administrative Review, C = Conditional Review**

III. TEXT AMENDMENT

Draft text amendments are shown by strikeout/underline and are attached to this memo as Attachments 2 through 6.

IV. STAFF REQUEST

Staff requests Planning Commission to review the items listed in the memo and corresponding attachments.

V. ATTACHMENTS

- (1) Presentation
- (2) ACC 18.04.174 Text Amendment
- (3) ACC 18.07.020 Text Amendment
- (4) ACC 18.23.030 Text Amendment
- (5) Chapter 18.29 ACC Text Amendment
- (6) ACC 18.35.030 Text Amendment
- (7) PSE Response

VI. GLOSSARY OF KEY TERMS

- (1) **Battery Energy Storage System (BESS)**
A system of rechargeable batteries that stores electricity for later use. BESS improves grid stability, captures excess renewable energy, and provides backup power for homes, businesses, and essential facilities.
- (2) **International Building Code (IBC)**
Guidelines and requirements for the design, construction, and maintenance of buildings. Aiming to protect the health, safety, and well-being of the occupants and the surrounding community.
- (3) **International Fire Code (IFC)**
A set of regulations designed to safeguard life and property from fire and explosion hazards. It covers various topics including emergency planning, fire department access, automatic sprinkler systems, fire alarm systems, and the storage and use of hazardous materials.
- (4) **Kilowatt Hour (kWh)**
A unit of energy that represents the amount of electricity generated or consumed over a period of one hour. One kilowatt hour is the equivalent energy to using a 1,000 watt microwave for 1 hour. This is a smaller unit of measurement and is most found on your monthly electrical bill. The average household in the US consumes 30 kWh per day.
- (5) **National Fire Protection Association**
A nonprofit organization dedicated to eliminating death, injury, property damage, and economic loss due to fire, electrical, and related hazards.

(6) Megawatt Hour (MWh)

A unit of energy that represents the amount of electricity generated or consumed over a period of one hour. One Megawatt hour is equal to 1,000 kilowatt hours. The same 1,000-watt microwave could operate for 1 thousand hours or approximately 300 to 1,000 homes for one hour.

(7) Stored Energy Capacity

The total capacity of a BESS in either kilowatt hours or megawatt hours.

(8) Supplemental Development Standards (ACC 18.31)

Citywide development requirements that apply across multiple zones, including screening, siting, landscaping, and safety standards applicable to BESS installations.

(9) WAC 51-54A-1207

Washington State's adopted safety standards for electrical energy storage systems. Including fire protection, hazard mitigation, separation distances, and commissioning requirements.

PLANNING COMMISSION

**ENERGY STORAGE
SYSTEM CODE UPDATE**

**PRESENTED BY
GABRIEL CLARK, PLANNER II
JANUARY 6, 2026**

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

AUBURN
VALUES

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

OBJECTIVE

- Define how BESS are *sized*
- Identify *Tiers and thresholds* of BESS
- Identify *applicable* zoning districts
- Determine appropriate land use *approval*

PROJECT PERMIT DECISIONS

- **Type I: Administrative decisions made by *staff***
- **Type II: Administrative decisions with *public notice***
- **Type III: Quasi-judicial decision by *hearing examiner***

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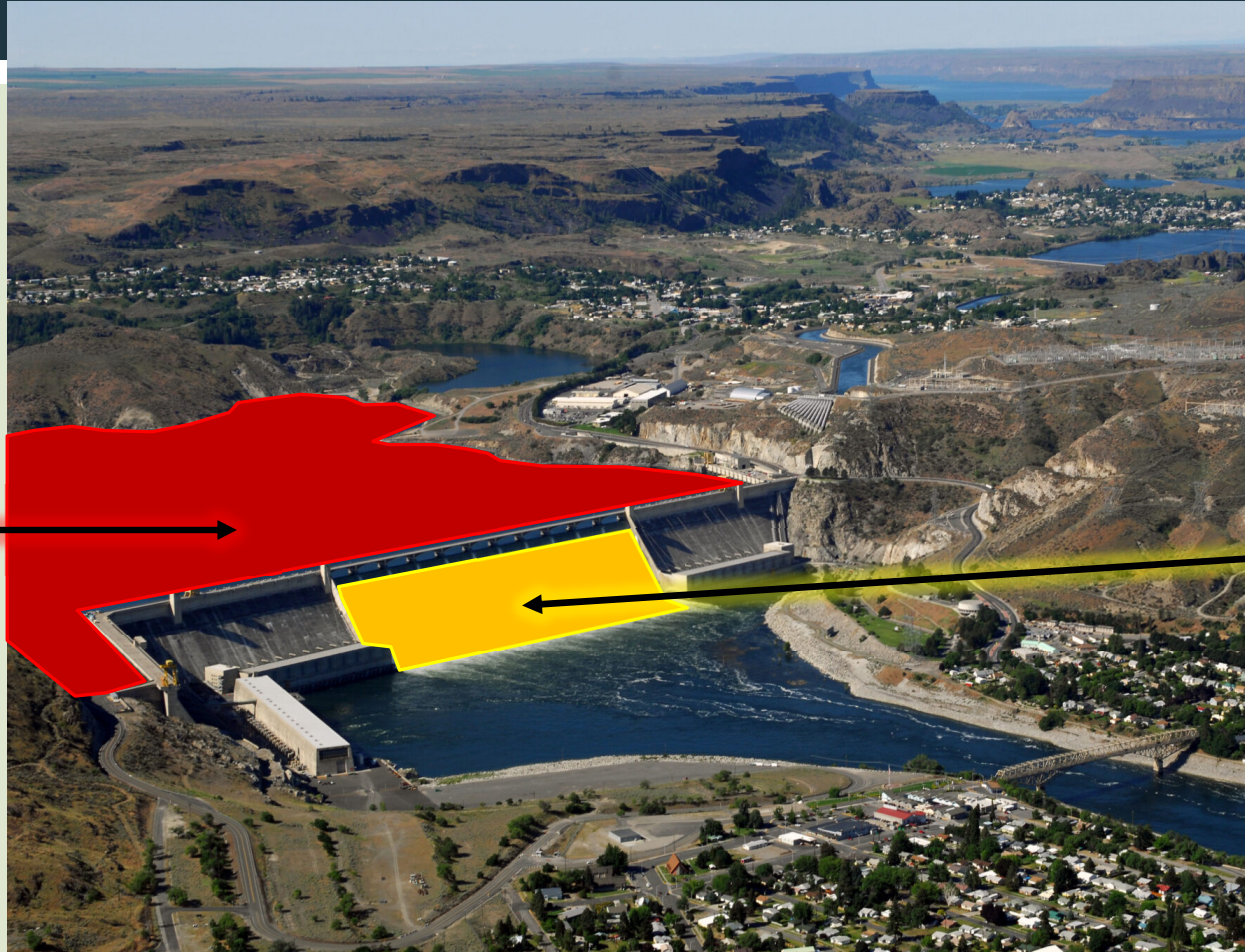
WATTHOUR VERSUS WATT

- Watt-hour – the capacity of energy BESS can store and discharge over time
- Watt – the maximum amount of energy BESS can charge or discharge

WATT-HOUR VERSUS WATT

Reservoir
(Watt-hour)

Spillway
(Watt)



THRESHOLD QUANTITIES

WAC 51-54A-1207

TABLE 1207.1.1
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Other battery technologies	10 kWh
Other electrochemical ESS technologies	3 kWh
Zinc manganese dioxide batteries (Zn-MnO ₂)	70 kWh

For SI: 1 kilowatt-hour = 3.6 megajoules.

^a Energy capacity is the total energy capable of being stored (nameplate rating), not the usable energy rating. For units rated in amp-hours, kWh shall equal rated voltage times amp-hour rating divided by 1,000.

^b Shall include vanadium, zinc-bromine, polysulfide-bromide and other flowing electrolyte-type technologies.

^c Fifty gallons of lead-acid battery electrolyte shall be considered equivalent to 70 kWh.

^d Covers nonelectrochemical technologies such as flywheel and thermal ESS.

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BESS EXAMPLE TIER 1: RESIDENCE

SYSTEM RATING: 10 kW / 20 kWh

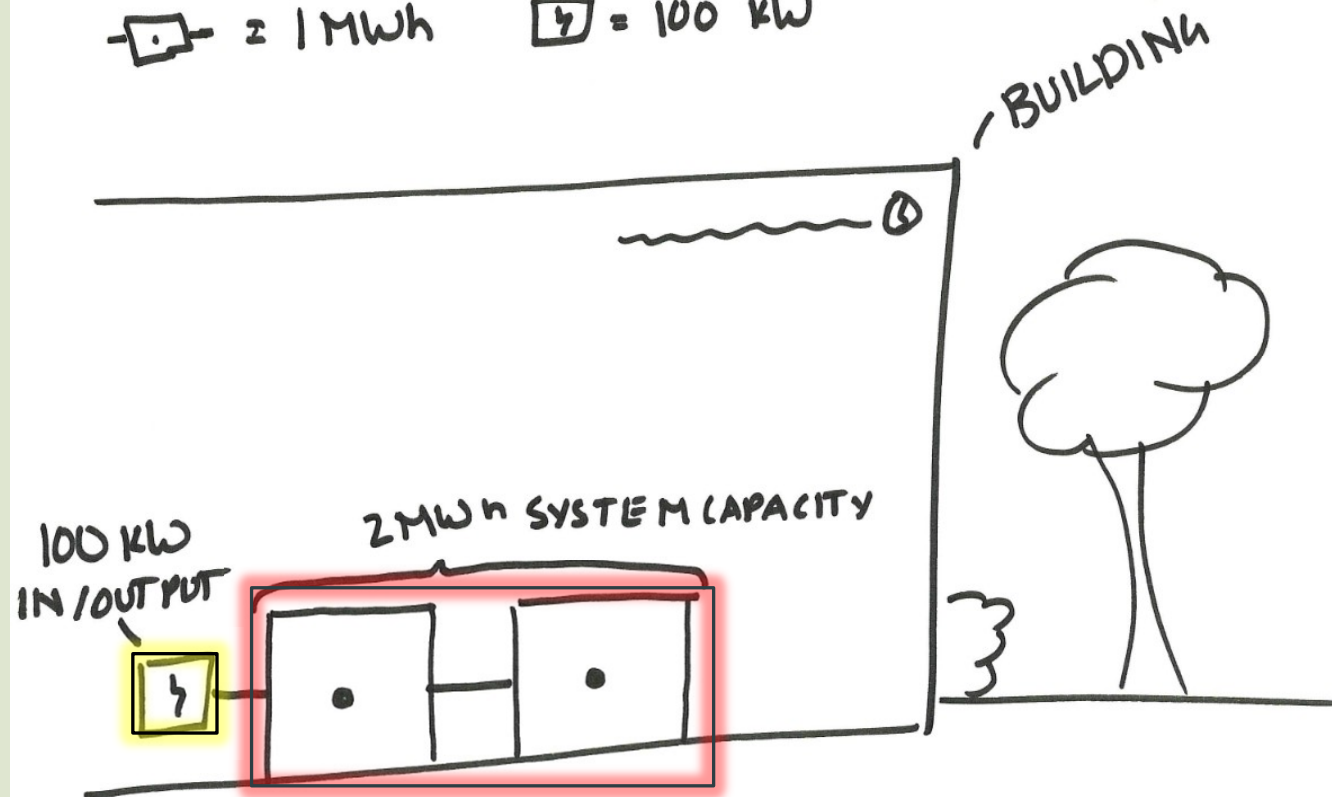
☒ = 10 kWh ☒ = 10 kW



BESS EXAMPLE TIER II: WAREHOUSE

SYSTEM RATING: 100 kW / 2MWh

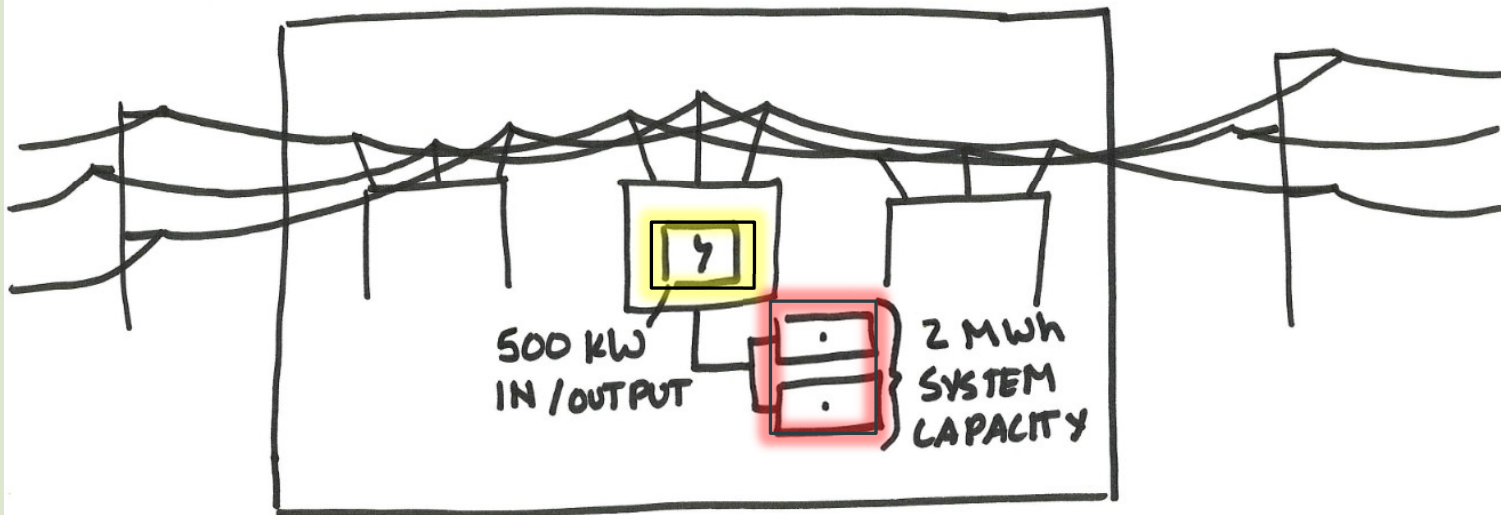
☐ = 1 MWh ☐ = 100 kW



BESS EXAMPLE TIER II: SUBSTATION

SYSTEM RATING: 500 kW / 2 MWh

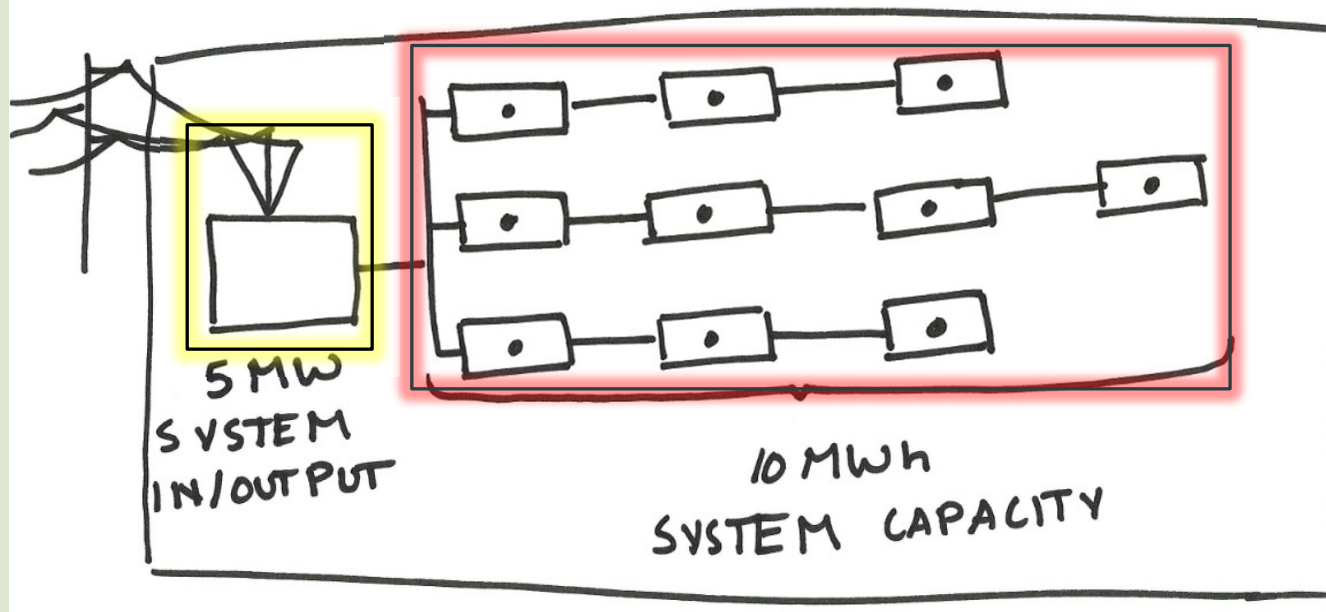
 = 1 MWh  = 500 kW



BESS EXAMPLE TIER III: STAND ALONE

SYSTEM RATING: 5MW / 10 MWh

□ = 1 MWh ▽ = 5 MW



TIER I



- Allowed as a Type I decision
- Stored Energy Capacity limit to Table 1207.1.1
- Accessory to primary use

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TIER II



- Allowed as a Type II decision
- Energy capacity up to 2 MWh
- Restricted to higher intensity land uses

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TIER III



- Allowed as a Type II or Type III decision
- Stored energy capacities in excess of 2 MWh
- Restricted to heavy commercial and industrial land uses

ZONING CLASSIFICATION

RESIDENTIAL

	RC	R-1	R-2	R-3	R-4	R-NM	R-F
Tier I	P	P	P	P	P	P	P
Tier II	X	X	X	A	A	A	X
Tier III	X	X	X	X	X	X	X

ZONING CLASSIFICATION

COMMERCIAL & INDUSTRIAL

	DUC	C-1	C-2	C-AG	M-1	M-2
Tier I	P	P	P	P	P	P
Tier II	A	A	A	A	A	A
Tier III	X	X	C	X	A	A

ZONING CLASSIFICATION – SPECIAL PURPOSE

	P-1	I	OS
Tier I	P	P	P
Tier II	A	A	A
Tier III	X	X	X

QUESTIONS FOR CONSIDERATION

- Does Planning Commission understand the difference between a Watt and a Watt-hour?

QUESTIONS FOR CONSIDERATION

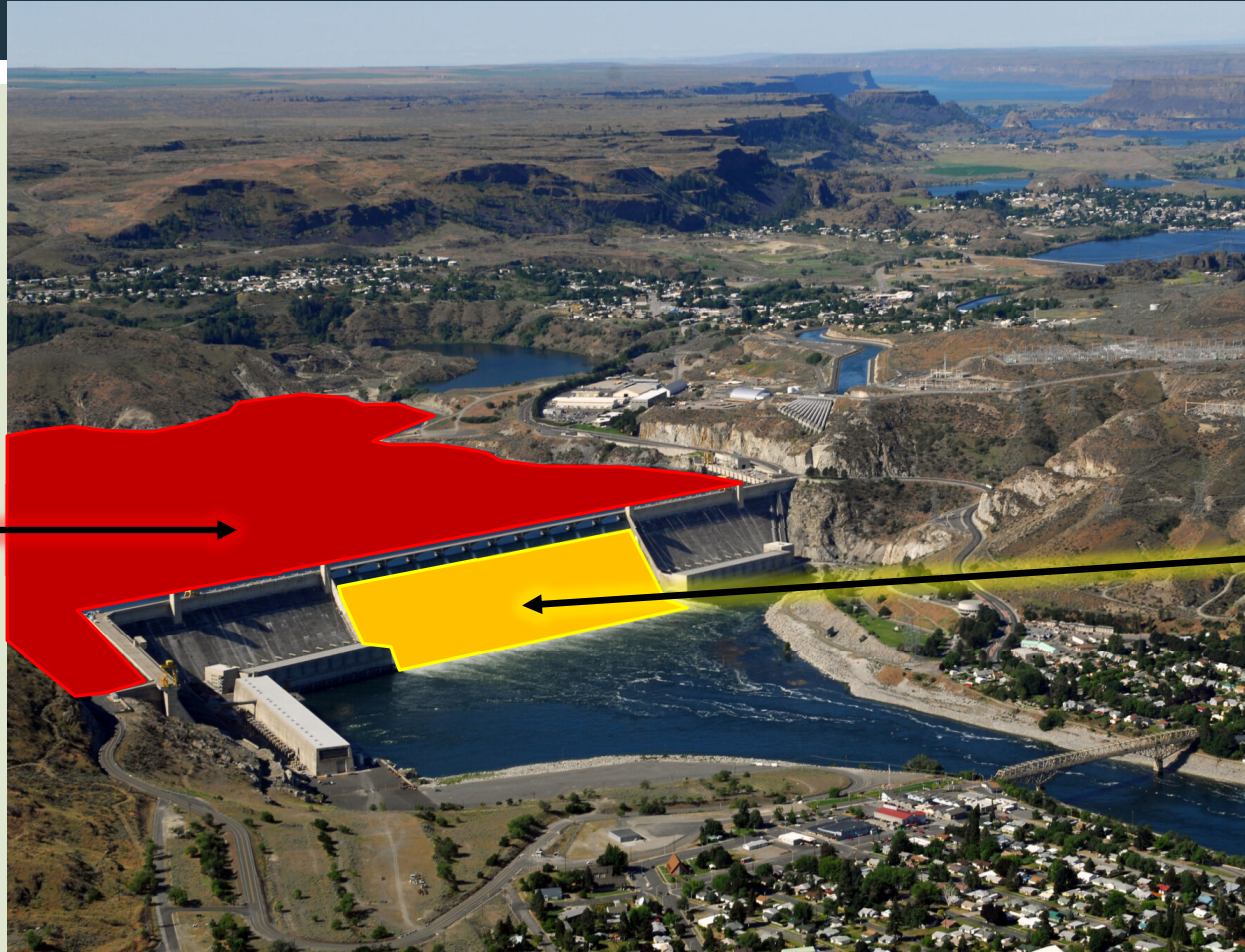
- Does Planning Commission understand the intent to regulate **Watt-hour** versus **Watt?**

WATTHOUR VERSUS WATT

- Watt-hour – the capacity of energy BESS can store and discharge over time
- Watt – the maximum amount of energy BESS can charge or discharge

QUESTIONS FOR CONSIDERATION

**Reservoir
(Watt-hour)**



**Spillway
(Watt)**

QUESTIONS FOR CONSIDERATION

- Does Planning Commission feel comfortable with the recommended zoning classifications and permit project decision types?

OBJECTIVE

- ~~Define how BESS are sized~~ ✓
- ~~Identify *Tiers and thresholds* of BESS~~ ✓
- ~~Determine appropriate land use approval~~ ✓
- ~~Identify *applicable* zoning districts~~ ✓

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PROPOSED TIMELINE

JAN

- Present code to Planning Commission

FEB

- Planned Planning Commission Meeting

MAR

- Planned Public Hearing

APR

- Planned Council Study Session and Action

QUESTIONS?

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

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S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

Chapter 18.04

DEFINITIONS

Sections:

18.04.174 Battery energy storage system (BESS)

18.04.174 Battery energy storage system (BESS)

“Battery energy storage system” means a rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, and associated electrical equipment designed to provide electrical power to a building. The system is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities.

The Auburn City Code is current through Ordinance 7002, passed October 6, 2025.

Disclaimer: The city clerk’s office has the official version of the Auburn City Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.auburnwa.gov](http://www.auburnwa.gov)

[Hosted by General Code.](#)

18.07.020 Uses.**Table 18.07.020. Permitted Use Table – Residential Zones**

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
A. Residential Uses.							
Accessory dwelling units subject to the provisions contained in Chapter 18.32 ACC	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P ¹	P
Apartments (7 units or more)	X	X	X	P ¹¹	P	P	X
Bed and breakfast or short-term rentals	P	P	P	P	P	X	P
Caretaker apartment	X	X	X	X	X	P	X
Communal residence	P	P	P	P	P	X	P
Foster care homes	P	P	P	P	P	X	P
Group residence facilities (7 or more residents)	X	X	X	P	P	P	P
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
Middle housing subject to the provisions in Chapter 18.25 ACC (2 to 6 units)	P	P	P	P	P	P	P

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
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	P	P	P	P	P
Single-unit detached dwellings, new	P	P	P	X	X	X	P
Supportive housing (permanent), subject to the provisions of ACC 18.31.160	P	P	P	P	P	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
Transitional housing	P	P	P	P	P	P	P
B. Commercial Uses.							

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial recreation facility, indoor	X	X	X	X	P	P	X
Commercial retail establishment	X	X	A	A	P	P	A
Convenience store	X	X	X	X	P	P	X
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	P	P	P	P	P	P
Grocery or specialty food store	X	X	X	A	P	P	A
Home-based (or family) daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Marijuana cooperative	X	X	X	X	X	X	X
Marijuana processor	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X
Marijuana-related 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

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
Marijuana transporter business	X	X	X	X	X	X	X
Mixed-use development ³¹⁰	X	X	X	P	P	P	P
Personal service shop	X	X	A	P	P	P	P
Nursing homes	X	X	X	X	C	C	C
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices	X	X	A	A	P ⁹	P	P
Restaurant, café, or coffee shop	X	X	A	A	P	P	A
Neighborhood retail establishment	X	X	A	A	P	P	P
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

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
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

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size ¹²	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size ¹²	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communications facility (see ACC 18.04.912(W) and 18.31.100)	P	P	P	P	P	P	P
Eligible facilities request (EFR) (wireless communications facility – See ACC 18.04.912(H))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵
<u>BEES, Tier I</u>	<u>P¹³</u>	<u>P¹³</u>	<u>P¹³</u>	<u>P¹³</u>	<u>P¹³</u>	<u>P¹³</u>	<u>P¹³</u>
<u>BEES, Tier II</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A¹³</u>	<u>A¹³</u>	<u>A¹³</u>	<u>X</u>
<u>BEES, Tier III</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	P	P

1 An accessory dwelling unit may be permitted with an existing single-unit residence pursuant to Chapter [18.32](#) ACC.

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.

9 As component of mixed-use developments and/or office ground floor uses permitted up to 5,000 square feet.

10 Commercial uses permitted outright, or allowed administratively or conditionally in this table may be allowed as part of mixed-use development.

11 Apartment buildings and mixed-use development consisting of no more than 20 units and three stories per lot is permitted.

12 Reference ACC [18.31.165](#) for standards related to homeless encampments hosted by a religious organization.

13 [Reference ACC 18.31.240 for standards related to Battery Energy Storage Systems \(BESS\).](#)

(Ord. 6977 § 1 (Exh. A), 2025; Ord. 6959 § 1 (Exh. A), 2024; Ord. 6799 § 5 (Exh. E), 2020; 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.)

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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 (Standards for Specific Land Uses) in Table 18.23.030 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.

C. *Uses Affected by the Airport Overlay.* Refer to Chapter [18.38](#) ACC to determine whether uses are separately prohibited by that chapter or will be required to comply with additional regulations that are associated with the airport overlay.

Table 18.23.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones

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-1	C-2	C-AG	M-1	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING						
Building contractor, light	X	P	X	P	P	
Building contractor, heavy	X	X	X	A	P	
Manufacturing, assembling and packaging – Light intensity	X	P	X	P	P	ACC 18.31.180

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-1	C-2	C-AG	M-1	M-2	
Manufacturing, assembling and packaging – Medium intensity	X	A	X	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	C	C	Chapter 18.59 ACC
Marijuana retailer	X	C	X	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	P	X	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	P	P	X	P	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	P	X	P	P	

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-1	C-2	C-AG	M-1	M-2	
Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)	X	P	X	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES						
Commercial recreation facility, indoor	P	P	P	P	A	
Commercial recreation facility, outdoor	X	A	A	P	A	ACC 18.57.025(A)
Conference/convention facility	X	A	X	A	X	
Library, museum	A	A	X	A	X	
Meeting facility, public or private	P	P	X	A	A	
Movie theater, except drive-in	P	P	P	X	X	
Private school – Specialized education/training (for profit)	A	P	P	P	P	
Religious institutions, lot size less than one acre	P	P	A	A	A	ACC 18.31.165
Religious institutions, lot size more than one acre	P	P	A	A	A	ACC 18.31.165
Sexually oriented businesses	X	P	X	P	P	Chapter 18.74 ACC

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-1	C-2	C-AG	M-1	M-2	
Sports and entertainment assembly facility	X	A	X	A	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	A	
RESIDENTIAL						
Apartment units, as part of a mixed-use development ²	X	P	P	P	X	ACC 18.57.030
Apartments, standalone	X	X	X	X	X	
Caretaker apartment	P	P	X	P	P	
Indoor emergency housing or shelter	P	P	P	A	A	ACC 18.31.160
Live/work unit, as part of a mixed-use development ²	X	P	P	P	X	
Live/work unit, standalone ³	X	X	X	X	X	
Work/live unit, as part of a mixed-use development ²	X	P	P	P	X	
Work/live unit, standalone ³	X	X	X	X	X	
Marijuana cooperative	X	X	X	X	X	

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-1	C-2	C-AG	M-1	M-2	
Nursing home, assisted living facility	P	P	C	X	X	
Senior housing ²	X	A	X	X	X	
Supportive housing (permanent)	P	P	P	A	A	ACC 18.31.160
Transitional housing	P	P	P	A	A	ACC 18.31.160
RETAIL						
Building and landscape materials sales	X	P	X	P	P	ACC 18.57.035(A)
Community retail establishment	P	P	P	P	P	
Construction and heavy equipment sales and rental	X	X	X	A	P	
Convenience store	A	P	X	P	P	
Drive-through espresso stands	A	P	A	P	A	
Drive-through facility, including banks and restaurants	A	P	P	P	P	ACC 18.52.040
Entertainment, commercial	A	P	X	A	A	
Groceries, specialty food stores	P	P	P	P	X	

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-1	C-2	C-AG	M-1	M-2	
Neighborhood retail establishment	P	P	P	P	P	
Nursery	X	P	A	P	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	ACC 18.57.035(D)
Regional retail establishment	X	P	P	P	A	
Restaurant, cafe, coffee shop	P	P	P	P	P	
Tasting room	P	P	P	P	P	
Tavern	P	P	P	P	A	
Wine production facility, small craft distillery, small craft brewery	P	P	P	P	P	
SERVICES						
Animal daycare (excluding kennels and animal boarding)	A	P	A	P	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	ACC 18.57.040(B)

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-1	C-2	C-AG	M-1	M-2	
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	
Catering service	P	P	A	P	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	
Equipment rental and leasing	X	P	X	P	P	
Kennel, animal boarding	X	A	X	A	A	ACC 18.57.040(C)
Government facilities; this excludes offices and related uses that are permitted outright	A	A	A	A	A	
Hospital	P	P	X	P	P	
Lodging – Hotel or motel	P	P	P	A	A	
Medical – Dental clinic	P	P	P	P	X	
Mortuary, funeral home, crematorium	P	P	X	P	X	
Personal service shops	P	P	P	P	X	

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-1	C-2	C-AG	M-1	M-2	
Pharmacies	P	P	P	X	X	
Print and copy shop	P	P	P	P	X	
Printing and publishing (of books, newspaper and other printed matter)	A	P	P	P	P	
Professional offices	P	P	P	P	P	
Repair service – Equipment, appliances	A	P	P	P	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	P	P	P	P	X	
Youth community support facility	P	X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Ambulance, taxi, and specialized transportation facility	X	A	X	P	P	
Broadcasting studio	P	P	X	P	P	
Heliport	X	C	X	C	C	
Motor freight terminal ¹	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	P	P	P	P	X	

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-1	C-2	C-AG	M-1	M-2	
Parking facility, public or commercial, structured	P	P	P	P	X	
<u>BESS, Tier I</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>ACC 18.31.240</u>
<u>BESS, Tier II</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>ACC 18.31.240</u>
<u>BESS, Tier III</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>A</u>	<u>A</u>	<u>ACC 18.31.240</u>
Towing storage yard	X	X	X	A	P	ACC <u>18.57.045(A)</u>
Utility transmission or distribution line or substation	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC <u>18.04.912(W)</u>)	*	*	*	*	*	*See ACC <u>18.31.100</u> for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC <u>18.04.912(H)</u>)	P	P	P	P	P	
Small wireless facilities (ACC <u>18.04.912(Q)</u>)	P	P	P	P	P	
VEHICLE SALES AND SERVICES						

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-1	C-2	C-AG	M-1	M-2	
Automobile washes (automatic, full or self-service)	A	P	P	P	P	ACC 18.57.050(A)
Auto parts sales with installation services	A	P	P	P	P	
Auto/vehicle sales and rental	A	P	X	P	P	ACC 18.57.050(B)
Fueling station	A	P	P	P	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	P	X	P	P	
Vehicle services – Repair/body work	X	P	X	P	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	
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	

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 use 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.

3 Any standalone live/work units or standalone work/live units vested prior to the effective date of the ordinance codified in this chapter are outright permitted uses.

(Ord. 6977 § 1 (Exh. A), 2025; Ord. 6959 § 1 (Exh. A), 2024; Ord. 6885 § 1 (Exh. A), 2022; Ord. 6838 § 1 (Exh. A), 2021; Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

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Chapter 18.29

DUC DOWNTOWN URBAN CENTER DISTRICT

Sections:

18.29.050 **Use limitations.**

18.29.053 **Uses/activities requiring an administrative use permit.**

18.29.050 Use limitations.

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

- A. Sexually oriented businesses as defined in Chapter [18.74](#) ACC.
- B. All industrial uses as defined in the North American Industrial Classification System (2022 Edition), categories 48 through 49 (transportation), 31 through 33 (manufacturing) and 42 (wholesale trade).
- C. Outdoor storage of materials and equipment (except during active construction projects).
- D. New automobile maintenance and repair businesses.
- E. Work release facilities; secure community transition facilities.
- F. Wrecking yards.
- G. Solid waste transfer stations.
- H. Car washes.
- I. New gasoline stations.
- J. Street-level ministorage.
- K. Outdoor sales of vehicles, boats or equipment.

- L. Drive-in/drive-through facilities with direct vehicular driveway access onto Main Street.
- M. All marijuana-related businesses and marijuana cooperatives.
- N. New single-unit detached dwellings; except for DUC neighborhood residential district.

O. BESS, Tier III.

PQ. Other uses may be prohibited by the director if the use is determined to be inconsistent with the intent of this zone or is of the same general character of the other prohibited uses listed in this section. (Ord. 6959 § 1 (Exh. A), 2024; Ord. 6642 § 10, 2017; Ord. 6071 § 6 (Exh. A), 2007.)

18.29.053 Uses/activities requiring an administrative use permit.

The following uses/activities may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter [18.64](#) ACC:

- A. Expansions of existing automobile maintenance and repair businesses;
- B. Expansions of existing gasoline stations;
- C. Animal daycare businesses that feature outdoor exercise areas and/or kennels;
- D. Wine production facility; small craft distillery; small craft brewery; and a tasting room is an outright allowed use in the DUC zone;

E. BESS, Tier II² (Ord. 6368 § 8, 2011; Ord. 6269 § 32, 2009.)

2 BESS, Tier II shall comply with the supplemental standards contained in ACC 18.31.240.

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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 (Standards for Specific Land Uses) in Table 18.35.030 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
	P-1	I	OS	
MARIJUANA-RELATED BUSINESSES				
Marijuana processor	X	X	X	
Marijuana producer	X	X 18.	X	
Marijuana researcher	X	X	X	
Marijuana retailer	X	X	X	
Marijuana transporter business	X	X	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone				P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations			Standards for Specific Land Uses
	P-1	I	OS	
PUBLIC				
Animal shelter, public	P	X	X	
Government facilities; this excludes offices and related uses that are permitted outright	P	P	C	
Municipal parks and playgrounds	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY				
Campgrounds	X	P	P	
Recreational vehicle parks, private	X	P	X	
Cemetery, public	P	A	X	
Cemetery, private	X	A	X	
College, university, public	A	A	X	
Commercial recreation facility – Indoor	X	P	X	
Commercial recreation facility – Outdoor	X	A	C	ACC 18.57.025(A)
Conference/convention facility	X	A	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone				P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations			Standards for Specific Land Uses
	P-1	I	OS	
Library, museum	P	P	A	
Meeting facility, public or private	P	P	A	
Private school – specialized education/training (for profit)	X	P	X	
Public schools (K-12) and related facilities	P	X	X	
Religious institutions, lot size less than one acre	X	P	X	
Religious institutions, lot size more than one acre	X	P	X	
Studio – Art, dance, martial arts, music, etc.	X	X	X	
RESIDENTIAL				
Middle housing subject to the provisions in Chapter 18.25 ACC (2 to 6 units)	X	A ¹	X	
Home occupation	X	P	P	Chapter 18.60 ACC
Live/work, work/live unit	X	A	X	
Apartments (7 or more units)	X	A ²	X	
One single-unit detached dwelling	X	X	P ⁴	

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
	P-1	I	OS	
Nursing home, assisted living facility	X	P	X	
Senior housing	X	A	X	
RETAIL				
Marijuana cooperative	X	X	X	
Restaurant, cafe, coffee shop, excluding drive-through facilities	P	A	X	
SERVICES				
Banking and related financial institutions, excluding drive-through facilities ³	X	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	X	P	A	
Home-based daycare	X	P	P	
Medical services – Clinic or urgent care ³	X	X	X	
Mortuary, funeral home, crematorium	X	X	X	
Professional offices	X	A	A	

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
	P-1	I	OS	
Personal service shops	X	X	X	
Pharmacies	X	X	X	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE				
<u>BESS, Tier I</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See ACC 18.31.240</u>
<u>BESS, Tier II</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See ACC 18.31.240</u>
<u>BESS, Tier III</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>See ACC 18.31.240</u>
Utility facilities, substations, utility transmission or distribution line	X	X	A	See ACC 18.02.040(E)
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (Wireless communications facility) (See ACC 18.04.912(H))	P	P	P	
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	

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
	P-1	I	OS	
Emergency wireless communications facility (EWCF)	X	P	X	See ACC 18.04.912 and 18.31.100
OTHER USES THAT ARE NOT LISTED				
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted	P	P	P	

Notes:

- 1** Minimum lot area not applicable; duplexes must meet other development standards of the I zone.
- 2** Minimum lot area not applicable; apartments must meet other development standards of the I zone, dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.
- 3** 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.
- 4** One single-unit detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

(Ord. 6959 § 1 (Exh. A), 2024; Ord. 6894 § 1 (Exh. B), 2022; Ord. 6799 § 9 (Exh. I), 2020; Ord. 6716 § 1 (Exh. A), 2019; Ord. 6677 § 3, 2018; Ord. 6642 § 11, 2017; Ord. 6434 § 1, 2012.)

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Battery Energy Storage: Commitment to Safety & Reliability

Safe & Reliable by Design

Safety is fundamental to all parts of our electric system, including battery energy storage facilities. Battery energy storage technologies are built to enhance electric grid security and reliability, performing during critical high stress periods, and delivering power to the grid during blizzards or heat waves. Battery energy storage technologies are critical to providing the electricity that keeps our lights on, our home appliances running, our homes air conditioned and heated, and our businesses operating.



Photo credit: Tesla

Soldotna, Alaska: Homer Electric installed 46 MW Tesla Megapack system to increase energy capacity along Alaska's rural Kenai Peninsula, providing support to gas turbines and helping to prevent outages.

Battery Energy Storage is the Swiss Army Knife of the Power Grid

Batteries are present in every part of our lives, from mobile phones to watches and laptops – even toothbrushes and lawn mowers. Grid-scale battery energy storage incorporate the same core technology as the batteries that power the phone in your pocket, but at a larger scale and with its own unique set of safety standards certifications and regulations. The power grid resources we rely on are all built to meet safety requirements outlined in our National Electrical Code and detailed in electrical and fire codes.

Battery energy storage facilities are built with expert-certified batteries and specially engineered enclosures, and are designed to meet the nation's most rigorous and extensive safety standards. Grid-scale battery energy storage facilities serve as the Swiss Army knife of the grid, playing various roles to keep the lights on and keep costs low for families and businesses. Battery energy storage will continue to be an essential technology for strengthening America's energy and economic security.



Photo credit: Fluence

A Blueprint for Safety: Tested, Vetted, & Certified Batteries & Equipment

Battery energy storage technologies are designed to meet and exceed qualification standards. These systems are tested and vetted, certified, and ultimately built to comply with the nation's leading safety standard. **The U.S. battery energy storage industry uses a suite of important certifications and standards that guide the safe design, installation, and operation** of battery energy storage facilities. These documents are regularly updated based on the advice, applied lessons, and research from leading safety experts, fire professionals, fire protection engineers, and scientists. These standards help ensure that battery energy storage facilities are able to perform the role perform their roles as designed, ensuring the electric grid is stable, affordable, and reliable for American communities and businesses.

Certified Batteries

UL 1973 and UL 9540 are critical safety standards that ensure battery energy storage systems operate reliably and securely. UL 1973 certifies the safety and performance of battery cells, modules, and packs, evaluating their ability to withstand thermal runaway, mechanical stress, and electrical faults.

Proven Battery Packs & Systems

The UL 9540 certification builds on this by evaluating the entire battery energy storage system, verifying that it meets rigorous fire, electrical, and functional safety requirements. Together, these standards provide a robust framework that minimizes risks, protects facilities and communities, and instills confidence in the safety of battery energy storage technology.



Battery energy storage systems under UL 9540A undergo thorough testing to ensure that, in the rare case of a fire, the fire will be contained within a single unit located within the secure facility site. These **large-scale fire tests** ensure battery enclosures are designed and installed so that any incidents that do happen are contained and don't spread to other units.

Photo credit: Powin

The UL 9540A test evaluates thermal runaway propagation risks in battery energy storage systems by assessing how battery cells, modules, and packs react to overheating, mechanical damage, or electrical abuse. Conducted at the cell, module, unit, and system levels, this test helps determine fire safety and supports implementation of effective mitigation strategies.

At the unit level, systems include a variety of advanced safety features designed to mitigate and eliminate hazards.

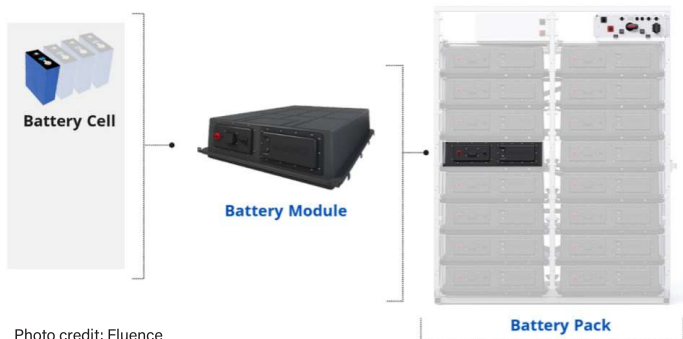
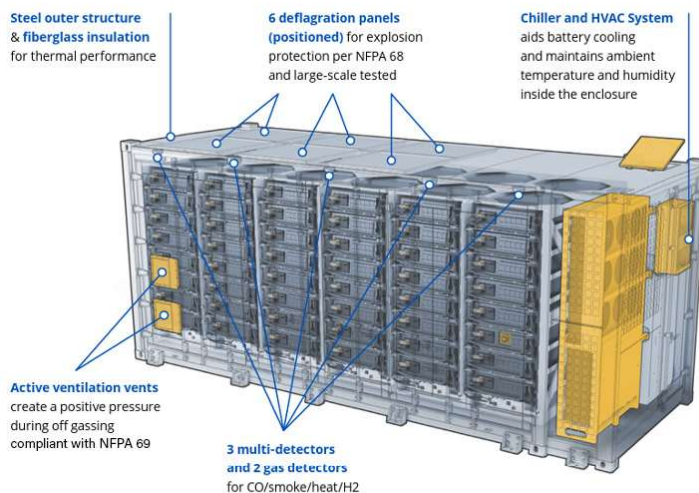


Photo credit: Fluence

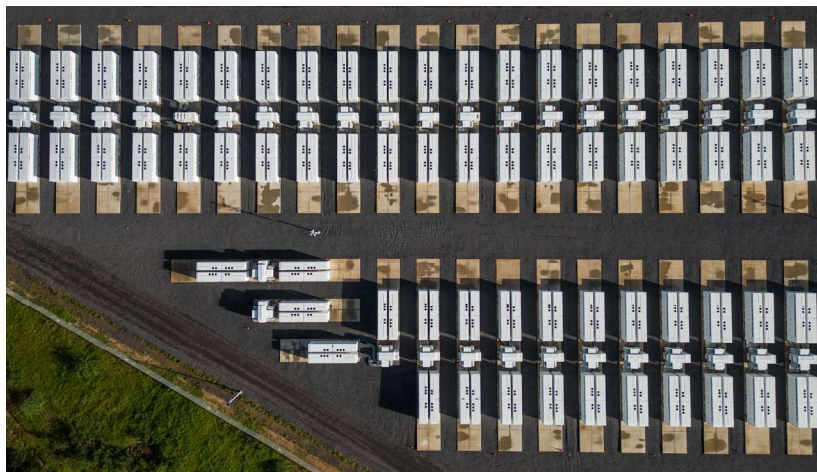


“Regulators and policymakers should be aware of required codes and standards, because those must be incorporated into local regulations. NFPA 855 requires all battery energy storage systems be listed to UL 9540, a standard that incorporates the entire system: the enclosure, the communications, the HVAC...a whole systems approach.”

Kara Gerczynski, Division Chief, Fire Prevention and Administration, The Elizabeth (CO) Fire Protection District

A Blueprint for Safety: Battery Energy Storage Projects are Built to Exceed the Most Rigorous Safety Standards

As the premier national standard for battery energy storage safety, NFPA 855 guides the collaboration between the battery energy storage industry and firefighters to maximize the safe and reliable performance of battery energy storage as critical grid infrastructure. **NFPA 855 provides mandatory requirements** for the design, installation, commissioning, operation, maintenance, and decommissioning of battery energy storage facilities, distinguished by battery energy storage technology



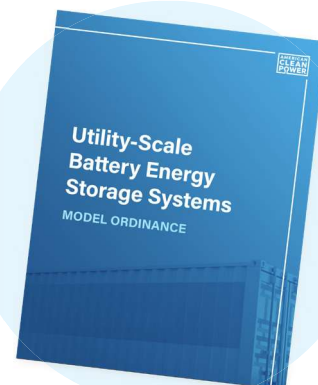
In addition to requiring tested and certified batteries and equipment, NFPA 855 includes standards for metrics such as maximum energy and spacing between units and lists several submittals that must be made to the regulating governmental entity, including a hazard mitigation analysis (HMA), an emergency response plan (ERP), and details of all the safety features in the system.

Plus Power's Kapolei Energy Storage Facility on Oahu, Hawai'i

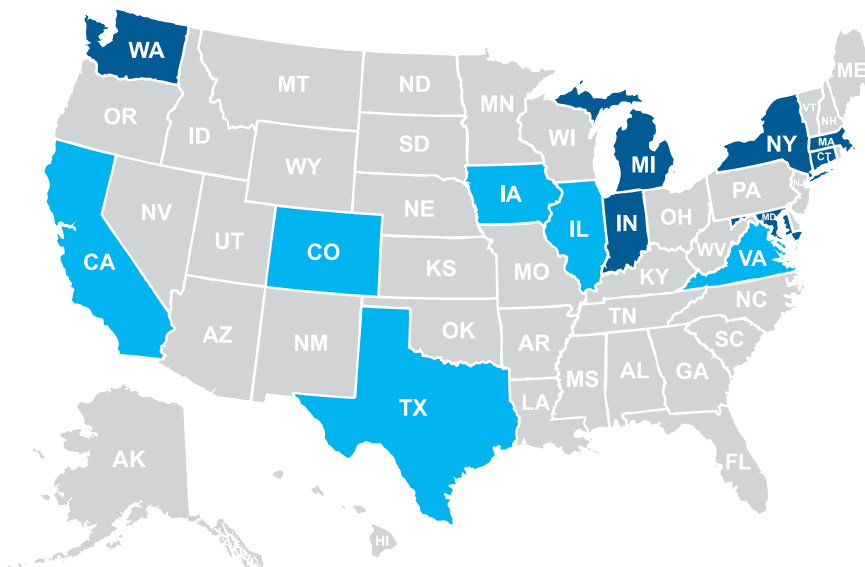
Photo credit: Plus Power

Industry is Advancing Safety Standards Across the United States

The battery energy storage industry advocates for the adoption and enforcement of the latest and most rigorous safety standards. The industry has worked to **incorporate NFPA 855 as a requirement for permitting battery energy storage projects in states** like Indiana and Maryland — and continues to advocate for the latest safety standards in states like California, Texas, Illinois, and Virginia. Uniform adoption of the nation's most rigorous safety standards across jurisdictions ensures that across the United States, regardless of the community or the state, the most vetted and trusted safety strategies, designs, and equipment are used to guide battery energy storage deployment. To support state and local governments, the battery energy storage industry has developed an **NFPA 855-centered model ordinance** that can serve as the basis for new or updated permitting rules.



The battery energy storage industry has worked in partnership with fire officials and state governments to adopt NFPA 855, ensuring all battery energy storage facilities are held to the highest standards. The industry continues to work with state policymakers across the country to update safety rules, including mandatory initial and annual refresher training for first responders.



Adopted NFPA 855 Provisions

Pending Safety Policy Changes

Battery Energy Storage Facilities are Built to be Good Neighbors

Fire-related incidents at battery energy storage facilities are incredibly rare. There have been 23 incidents in the last 10 years at U.S. operating battery energy storage facilities. This coincides with battery energy storage deployment growth of more than 25,000% since 2018. Past incidents demonstrate that fires are contained within the facility, and air quality in neighboring areas remains at safe levels. Compared to the 23 reported incidents at battery energy storage facilities, NFPA estimates that there were more than 210,000 fuel-based vehicle fire incidents in 2023 alone. While any risk of fire raises legitimate community concerns, there has never been a fire incident at a battery energy storage facility that has spread beyond the secure site of the grid-scale facility.

Air and water quality monitoring and testing for all historical fires at grid-scale battery energy storage facilities have found no risk to public health, neighboring properties, or the surrounding community. A survey of all official investigations, testing, and monitoring results at fire incidents across the country has shown that there has been no demonstrated risk to neighboring properties or the broader community as a result of a battery energy storage fire. Laboratory testing of emissions from Li-ion cells in thermal runaway shows that emissions are similar to those found in plastics or couch fires – largely analogous to a car that has caught fire on a highway. During an ESS battery fire, only trace amounts of chemicals are detected in expert sampling and analysis around the event, and overall air quality remains at safe levels.



Photo credit: Enel

23

The the number of **reported safety incidents** that have occurred at operating grid-scale battery energy storage facilities in the United States over the last decade. There are thousands of facilities operating across the United States and as deployment has grown by more than 25,000% since 2018, incidents have remained incredibly rare.

0

There have been **no recorded instances** where a battery energy storage fire or safety incident has caused air emissions that pose a health risk to the community. All historical official monitoring and investigations have found that emissions from fires at NFPA compliant facilities do not pose a hazard to communities. While even campfires can create emissions with risks, battery energy storage facilities are designed to contain any impacts to the secure facility site.

Partnering with Fire Departments & Emergency Responders

Battery energy storage companies work with local fire departments and first responders to share information about risks, response plans, and safety measures related to battery energy storage technologies. Every battery energy storage facility maintains a safety plan and emergency response plan tailored to the unique project, developed in collaboration with local fire officials. The industry is committed to providing high quality and regular training for first responders and fire department personnel to ensure that in the rare event of an incident, there is a shared plan for coordinating response that puts the safety of personnel first.



“I really believe the industry is growing in a positive way right now—we’re learning more, we’re gaining knowledge, we’re looking at other agencies that have understanding of how to regulate these systems, as well as involving the developers and operators early in the process.”

Capt. Michael Nicholas, Former Captain, Kern County Fire Department, Bakersfield CA

Applying Lessons Learned: A Commitment to a Safe Future

The battery energy storage industry is committed to applying lessons learned and preventing future safety incidents, however rare they may be. With transparency and a commitment to a safe and reliable energy future in America, below are takeaways from two anomalous safety incidents that have occurred at grid-scale battery energy storage facilities.

McMicken – Surprise, Arizona	Phase 1 – Moss Landing, California
The Safety Incident: On April 19, 2019, a significant fire incident occurred at the McMicken Battery Energy Storage System in Surprise, Arizona. Lack of proper ventilation led to a buildup of gases. First responders opened the enclosure door, introducing oxygen that allowed the accumulated gases to ignite the accumulated gases, resulting in an explosion that injured several firefighters. This has been the only U.S. grid-scale battery storage incident resulting in reported injuries.	The Safety Incident: In January 2025, a significant fire event occurred at the Moss Landing Power Plant in California. The fire, which destroyed most of a 300-MW battery array, was contained within the facility, and no injuries were reported. This fire represents the largest safety event at a grid-scale battery energy storage facility, largely due to its placement in a 75-year-old gas turbine facility not originally built to house modern battery energy storage system. While the investigation into the root cause and its impacts are still ongoing, air emissions monitoring and water testing has shown that there is no risk to public health or the surrounding community.
Action Taken: explosion prevention was a top priority integrated into the 2023 updates to NFPA 855. Since the McMicken event, there have been no subsequent injuries to responding fire or emergency personnel at a U.S. battery energy storage facility.	Action Taken: industrial and utility-scale battery energy storage facilities should not be sited in buildings or enclosures that were not specifically designed to safely house them. The newest edition of NFPA 855, to be finalized and published in 2025, eliminates the possibility of facilities being built without proper large-scale fire testing, which would prevent the scale and impact of a fire like this from happening again.
 “ There are a lot of requirements that have evolved through NFPA 855 off of the lessons learned at McMicken. These requirements have made it so that you’re not going to have explosions or the incident like at McMicken. The worst case scenario is that you have one container burn up and not propagate to the next container. It’s a whole different game now.” Bobby Ruiz, Former Fire Chief, Peoria, AZ, Former Assistant Fire Chief, Phoenix AZ, Project Director – Hiller Company, Phoenix AZ	Under the large-scale fire testing required in the latest edition of NFPA 855, facilities would be required to compartmentalize units in a way that would eliminate the possibility of the large-scale burn seen at Moss Landing. The fire event at Moss Landing was 240 times larger than what would be seen in a single unit fire at a standard 5 MWh containerized unit. The Moss Landing incident is an anomaly that the industry is committed to preventing from ever happening again. The battery energy storage industry has proposed <u>policy recommendations</u> for the State of California to take up to ensure the safety of all currently operating and future battery energy storage systems. This includes requiring facilities comply with the most up-to-date edition of NFPA 855 and that older facilities review and correct any outdated features.

Ensuring a Safe & Reliable Future

Policy Considerations for State & Local Governments

Safety is the first and foremost priority for our community of battery energy storage manufacturers, developers, and operators. The battery energy storage industry is committed to working with state and local agencies to address concerns raised by the Moss Landing incident and promote safety at all battery energy storage system facilities. To that end, the battery energy storage community has **published policy recommendations for state and local communities** to consider to maximize the safety of all future and operating battery energy storage facilities.

Although the scale and impact of the Moss Landing incident was an anomaly, a proactive and comprehensive response is needed to ensure the implementation of appropriate and effective safety solutions at all existing and future battery energy storage facilities. The industry supports the speedy implementation of the latest edition of NFPA 855 to minimize both the likelihood of future incidents and the risks to communities and first responders if they do occur. The following policy provisions were developed as recommendations for California policymakers.

1

ENSURING SAFETY AT ALL NEW BATTERY ENERGY STORAGE FACILITIES

The battery energy storage industry actively promotes the adoption and enforcement of the latest national fire safety standards. The industry has supported the integration or adoption of National Fire Protection Association (NFPA) Standard 855 (Standard for the Installation of Stationary Energy Storage Systems) in nearly a dozen states and continues to support policymakers in their effort to establish uniform best practices. **Adopting and enforcing the latest edition of NFPA 855 is the best approach to ensure safety at all future battery energy storage facilities.**

2

ADVANCING SAFETY ACROSS OPERATING BATTERY ENERGY STORAGE FACILITIES

The energy storage industry is committed to working with state and local officials to review the existing fleet of battery energy storage facilities across California for potential safety risks and to take necessary corrective actions.

These actions include 1) **inspecting** certain facilities built prior to NFPA 855 adoption, 2) conducting **hazard mitigation analysis**, 3) consider the use of **fire barriers** or engineered solutions to meet **large-scale fire testing requirements**, 4) and ensuring all facilities have **emergency response plans**.

3

PARTNERING WITH COMMUNITIES & FIRE OFFICIALS

In addition to promoting the use of best practices and the latest safety features and strategies, the energy storage industry is committed to engaging local communities and fire officials to ensure their specific safety concerns and needs are addressed. The industry works with fire officials on **safety planning** and stands ready to partner with the state to continuously improve safety practices, inform **siting and permitting** processes, and provide educational support and **training** to state and local personnel.



Photo credit: LG Energy Solution Vertech