



PLANNING COMMISSION MEETING

October 2, 2012
SPECIAL WORK SESSION AND MEETING AGENDA

SPECIAL WORK SESSION – 6:30 - 7:00 p.m., Council Chambers

- I. **ZOA12-0007 – Proposed amendments to Title 18 - Zoning, of the Auburn City Code related to non-residential zones (Code Update Project – Phase 2 - Group 2)**
Staff Planner: Stuart Wagner, Planner
Summary: Review of proposed amendments to Title 18 – Zoning, of the Auburn City Code related to non-residential zones.

- II. **ADJOURNMENT**

REGULAR MEETING – 7:00 p.m., Council Chambers

- I. **CALL TO ORDER**

- II. **APPROVAL OF MINUTES**
 - A. **September 5, 2012**

- III. **PUBLIC COMMENT**
Comment from the audience on any item not listed on the agenda for discussion or public hearing.

- IV. **PLANNING DEPARTMENT REPORT**
Update on Planning and Development Department activities.

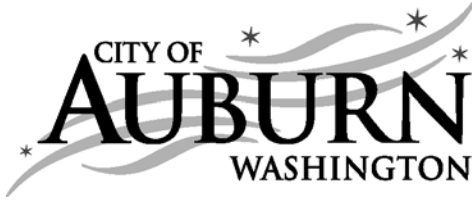
- V. **PUBLIC HEARINGS**
 - A. **ZOA12-0007 – Proposed amendments to Title 18 – Zoning, of the Auburn City Code related to non-residential zones (Code Update Project – Phase 2 – Group 2)* (Wagner)**
Summary: Review of proposed amendments to Title 18 – Zoning, of the Auburn City Code related to non-residential zones.

- VI. **OTHER BUSINESS**
 - A. **Wireless Aesthetics Code Update Discussion* (Taylor)**
Summary: Discuss potential code updates to address aesthetic design for wireless communication facilities.

- VII. **ADJOURNMENT**

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

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



Memorandum

To: Judi Roland, Chair, Planning Commission
Kevin Chapman, Vice Chair, Planning Commission
Planning Commission Members

From: Stuart Wagner, AICP, Planner
Planning and Development Department

CC: Kevin Snyder, AICP, Planning and Development Director
Elizabeth Chamberlain, AICP, Planning Manager

Date: September 21, 2012

Re: Special Meeting - Code Update Project – Phase II– 2nd Grouping
Third review of new code sections for non-residential zones

Background

On September 5, 2012 staff presented the Code Update Project Phase 2, Group 2 zoning code text amendments to the Planning Commission. At that meeting the Planning Commission went over the new definitions and Chapters that would be added to Title 18 – Zoning. Following the review of the proposed amendments, the Commissioners had several suggestions to staff. Staff has taken those suggestions and modified the proposed text amendments in the following manner:

Discussion

Chapter 18.04 – Definitions

The definitions for “building contractor services” and “construction contractor services” were too similar to one another. In order to bring clarity to these businesses staff is proposing to change them to:

18.04.194 Building contractor, heavy.

“Building contractor, heavy” means businesses relating to the heavy construction trades including but not limited to; excavation work, highway and street construction; heavy construction, masonry and concrete work and water well drilling. These types of businesses generally have heavy equipment that may be stored outside.

18.04.195 Building contractor, light.

“Building contractor, light” means businesses relating to the building trades including but not limited to: plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; carpentry and flooring; roofing and sheet metal.

This change is also reflected in the land use table for Commercial and Industrial Zones:

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P - Permitted A – Administrative	C - Conditional X - Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses	
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2		

INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING

Building contractor, light	X	X	X	P	X	P	X	P	
Construction contractor, heavy	X	X	X	X	X	A	X	P	

Chapter 18.57 – Standards for Specific Land Uses

The supplemental standards for “commercial recreational facilities, outdoor” particularly the standard requiring a facility be setback three hundred (300) feet from an existing residential zone, use or structure may be overly restrictive. It’s possible that some outdoor recreational facilities might not generate excessive noise or impact adjacent residences/uses in a negative way. Reduced setbacks are now possible by the planning director if an acoustic study shows the facility would not exceed maximum noise levels allowed by the Washington Administrative Code (WAC). For those facilities that could have or create a greater noise exposure (i.e. race tracks) staff has added a provision where the planning director may require an acoustic study and impose greater setbacks and mitigation measures.

18.57.025 Recreation, Education and Public Assembly.

A. Commercial recreation facility, outdoor

1. All Zones where permitted

- a. Facility shall not be located within three hundred (300) feet of an existing residential zone. The planning director may allow a reduction in this setback, not to exceed a minimum setback of 50 feet, after review of an acoustic study completed by a licensed professional showing that the facility would not exceed maximum noise levels permissible in identified environments as determined by Chapter 173-60 WAC, as amended.
- b. The planning director may require an acoustic study for any proposed facility which could have or create a noise exposure greater than that deemed acceptable. Upon review of the study, increased setbacks, noise avoidance or mitigation measures may be imposed.
- c. Outdoor speakers and sound amplification shall not be permitted for uses immediately next to residential uses.
- d. Access to such facilities shall be from a public arterial or collector road as defined on the currently adopted City of Auburn Street Functional Classification Map.

Regarding the 15-foot height limitation on stored building supplies and landscaping materials for “building and landscape material sales” land uses, staff has built in some flexibility by allowing increased heights (up to 22 ½ feet) through an administrative variance.

18.57.035 Retail.

A. Building and landscape materials sales

1. All Zones where permitted

- a. *Landscape materials displayed outdoors are limited to plants, soils, gravel, and fertilizer. No soil mixing is allowed.*
- b. *Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way or adjacent residential zone or use and shall not be located in any of the required setbacks.*
- c. *Stored building supplies and landscaping materials shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of Chapter 18.70.015 (A)(2)*

Staff also made the following change to the section on fueling stations to bring clarity to the type of canopies that are being regulated:

18.57.050 Vehicle Sales and Services.

C. Fueling station

1. Other Zones where permitted

- a. *Fueling station canopies shall not exceed 20 feet in height or the height of the principal building, whichever is less;*
- b. *Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors, and roof pitch.*
- c. *Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than 2 inches.*
- d. *All surfaces for exterior building façades or canopies shall be finished to match the surfaces of the principal structure.*

Lastly, the text amendments related to the Hearing Examiner will not be apart of the public hearing on October 2, 2012. Additional edits to this section of code are needed. It is likely that another work session on these amendments will be needed ahead of a public hearing.

Conclusion

In anticipation of the Planning Commission conducting a public hearing on the proposed zoning code text amendments, staff would like to take this opportunity to discuss the proposed code changes.

- 1. Does the Planning Commission have additional questions or comments about the new code sections being proposed?



September 5, 2012

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA. Commission Members present were: Chair Judi Roland, Vice Chair Kevin Chapman, Commissioner Cople, Commissioner Mason, Commissioner Peace, Commissioner Baggett, Commissioner Trout and Commissioner Ramey.

Staff present included: Planning Manager Elizabeth Chamberlain, Principal Planner Jeff Dixon, Planner Stuart Wagner, Financial Analyst Consuelo Rogel, and Planning and Development Support Clerk Bobbie Hodgkinson.

Audience Members Present: Christopher Cushing, Scout Master with B.S.A. Troop 401, and sons Joseph and Tyler.

II. APPROVAL OF MINUTES

A. August 21, 2012

Commissioner Trout moved and Commissioner Peace seconded to approve the minutes from the August 21, 2012 meeting.

MOTION CARRIED UNANIMOUSLY 8-0

III. PUBLIC COMMENT

None provided during this portion of the meeting.

IV. PLANNING DEPARTMENT REPORT

Planning Manager Elizabeth Chamberlain stated that since updating the Commission two weeks ago on recent activities, nothing has changed. In response to questions from the Commission, Ms. Chamberlain confirmed that the commercial laundry facility that provides services for area hospitals broke ground last week, and the original estimated construction schedule was 9 to 11 months. Ms. Chamberlain also responded that there is nothing new to report on the Cavanaugh property.

V. PUBLIC HEARINGS

There were no Public Hearings scheduled.

VI. OTHER BUSINESS

A. Code Update Project – Phase II, Group 2 (Wagner)

Planner Wagner provided a brief overview of the Code Update Project, Phase II Group 2, and explained the mark-ups to the new code sections to assist the Commission in understanding where the changes came from and why these are new sections or chapters in the City's codes. Planner Wagner also described in detail the new Land Use

Table format in Chapter 18.23, Commercial and Industrial Zones. The Commission reviewed each section and Planner Wagner responded to questions and provided clarification.

In Chapter 18.04 – Definitions, the Commission asked if there is a reason why “Building Contractor Services” and “Construction Contractor Services” are separate. Planner Wagner stated that individual uses are a little different. The construction contractor services is more high intensity (e.g., highway construction work) and the other is more of the general trades (e.g., painting, HVAC, plumbing, etc.). Following a discussion concerning how a small business could have a large impact, Planner Wagner stated staff will look at these definitions again to better distinguish them.

Chapter 18.57.025 - Recreation, Education and Public Assembly, the Commission discussed whether the 300-foot restriction near a residential zone is practical and whether some type of sound study might be considered. Planner Wagner stated that possibly some code language could be added to state this number could be reduced if a sound study is submitted, and he will work with planners to see if there is a better standard that can be chosen.

Chapter 18.57.035, Retail - Building/Landscape Materials, the Commission discussed whether different heights should be allowed depending upon where the property is located.

Chapter 18.57.050 – Car Washes / Detailing distance 50-foot restriction from a residential zone was discussed and the potential noise from car speakers. Planning Manager Chamberlain confirmed that the City has a noise ordinance but it does not specify hours and does not cover car speakers which would be nearly impossible to regulate. Manager Chamberlain suggested taking a look at a distance requirement or some other mechanisms to address noise issues with car washes near residential zones.

Chapter 18.57.050 - Vehicle Sales and Services, Other Zones Where Permitted. The Commission discussed the 20-foot height restriction and asked whether there is a standard height for canopies. Planner Wagner responded that this covers fueling stations and may need to be clarified to read “the station canopy”.

In connection with the Hearing Examiner Chapter 2.46, Planner Wagner stated that he is currently working with Legal to see if this chapter needs changes, primarily chapter section numbers, and Planner Wagner will make sure it is clear if what is presented at the public hearing is different from what the Commission currently has.

Prior to the next Planning Commission meeting, Planner Wagner will provide a brief memo to the Commission with answers to the questions and issues that were raised.

B. 2012 Comprehensive Plan Amendments (Dixon)

Principal Planner Dixon provided background on the City’s Annual Comprehensive Plan Amendments processes and introduced two policy and text amendments that were not covered in the last Planning Commission meeting for discussion purposes: 1) P/T #5 –

City of Auburn Capital Facilities Plan 2013-2018 and 2) PT#7 – Chapters 14, Comprehensive Plan Map Economic Strategy Areas.

Principal Planner Dixon stated that the Capital Facilities Plan is an important document for identifying the City's level of service standards for the different types of facilities in the City. He also noted that included with the packet is a memorandum produced by the Finance Department that explains the changes that have occurred from last year's Capital Facilities Plan.

Principal Planner Dixon clarified that on Table T-1 of the City's Draft Capital Facilities Plan the level of service standard is the City's published standard in terms of what the City is trying to maintain as an adopted performance standard for that corridor. The City has intersection level of service and a corridor level of service where the level of service is averaged over the length of that road's segment. A level of service is usually a measure of how that roadway performs for one hour at the p.m. peak hour and relates to how much capacity that roadway can handle.

In response to a question regarding "downtown furniture" listed as deleted in the Finance Department Capital Facilities Memorandum, Planning Manager Chamberlain explained that a project had been identified for some additional improvements downtown but due to project funding that need could not be met and the item is listed as deleted.

Principal Planner Dixon stated that staff is working on providing an additional map to the Comprehensive Plan of the economic development strategy areas to illustrate these locations and to make it easier to follow.

Staff will make a correction to the spelling error noted on Page 14-25 and insert hyphens for clarity on Page 14-27 of Chapter 14.

The Commission will not meet on September 18th and will conduct two public hearings in October. The Commission will meet at 6:30 p.m. prior to the Planning Commission meeting at 7:00 p.m. on October 2nd and October 16th for a quick study session. Chair Roland confirmed that the Planning Commission November 6th meeting will be moved to November 7th due to election night.

Audience member, Christopher Cushing, asked the Commission if people want to live on top of where they work. He stated that most light industrial and manufacturing requires a warehouse setting which makes a soft structure and asked if the City is prepared to take on the challenges of making seismic studies. Principal Planner Dixon responded that there are a lot of industrial buildings that are built to International Building and Fire Code Standards based upon the height of the building and its occupancy. When there are residences, they have different standards.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:38 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject: Proposed amendments to Title 18 - Zoning, of the Auburn City Code related to non-residential zones (Code Update Project – Phase 2 - Group 2).	Date: September 21, 2012
Department: Planning and Development	Attachments: See Exhibit list below.
Budget Impact: N/A	

Administrative Recommendation: Planning Commission to hold a public hearing on the proposed amendments and make a recommendation to City Council.

Background Summary:

The Code Update Project began in September 2008 and is progressing in two phases. Phase 1, completed in June of 2009, updated the City’s residential-related zoning districts (Title 18 ACC) and subdivision code (Title 17 ACC). Phase 2 updates the City’s non-residential related zoning districts (Title 18 ACC). Because Phase 2 involved a number of zoning code amendments it was divided into two groups. Group 1 was completed in December of 2011 and amended the following chapters in Title 18 ACC: Landscaping and Screening, Off-street Parking and Loading, and Variances, Special Exceptions and Administrative Appeals. Group 1 also added a new chapter related to Outdoor Lighting.

The Code Update Project is intended to meet four key objectives:

- * Improve development code readability and ease of use;
- * Update technical content to address known issue areas and better support the City’s development review and quasi-judicial decision process;
- * Ensure development code and design standards are coordinated and consistent with Auburn’s Comprehensive Plan and other state land use and environmental requirements;
- * Promote sustainability concepts where feasible.

The proposed amendments (Phase 2, Group 2) will affect the current zoning code as follows:

Add new definitions, consolidate chapters that currently regulate the City’s non-residential zones (land uses and development standards) and create a new chapter containing standards for specific land uses.

The October 2, 2012 Planning Commission meeting will involve a public hearing on the proposed code amendments. The Planning Commission is advisory to the City Council and will make a recommendation to the City Council on the proposed code amendment.

Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm.	COUNCIL COMMITTEES: <input type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____
Reviewed by Departments & Divisions: <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Information Services	<input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources

Action:
 Committee Approval: Yes No
 Council Approval: Yes No Call for Public Hearing ___/___/___
 Referred to _____ Until ___/___/___
 Tabled _____ Until ___/___/___

Councilmember:	Staff: Wagner
Meeting Date: October 2, 2012	Item Number:

A. RESPONSIBLE DEPARTMENT:

City of Auburn Planning and Development Department, Kevin H. Snyder, AICP, Director

B. RESPONSIBLE STAFF:

Stuart Wagner, AICP Planner, City of Auburn Planning and Development Department

C. AREA OF IMPACT:

Citywide

D. PLANNING COMMISSION PUBLIC HEARING DATE:

October 2, 2012

E. CITY COUNCIL ORDINANCE CONSIDERATION DATE:

Currently scheduled for November 19, 2012

F. FINDINGS OF FACT:

1. Title 18 of the Auburn City Code (ACC), includes Chapter 18.68, Amendments, which addresses amendments to Title 18, Zoning.
2. The proposed code amendment adds new definitions, consolidates chapters that currently regulate the City's non-residential zones (land uses and development standards) and creates a new chapter containing standards for specific land uses.
3. The proposed code amendment is supported by the City of Auburn Comprehensive Plan as discussed under the conclusions' section of this report.
4. A Determination of Non-Significance was issued for the City initiated Code Amendments on July 16, 2012 under city file SEP12-0022. The Determination of Non-Significance was published in the July 16, 2012 edition of the Seattle Times. No comments were received from the commenting agencies or appeals filed.
5. Pursuant to RCW 36.70A.106, the proposed zoning code amendments outlined in this agenda bill were sent to the Washington State Department of Commerce, Growth Management Services, and other state agencies as required for the 60-day state review. An acknowledgement letter was received on July 23, 2012. No comments were received from Commerce or other state agencies as of the writing of this report.
6. Initial concepts were reviewed by the Planning and Community Development Committee on March 8, 2012 and March 20, 2012 and the Committee provided initial policy feedback to staff.
7. The Planning Commission conducted a duly noticed work study session at the regular meetings on August 21, 2012, September 5, 2012 and October 2, 2012 to review and discuss with staff potential amendment issues and ideas inclusive of the potential amendments to Title 18 (Zoning).

8. The public hearing notice was published on September 21, 2012 in the Seattle Times at least 10-days prior to the Planning Commission public hearing scheduled for October 2, 2012.
9. The following conclusions support the proposed amendments to Title 18, Zoning, scheduled for the Planning Commission's October 2, 2012 public hearing with a staff recommendation.

G. Conclusions

1. Pursuant to Auburn City Code (ACC) Section 18.68.030 and 18.68.040, the following public process is applicable:

18.68.030 Public hearing process

A. Text Amendments. With the exception of purely administrative or procedural amendments, the planning commission shall conduct at least one public hearing on all amendments to this title. The planning commission shall make a recommendation to the city council who may or may not conduct a public hearing.

18.68.040 Public hearing notice requirements

A. Text Amendments.

1. Planning Commission. For text amendments that require a public hearing under ACC 18.68.030(A), notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing and by posting the notice in three general public locations.

2. City Council. Notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing and by posting the notice in three general public locations.

Comment:

The public hearing before the Planning Commission is scheduled for October 2, 2012 meeting the requirement under ACC 18.68.030. The public hearing notice was published in the Seattle Times, the City's official newspaper, on September 21, 2012 at least 10 days prior to the public hearing. The public hearing notice was also posted at City Hall (25 West Main Street), the Customer Service Center (One East Main Street), and the City's Senior Activity Center meeting the requirement for posting the notice in three general public locations.

2. The proposed amendments to Title 18 (Zoning) are intended to reorganize and update regulations and standards to create a more logical flow in the regulation of land uses and to appropriately reflect changes in state law. In addition, these amendments are intended to reduce redundancy and vagueness, add or modify definitions and make the regulations easier to use and understand.
3. The proposed amendments to Title 18 (Zoning) do not require any changes to the City's current critical area regulations contained in ACC 16.10 (Critical Areas). Any future development subject to the proposed amendments to Title 18 will still be required to demonstrate compliance to applicable standards and regulation specified in ACC 16.10.
4. The proposed amendments to Title 18 (Zoning) will support current and future land and shoreline uses that are consistent with the City's current Comprehensive Plan and current Shoreline Master Program. Staff has not proposed substantive or non-substantive

amendments to Title 18 that would be deemed inconsistent with the City's adopted plans and policies.

5. Auburn City Code Chapter 18.68, Amendments, does not have specific decision criteria for text amendments to the zoning title. At a minimum, proposed text amendments are to be consistent with the City's Comprehensive Plan pursuant to RCW 36.70A.040. The proposed code amendment is supported by the following Comprehensive Plan Objectives and Policies:

CITY OF AUBURN COMPREHENSIVE PLAN

GOAL 9. COMMERCIAL DEVELOPMENT

To maintain and establish a variety of commercial environments which provide the full range of commercial services to the community and region in a manner which reduces conflicts between different types of commercial services and other uses.

Discussion: Commercial uses range from a small corner store providing service primarily to the neighborhood around it to a large shopping mall which serves the entire region. Auburn contains both of these types of commercial uses and recognizes their importance in providing service to both Auburn and regional residents. The City will provide opportunities for the full range of commercial uses while insuring that their impacts on each other and on other uses are minimized.

Comment:

The proposal will add new land use tables, ones divided by major land use categories i.e. Industrial and Manufacturing vs. Residential vs. Retail vs. Service, e.g. Within these new land use tables are new uses including commercial recreational facilities, live/work or work/live unit, building and landscaping sales, outdoor displays and sales associated with a permitted use, fueling station, and others, thereby providing a full range of commercial uses in the city's non-residential zones.

GOAL 2. FLEXIBILITY

To provide predictability in the regulation of land use and development, especially where residential uses are affected, but to also provide flexibility for development through performance standards that allow development to occur while still protecting and enhancing natural resources and critical lands in overall compliance with this comprehensive plan.

Objective 2.1. To provide assurance that residential areas will be protected from intrusions by incompatible land uses.

Policies:

GP-11 Ordinance provisions designed to protect residential areas shall give priority to providing predictability and stability to the neighborhood

GP-12 Adequate buffering shall be required whenever new commercial or industrial uses abut areas designated for residential uses

GOAL 11. INDUSTRIAL DEVELOPMENT

To provide for, establish and maintain a balance of industrial uses that respond to local and regional needs and enhance the City's image through optimal siting and location, while

taking into consideration tax policy impacts of streamlined sales tax and/or other similar legislation.

Objective 11.2. To establish performance standards appropriate for developing industrial areas.

Policies:

LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts.

LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.

- a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.
- b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas.
- c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets.

LU-107 Land made available for industrial development, and uses allowed in industrial zones, shall take into consideration impacts of tax policy and tax structure upon the City of Auburn.

Comment:

The land uses tables described above are structured in a way that will establish and maintain a balance of industrial uses, ranging from warehousing and distribution to storage to manufacturing. Residential uses will be protected through greater setbacks (when abutting non-residential uses) and through additional development standards (on siting, aesthetic, or operational). New specific standards have been created for outdoor displays and sales, towing storage yards, automobile washes, and other uses to mitigate their potential adverse impacts. The proposed amendments to the zoning code will be consistent with the comprehensive plan in that they would conform to the land use goals and policies listed above.

Objective 11.7. To promote and incentivize increased retail uses in industrial zoning districts.

Policies:

LU-116 Changes in comprehensive plan and zoning policies and standards should be implemented to create regulatory controls and incentives for the increased use of land and buildings to for sales tax producing commercial retail uses.

Comment:

Additional sales tax generating land uses are proposed to be permitted outright in the city's industrial zones (M1, light industrial and M2, heavy industrial). These additional land uses include building and landscaping material sales, nurseries, convenience and grocery stores, retail establishments of varying size, and wholesaling with on-site retail as an incidental use.

The latter use would allow for bakeries and coffee roaster to sell goods they make on site. The proposed amendments to the zoning code would help meet comprehensive plan objective 11.7 above.

GOAL 17. ECONOMIC DEVELOPMENT

To ensure the long-term economic health of the City and the region through a diversified economic base that supports a wide range of employment opportunities for Auburn's residents and those of the region and through the promotion of quality industrial and commercial development which matches the aspirations of the community.

Objective 9.3. Develop effective land use polices and economic development strategies that provide long-term and stable employment, increase per capita income and reduce the tax burden of Auburn residents.

Policies:

ED-16 Warehouse and distribution land uses are not a preferred longterm economic development and land use priority for industrial zoned areas in the City due to the loss of sales tax revenue associated with the State's implementation of streamlined sales tax legislation in 2008, no substantive contribution to an increase in per capita income for Auburn residents, no reduction in the tax burden of Auburn residents, low employment densities, lower property values and land use inefficiencies.

Comment:

Because the City of Auburn Comprehensive Plan contains policies stating that warehouse and distribution land uses are not a preferred long term economic development and land use priority for industrial zoned areas in the City due to a loss of sales tax revenue associated with the State's implementation of streamline sales tax legislation, the new land use tables have motor freight terminals (new) listed as a prohibited use and a number of sales tax producing commercial retail uses have been added. These amendments are consistent with the goals and policies of the comprehensive plan.

Staff Recommendation

The Planning Commission recommends approval to the City Council of the proposed zoning code text amendment as presented by staff based on the findings of fact and conclusions.

Exhibits

- Exhibit 1: Staff Report
- Exhibit 2: Auburn City Code Chapter 18.04 – Definitions (revised)
- Exhibit 3: Auburn City Code Chapter 18.23 – Commercial and Industrial Zones (new)
- Exhibit 4: Auburn City Code Chapter 18.35 – Special Purpose Zones (new)
- Exhibit 5: Auburn City Code Chapter 18.57 – Standards for Specific Land Uses (new)
- Exhibit 6: Determination of Non-Significance and Affidavit of Publication
- Exhibit 7: Environmental Checklist
- Exhibit 8: Public Hearing Notice and Affidavit of Publication
- Exhibit 9: Letter to Department of Commerce for 60-day State Review
- Exhibit 10: Acknowledgment letter from Department of Commerce

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CHAPTER 18.04
DEFINITIONS

18.04.192 Building and landscape materials sales.

“Building and landscape material sales” means a retail or wholesale establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials.

18.04.194 Building contractor, heavy.

“Building contractor, heavy” means businesses relating to the heavy construction trades including but not limited to; excavation work, highway and street construction; heavy construction, masonry and concrete work and water well drilling. These types of businesses generally have heavy equipment that may be stored outside.

18.04.195 Building contractor, light.

“Building contractor, light” means businesses relating to the building trades including but not limited to: plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; carpentry and flooring; roofing and sheet metal.

18.04.235.1 Caretaker apartment.

“Caretaker apartment” means an accessory housing unit that is permitted in association with a commercial or industrial use where no residential dwelling exists, for the express purpose of providing a housing unit for on-site security or operations personnel.

18.04.246 Commercial Recreation facility, Indoor.

“Commercial Recreation facility, Indoor” means a private for profit or non-profit establishment offering recreation or providing entertainment or games of skill to the general public for a fee or charge and wholly enclosed in the building. Typical uses include athletic and health club, pool or billiard hall, indoor swimming pool, bowling alley, skating rink or climbing gyms.

18.04.247 Commercial Recreation facility, Outdoor.

“Commercial Recreation facility, Outdoor” means a private for profit or non-profit establishment offering recreation or providing entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open, excluding public parks. Typical uses include: thoroughbred racetracks,; miniature golf; skateboard park; swimming and wading, therapeutic facilities; and tennis, handball, basketball courts; batting cages, trampoline facilities.

18.04.248 Community retail establishment.

“Community retail establishment” means stores, shops and businesses either individually or in shared space setting serving a geographic area of the City that engage in merchandise sales.

18.04.282 Convenience Store.

“Convenience store” means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods and often characterized by 24-hours a day operations. These stores can be part of a fueling station or an independent facility.

18.04.283 Crematorium.

“Crematorium” means a facility for the burning of corpses, human or animal, to ashes either as a principal use or as an accessory use. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

18.04.359 Entertainment, commercial.

“Entertainment, commercial” means spectator entertainment for commercial purposes. This use includes theaters, concert halls, nightclubs, or comedy clubs, but does not include cabarets, licensed under Section 5.20.140 (A)(3) of the City Code and adult entertainment, licensed under Chapter 5.30 of the City Code.

1
2 **18.04.395 Fueling station.**

3 "Fueling station" means a retail business selling gasoline or other motor vehicle fuels primarily to
4 passenger vehicles. Includes alternative fuels and recharging facilities which are commercial facilities
5 offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., liquid propane
6 gas) as well as equipment to recharge electric powered vehicles. This classification includes customary
7 incidental activities when performed in conjunction with the sale of fuel, such as vehicle maintenance and
8 repair, vehicle washing, and electric vehicle battery swap-out, but excludes body and fender work or
9 repair of heavy trucks or vehicles.

10
11 **18.04.527 Live/Work Unit.**

12 "Live/work unit" means an integrated housing unit and working space, occupied and utilized by a single
13 household in a structure, either single dwelling or multi-unit dwelling, that has been designed or
14 structurally modified to accommodate joint residential occupancy and work activity, and which includes:

15 A. A complete dwelling unit; and

16 B. Working space reserved for and regularly used by one or more occupants of the dwelling unit.

17 The difference between a live/work unit and work/live unit [defined Section 18.04.913 of the City
18 Code] is that the "work" component of a live/work unit is secondary to its residential use, and may include
19 only commercial activities and pursuits that are compatible with the character of a quiet residential
20 environment, while the work component of a work/live unit is the primary use, to which the residential
21 component is secondary.

22
23 **18.04.612 Manufacturing, assembling and packaging – heavy intensity.**

24 "Manufacturing, assembling and packaging – heavy intensity" means a facility accommodating
25 manufacturing processes that involve and/or produce basic metals, building materials, chemicals,
26 fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the
27 intensity, scale, and/or characteristics of operation and materials used have the potential to result in
28 externalities or effects on surrounding land uses or the community. Examples of heavy intensity
29 manufacturing uses include, but are not limited to chemical products manufacturing, paving and roofing
30 materials manufacturing and glass products manufacturing.

31
32 **18.04.614 Manufacturing, assembling and packaging – light intensity.**

33 "Manufacturing, assembling and packaging – light intensity" means a facility accommodating
34 manufacturing processes involving and/or producing: apparel; food and beverage products; electronic,
35 optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also
36 includes other establishments engaged in the assembly, fabrication, and conversion of already processed
37 raw materials into products, where the intensity, scale, and/or characteristics of operation and materials
38 used are unlikely to result in externalities or effects on surrounding land uses or the community because
39 they can be controlled within the building. Examples of light intensity manufacturing uses include, but are
40 not limited to clothing and fabric product manufacturing and food and beverage products.

41
42 **18.04.616 Manufacturing, assembling and packaging - medium intensity.**

43 "Manufacturing, assembling and packaging – medium intensity" means a facility accommodating
44 manufacturing processes that involve and/or produce building materials, fabricated metal products,
45 machinery, and/or transportation equipment, where the intensity, scale, and/or characteristics of operation
46 and materials used are greater than those classified under "Manufacturing, assembling and packaging –
47 Light intensity," but where externalities or effects on surrounding land uses or the community can typically
48 be reduced or avoided when appropriately located and developed. Examples of medium intensity
49 manufacturing uses include lumber and wood product manufacturing and stone and cut stone product
50 manufacturing.

51
52 **18.04.635 Motor freight terminal.**

53 "Motor freight terminal" means a facility with more than one (1) dock per five thousand (5,000) square feet
54 of warehouse, storage, or related use and used for either (1) the loading, unloading, dispensing,
55 receiving, interchanging, gathering, or otherwise physically handling freight for shipment or (2) any other
56 location at which freight is exchanged by motor carriers between vehicles. This includes but is not limited

1 cross-dock operations and does not include a package delivery service. Excludes buildings with six (6) or
2 fewer loading docks.

3
4 **18.04.644.1 Neighborhood retail establishment.**

5 "Neighborhood retail establishment" means stores and shops serving the immediate surrounding
6 neighborhood in which they are located, including but not limited to a beauty shop, laundry and dry
7 cleaning, sales of retail goods and such others of a similar nature.

8
9 **18.04.745 Print and copy shop.**

10 Print and copy shop means a facility for the custom reproduction of written or graphic materials on a
11 custom order basis for individuals or businesses. Typical processes include, but are not limited to,
12 photocopying, blueprint, facsimile sending and receiving, and including offset printing.

13
14 **18.04.791 Regional retail establishment.**

15 "Regional retail establishment" means a large scale retail establishment intended to serve customers
16 within and outside the City. A regional retailer may accommodate a wide range of retail commodities
17 (e.g., apparel and accessories, consumer electronics, hardware, building materials, sporting goods and
18 automotive supplies)

19
20 **18.04.796 Repair services – equipment, appliances.**

21 "Repair services – equipment, appliances" means repair of products, not to include vehicles or heavy
22 equipment. These uses include consumer repair services for individuals and households for items such
23 as household appliances, musical instruments, cameras, household electronic equipment, and similar
24 uses.

25
26 **18.04.816 Shop.**

27 "Shop" means a small retail establishment or a department in a large one offering a specified line of
28 goods or services

29
30 **18.04.829 Store.**

31 "Store" means a business establishment where usually diversified goods are kept for retail sale.

32
33 **18.04.913 Work/live Unit.**

34 "Work/live unit" means an integrated housing unit and working space, occupied and utilized by a single
35 household in a structure, either single dwelling or multi-unit dwelling, that has been designed or
36 structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- 37 A. A complete dwelling unit; and
38 B. Working space reserved for and regularly used by one or more occupants of the dwelling unit.

39 The difference between a work/live unit and live/work unit [defined Section 18.04.527 of the City
40 Code] is that the "work" component of a work/live unit is primary use, to which the residential use is
41 secondary, while the work component of a live/work unit is secondary to its residential use, and may
42 include only commercial activities and pursuits that are compatible with the character of a quiet residential
43 environment.

44
45 **To be repealed**

46
47 ~~18.04.140 — Automobile service station.~~

48 ~~"Automobile service station" means a place of business where the primary business is the fueling of~~
49 ~~vehicles. Automobile service stations have pumps and/or storage tanks from which liquid fuel and/or~~
50 ~~lubricants are dispensed. Sales and installation of auto accessories, washing, polishing, inspections and~~
51 ~~cleaning, but not steam cleaning, may be carried on incidental to the sale of such fuel and lubricants.~~
52 ~~Retail sales of food and grocery-related items may also be considered an incidental use. (Ord. 6245 § 3,~~
53 ~~2009; Ord. 4229 § 2, 1987.)~~

**CHAPTER 18.23
COMMERCIAL AND INDUSTRIAL ZONES**

Sections:

18.23.010	Purpose.
18.23.020	Intent of Commercial and Industrial Zones.
18.23.030	Uses.
18.23.040	Development standards.
18.23.050	Additional Development Standards for C-2 Central Business Zone.
18.23.060	Additional Development Standards for the EP, Environmental Park Zone.

18.23.010 Purpose.

This Chapter lists the land uses that may be allowed within the commercial and industrial zones established by ACC 18.02.070 (Establishment of zones), determines the type of land use approval required for each use, and provides basic and additional development standards for sites, buildings, and associated improvements.

18.23.020 Intent of Commercial and Industrial Zones.

A. General. This section describes the intent for each of the city's commercial and industrial zones. These intent statements are to be used to guide the interpretation of the regulations associated with each zone. The Planning Director is authorized to make interpretations of these regulations based on his/her analysis of them together with clear and objective reasons for such interpretation.

B C-N, Neighborhood Shopping Center Zone. The C-N zone is intended to provide areas appropriate for neighborhood shopping establishments which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. A neighborhood shopping center is designed and located so as to minimize traffic congestion on public highways and streets in its vicinity and to best fit the general land use pattern of the area to be served by the center. The protective standards contained in this chapter are intended to minimize any adverse effect of the neighborhood shopping center on nearby property values and to provide for safe and efficient use of the neighborhood shopping center itself.

C. C-1, Light Commercial Zone. The C-1 zone is intended for lower intensity commercial adjacent to residential neighborhoods. This zone generally serves as a transition zone between higher and lower intensity land uses, providing retail and professional services. This zone represents the primary commercial designation for small to moderate scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers and pedestrians.

D. C-2 Central Business District Zone. The intent of the C-2 zone is to set apart the portion of the city proximate to the center for financial, commercial, governmental, professional, and cultural activities. Uses in the C-2 zone have common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone encourages and provides amenities conducive to attracting pedestrians.

E. C-3, Heavy Commercial Zone. The intent of the C-3 zone is to allow for medium to high intensity uses consisting of a wide range of retail, commercial, entertainment, office, services, and professional uses. This zone is intended to accommodate uses which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The uses allowed can include outside

activities, display, fabrication or service features when not the predominant portion of the use. The uses enumerated in this classification have potential for impacts to surrounding properties and street systems than those uses permitted in the more restrictive commercial classifications.

F. C-4, Mixed Use Commercial Zone. The intent of the C-4 zone is to provide for a pedestrian oriented mix of retail, office, and limited multiple family residential uses. This classification is also intended to allow flexibility in design and the combination of uses that is responsive to market demands. The uses enumerated in this classification anticipate a mix of multiple family residential, retail, and office uses that are coordinated through a site-specific planning process. The multiple family residential must be located in a multistory building; the ground floor of which must contain a permitted use or combination of uses, other than parking, as listed in this chapter. Certain heavy commercial uses permitted in other commercial classifications are not permitted in this zone because of the potential for conflicts with multifamily residential uses, in order to achieve a quality of environment that is conducive to this mix of uses.

G. M-1, Light Industrial Zone. The intent of the M-1 zone is to accommodate a variety of industrial, commercial, and limited residential uses in an industrial park environment, to preserve land primarily for light industrial and commercial uses, to implement the economic goals of the comprehensive plan and to provide a greater flexibility within the zoning regulations for those uses which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The light industrial/commercial character of this zone is intended to address the way in which industrial and commercial uses are carried out rather than the actual types of products made.

The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.

H. EP, Environmental Park Zone. The environmental park district is intended to allow uses in proximity to the Auburn Environmental Park that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and "green" technologies including energy conservation, engineering, water quality and similar uses. Other uses complementary to and supporting these uses are also allowed. Incorporation of sustainable design and green building practices will be a primary aspect of this zone. The construction of leadership in energy and environmental design (LEED) and built green certified buildings is encouraged and built green will be required for multiple-family dwellings. The city recognizes that much of the property in this zone was developed under earlier standards, so the goals of the district will be realized over a period of time as properties are redeveloped.

I. M-2, Heavy Industrial Zone. The M-2 zone is intended to accommodate a broad range of manufacturing and industrial uses. Permitted activity may vary from medium to higher intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Heavy industrial uses should not be located near residential development.

While other uses may be sited within this zone, permits for such uses should not be issued if such uses will discourage use of adjacent sites for heavy industry, interrupt the continuity of industrial sites, or produce traffic in conflict with the industrial uses.

18.23.030 Uses

- A. General permit requirements. Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zones and the land use approval process required to establish each use.
- B. Requirements for certain specific land uses. Where the last column in Table 18.23.030 (“Standards for Specific Land Uses”) includes a reference to a code section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P - Permitted A – Administrative	C - Conditional X - Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses	
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2		

INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING

Building contractor, light	X	X	X	P	X	P	X	P	
Construction contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light Intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium Intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy Intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020 A
Storage - Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020 B
Warehousing and distribution	X	X	X	X	X	C	X	C	ACC 18.57.020 C
Wholesaling with on site retail as an incidental use (coffee, bakery, eg.)	X	X	X	P	X	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES

Commercial recreation facility, Indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, Outdoor	X	X	X	A	X	P	A	A	ACC 18.57.025 A
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious Institutions, lot size less than one acre.	A	P	P	P	A	A	A	A	
Religious Institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	ACC 18.74
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio - Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P - Permitted A – Administrative	C - Conditional X - Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses	
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2		

RESIDENTIAL

Caretaker apartment	X	P	P	P	X	P	P	P	
Live/Work or Work/Live unit	X	P	P	P	P	P	P	X	
Multiple-family dwellings as part of a mixed-use development	X	P	P	P	P	P	P	X	ACC 18.57.030 A
Multiple-family dwellings, stand alone	X	X	X	X	X	X	X	X	ACC 18.57.030 B
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing	X	A	A	A	X	X	X	X	

RETAIL

Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035.A
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	X	X	X	P	X	P	X	X	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035 B
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035 C
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035 D
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting Room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P - Permitted A – Administrative	C - Conditional X - Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses	
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2		

SERVICES

Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040 A
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040 B
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	P	P	
Equipment rental and leasing	X	X	X	P	X	P	X	P	
Kennel, animal boarding	X	X	X	A	X	A	X	A	ACC 18.57.040 C
Government facilities, this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	A	A	
Hospital	X	P	P	P	X	P	X	P	
Lodging - Hotel or motel	X	P	P	P	P	A	P	A	
Medical – dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional Offices	P	P	P	P	P	P	P	P	
Repair service - equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040 D
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P - Permitted A – Administrative	C - Conditional X - Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses	
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2		

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045 A
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	-	-	-	-	-	-	-	-	ACC 18.04.912, ACC 18.31.100

VEHICLE SALES AND SERVICES

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

OTHER

Any commercial use abutting a residential zone which has hours of operations outside of the following: Sunday: 9:00am to 10:00pm or Monday – Saturday: 7:00am to 10:00pm	A	A	A	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	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 zone. Any maintenance, alterations and additions to an existing motor freight terminal which is consistent with ACC 18.23.040 – Development standards, is allowed.

18.23.040 Development Standards

A. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Tables 18.23.040A (C-N, C-1, C-2, C-3, and C-4 Zone Development Standards) and 18.23.040B (M-1, EP and M-2 Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter 18.70 ACC.

Table 18.23.040A C-N, C-1, C-2, C-3, and C-4 Zone Development Standards

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed Use Commercial
Minimum lot Area	2 Acres	None	None	None	None (1)
Minimum lot width, depth	None	None	None	None	None
Maximum lot coverage	55 percent	None	None	None	None
Minimum Setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these setback standards.</i>				
Front	50 ft	20 ft	None	20 ft	20 ft
Side - Interior	None (2)	None (2)	None	None (2)	None (2)
Side – street	50 ft	15 ft	None	15 ft	15 ft
Rear	None (2)	None (2)	None	None (2)	None (2)
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height Limitations - Exceptions) for specific height limit exceptions.</i>				
Maximum height	30 ft	45 ft (3)	ACC 18.23.050	75 ft	75 ft
Additional Development Standards	None	None	ACC 18.23.050	None	None
Fences and Hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Non-Conforming structures, land and uses.	See Chapter 18.54 ACC				

Notes:

- (1) Residential uses: no minimum lot size, provided that residential density does not exceed 20 units per gross acre (This includes privately-owned open space tracts but excludes dedicated public roads).
- (2) A 25-foot setback is required when adjacent to a residential zone.

- (3) Buildings within the Auburn North Business Area, as established by Resolution No. 2283, may exceed 45 feet in one additional foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet in height.

Table 18.23.040B M-1, EP and M-2 Zone Development Standards

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP Environmental Park	M-2 Heavy Industrial
Minimum lot Area	None	None	None
Minimum lot width, depth	None	None	None
Maximum lot coverage	None	35 percent	None
Minimum Setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these standards.</i>		
Front	20 ft	20 ft	30 ft
Side - Interior	None (1)	15 ft	None (1)
Side - Corner	20 ft	20 ft	30 ft
Rear	None (1)	20-ft (1)	None (1)
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height Limitations - Exceptions) for specific height limit exceptions.</i>		
Maximum height	45 ft (2)	35 ft	45 ft (2)
Additional Development Standards	None	ACC 18.23.060	None
Fences and Hedges	See Chapter 18.31 ACC		
Landscaping	See Chapter 18.50 ACC		
Parking	See Chapter 18.52 ACC		
Signs	See Chapter 18.56 ACC		
Lighting	See Chapter 18.55 ACC		
Non-Conforming structures, land and uses.	See Chapter 18.54 ACC		

Notes:

- (1) A 25 foot setback is required when adjacent to a residential zone.
- (2) Buildings may exceed 45 feet if one foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet.

18.23.050 Additional Development Standards for C-2, Central Business Zone

- A. Maximum building height:
 1. The maximum height of that portion of a building that abuts a street(s) shall be no higher than the right-of-way width of the abutting street(s). Building height may increase; provided, that the building is

stepped back one foot (from the abutting street right(s)-of-way) for each foot of increased building height.

2. If the building abuts more than one street and the abutting streets have different right-of-way widths then the height of the building allowed at any street frontage shall be the average of the abutting street right-of-way widths.

3. The following rooftop features may extend up to 15 feet above the maximum height limit: stair towers, elevator penthouses, and screened mechanical equipment.

- B. Minimum setbacks: none required, see 18.23.050. D below for specific building orientation requirements.
- C. Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Typical galvanized wire mesh (chain link), barbed wire or razor wire are not permitted. For further information see Chapter 18.31 ACC. The provisions of this section shall not apply to temporary fences required during construction projects permitted by the city.
- D. Building Orientation Requirements. The following requirements apply to the construction of all new buildings or structures:
1. Existing buildings or structures, including facades, that do not have setbacks or otherwise cannot comply are exempt from these requirements regardless of the amount of improvements made to the building, structure or facade as long as any alteration does not make the existing facade more nonconforming.
 2. Existing buildings, structures, or facades that are set back and within 20 feet of a street shall comply to the fullest extent possible as determined by the planning director, with the following requirements when any cumulative structural improvements are made that exceed 50 percent of the assessed value of the existing building, structure, or facade.
 3. Any addition to an existing building, regardless of value, that will be within 20 feet of a street shall also comply to the fullest extent possible as determined by the planning director, with the following requirements.
 - a. For each lineal foot of frontage a building has on a street, there shall be provided an area(s) for pedestrian amenities at the rate of one square foot of ground area for each lineal foot of building frontage. Pedestrian amenities shall consist of such features as landscaping, benches, entry ways with accents such as brick pavers, art work, or a combination of these or similar features. The pedestrian amenities shall be located on the property between the street right-of-way and the building. The planning director shall approve the amount and type of the pedestrian amenities.
 - b. For buildings that have a street frontage that exceeds 50 feet then at least 25 percent of the building's frontage shall be immediately adjacent to the street right-of-way.
 - c. For buildings that have a street frontage that is less than 25 feet then no pedestrian amenities will be required and the building may be located at the property line. There shall, however, be provided a landing in front of each door that opens to a street that is large enough such that no part of any door will encroach into the street right-of-way when the door is being opened or closed.
 - d. For buildings that provide additional setbacks, except as restricted by subsection (F)(3)(b) of this section, the area between the street right-of-way and the building shall only contain pedestrian amenities.
 - e. If a building has more than two street frontages then at least two of the frontages shall comply with subsections (F)(3)(b) and (F)(3)(g) of this section and contain pedestrian amenities between the building and the street right-of-way. Any remaining frontages shall either have pedestrian amenities, windows, murals, flat surfaced art work or other similar architectural features that would avoid large blank walls.
 - f. For new buildings that will infill between two other existing buildings the new building shall be set back no further than either of the adjacent buildings unless additional setback is required to comply with subsection (F)(3)(a) of this section. The proposed setback shall be reviewed by the planning director to ensure the setback will maintain building continuity along the street.
 - g. Buildings shall have windows that encompass at least 60 percent of the first floor facade and at least 40 percent of the facade of each additional floor. At least 50 percent of the area of the first floor windows of nonresidential buildings shall provide visibility to the inside of the building. This

subsection shall only apply to the facades, of new buildings, with street frontage and shall not lessen the requirements of the Uniform Building or Fire Codes.

h. The building's principal pedestrian entrance shall be oriented to the street. If the building is at a corner, either street or alley, then the principal pedestrian entrance shall be at the corner unless a better architectural design is attained at another location and approved by the planning director.

i. Buildings that are at the intersection of either two streets or a street and an alley shall provide for a sight distance triangular setback as required by Chapter 18.31 ACC. These triangular areas may contain pedestrian amenities that satisfy the requirements of subsection (F)(3)(a) of this section.

j. A site plan shall be prepared by the proponent which addresses compliance with the requirements as outlined in subsections (F)(3)(a) through (F)(3)(i) of this section. The site plan shall be approved by the planning director prior to the submittal of any building permit.

k. For the sole purposes of subsection F of this section the term "street" shall include the right-of-way of private and public streets. The term shall also include pedestrian walkways, encumbered by an easement or similar means, that are used by the general public to travel from one property to another.

- E. Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:
1. Setback from the roof edge to obscure visibility from below;
 2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
 3. Equipment enclosure or sight-obscuring fencing or landscaping;
 4. Overhead trellis or roof to obscure visibility from above.
- Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure.
- F. Stair towers and elevator penthouses shall be designed to be architecturally integrated into the principal structure. This may include using the same building materials, repeating common building forms, colors or elements, or incorporating the roof and wall of the stair tower or elevator penthouse into the upper wall of the structure.

18.23.060 Additional Development Standards for the EP, Environmental Park Zone

- A. Fences and Hedges. Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Colored chain link fences may be allowed subject to the planning director's approval. Barbed wire or razor wire fences are not permitted. For further information on fencing see Chapter 18.31.020 ACC. The provisions of this section shall not apply to temporary fences during construction projects permitted by the city;
- B. Loading and unloading docks shall not be visible from the street.
- C. Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:
1. Set back from the roof edge to obscure visibility from below;
 2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
 3. Equipment enclosure or sight-obscuring fencing or landscaping;
 4. Overhead trellis or roof to obscure visibility from above.
- Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure.

Chapter 18.35 SPECIAL PURPOSE ZONES

Sections:

18.35.010	Purpose
18.35.020	Intent of Special Purpose Zones
18.35.030	Uses
18.35.040	Development standards
18.35.050	Additional Development Standards for RO and RO-H Zones

18.35.010 Purpose.

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

18.35.020 Intent of Special Purpose Zones.

- A. General. This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.
- B. RO and RO-H Residential Office and Residential Office- Hospital Zone. The RO and RO-H is intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community.
- C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.
- D. I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones. (Ord. 4229 § 2, 1987.)

18.35.30 Uses.

- A. General permit requirements. Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.
- B. Requirements for certain specific land uses. Where the last column in Table 18.35.030 ("Standards for Specific Land Uses") includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

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

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

PUBLIC

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

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

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

RESIDENTIAL

Duplex	P (1)	X	X	A	
Home occupation	P	P	X	P	ACC 18.60
Live/Work – Work/Live unit	A	P	X	A	
Multiple-family dwellings, stand alone	P (2)	A (3)	X	A	
One detached single-family dwelling	P	X	X	X	
Nursing Home, assisted living facility	A	A	X	P	
Senior housing	A	A	X	A	

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

RETAIL

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

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	
Home-based daycare	P	P	X	P	
Medical services - clinic, or urgent care (4)	P	P	X	X	
Mortuary, funeral home, crematorium	X	P	X	X	
Professional Offices	P	P	X	A	
Personal service shops	P	P	X	X	
Pharmacies	X	P	X	X	

Notes:

- (1) Duplexes, 3,600 square feet of lot area per dwelling unit is required
- (2) Multi-family dwellings; provided that 2,400 square feet of lot area is provided for each dwelling unit
- (3) Multi-family dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit. (Ord. 6269 § 28, 2009)
- (4) Permitted within a public college or university as an amenity or service provided to students. A stand alone bank or medical services/clinic is not permitted.

18.35.040 Development Standards

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

TABLE 18.35.040 RO, RO-H, P-1, I ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zones			
	RO Residential Office	RO-H Residential Office - Hospital	P-1 Public Use	I Institutional
Minimum lot Area	7,200 sf	None	None	6,000 sf
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft
Maximum lot	55 percent (1)	None	None	35 percent

coverage				
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>			
Front	20 ft (2)	10 ft	20 ft	20 ft
Side - Interior	5 ft	None	5 ft (4)	5 ft
Side - Corner	10 ft	10 feet	10 ft	10 ft
Rear	25 ft (3)	None	25 ft	25 ft
Accessory structure(s)	<i>See note (5) below</i>	NA	NA	<i>See note (5) below</i>
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height Limitations - Exceptions) for height limit exceptions.</i>			
Maximum height	35 ft	65 ft	45 ft	45 ft (6)
Fences and Hedges	See Chapter 18.31 ACC			
Landscaping	See Chapter 18.50 ACC			
Parking	See Chapter 18.52 ACC			
Signs	See Chapter 18.56 ACC			
Lighting	See Chapter 18.55 ACC			
Non-Conforming structures, land and uses.	See Chapter 18.54 ACC			

Notes:

- (1) New single family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum lot coverage is 35 percent.
- (2) New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.
- (3) New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.
- (4) A 25 foot setback is required when adjacent to a residential zone.
- (5) Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.
- (6) Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.

18.35.50 Additional development standards for both the RO and RO-H Zones.

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

subsection. The plans shall be approved by the planning director or designee prior to the issuance of any building permits.

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

**CHAPTER 18.57
STANDARDS FOR SPECIFIC LAND USES**

Sections:

- 18.57.010 Intent.
- 18.57.015 Applicability.
- 18.57.020 Industrial, Manufacturing and Processing, Wholesaling.
- 18.57.025 Recreation, Education and Public Assembly.
- 18.57.030 Residential.
- 18.57.035 Retail.
- 18.57.040 Services.
- 18.57.045 Transportation, Communication and Infrastructure.
- 18.57.050 Vehicle Sales and Services.

18.57.010 Intent.

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

18.57.015 Applicability.

The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Zoning Code. The standards for specific land uses in this Chapter supplement and are required in addition to those in ACC 18.23.040 and ACC 18.35.040 – Development standards.

18.57.020 Industrial, Manufacturing and Processing, Wholesaling.

A. Outdoor storage, incidental to principal permitted use on property

1. *C-3 Zone*

Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be limited to an area no greater than 10 percent of the lot.
- b. Outdoor storage shall be located between the rear lot line and the extension of the front facade of the principal structure, provided also that for corner lots no outdoor storage is allowed between a building and a side street lot line. For through lots, the location for outdoor storage shall be determined by the planning director.
- c. Outdoor storage shall not be located in a required yard/setback area.
- d. Outdoor storage shall not be permitted on undeveloped lots.
- e. Outdoor storage shall be limited to 15 feet in height.
- f. Outdoor storage areas shall be landscaped in accordance with ACC 18.50.040.C(5)
- g. Outdoor storage areas shall consist of a hard surface material of either gravel or paving.
- h. Outdoor storage shall consist of supplies, materials, and/or equipment that are in working and usable condition.
- i. Outdoor storage of unworkable and/or unusable equipment, supplies or materials is not permitted.

2. *M-1 Zone*

Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be limited to an area no greater than 50 percent of the lot.
- b. Meet requirements b through j of ACC18.57.020(A)(1) C-3 Zone, above.

3. *EP Zone*

Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be limited to an area no greater than 15 percent of the lot.
- b. Meet requirements b through j of ACC18.57.020(A)(1) C-3 Zone, above.

4. *M-2 Zone*

Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be landscaped in accordance with ACC 18.50.040.C(5).

- 1 b. Outdoor storage shall not be permitted on undeveloped lots.
 2 c. Outdoor storage shall be limited to 30 feet in height.
- 3 B. Storage - Personal storage facility (mini-storage)
 4 1. *All Zones where permitted*
 5 a. The design of facades, landscaping and lighting of premises shall be compatible with the
 6 intent of the applicable district.
 7 b. Storage unit doors shall be screened or located so as to not be visible from residential
 8 property.
 9 c. There shall be no outside storage of goods or materials of any type at the personal storage
 10 facility except that of wheeled vehicles (recreational vehicles, campers, trailers, trailer-
 11 mounted boats, motorized vehicles, etc. – but not inoperable motor vehicles). Such vehicles
 12 may be stored in areas that have been specifically designated and set aside for such use, in
 13 accordance with the following:
 14 i. Vehicles shall be screened from view of public, residential and other
 15 commercial property with sight-obscuring fencing or berms at least eight (8) ft
 16 in height. When berms are used they shall be landscaped with shrubbery
 17 and/or trees.
 18 ii. Storage of recreational vehicles and trailer mounted boats shall not occur in
 19 required parking spaces, drives and/or lanes between storage buildings,
 20 parking lanes, or within required building setbacks.
 21 iii. No vehicle or boat maintenance, washing, or repair shall be permitted.
 22 d. Storage units shall not be used for manufacturing, fabrication, processing of goods,
 23 conducting servicing or repair; nor used to conduct garage sales or retail sales; nor conduct
 24 any other commercial or industrial activity.
- 25 C. Warehousing and distribution
 26 1. *All Zones where permitted*
 27 a. Loading and unloading docks shall not be visible from the street. If this requirement cannot
 28 be met an additional 10-foot width of landscaping along the abutting street, meeting the
 29 provisions of ACC 18.50.040.C (Landscape Design and Planting Requirements), is required.
 30 b. All odors, noise, vibrations, heat, glare, or other emissions shall be controlled within the
 31 confines of a building unless specifically permitted elsewhere by this title.
 32 c. No on-site hazardous substance processing and handling, or hazardous waste treatment and
 33 storage facilities, shall be permitted, unless clearly incidental and secondary to a permitted
 34 use. On-site hazardous waste treatment and storage facilities shall be subject to the state
 35 siting criteria (Chapter 70.105 RCW).
 36 2. *C3 and EP Zone*
 37 a. Motor freight transportation is permitted but only as an incidental use to the principal use of
 38 the property.
 39 b. No more than 50 percent of gross floor space shall be devoted to warehouse uses.

41 **18.57.025 Recreation, Education and Public Assembly.**

- 42 A. Commercial recreation facility, outdoor
 43 1. *All Zones where permitted*
 44 a. Facility shall not be located within three hundred (300) feet of an existing residential zone,
 45 use or structure. The planning director may allow a reduction in this setback, not to exceed a
 46 minimum setback of 50 feet, after review of an acoustic study completed by a licensed
 47 professional showing that the facility would not exceed maximum noise levels permissible in
 48 identified environments as determined by Chapter 173-60 WAC, as amended.
 49 b. The planning director may require an acoustic study for any proposed facility which could
 50 have or create a noise exposure greater than that deemed acceptable. Upon review of the
 51 study, increased setbacks, noise avoidance or mitigation measures may be imposed.
 52 c. Outdoor speakers and sound amplification shall not be permitted for uses immediately next to
 53 residential uses.
 54 d. Access to such facilities shall be from a public arterial or collector road as defined on the
 55 currently adopted City of Auburn Street Functional Classification Map.

1
2 **18.57.030 Residential**

3 A. Multiple-family dwellings as part of a mixed-use development;

4 1. *C-1 Zone*

5 Multiple-family dwelling as part of a mixed-use development is allowed provided, that compliance
6 to all of the following is demonstrated:

- 7 a. Multiple-family dwellings shall only occur concurrent with or subsequent to the development
8 and construction of nonresidential components of the mixed-use development;
- 9 b. Applications for mixed-use development inclusive of multiple-family residential dwellings shall
10 include transportation and traffic analyses appropriate to the type and scale of the proposed
11 development based on the concurrent determination of the planning director and city
12 engineer. The planning director and city engineer may require the analysis to address,
13 including, but not limited to, a.m. or p.m. traffic impacts; and/or area circulation planning for
14 motorized and nonmotorized modes of travel and connectivity; and/or transportation demand
15 management (TDM) strategies;
- 16 c. Applications for the mixed-use development inclusive of multifamily residential dwellings shall
17 include written and plan information demonstrating compliance to applicable design
18 standards for mixed-use development contained in the city of Auburn multifamily and mixed-
19 use design standards;
- 20 d. Applications for the mixed-use development inclusive of multifamily residential dwellings shall
21 comply, as applicable, with the neighborhood review meeting requirements of ACC 18.02.130
22 (Neighborhood review meeting);
- 23 e. Mixed-use development comprised of a maximum of one building on a development site shall
24 have the entire ground floor comprised of one or more commercial retail, entertainment or
25 office uses that are permitted outright or conditionally; provided, that uses normal and
26 incidental to the building, including, but not limited to, interior entrance areas, elevators and
27 associated waiting areas, mechanical rooms, and garbage/recycling areas, may be allowed
28 on the ground floor, except that non-street frontage vehicle garages located on the ground
29 floor together with all other normal and incidental uses shall occupy a maximum of 50 percent
30 of the ground floor space; and
- 31 f. Mixed-use development that is geographically distributed on a development site amongst two
32 or more buildings shall have a minimum of 50 percent of the cumulative building ground floor
33 square footage comprised of one or more commercial retail, entertainment or office uses that
34 are permitted outright or conditionally.

35 2. *C-2 Zone*

36 Multiple-family dwellings are permitted as part of a mixed-use development provided they are:

- 37 a. Located in a multistory building the ground floor of which must contain a permitted use listed
38 in the land use table found under ACC 18.23.030 - "Permitted, Administrative, Conditional
39 and Prohibited Uses by Zone". No density limitations shall apply.

40 3. *C-3 Zone*

41 Multiple-family dwellings are permitted as part of a mixed-use development provided 1200 square
42 feet of lot area is provided for each dwelling unit.

43 4. *C-4 Zone*

44 Multiple-family dwellings are permitted provided they are:

- 45 a. Located in a multistory building and the ground floor must contain a permitted use or
46 combination of uses, other than parking facility.
- 47 b. An exception to this ground floor commercial requirement is allowed for uses accessory to
48 the upper story residential at a rate of 1,500 square feet of area per upper story of residential.
49 The ground floor areas accessory to the upper story residential may include, but are not
50 limited to, entry space, lobby, hallway, mail areas. The 1,500 square feet of upper floor area
51 does not include exiting required to meet applicable building and fire codes.

52 5. *M-1 Zone*

53 Multiple-family dwellings are permitted as part of a mixed-use development, provided they are:

- 54 a. Located in a multi-story building the ground floor of which must contain one of the retail or
55 service uses listed in the land use table found under ACC 18.23.030 - "Permitted,

1 Administrative, Conditional and Prohibited Uses by Zone”. The ground floor may contain
2 entrance and lobby areas which serve the dwellings.

3 B. Multiple-family dwellings, stand alone

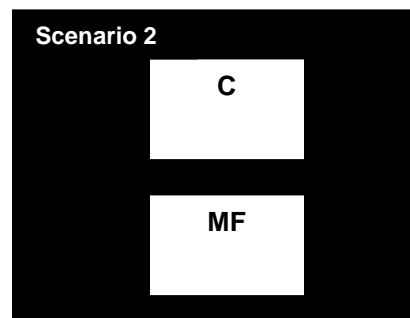
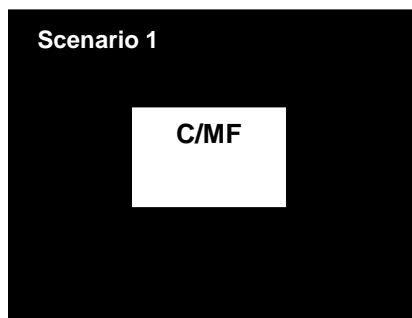
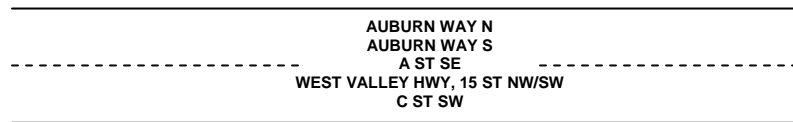
4 1. C-3 Zone

5 Multiple-family dwellings are permitted provided;

6 a. 1200 square feet of lot area is provided for each dwelling unit; and

7 b. The multiple-family development is arranged in the following manner based on its orientation
8 to a public roadway (Scenarios 1-4):
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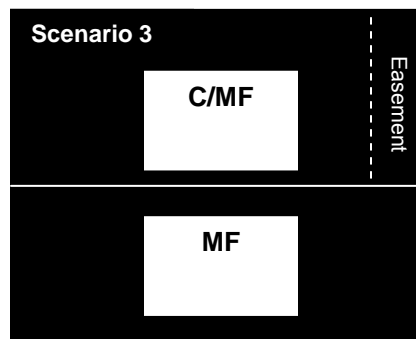
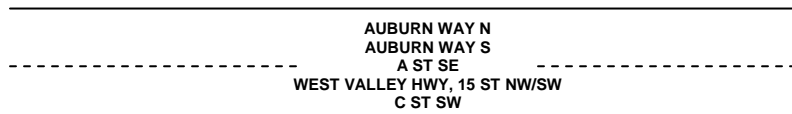
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When oriented along the roadways listed above:

Scenario 1: Vertical mixed-use (street level commercial, multi-family above) development required; or

Scenario 2: Horizontal mixed-use (commercial use along frontage, multifamily along the rear) required

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Legend

C = Commercial

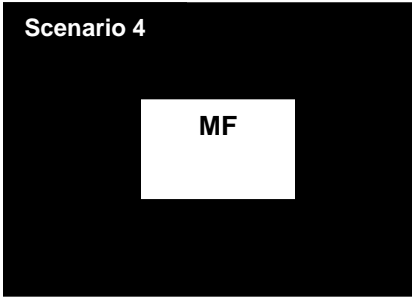
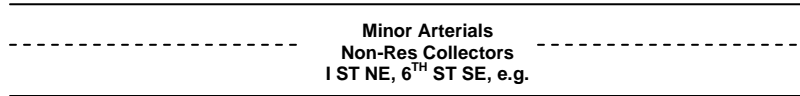
MF = Multi-family

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When oriented along the roadways listed above:

Scenario 3: Land locked property. Property to the rear can be stand alone multifamily

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Legend
C = Commercial
MF = Multi-family

When oriented along other minor arterials and non-residential collectors:
Scenario 4: Properties along streets that are less attractive to commercial uses, such as I St NE, stand alone multi-family can be permitted.

- 2. *EP Zone*
Multiple-family dwellings are permitted provided;
 - a. The multiple-family development incorporates sustainable design and green building practices and qualifies to be built green certified.

18.57.035 Retail.

- A. Building and landscape materials sales
 - 1. *All Zones where permitted*
 - a. Landscape materials displayed outdoors are limited to plants, soils, gravel, and fertilizer. No soil mixing is allowed.
 - b. Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way or adjacent residential zone or use and shall not be located in any of the required setbacks.
 - c. Stored building supplies and landscaping materials shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of Chapter 18.70.015 (A)(2)
- B. Groceries, specialty food stores
 - 1. *EP Zone*
 - a. Groceries and specialty food stores are limited to 20,000 square feet in size.
- C. Nursery
 - 1. *All Zones where permitted*
 - a. Aerial application of any pesticides, fungicides, fertilizer or any other chemical shall be prohibited.
 - b. Operation of heavy equipment is prohibited.
 - c. Outdoor storage and display of landscape plant materials (excluding elements such as mulch, pebbles, gravel stone, fertilizer, wood, sculptures, furniture, etc.) is permitted, but shall not be located in the required setbacks. Chain link fences, with black or green vinyl covering, are permitted for security purposes.
 - d. Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way or adjacent residential districts or use and shall not be located in any of the required setbacks.
- D. Outdoor displays and sales
 - 1. *All Zones where permitted*
 - a. Only the business or entity occupying the principal use or structure shall sell merchandise in the outdoor display areas.
 - b. All outdoor displays must be located on the same lot as the principal use.
 - c. Such outdoor display is permitted in any front or side yard, subject to a minimum setback of 20 feet from an adjoining property line.

- 1 d. Merchandise shall not be placed or located where it will interfere with pedestrian or building
 2 access or egress, required vehicular parking and handicapped parking, aisles, access or
 3 egress, loading space parking or access, public or private utilities, services or drainage
 4 systems, fire lanes, alarms, hydrants, standpipes, or other fire protection equipment, or
 5 emergency access or egress.
 6 e. The height of displayed merchandise shall not exceed the height of any fence or wall or 10
 7 feet, whichever is less.
 8 f. Outdoor display areas shall not be located on any parking spaces needed to comply with the
 9 minimum parking ratios in ACC 18.52 – Off Street Parking and Loading. Outdoor display
 10 areas shall be considered part of the floor area of the principal use or structure for purposes
 11 of computing the minimum number of parking spaces required.
 12

13 **18.57.040 Services.**

14 **A. Animal daycare**

15 *1. All Zones where permitted*

- 16 a. All pets shall be properly licensed.
 17 b. For any dog that has been designated as a “dangerous dog” or “potentially dangerous dog”
 18 as defined by Auburn City Code (ACC) the operator shall verify that the owner has complied
 19 with the regulations (on noticing, licensing, certificate of registration, restraining, etc.)
 20 contained in ACC Chapter 6.35 – Dangerous Dogs. The owner shall ensure the facility meets
 21 the requirements for a “proper enclosure” as set forth in ACC 6.35.010D.
 22 c. All fenced exercise areas must be at least 50 feet from a habitable residential structure.
 23 d. Adequate screening shall be required when abutting any residential use.
 24 e. General care of pets must be confined to inside of building and under supervision.
 25 f. Pets are permitted to be walked or exercised outside of building only under supervision and
 26 in accordance with all other applicable ordinances and laws.
 27 g. The exterior appearance of an animal day care building must be compatible with the
 28 appearance of neighboring properties.

29 **B. Animal sales and services**

30 *1. All Zones where permitted*

- 31 a. All sales and services shall be for household pets only.
 32 b. Overnight boarding is allowed within a completely enclosed building; however, animal
 33 services or sales uses over 20,000 square feet in gross floor area that use a majority of their
 34 gross floor area for retail sales, shall have no more than 15 percent of their gross floor area
 35 devoted to overnight boarding.
 36 c. Animal sales and services use must be completely enclosed except that outdoor animal runs
 37 or other areas in which dogs will be allowed outside of an enclosed structure off leash
 38 (hereinafter “outdoor run”) are allowed subject to compliance with the following conditions:
 39 i. Outdoor runs shall not be permitted within 50 feet of a habitable residential
 40 structure.
 41 ii. The outdoor run may operate only between the hours of 8:00 a.m. and 6:00
 42 p.m.
 43 iii. The facilities shall be constructed, maintained and operated so that neither the
 44 sound nor smell of any animals boarded or kept on the premises during the
 45 time that full enclosure is required can be discerned on other lots.

46 **C. Kennels, animal boarding**

47 *1. All Zones where permitted*

- 48 a. All pens shall be enclosed in an enclosed building.
 49 b. The property on which the kennel is to be located shall be no closer than one hundred (100)
 50 feet to any residential zone.
 51 c. Limited outdoor exercise runs or facilities shall be permitted so long as their hours of use are
 52 restricted to the hours between 8:00 a.m. and 6:00 p.m.
 53 d. The facility must be air conditioned.
 54 e. Exercise runs or facilities shall be a minimum of four (4) feet by ten (10) feet.
 55 f. The facility shall maintain a minimum total of twenty-five (25) square feet of kennel area per
 56 animal. This area may be comprised of cage area, runs, or exercise facilities.

- 1 g. Any outdoor areas used for animal containment or exercise shall be maintained by removing
- 2 animal waste on a regular basis for proper disposal as solid waste.
- 3 h. Any runoff, wash-down water, or waste from any animal pen, kennel, containment, or
- 4 exercise area shall be collected and disposed of in the sanitary sewer after straining of solids
- 5 and hair and shall not be allowed to enter the stormwater drainage or surface water disposal
- 6 system.
- 7 i. Strained solids and hair shall be properly disposed of as solid waste.

8 D. Repair service – equipment, appliances

9 1. *C-1, C-2, and C4 Zones*

- 10 a. Any repairing done on the premises shall be incidental only, and limited to custom repairing
- 11 of the types of merchandise sold on the premises at retail. The floor area devoted to such
- 12 repairing shall not exceed 30 percent of the total floor area occupied by the particular
- 13 enterprises.

14
15 **18.57.045 Transportation, Communication and Infrastructure.**

16 A. Towing storage yard

17 1. *M-1 and M-2 Zone*

- 18 a. Motor vehicle(s) shall not remain on the property for more than one-hundred-twenty (120)
- 19 days.
- 20 b. Motor vehicle(s) may not be repaired, restored, rebuilt, or otherwise altered on the property.
- 21 c. Motor vehicle(s) shall not be stacked vertically.
- 22 d. Vehicle parts and scrap metal shall not be stored on the property.
- 23 e. The sale of motor vehicles shall not be permitted.
- 24 f. The towing storage yard shall be landscaped in accordance with ACC 18.50.040.C(5)
- 25 g. Any motor vehicles which are damaged so as to be leaking fluid shall be brought to a
- 26 impervious surface where all fluids shall be contained and disposed of in conformance with
- 27 all state and federal regulations.
- 28 h. The applicant shall install a separator or other use generally accepted industry device or
- 29 practice that provides equal/protection to prevent any leaking fluids from the motor vehicles
- 30 from entering the soil or surface waters.

31
32 **18.57.050 Vehicle Sales and Services.**

33 A. Automobile washes (automatic, full or self-service)

34 1. *All Zones where allowed*

35 An automatic, full-or self-service car wash shall comply with the following standards:

- 36 a. Proper functioning of the site as related to vehicular stacking, circulation, and turning
- 37 movements.
- 38 b. The use of outdoor speakers is prohibited.
- 39 c. Car washes / detailing shall be located at least fifty (50) feet from any residential zone, use,
- 40 or structure.
- 41 d. Car wash openings must be oriented away from residential zones, use or structures.

42 B. Auto/vehicle sales and rental

43 1. *C-1 Zone*

- 44 a. The business shall be located on a principal or minor arterial as defined by the
- 45 comprehensive transportation plan;
- 46 b. No repairing, painting or body work shall be conducted outside of a building;
- 47 c. If abutting an R zone, a sight-obscuring fence or landscape screen shall be required;
- 48 d. A minimum of a 25-foot setback shall be required of any building from any R zone;
- 49 e. Other landscaping or architectural improvements may be required to ensure compatibility with
- 50 present and potential C-1 uses in the vicinity;

51 C. Fueling station

52 1. *C-2 Zone*

- 53 a. The fueling station must be accessory to an existing retail/service establishment in which the
- 54 principal tenant has a minimum floor area of at least 25,000 square feet. The principal tenant
- 55 must own and/or manage the station. The station must be located on the same parcel of

- 1 property as the principal tenant and the property must be at least 100,000 square feet in
 2 area.
- 3 b. The station must be located on the property to minimize the amount of conflict to the
 4 pedestrian traffic.
- 5 c. The station must be located on and have direct access to an arterial using existing curb cuts
 6 and driveways whenever practical. If the curb cuts and driveways do not meet current city
 7 standards, then they shall be brought up to such standards.
- 8 d. The station cannot interfere with the existing parking and/or traffic circulation on the property.
 9 There shall be enough room on the property to allow for adequate stacking space for vehicles
 10 waiting for fuel in order to avoid cars interfering with vehicles on the street. The facility cannot
 11 reduce the amount of parking required by the zoning code.
- 12 e. The station shall have a roof that covers all activities including the pay window, refuse
 13 containers, fuel pumps and the adjacent parking area for the cars being fueled. The area that
 14 is covered by the roof of the facility shall be no larger than 6,000 square feet. The number of
 15 pumps shall be limited to five such that no more than 10 vehicles may be fueled at any one
 16 time.
- 17 f. Columns or similar architectural features shall be provided that screen the visibility of the
 18 pump islands as well as give the visible impression of enclosing the structure. If necessary,
 19 provisions must be made to avoid a safety issue of enclosing any fumes associated with the
 20 fueling of the vehicles. The overall height of the facility shall not exceed 20 feet.
- 21 g. The design, architectural treatment and streetscape features of the station must be consistent
 22 with the design concepts as outlined in paragraph "P" of Section 1.4 of the downtown plan as
 23 well as provide some design continuity between the facility and primary structure.
- 24 h. Any other products for sale shall only be displayed within the building containing the pay
 25 window and any such products shall be incidental to automobile care/maintenance, or snacks
 26 and beverages. No sales of alcoholic beverages will be allowed.
- 27 i. Signs shall be limited to permanent wall signs, attached to the face of the canopy, only.
- 28 j. The application for the administrative use permit shall illustrate how it complies with these
 29 standards. (Ord. 6269 § 31, 2009.)
- 30 2. *Other Zones where permitted*
- 31 a. Fueling station canopies shall not exceed 20 feet in height or the height of the principal
 32 building, whichever is less;
- 33 b. Canopies shall be architecturally integrated with the principal building and all other accessory
 34 structures on the site through the use of the same or compatible materials, colors, and roof
 35 pitch.
- 36 c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be
 37 recessed into the underside of the canopy so as not to protrude below the canopy ceiling
 38 surface more than 2 inches.
- 39 d. All surfaces for exterior building façades or canopies shall be finished to match the surfaces
 40 of the principal structure.
- 41 D. Vehicle services – repair/body work
- 42 1. *C-2 Zone*
- 43 a. No vehicles stored outside that are not operable unless such vehicles are contained within a
 44 fenced and paved area. The entire perimeter of the outdoor storage area shall be landscaped
 45 with landscaping pursuant to 18.50.040.C(5). The maximum size of the outdoor storage area
 46 shall be no more than 25 percent of the associated building area.
- 47 2. *Other Zones where permitted*
- 48 a. Outdoor work areas shall be fenced, walled or screened to minimize on and off-site noise,
 49 glare, odor, or other impacts.
- 50 b. All repair work or lubrication shall be conducted within the principal building. All permanent
 51 storage of materials, merchandise, or repair and servicing equipment shall be contained
 52 within the principal building.
- 53 c. All body work and painting shall be conducted within fully enclosed buildings.
- 54 d. No operator shall permit the storage of motor vehicles for a period in excess of twenty-four
 55 (24) hours unless the vehicles are enclosed in the principal building.

Determination of Non-Significance

**Amendments to Title 18 - Zoning, of the Auburn City Code
Code Update Project - Phase 2 – Grouping 2
City of Auburn File No: SEP12-0022
Related File No: ZOA12-0007**

Description of Proposal: Group 2 of Phase 2 Code Amendments to Title 18 - Zoning, of the Auburn City Code (see detailed description of proposal on attached page).

Proponent: City of Auburn Planning and Development Department
25 West Main Street, Auburn WA 98001
Stuart Wagner, Planner
(253) 931-3090
swagner@auburnwa.gov

Location: City-wide

Lead Agency: City of Auburn

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

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued below. Comments must be submitted by 5:00 p.m. on **July 30, 2012**. Any person aggrieved of the City's Determination may file an appeal with the Auburn City Clerk within 14 days of the close of the comment period, or by 5:00pm on **August 13, 2012**.

Responsible Official: Kevin H. Synder, AICP
Position/Title: Director, Planning and Development Department
Address: 25 West Main Street
Auburn, Washington 98001
Telephone: (253) 931-3090

Date Issued: July 16, 2012

Signature: 

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

Description of Proposal – Code Update Project - Phase 2 – Grouping 2

The proposal is the second of two phases of an update to the City of Auburn Zoning Code. Phase 1 updated the City's residential-related zoning districts (Title 18 ACC) and subdivision code (Title 17 ACC). Phase 2 updates the City's non-residential related zoning districts (Title 18 ACC) and chapters that regulate non-residential and multi-family developments such as off-street parking and loading and landscaping and screening.

The goals of the Code Update project include:

- Improve development code readability and ease of use;
- Update technical content to address known issue areas and better support the City's development review and quasi-judicial decision process; and
- Ensure development code and design standards are coordinated and consistent with Auburn's Comprehensive Plan and other state land use and environmental requirements; and
- Promote sustainability concepts where feasible.

The proposal under this Determination of Non-Significance (Code Update Project – Phase 2 - Grouping 2) will add new definitions, consolidates chapters that currently regulate the City's non-residential zones (uses and development standards), creates a new Chapter containing standards for specific land uses and moves the Hearing Examiner chapter out of Title 18 - Zoning and into Title 2 – Administration and Personnel.

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AD TEXT

CITY OF AUBURN
Determination of Non-Significance

APPLICATION REQUESTED: Group 2 of Phase 2 Code Amendments to Title 18 - Zoning, of the Auburn City Code. The proposal under this Determination of Non-Significance will add new definitions, consolidates chapters that currently regulate the City's non-residential zones (uses and development standards), creates a new Chapter containing standards for specific land uses and moves the Hearing Examiner chapter out of Title 18 - Zoning and into Title 2 - Administration and Personnel. **APPLICATION NUMBER:** SEP12-0022 and ZOA12-0007 **APPLICANT NAME:** Stuart Wagner, AICP, Planner, City of Auburn Planning and Development Department. **PROPERTY LOCATION:** City wide. The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued below. Comments must be in writing and submitted by 5:00 p.m. on July 30, 2012. Questions and comments may be submitted to Stuart Wagner, Planner, Planning and Development Department, 25 West Main Street, Auburn, WA 98001-4998 or via email at swagner@auburnwa.gov. Any person wishing to become a party of record, shall include in their comments that they wish to receive notice of and participate in any hearings, if relevant and request a copy of decisions once made. A party of record may appeal the City's determination by filing an appeal application with the Auburn City Clerk within 14 days of the close of the comment period, or by 5:00 p.m. on August 13, 2012.

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City Of Auburn Finance Dept
City Clerk
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Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

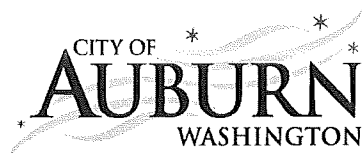
Newspaper and Publication Date(s)	
Seattle Times	07/16/12

Agent Marilyn Chavez Signature Marilyn Chavez



Subscribed and sworn to before me on July 17, 2012
DATE

Christina C. McKenna
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle
Christina C. McKenna



PLANNING AND DEVELOPMENT DEPARTMENT

ENVIRONMENTAL CHECKLIST

A BACKGROUND

1. Name of proposed project, if applicable: Group 2 of Phase 2 Code Amendments to Title 18 – Zoning, of the Auburn City Code

2. Name of applicant:

City of Auburn

3. Address and phone number of applicant and contact person:

Planning and Development Department
City of Auburn
25 West Main Street
Auburn, WA 98001
(253) 931-3090
Attn: Stuart Wagner, Planner

4. Date checklist prepared:

July 9, 2012

5. Agency requesting checklist:

City of Auburn

6. Proposed timing or schedule (including phasing, if applicable):

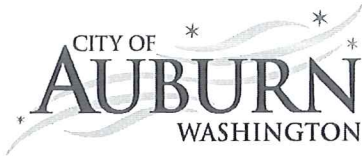
The nonproject action described and evaluated herein is a proposal to amend selected chapters of the Auburn City Code. The amendments proposed in this action are currently scheduled for Planning Commission review on August 7, 2012, a public hearing on September 5, 2012 and City Council consideration and adoption in October of 2012.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Nonproject action. This nonproject SEPA Environmental Checklist addresses proposed amendments to Title 18 of the Auburn City Code (ACC)

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

City of Auburn. Determination of Non-Significance SEP11-0020 – City of Auburn Zoning Code Amendments - Group 1 of Phase 2 Code Amendments to Title 18 – Zoning, of the Auburn City Code



PLANNING AND DEVELOPMENT DEPARTMENT

City of Auburn. Determination of Non-Significance SEP09-0025 – City of Auburn Zoning Code Amendments - Chapter 18.56 Auburn City Code. August 21, 2009.

City of Auburn. Determination of Non-Significance SEP09-0021 – City of Auburn Zoning Code Amendments - Chapters 18.04 and 18.26 ACC. July 30, 2009.

City of Auburn. Final Determination of Non-Significance SEP09-0012 - Amendments to Title 17-Subdivisions and Title 18-Zoning, of the Auburn City Code, and amendments to the Auburn Comprehensive Zoning Map. May 2009.

City of Auburn. Final Determination of Non-Significance – 2009 Comprehensive Plan amendments. August 2010.

City of Auburn. Final Determination of Non-Significance – 2009 Comprehensive Plan amendments. August 2009.

City of Auburn. Final Determination of Non-Significance – 2008 Comprehensive Plan amendments. August 2008.

City of Auburn. Final Determination of Non-Significance—2007 Comprehensive Plan amendments. August 2007.

City of Auburn. Final Determination of Non-Significance – 2006 Comprehensive Plan amendments. August 2006.

City of Auburn. Final Determination of Non-Significance – 2005 Comprehensive Plan amendments. September 2005.

- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

Non-project action. The proposed amendments would be City-wide

- 10. List any government approvals or permits that will be needed for your proposal, if known.**

The City of Auburn Planning Commission will hold a public hearing on the proposed Auburn City Code amendments addressed in this environmental checklist and will forward a recommendation to the Auburn City Council. The City Council may or may not hold a public hearing prior to taking action adopting, adopting in part, or not adopting the amendments.

Although not an approval or permit, the proposed amendments area also subject to State Agency review pursuant to RCW 36.70A.106.

- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this**

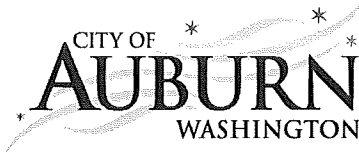
checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Description of Proposal

The Code Update Project began in September 2008 and is progressing in two phases. Phase 1, completed in June of 2009, updated the City's residential-related zoning districts (Title 18 ACC) and subdivision code (Title 17 ACC). Phase 2 updates the City's non-residential related zones (Title 18 ACC) and chapters that regulate non-residential and multiple-family developments. Because Phase 2 involved a number of zoning code amendments it was divided into two groupings. Grouping 1 was completed in December of 2011 and amended the following chapters in Title 18 ACC: Landscaping and Screening, Off-street Parking and Loading, and Variances, Special Exceptions and Administrative Appeals. Grouping 1 also added a new chapter related to Outdoor Lighting.

The proposal under this Determination of Non-Significance (Code Update Project – Phase 2 - Grouping 2) will add new definitions, consolidate many chapters that currently regulate the City's non-residential zones (uses and development standards), creates a new Chapter containing standards for specific land uses and moves the Hearing Examiner chapter out of Title 18 - Zoning and into Title 2 – Administration and Personnel.

(BOLD INDICATES CHAPTERS TO BE AMENDED)



Title 18 ZONING

Chapters:

- | | | | |
|------------------|---|--------------|--|
| 18.01 | User Guide | 18.45 | Repealed |
| 18.02 | General Provisions | 18.45A | Repealed |
| 18.04 | Definitions - Amend | 18.46 | Repealed |
| 18.06 | Repealed | 18.46A | Temporary Uses |
| 18.07 | Residential Zones | 18.47 | Electric Vehicle Infrastructure |
| 18.08 | Northeast Auburn Special Area Plan and Auburn Gateway Planned Action | 18.48 | Repealed |
| 18.09 | R-MHC Manufactured/Mobile Home Community Zone | 18.49 | Flexible Development Alternatives |
| 18.10 | Repealed | 18.50 | Landscaping and Screening |
| 18.12 | Repealed | 18.52 | Off-Street Parking and Loading |
| 18.14 | Repealed | 18.53 | Master Plans |
| 18.16 | Repealed | 18.54 | Nonconforming Structures, Land and Uses |
| 18.18 | Repealed | 18.55 | Outdoor Lighting |
| 18.20 | Repealed | 18.56 | Signs |
| 18.21 | Overlays | 18.57 | Standards for Specific Land Uses - New |
| 18.22 | RO Residential Office and RO-H Residential Office-Hospital District To be repealed | 18.58 | Repealed |
| 18.23 | Commercial and Industrial Zones - New | 18.60 | Home Occupations |
| 18.24 | C-N Neighborhood Shopping District To be repealed | 18.62 | Surface Mining |
| 18.25 | Infill Residential Development Standards | 18.64 | Administrative and Conditional Use Permits |
| 18.26 | C-1 Light Commercial District To be repealed | 18.66 | Hearing Examiner - To be moved to Title 2 |
| 18.28 | C-2 Central Business District To be repealed | 18.68 | Amendments |
| 18.29 | DUC Downtown Urban Center District | 18.69 | Repealed |
| 18.30 | C-3 Heavy Commercial District To be repealed | 18.70 | Variances, Special Exceptions, and Administrative Appeals |
| 18.31 | C-4 Mixed Use Commercial District To be repealed | 18.72 | Administration and Enforcement |
| 18.31 | Supplemental Development Standards | 18.74 | Location of Sexually Oriented Businesses |
| 18.32 | M-1 Light Industrial District To be repealed | 18.76 | Planned Unit Development District (PUD) – Lakeland Hills South |
| 18.33 | Environmental Park District To be repealed | 18.78 | Terrace View (TV) District |
| 18.34 | M-2 Heavy Industrial District To be repealed | | |
| 18.35 | Special Purpose and Combining Zones - New | | |
| 18.36 | BP Business Park District | | |
| 18.38 | LF Airport Landing Field District | | |
| 18.40 | P-1 Public Use District To be repealed | | |
| 18.42 | UNC Unclassified Use District | | |
| 18.44 | I Institutional Use District To be repealed | | |

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This is a nonproject action located within the City of Auburn municipal boundaries

B ENVIRONMENTAL ELEMENTS**1. Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other**

The City of Auburn is characterized by a relatively flat valley floor bordered by steep hillsides and upland plateaus overlooking the valley. See Section D, Nonproject Action.

- b. What is the steepest slope on the site (approximate percent slope)?**

The slopes vary in the city and PAA areas, but in some locations slopes associated with the valley walls reach 100%. See Section D, Nonproject Action.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.**

See Section D, Nonproject Action. The valley floor is made up primarily of soils of the Oridia, Renton, Snohomish, and Briscott series. These soils are poorly drained and formed in the alluvium (river sediments) associated with the White and Green rivers. These are considered good agricultural soils, though in many areas, are not well-drained. There is no designated farmland within the City of Auburn.

The hillsides and plateaus are made up of primarily Alderwood associated soils and a small amount of Everett associated soils (U.S. Department of Agriculture, 1973). Alderwood soils are moderately well drained gravelly sandy loams 20-40 inches deep. Beneath these soils is glacial til with low permeability. Roots penetrate easily to the hardpan layer. Runoff potential is slow to medium. Erosion and slippage hazard is moderate, ranging to severe on steeper slope phases. The Everett series consists of somewhat excessively drained soils that are underlain by very gravelly sand. These soils formed in very gravelly glacial outwash deposits under conifers. They are found on terraces and terrace fronts and are gently undulating to moderately steep.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

See Section D, Nonproject Action. Many factors affect slope stability including soil type, parent material, slope and drainage. These factors can be further affected by human intervention such as slope alteration, and vegetation removal. The city has identified categories of geologic hazard areas and inventoried these areas. Maps of the erosion and landslide hazard areas are provided as Maps 9.6 and 9.7, respectively in the City's Comprehensive Plan.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.**

See Section D, Nonproject Action. Not applicable. The proposed amendments to the Auburn City Code are non-project actions, no site alteration, construction, or earthwork is proposed.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

See Section D, Nonproject Action. Not applicable. The action does not involve site specific development proposals.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

See Section D, Nonproject Action. This is a non-project action, no site specific erosion control is proposed. However, the existing comprehensive plan includes numerous policies to reduce or control erosion through the use of best management practices, landscaping requirements, limitations on alteration of steep slopes and other critical areas protections. Impacts to earth will be identified and, if necessary, mitigated during the development review process as specific development proposals are made that might be associated with these plan amendments.

The city also has adopted a City Engineering Design Standards Manual and a City Construction Standards Manual that address erosion impacts (ACC Chapter 12.04 as referenced by ACC 15.74).

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

3. Water**a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Citywide nonproject action - See Section D, Nonproject Action. The major bodies of water within Auburn are the Green River, the White River, Mill Creek, Bowman Creek, and White Lake. The city has conducted an inventory of wetlands within the city limits. These are shown on Map 9.3 of the City's Comprehensive Plan. The Green and White Rivers in Auburn are Type S streams designated as Shorelines of the State in the City of Auburn Shoreline Master Program.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) of the described waters? If yes, please describe and attach available plans.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

See Section D, Nonproject Action. Not applicable. This is non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**

See Section D, Nonproject Action. Not applicable. This is non-project action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

See Section D, Nonproject Action. Not applicable. The designated 100-year floodplain areas for the Green River, White River, and Mill Creek, as well as frequently flooded areas (as defined by the City of Auburn Public Works Department) are shown on Map 9.4 of the City's Comprehensive Plan.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

See Section D, Nonproject Action. Not applicable. This is non-project action.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

See Section D, Nonproject Action. Not applicable. This is non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

See Section D, Nonproject Action. Not applicable. This is non-project action.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

See Section D, Nonproject Action. Not applicable. This is non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

See Section D, Nonproject Action. Not applicable. This is non-project action.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

See Section D, Nonproject Action. Not applicable. This is non-project action.

4. Plants

- a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 Shrubs
 Grass
 Pasture
 crop or grain
 wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

See Section D, Nonproject Action.

- b. What kind and amount of vegetation will be removed or altered?

See Section D, Nonproject Action. However, in general urban development can result in the removal or alteration of vegetation. Existing City standards currently address vegetation modification activities as they relate to critical areas protection (e.g. wetlands), and landscaping requirements.

- c. List threatened or endangered species known to be on or near the site.

See Section D, Nonproject Action. None known at this time.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

City Comprehensive Plan includes policies on retaining vegetation, ACC Chapter 15.74 governs tree and vegetation retention, and the City's landscaping regulations (ACC 18.50) govern landscaping within the City. See Section D, Nonproject Action. This is a non-project action.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

_____ **hawk, heron, eagle, songbirds, other:** geese, ducks, crows, etc.
 _____ **mammals: deer, bear, elk, beaver, other:** urban animals such as dogs, cats, squirrels, rodents, opossums, raccoons, etc. are also present in the city
 _____ **fish: bass, salmon, trout, herring, shellfish, other:**

See Section D, Nonproject Action.

b. List any threatened or endangered species known to be on or near the site.

See Section D, Nonproject Action. There are nesting/breeding sites of bald eagles, great blue herons and green back heron within Auburn as shown on Map 9.2 of the City's Comprehensive Plan. The Environmental Impact Statement for the Auburn Thoroughbred Racetrack indicates that peregrine falcons, bald eagles, and the Aleutian Canadian Goose have been seen in the Auburn area.

Chinook salmon are currently listed as a threatened species by the National Marine Fisheries Service (NMFS). Bull trout are also listed. Chinook salmon are known to use the Green and White Rivers.

c. Is the site part of a migration route? If so, explain.

See Section D, Nonproject Action. Auburn is a portion of the Pacific Flyway for migratory birds, and the Green and White Rivers are known.

d. Proposed measures to preserve or enhance wildlife, if any:

The City's Comprehensive Plan includes policies that encourage preservation of wildlife habitat and environmental features supportive of wildlife habitat. In addition, the City's critical areas regulations (Chapter 16.10 of the ACC) offers protection for critical wildlife habitat, among other things. See Section D, Nonproject Action. This is a non-project action.

6. Energy and natural resources

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

7. Environmental health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- 1) **Describe special emergency services that might be required.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- 2) **Proposed measures to reduce or control environmental health hazards, if any:**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

8. Noise

- a. **What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- b. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

- c. **Proposed measures to reduce or control noise impacts, if any:**

See Section D, Nonproject Action. Not applicable. This is a non-project action.

9. Land and shoreline use**a. What is the current use of the site and adjacent properties?**

See Section D, Nonproject Action. The City contains a variety of land uses including residential, industrial, commercial, open space, and public land uses.

b. Has the site been used for agriculture? If so, describe.

See Section D, Nonproject Action. Much of Green River/White River Valley and the City of Auburn were used for agriculture at some time in the past. Over the last several decades, rapid growth in the area resulted in much of the agricultural land converting to urban uses. No land within the city is designated as agricultural in city plans or zoning code, though some parcels continue to be farmed.

c. Describe any structures on the site.

See Section D, Nonproject Action. Structures within the city and Potential Annexation Areas (PAA) range from small single family detached homes to large industrial and warehousing facilities. Properties subject to the proposed code amendments include vacant land, as well as properties improved with residential, commercial, industrial and public/institutional structures.

d. Will any structures be demolished? If so, what?

See Section D, Nonproject Action. Not applicable. This is a non-project action.

e. What is the current zoning classification of the site?

See Section D, Nonproject Action.

f. What is the current comprehensive plan designation of the site?

See Section D, Nonproject Action.

g. If applicable, what is the current shoreline master program designation of the site?

See Section D, Nonproject Action.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

See Section D, Nonproject Action. This is a non-project action. However, areas of the city do contain sensitive areas and the regulation and protection of sensitive areas are addressed through the city's critical areas ordinance.

i. Approximately how many people would reside or work in the completed project?

See Section D, Nonproject Action. Not applicable. This is a non-project action and no specific development is proposed.

j. Approximately how many people would the completed project displace?

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action and no specific development is proposed.

k. Proposed measures to avoid or reduce displacement impacts, if any:

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action and no specific development is proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

See Section D, Nonproject Action. This proposal is to amend the City of Auburn Zoning Code as described in response to the environmental checklist application question A.11 above. The proposed amendments are consistent with Comprehensive Plan policies as described in Section D.

Also, the proposed amendments are circulated to State agencies for review in accordance with RCW 36.70A.106.

10. Housing**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

See Section D, Nonproject Action. None. This proposal is a non-project action.

c. Proposed measures to reduce or control housing impacts, if any:

See Section D, Nonproject Action. None specifically, as this is a non-project action.

11. Aesthetics**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

See Section D, Nonproject Action. None specifically, as this is a non-project action.

b. What views in the immediate vicinity would be altered or obstructed?

See Section D, Nonproject Action. None specifically, as this is a non-project action.

c. Proposed measures to reduce or control aesthetic impacts, if any:

See Section D, Nonproject Action. None specifically, as this is a non-project action.

12. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any:**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

13. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

See Section D, Nonproject Action. The City of Auburn provides a full range of parks and recreational facilities. Map 11.1 of the City's Comprehensive Plan shows the location of these facilities.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

14. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

See Section D, Nonproject Action. The following sites in the City of Auburn are listed on the National Register of Historic Places and the Washington State Heritage Register: Auburn Public Library, 306 Auburn Avenue NE; Auburn Post Office, 20 Auburn Avenue NE; Oscar Blomeen House, 324 B Street NE; Mary Olson Farm, 28728 Green River Road NE. Additionally, the Auburn Masonic Temple located at 310 East Main Street is designated as a City of Auburn Landmark..

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

See Section D, Nonproject Action. Several Indian campsites have been identified along the Green and White rivers in the Auburn Thoroughbred Racetrack EIS and in preliminary work for the Army Corps of Engineers' Special Area Management Plan.

c. Proposed measures to reduce or control impacts, if any:

See Section D, Nonproject Action. Auburn City Code Chapter 18.49-Flexible Development Alternatives and Chapter 18.25-Infill Residential Development Standards provide incentives for additional measures of protection and/or restoration beyond those otherwise required under Federal/State law and Auburn City Code for sites of historic or cultural significance.

This proposal is a non-project action. All non-exempt projects will be required to conduct project-level SEPA analysis.

15. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

See Section D, Nonproject Action. Figure 2-1 of the Comprehensive Transportation Plan (transportation element) shows the City's current and future classified street system.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

See Section D, Nonproject Action. Figure 4-1 of the Comprehensive Transportation Plan (transportation element) shows the location of public transit routes within the City. Also, a Sound Transit commuter rail station exists along the Burlington Northern Santa Fe railroad right-of-way just south of West Main Street and east of C Street SW.

c. How many parking spaces would the completed project have? How many would the project eliminate?

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

See Section D, Nonproject Action. There is no water transportation in the Auburn area other than for recreational uses. The area is particularly well served by rail. At this time, local freight service is available. Burlington Northern Santa Fe and Union Pacific both operate freight lines within Auburn. Auburn is also a commuter rail station site for the Sounder commuter rail line between Tacoma and Seattle. Service began September 18,

2000. Amtrak trains pass through Auburn but do not stop here. The Auburn Municipal Airport is located north of 15th Street NE.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

See Section D, Nonproject Action. Not applicable. This proposal is a non-project action.

- g. Proposed measures to reduce or control transportation impacts, if any:**

See Section D, Nonproject Action.

16. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.**

The proposal is not expected to affect the total number of housing units, the number or types of commercial developments that could be built, or to result in an increased need for public services as compared with the current zoning regulations.

See Section D, Nonproject Action.

- b. Proposed measures to reduce or control direct impacts on public services, if any.**

See Section D, Nonproject Action. The comprehensive plan contains policies that seek to maintain a sufficient level of service for public services as development occurs. Also, Auburn reviews the impacts of significant development on these public services during project-level review and SEPA. Mitigation measures are required to reduce significant adverse impacts.

17. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

All of the above utilities are available within the City of Auburn.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

This is a non-project action. However, the Comprehensive Plan includes a utilities element (as required by the Growth Management Act), which describes the utilities that serve the Auburn area and includes policies for their provision.

Also, the city actively engages in planning for public facilities. The Comprehensive Water Plan and Comprehensive Sewer Plan were adopted by the city in 2001. The Comprehensive Drainage Plan was adopted in 2002. A new six year Capital Facilities Plan was adopted in 2008 (2009-2014).

These plans ensure that utility impacts are adequately monitored and evaluated on a project level and city-wide basis.

C SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Date Submitted: 7/9/12 _____

D SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed code amendments will improve development code readability and ease of use by converting land use provisions (permitted uses and development standards) from a text format to a table format. Additionally outdated uses will be removed and uses that were not previously identified added. Lastly specific standards for certain land uses within individual or multiple zones to mitigate their potential adverse impacts will be added.

The proposal would not be likely to increase discharge to water, emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise. This nonproject action does not affect the existing City performance standards currently contained in ACC 18.31 that regulate noise, emissions to air; production, storage, or release of toxic or hazardous substances.

Proposed measures to avoid or reduce such increases are:

The City of Auburn Comprehensive Plan contains provisions to reduce increases or emissions caused by new development. Emphasis in the Comprehensive Plan on reducing the reliance on the automobile for transportation should reduce the amount of emissions to the air. Policies in the Environment Chapter also provide guidance in the review of development proposals to encourage native vegetation. This supports wildlife habitat areas, particularly near streams, as the policies assist the City in addressing adverse impacts to water quality and wildlife habitat from runoff since native plantings may require less pesticide use.

Non-exempt development will be subject to SEPA requirements to evaluate and mitigate impacts related to discharges, emissions, and the release of toxic substances. Evaluation of the site specific proposals will be based on the policies of the Comprehensive Plan and appropriate mitigation will take place on a case by case basis.

City development standards including but not limited to the critical areas ordinance (ACC 16.10), shoreline master program regulations (ACC 16.08), the City's Engineering Design Standard and Construction Standard Manuals (ACC 12.04) also provide additional protection for these types of impacts.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal under this Determination of Non-Significance (Code Update Project – Phase 2 - Grouping 2) will add new definitions, consolidate many chapters that currently regulate the City's non-residential zones (uses and development standards), and creates

a new Chapter containing standards for specific land uses. It is unlikely the proposed code amendment will have any adverse effect on plants, animals, fish, or marine life.

The proposed amendments would not affect the City's critical areas regulations and they are not expected change the developable area of the City. The proposed amendments would not introduce any new land uses in areas where they are not currently allowed.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Generally, the adopted Auburn Comprehensive Plan and critical areas ordinance seek to protect and conserve plants, animals, fish, and marine life. SEPA environmental review of all non-exempt development is conducted to measure and mitigate impacts. Evaluation based on the policies of the Auburn Comprehensive Plan and appropriate mitigation will take place for each future development proposal on a case-by-case basis.

Policies within the Environment Chapter also provide guidance in the review of development proposals to encourage native vegetation be used and/or retained. This should support wildlife habitat areas, particularly near streams as the policies assist the city in addressing adverse runoff impacts to water quality and wildlife habitat since native plantings may require less pesticide use.

City development standards including but not limited to the critical areas ordinance and the shoreline master program regulations also provide additional protection for these types of impacts.

3. How would the proposal be likely to deplete energy or natural resources?

There are no expected significant increases in the use of energy or natural resources resulting from the amendments being proposed.

Proposed measures to protect or conserve energy and natural resources are:

None specifically, as this is a non-project action. However, in addition to the provisions of the Auburn Energy Management Plan (adopted in 1986), which encourages energy conservation in public buildings, street lighting, and recycling, the comprehensive plan places an emphasis on providing for alternative methods of travel to the automobile such as transit, walking, and biking.

An environmental review under SEPA of all non-exempt development will be conducted to measure the project impacts.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

There are no proposed changes to the City's critical area regulations which govern environmentally sensitive areas (ACC 16.10). The proposal is unlikely to affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The comprehensive plan and, in particular, the critical areas ordinance (ACC 16.10), seek to protect environmentally sensitive areas (wetlands, streams, geologically hazard areas, floodplain, wildlife habitat, and aquifer recharge areas) and to reduce the impacts of development on them. The Auburn Comprehensive Plan provides for the implementation of innovative land management techniques to protect these resources. Among the innovative land management techniques, the Flexible Development Alternatives Chapter (ACC 18.49) includes incentives for enhancement or restoration of critical area buffers, and/or encouraging development to locate farther from critical areas than currently required by code.

SEPA environmental review for all non-exempt development will be conducted to evaluate impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is expected to encourage land and shoreline uses consistent with the City's existing plans, including the City's Comprehensive Plan and Shoreline Master Program. The City of Auburn Comprehensive Plan provides the policy guidance with respect to non-residential development. Below are goals and policies from the Comprehensive Plan which support the proposed changes to Title 18 – Zoning of the Auburn City code. The proposed amendments are in accordance with the goals, policies and objectives of the comprehensive plan.

GOAL 9. COMMERCIAL DEVELOPMENT

To maintain and establish a variety of commercial environments which provide the full range of commercial services to the community and region in a manner which reduces conflicts between different types of commercial services and other uses.

Discussion: Commercial uses range from a small corner store providing service primarily to the neighborhood around it to a large shopping mall which serves the entire region. Auburn contains both of these types of commercial uses and recognizes their importance in providing service to both Auburn and regional residents. The City will provide opportunities for the full range of commercial uses while insuring that their impacts on each other and on other uses are minimized.

The proposal will add new land use tables, ones divided by major land use categories i.e. Industrial and Manufacturing vs. Residential vs. Retail vs. Service, e.g. Within these new land use tables are new uses including commercial recreational facilities, live/work or work/live unit, building and landscaping sales, outdoor displays and sales associated with a permitted use, fueling station, and others, thereby providing a full range of commercial uses in the city's non-residential zones.

GOAL 11. INDUSTRIAL DEVELOPMENT

To provide for, establish and maintain a balance of industrial uses that respond to local and regional needs and enhance the City's image through optimal siting and location, while taking into consideration tax policy impacts of streamlined sales tax and/or other similar legislation.

Objective 2.1. To provide assurance that residential areas will be protected from intrusions by incompatible land uses.

Policies:

GP-11 Ordinance provisions designed to protect residential areas shall give priority to providing predictability and stability to the neighborhood

GP-12 Adequate buffering shall be required whenever new commercial or industrial uses abut areas designated for residential uses

The land uses tables described above are structured in a way that will establish and maintain a balance of industrial uses, ranging from warehousing and distribution to storage to manufacturing. Residential uses will be protected through greater setbacks (when abutting non-residential uses) and through additional development standards (on siting, aesthetic, or operational). New specific standards have been created for outdoor displays and sales, towing storage yards, automobile washes, and other uses.

Objective 11.2. To establish performance standards appropriate for developing industrial areas.

Policies:

LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts.

LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.

a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.

b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas.

c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets.

LU-107 Land made available for industrial development, and uses allowed in industrial zones, shall take into consideration impacts of tax policy and tax structure upon the City of Auburn.

Objective 11.7. To promote and incentivize increased retail uses in industrial zoning districts.

Policies:

LU-116 Changes in comprehensive plan and zoning policies and standards should be implemented to create regulatory controls and incentives for the increased use of land and buildings to for sales tax producing commercial retail uses.

Because the City of Auburn Comprehensive Plan contains policies stating that warehouse and distribution land uses are not a preferred long term economic development and land use priority for industrial zoned areas in the City due to a loss of

sales tax revenue associated with the State's implementation of streamline sales tax legislation, the new land use tables have motor freight terminals (new) listed as a prohibited use and a number of sales tax producing commercial retail uses have been added.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The comprehensive plan, critical areas ordinance, and other development regulations, such as the zoning ordinance and shoreline master program, seek to protect these land and shoreline resources and to reduce the effects of development on them. An environmental review under SEPA of all future development that is non-exempt will also be conducted to evaluate a proposal's land use and environmental impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not expected to affect the total number of housing units or the number or types of commercial developments that could be built in the City of Auburn, therefore the proposal is not expected to increase demands on transportation or public services and utilities as compared with the current zoning regulations.

Proposed measures to reduce or respond to such demand(s) are:

The City has adopted a six-year Transportation Improvement Program (2009-2014) that identifies projects to meet safety needs, capacity needs, access needs, projected funding. The Comprehensive Transportation Plan is an element of the City's overall Comprehensive Plan. It is the City's long-range plan for developing its transportation system over the next 15 years. This plan helps ensure that transportation impacts are adequately monitored and evaluated on a project level and city-wide basis.

The City has an adopted 2008-2014 Capital Facilities Plan. Also, the city actively engages in planning for public facilities. The Comprehensive Water Plan and new Comprehensive Sewer Plan were adopted by the city in 2001. The Comprehensive Drainage Plan was adopted in 2002. A Comprehensive Transportation Plan was adopted in 2005 with updates during the 2006 Comprehensive Plan amendment cycle. These plans help ensure that utility impacts are adequately monitored and evaluated on a project level and city-wide basis.

An environmental review under SEPA for all non-exempt development will be conducted to evaluate environmental impacts. Environmental impacts that must be addressed during the SEPA review process include traffic, public services, and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not conflict with local, state, or federal laws or requirements for protection of the environment.

Notice of Public Hearing

The Planning Commission of the **CITY OF AUBURN**, Washington, will conduct a public hearing on October 2, 2012, at 7:00 P.M. in the Council Chambers of the Auburn City Hall located at 25 West Main Street on the following matter:

Case Number: ZOA12-0007 – Group 2 of Phase 2 Code Amendments to Title 18 - Zoning, of the Auburn City Code

The proposal is the second of two phases of an update to the City of Auburn Zoning Code. Phase 1 updated the City's residential-related zoning districts (Title 18 ACC) and subdivision code (Title 17 ACC). Phase 2 updates the City's non-residential related zoning districts (Title 18 ACC)

The proposed amendments (Phase 2, Group 2) will affect the zoning code as follows:

- Add new definitions, consolidates chapters that currently regulate the City's non-residential zones (land uses and development standards).
- Create a new chapter containing standards for specific land uses.

The public hearing will be held in the Council Chambers, Auburn City Hall, located at 25 West Main Street. The public is invited to attend to express comments or opinions. Written comments may be submitted up until and at the public hearing to Stuart Wagner, AICP, Planner, Planning and Development, 25 West Main Street, Auburn, WA 98001-4988. If you have further comments or questions, please contact Planner Stuart Wagner at swagner@auburnwa.gov or 253-804-5031.

For citizens with speech, sight or hearing disabilities wishing to review documents pertaining to this hearing, should contact the City of Auburn within 10 calendar days prior to the meeting, as to the type of service or equipment needed. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

From: Legals [legals@seattletimes.com]
Sent: Thursday, September 20, 2012 2:45 PM
To: Tina Kriss
Subject: RE: 239998,ZOA12-0007 - NOTICE OF PUBLIC HEARING: The
Planni

HI Tina,

Your legal notice is scheduled to run on Sunday 9/23 on Ad#
239998 costing \$256.32.

Thank you,
Kathy Baldwin
Legals Account Executive
The Seattle Times Company
p: 206.652.6018
f: 206.515.5595
e: legals@seattletimes.com





Department of Commerce

Innovation is in our nature.

Notification for 60-Day Review of Development Regulation Amendment

Pursuant to RCW 36.70A.106, the following hereby provides 60-day notice of intent to adopt the following development regulation amendments.

Jurisdiction Name:	City of Auburn
Address:	25 West Main Street, Auburn, WA 98001
Date:	July 17, 2012

Contact Name for Ordinance:	Stuart Wagner, Planner
Phone Number:	(253) 804-5031
Fax Number:	(253) 804-3114
E-Mail Address:	swagner@auburnwa.gov

<p>Brief Description of the Proposed Development Regulation Amendment:</p> <p><input type="checkbox"/> Check the box if this is <u>Supplemental Material</u> for an existing amendment already submitted to CTED. Please also provide the date submitted and/or CTED Material ID number.</p>	<p>Group 2 of Phase 2 Code Amendments to Title 18 - Zoning, of the Auburn City Code.</p> <p>The Code Update Project began in September 2008 and is progressing in two phases. Phase 1, completed in June of 2009, updated the City's residential-related zoning districts (Title 18 ACC) and subdivision code (Title 17 ACC). Phase 2 updates the City's non-residential related zones (Title 18 ACC). The proposal under Phase 2 - Grouping 2 will add new definitions, consolidate many chapters that currently regulate the City's non-residential zones (uses and development standards), creates a new Chapter containing standards for specific land uses and moves the Hearing Examiner chapter out of Title 18 - Zoning and into Title 2 - Administration and Personnel.</p>
Planned Public Hearing Date:	August 21, 2012
Planned Date of Adoption:	September, 2012
Please Attach a Draft of the Proposed Amendment.	See Attachments



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

July 23, 2012

Stuart Wagner
Planner
City of Auburn Planning Department
25 W Main Street
Auburn, Washington 98001-4998

Dear Mr. Wagner:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Auburn - Proposed code updates, including new definitions, consolidated chapters that regulate the City's non-residential zones (uses and development standards), creates a new Chapter containing standards for specific land uses, etc. (Group 2, Phase 2 updates). These materials were received on July 17, 2012 and processed with the Material ID # 18271.

We have forwarded a copy of this notice to other state agencies.

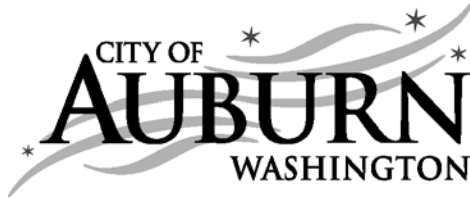
If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment, then final adoption may occur no earlier than sixty days following the date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491 or Paul Johnson (360) 725-3048.

Sincerely,

Review Team
Growth Management Services



Memorandum

To: Judi Roland, Chair, Planning Commission
 Kevin Chapman, Vice Chair, Planning Commission
 Planning Commission Members

From: Hillary Taylor, Senior Planner

CC: Kevin Snyder, AICP, Planning and Development Director

Date: September 20, 2012

Re: Wireless aesthetics code update discussion

At the October 2, 2012 Planning Commission meeting, staff will present the following memorandum to the Commissioners regarding the regulation of the siting of wireless communication facilities.

Background

During the September 10, 2012 Planning Community and Development Committee meeting, staff presented a memo on regulation of wireless communication facilities. At a previous Planning and Community Development Committee meeting a question about cell towers was raised and staff was asked to provide information on stealth and aesthetic design options at a future Committee meeting. The City's wireless regulations were last substantially amended in March 2002 (Ordinance No. 5645).

Staff Research

Wireless regulations from the Cities of Federal Way, Sumner, and Kent are included as attachments B, C, and D. These communities have regulations in place to govern the aesthetic design of wireless utilities that are similar in nature to the regulations in the Auburn City Code which generally require height limitations, landscaping provisions, setback requirements and co-location requirements.

	Landscaping regulations	Setback requirements	Co-location requirements
City of Federal Way	YES – screening ground equipment	YES – varies by zone	YES
City of Sumner	YES - maintenance of existing vegetation plus specific requirements by zone	YES – varies by zone	YES

City of Kent	YES – screening the ground equipment	YES – varies by zone	YES
City of Auburn	YES – screening of ground equipment	YES – varies by zone plus additional setback if adjacent to residential zone for new support structures	YES

Auburn has a section in the following aesthetics code (ACC 18.31.100.F ‘Wireless communications facilities siting standards’):

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

Summarized below are the wireless utility aesthetics regulations adopted by the City of Sammamish:

City of Sammamish regulations

Adopted in 2010, the City of Sammamish adopted regulations regarding wireless communication facilities. Please see the attached copy of Chapter 21A.55 Wireless Communication Facilities regulations from the City of Sammamish (Attachment E). The City of Sammamish has regulations for concealed antennas that require the antennas to “reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:

- (i) A location as close as possible to the center of the structure; and

- (ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and
- (iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from the adjacent lands containing, in descending order of priority; existing residences, public parks and open spaces, and public roadways.”

Discussion

Within the wireless utility industry the equipment, terminology and customer needs have changed, and an update to the wireless utility code sections of the Auburn City Code could either incorporate new aesthetic design regulating provisions, just update terminology, or both. The terminology update may allow staff to better communicate the needs of the City to wireless utility providers seeking to improve their services. There is concurrence by the Planning and Community Development Committee to begin working with the Planning Commission on an update to the existing wireless utility regulations of the Auburn City Code to better reflect current equipment and terminology and to better regulate the aesthetics of wireless utilities to protect neighboring property values. Staff has begun to research whether new primary support structures are still needed as wireless facility providers in the recent past of mainly been co-locating on existing facilities. The integration into a new or existing structure masks the utility, and benefits the property owner by creating visual interest to the building, and by generating revenue that can be achieved through a lease agreement to allow the integration of the utility into the building.

Discussion Questions

1. Does the Planning Commission agree with the Planning and Community Development Committee that the terminology regarding wireless communication facilities needs to be updated?
2. What are the Planning Commission’s thoughts on whether new wireless facility support structures should be required to be integrated into new or existing structures or incentivize integration into new or existing structures?
3. Should staff mandate or incentivize other aesthetic design controls? In the case of the incentive approach, the provider could obtain greater flexibility from the City if it voluntarily pursued aesthetic design for its project.
4. What other questions or information would the Commission like regarding this issue?

Attachments:

- Attachment A – Regulations from the City of Auburn
- Attachment B – Regulations from City of Federal Way
- Attachment C – Regulations from City of Sumner
- Attachment D – Regulations from City of Kent
- Attachment E – Regulations from City of Sammamish

Attachment A

- d. One thousand feet or more from any **religious institution** meeting the requirements of a **conforming use** and meeting all other requirements of the Auburn City Code; and
- e. One thousand feet or more from any public park; and
- f. One thousand feet or more from any licensed **daycare center, nursery school or preschool** as defined by ACC [18.04.290](#); and
- g. One mile or more from any other work release, prerelease or similar facility.

2. The distances provided in this subsection **shall** be measured by following a straight line, without regard to intervening **buildings**, from the nearest point of the property parcel upon which the proposed **use** is to be located or expanded to the nearest point of the parcel of property or the land **use** district boundary line from which the proposed land **use** is to be separated.

C. Each facility **shall** provide on-site dining, on-site laundry or laundry service, and on-site recreation facilities to serve the residents.

D. A **conditional use** permit application for a work release, prerelease or similar facility **shall** be accompanied by proposed operating rules for the facility. These proposed rules **shall** be reviewed by the **planning director** in consultation with the chief of police and the city attorney. The **planning director** shall include in any recommendation on the requested **conditional use** permit an analysis of the proposed rules as they **may** relate to the findings of fact required under ACC [18.64.040](#). (Ord. 6245 § 15, 2009.)

18.31.100 Wireless communications facilities siting standards.

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

A. Separation between Facilities.

1. New, Freestanding Primary **Support Structures**.

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

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

3. A primary **support structure** would be considered "existing" if a **conditional use** permit or **administrative use** permit has been issued and is still valid for **sites** which

have not been built upon.

B. Co-Location Requirements.

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

C. Height.

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

D. Setbacks.

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

E. Fencing and Landscaping.

1. Fencing. Fencing is required to enclose all above-ground support equipment that is

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

2. Landscaping.

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

F. Aesthetics.

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

G. Lighting.

1. Freestanding **support structures** shall not be artificially lighted, unless required by the FAA or other applicable authority. Any proposed lighting **shall** be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.
2. Security lighting **used** to light the **equipment facility** shall be directed downward, shielded and kept within the boundaries of the **site**.

H. Abandoned Facilities.

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

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

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

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

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

Zone	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C

C-3	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1, EP	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A ³
I	1-A	1-B	1-C
LF	1-A	1-B	1-C

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

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

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

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

- a. Emergency communication systems operated by a local public agency responsible for providing emergency services. (Ord. 6245 § 15, 2009.)

18.31.110 Siting of microcells.

The following siting standards are intended to guide the location and development of **microcells** as defined by ACC [18.04.912](#) but not including **wireless communications** facilities (WCF). The siting of **wireless communications** facilities **shall** be in accordance with siting of wireless communication facilities found in ACC [18.31.100](#).

A. Siting Criteria for **Microcells**.

1. Panel **antennas** shall be incorporated into the design of the existing **structure** using painting, flush mounting or other concealment methods.
2. The equipment cabinets and other ground support equipment **shall** be located in an area that is no larger than 16 square feet. The height of the equipment **shall** be no more than four feet. The equipment **shall** be designed to be compatible with the residential neighborhood the project **shall** provide a minimum width of five feet of Type II **landscaping** as defined in ACC [18.50.040](#) or fencing or a combination of these or similar features.
3. There **shall** be a 300-foot separation between any **microcells**.

4. The **antennas** must be located on light poles, power poles or similar public utility poles that are either owned/operated by the city of Auburn or owned/operated by a utility provider operating with an appropriate franchise if approved by the city engineer. The equipment cabinets **may** be located on private property.
5. Anyone wishing to establish a microcell or associated components **shall** make application to the **planning director** upon application forms provided by the **planning director**. The **planning director** shall review each application and **may** be empowered to approve, deny or modify the proposal. (Ord. 6245 § 15, 2009.)

18.31.115 Wetland mitigation.

The following siting criteria **shall** apply to all wetland mitigation **site** construction within the city of Auburn, the purpose of which is to mitigate the impacts of a project that is not located within the city of Auburn. Off-site wetland mitigation construction that is associated with a project that is located within the city of Auburn **shall** be reviewed concurrently with that proposal and will not be subject to the following:

- A. Definitions. "Wetland mitigation **site** construction," for the purposes of this section, means the construction of new wetlands on existing nonwetland property and/or the enhancement of existing wetlands.
- B. Siting Criteria. Wetland mitigation **site** construction **may** be allowed within any **zone** within the city of Auburn subject to all of the following criteria. At a minimum the proponent of wetland mitigation **site** construction **shall** apply for and receive from the city of Auburn a grading permit before said construction begins.
 1. The wetland mitigation **site** must be linked to and be compatible with a comparable naturally occurring ecosystem, e.g., another wetland, river, stream, etc. The constructed wetland mitigation **site** cannot be an isolated mitigation **site**.
 2. Only a public agency **may** propose a wetland mitigation **site** pursuant to this section. Before starting construction the public agency proposing the wetland construction must have an approved budget that has sufficient financial capability to construct the wetland mitigation project. The public agency must also provide the city a written commitment to complete the project, to the city's satisfaction, once construction starts.
 3. The project, outside of Auburn, that is creating the need for the wetland mitigation **shall** be a public project of a regional or statewide significance and **shall** be a benefit to the general public. The proponent **shall** demonstrate to the city's satisfaction that it is impractical to mitigate wetland impacts in the jurisdiction and/or drainage basin where the wetland impact occurs.
 4. There must not be a loss of buildable upland property such that it would be a financial burden to other properties in the area, or the city, with regard to funding capital improvement projects. This would include, but not be limited to, the participation or potential participation in local improvement districts (LIDs), the financial participation in city of Auburn capital improvement projects, or system development charges. Financial contributions **may be used** to offset the loss of the financial participation and **shall** require a separate legal binding contract to be executed between the city and the public agency.
 5. There must not be a loss of buildable upland property that would diminish the city's

Chapter 19.255 PERSONAL WIRELESS SERVICE FACILITIES

Sections:

- 19.255.010 Personal wireless service facilities (PWSF).
- 19.255.020 Development standards.
- 19.255.030 Nonconformance.
- 19.255.040 Temporary personal wireless service facilities.
- 19.255.050 Application requirements.
- 19.255.060 Collocation.
- 19.255.070 Removal of facility.
- 19.255.080 Revocation of permit.

19.255.010 Personal wireless service facilities (PWSF).

(1) *Purpose.* This section addresses the issues of location and appearance associated with personal wireless service facilities. It provides adequate siting opportunities through a wide range of locations and options which minimize safety hazards and visual impacts sometimes associated with wireless communications technology.

(2) *Definitions.* Any words, terms or phrases used in this section which are not otherwise defined shall have the meanings set forth in Chapter 19.05 FWRC.

(3) *Exemptions.* The following antennas and facilities are exempt from the provisions of this section and shall be permitted in all zones consistent with applicable development standards as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations:

(a) Wireless communication facilities used by federal, state, or local public agencies for temporary emergency communications in the event of a disaster, emergency preparedness, and public health or safety purposes.

(b) Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC; provided such equipment complies with all applicable provisions of FWRC 19.110.050, Compliance generally, 19.110.060, Exceptions, and 19.110.070, Rooftop appurtenances – Required screening.

(c) Citizen band radio antennas or antennas operated by federally licensed amateur (“ham”) radio operators; provided such antennas comply with all applicable provisions of FWRC 19.110.050, Compliance generally, 19.110.060, Exceptions, and 19.110.070, Rooftop appurtenances – Required screening.

(d) Satellite dish antennas less than two meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property; provided such antennas comply with all applicable provisions of FWRC 19.110.050, Compliance generally, 19.110.060, Exceptions, and 19.110.070, Rooftop appurtenances – Required screening.

(e) Automated meter reading (AMR) facilities for the purpose of collecting utility meter data for use in the sale of utility services, except for whip or other antennas greater than two feet in length; provided the AMR facilities are within the scope of activities permitted under a valid franchise agreement between the utility service provider and the city.

(f) Routine maintenance or repair of a wireless communication facility and related equipment excluding structural work or changes in height, dimensions, or visual impacts of the antenna, tower, or buildings; provided, that compliance with the standards of this title is maintained.

(g) Equipment cabinet additions or upgrades within existing equipment enclosures or buildings, so long as there is no material area expansion of the equipment enclosure or building, or change to the approved architectural design of the existing equipment enclosure or building.

(4) *Prioritized locations.* The following sites shall be the required order of locations for proposed PWSFs, including antenna and equipment shelters. In proposing a PWSF in a particular location, the applicant shall analyze the feasibility of locating the proposed PWSF in each of the higher priority locations and document, to the city's satisfaction, why locating the PWSF in each higher priority location and/or zone is not being proposed. In order of preference, the prioritized locations for PWSFs are as follows:

(a) *Structures located in the BPA trail.* A PWSF may be located on any existing support structure currently located in the easement upon which are located U.S. Department of Energy/ Bonneville Power Administration ("BPA") Power Lines regardless of underlying zoning.

(b) *Existing broadcast, relay and transmission towers.* A PWSF may be located on an existing site or tower where a legal wireless telecommunication facility is currently located regardless of underlying zoning. If an existing site or tower is located within a one-mile radius of a proposed PWSF location, the applicant shall document why collocation on the existing site or tower is not being proposed, regardless of whether the existing site or tower is located within the jurisdiction of the city.

(c) *Institutional structures.* If the city, institutional uses, or other public agency consents to such location, a PWSF may be located on existing structures, such as water towers, utility structures, fire stations, bridges, churches, schools and other public buildings within all zoning districts, provided the public facilities are not located within public rights-of-way.

(d) *Appropriate zoning districts.* A PWSF may be located on private buildings or structures within nonresidential zoning districts as allowed by the zoning chart.

(e) *Appropriate public rights-of-way.* For the purposes of this section, appropriate public rights-of-way shall be defined as including those public rights-of-way with functional street classifications of principal arterial, minor arterial, and principal collector. A PWSF may be located on existing structures in appropriate public rights-of-way. Structures proposed for location of PWSFs shall be separated by at least 330 linear feet. Location of a PWSF on an existing structure in an appropriate public right-of-way shall require a right-of-way permit in addition to the required use process approval.

If the PWSF is proposed to be located in an appropriate public right-of-way and the surrounding uses or zoning are not the same, that portion of the right-of-way with the most intensive use and/or zoning shall be the preferred location.

If the PWSF is proposed to be located in an appropriate public right-of-way and surrounding uses or zoning are the same, the preferred location shall be that portion of the right-of-way with the least adverse visual impacts.

(f) If the applicant demonstrates to the city's satisfaction that it is not technically possible to site in a prioritized location, the city reserves the right to

approve alternative site locations if a denial would be in violation of the 1996 Telecommunications Act, as determined by the city. (Ord. No. 09-633, § 3, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-966.)

19.255.020 Development standards.

The following development standards shall be followed in the design, siting, and construction of a personal wireless service facility:

(1) *Building- or structure-mounted PWSFs on existing buildings or structures in or out of the public right-of-way.* PWSFs mounted on existing buildings and structures shall conform to the following development standards:

(a) The PWSF shall consist only of the following types of facilities:

(i) A microcell or a minor facility; or

(ii) A PWSF that exceeds the minor facility thresholds for number of antennas, dimensions, and/or area, but creates no more adverse impacts than a minor facility, as determined by the director of community development services, subject to meeting all of the following standards:

(A) The facility shall not create substantially more adverse visual impact than a minor facility; and

(B) The equipment cabinet for the PWSF shall meet all requirements of subsection (4) of this section; and

(C) The maximum size of the PWSF panels and number of antennas shall be determined by the director of community development services, based on the specific project location, surrounding environment, and potential visual impacts; and

(D) The PWSF shall comply with all other applicable standards of the Federal Way Revised Code.

(b) The combined antennas and supporting structure may extend up to, but not exceed, 15 feet above the existing or proposed roof or other structure regardless of whether the existing structure is in conformance with the existing maximum height of the underlying zone as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations. Antennas may be mounted to rooftop appurtenances, as identified in FWRC 19.110.070, provided they do not extend beyond 15 feet above the maximum height of the structure as defined per FWRC 19.05.080, H definitions.

(c) For PWSFs located in the right-of-way, the combined antennas may extend up to the minimum necessary height to meet safety clearances required by the operator of the existing structure, but not exceed 15 feet above the existing structure, plus the height of the proposed antennas as specified in subsection (1)(e) of this section. The maximum allowable height of the new structure with the PWSF antennas shall be determined by the director of community development services, depending upon the antenna type, design, location on the structure, and the proposed method of attachment. An existing structure can be increased in height only once per a 12-month period. Any structure, whether a new or replacement structure, located in a public right-of-way must be similar in terms of size (except height), shape, color, material, and location to the existing and surrounding structures, as determined by the director of community development services. The antenna extension may be permitted regardless of whether the existing structure is in conformance with the maximum height of the underlying zone as outlined in the use zone charts, FWRC Title 19,

Division VI, Zoning Regulations.

(d) The antennas are mounted on the building or structure such that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment pursuant to subsection (3) of this section. Panel and parabolic antennas shall be screened from residential views and public rights-of-way unless meeting the provision of FWRC 19.110.070(2)(b).

(e) It is the applicant's responsibility to prove that the maximum size of the PWSF panels and number of antennas is the minimum size necessary. The maximum size of antennas to be located on existing structures in a public right-of-way shall be two feet in diameter for parabolic antennas, eight feet in height for panel antennas, and 15 feet in height for whip antennas.

(f) Required setbacks shall not pertain to PWSFs within public rights-of-way. Within residential zones, equipment enclosures, and buildings to house equipment cabinets located above ground on properties adjacent to the public right-of-way shall meet all applicable setback requirements for residential development of the underlying zone. For developed sites in nonresidential zones, the setback requirements for the equipment enclosure shall be those of the principal use of the subject property. For undeveloped sites in nonresidential zones, the setback requirements for the equipment enclosure shall be 20 feet for front, side, and rear yards.

(2) *New freestanding PWSFs.* All requirements of the associated land use zoning charts must be met. Additionally, these structures shall conform to the following site development standards:

(a) Placement of a freestanding PWSF shall be denied if placement of the antennas on an existing structure can meet the applicant's technical and network location requirements.

(b) Monopoles shall be the only freestanding structures allowed in the city; except that a lattice tower may be used to accommodate the collocation of four or more providers as part of a joint permit application.

(c) In no case shall a freestanding PWSF be located closer than 500 feet to an existing freestanding PWSF whether it is owned or utilized by the applicant or another provider.

(d) A freestanding PWSF, including the support structure and associated electronic equipment, shall comply with all required setbacks of the zoning district in which it is located. For developed sites, the setback requirements shall be those of the principal use of the subject property. For undeveloped sites, the setback requirements for new freestanding PWSFs shall be 20 feet for front, side, and rear yards.

(e) Freestanding PWSFs shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to:

(i) Use existing site features to screen as much of the total PWSF as possible from prevalent views; and/or

(ii) Use existing site features as a background so that the total PWSF blends into the background with increased distances.

(f) In reviewing the proposed placement of a facility on the site and any associated landscaping, the city may condition the application to supplement existing trees and mature vegetation to more effectively screen the facility.

(g) Support structures, antennas, and any associated hardware shall be camouflaged to blend in harmoniously within the existing site through the use of

faux-structural designs, or when not technologically or aesthetically feasible, painted in a nonreflective color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its viewshed. The proposed color or color scheme shall be approved by the hearing examiner or director of community development services.

(3) *Screening standards for all PWSFs.* PWSFs shall be screened or camouflaged through employing the best available technology and design, as determined by the city. This may be accomplished by use of compatible materials, location, landscaping, color, stealth techniques such as, but not limited to, artificial trees and hollow flag poles, and/or other methods or techniques to achieve minimum visibility of the facility as viewed from public streets or residential properties. In addition, the provisions for landscaping as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations, shall apply.

(4) *Standards for electronic cabinets.*

(a) Electronic cabinets shall either:

(i) Be placed in a new or existing completely enclosed building. It is the applicant's responsibility to prove that the maximum size of the building is the minimum size necessary to house the equipment; or

(ii) Be placed above ground in a new or existing equipment enclosure. It is the applicant's responsibility to prove that the maximum size of the building is the minimum size necessary to house the equipment.

(b) Equipment enclosures shall be screened with one or a combination of the following methods, which shall be acceptable to the city: fencing, walls, landscaping, structures, buildings or topography which will block the view of the equipment enclosure to the greatest extent possible from any street and/or adjacent properties, as determined by the director of community development services. Screening may be located anywhere between the enclosure and the above-mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition, pursuant to FWRC 19.125.090(2).

(c) If the equipment cabinet is located within a new enclosed building, the building shall conform to all applicable development standards and design guidelines for the underlying zone. The enclosed building shall be architecturally designed and shall be compatible with existing buildings on the site. The enclosed building shall be screened to the greatest extent possible from any street and/or adjacent properties by landscaping and/or topography.

(5) *Standards for equipment enclosures.*

(a) Electronic equipment enclosures shall not be allowed within the right-of-way.

(b) In residential zones, equipment enclosures located above ground on properties adjacent to the public right-of-way shall meet all applicable setback requirements for residential development of the underlying zone. For developed sites in nonresidential zones, the setback requirements for the equipment enclosure shall be those of the principal use of the subject property. For undeveloped sites in nonresidential zones, the setback requirements for the equipment enclosure shall be 20 feet for front, side, and rear yards. However, for undeveloped sites in nonresidential zones, if the applicant can demonstrate that the equipment enclosure can blend in harmoniously with the existing site and complement the landscape buffer requirements of the underlying zone, as determined appropriate by the director of community development services, the equipment enclosure can be located inside of the 20-foot setback but outside of

the required landscaping buffer of the underlying zone.

(c) Equipment enclosures shall be designed, located, and screened to minimize adverse visual impacts from the public right-of-way and adjacent properties.

(d) Equipment enclosures shall be designed, located, and screened to minimize adverse visual and functional impacts on the pedestrian environment.

(e) Equipment enclosures and screening shall not adversely impact vehicular sight distance.

(6) *Security fencing.*

(a) No fence shall exceed six feet in height as stipulated in FWRC 19.125.160(5).

(b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials.

(c) Chain-link fences shall be painted or coated with a nonreflective color.

(7) *Cumulative effects.* The city shall consider the cumulative visual effects of PWSFs mounted on existing structures and/or located on a given permitted site in determining whether additional permits may be granted so as to not adversely affect the visual character of the city.

(8) *Signage.* No wireless equipment shall be used for the purpose of mounting signs or message displays of any kind, except for small signs used for identification, hazard warning, and name of provider.

(9) *Use zone charts, height and permit process.*

(a) The final approval authority for applications made under this section shall be defined by the appropriate permit process as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations.

(b) Allowed heights shall be established relative to appropriate process as outlined in the use zone charts, FWRC Title 19, Division VI, Zoning Regulations.

(Ord. No. 09-633, § 4, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-967.)

19.255.030 Nonconformance.

Permit applications made under this section to locate a PWSF on property on which a nonconformance is located shall be exempt from the requirements of Chapter 19.30 FWRC, Nonconformance, to bring the property into conformance as follows:

(1) To provide the public improvements required by Chapter 19.135 FWRC, Development Improvements, as stipulated in FWRC 19.30.110.

(2) To bring the property into conformance with the development regulations prescribed in FWRC Title 16 relating to water quality as stipulated in FWRC 19.30.120(1)(g). All other requirements of FWRC 19.30.120 to bring the property into conformance with the development regulations prescribed in FWRC Title 16 relating to water quality shall apply.

(Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-968.)

19.255.040 Temporary personal wireless service facilities.

As determined by the director of community development services, a temporary personal wireless service facility, or cell-on-wheels, may be deployed and operated as follows:

(1) For a period of 90 days during the construction of a freestanding PWSF which has been approved through the appropriate permit process; provided, that the temporary personal wireless service facility or cell-on-wheels creates no more adverse impacts than the PWSF which was approved through the appropriate permit process. Only one temporary personal wireless service facility or cell-on-wheels shall be permitted for a single site.

(2) For a period of time determined to be appropriate by the director of community development services, during an emergency declared by the city, state, or federal government that has caused a freestanding PWSF which has been approved through the appropriate permit process to become involuntarily nonoperational; provided, that the temporary personal wireless service facility or cell-on-wheels creates no more adverse impacts than the PWSF which was approved through the appropriate permit process.

(3) Prior to installation of the temporary PWSF, the applicant shall provide the city with a cash bond in an amount to be determined by the director of community development services in order to guarantee performance of future removal and restoration of the site.

(Ord. No. 09-633, § 5, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-969.)

19.255.050 Application requirements.

(1) Except for temporary personal wireless facilities, permit applications made under this section shall include the following minimum information in addition to that required for the underlying permit review process:

(a) A diagram or map showing the primary viewshed of the proposed facility.

(b) Photosimulations of the proposed facility from affected properties and public rights-of-way at varying distances. These photo simulations should include examples of camouflage and stealth installation options.

(c) Architectural elevations of proposed facility and site.

(d) A coverage chart of the proposed PWSF at the requested height and an explanation of the need for that facility at that height and in that location.

(e) An inventory of other PWSF sites operated by the applicant or other providers within a one-mile radius of the proposed PWSF location.

(f) A site/landscaping plan showing the specific placement of the PWSF on the site; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen PWSF components.

(g) If the PWSF electronic equipment cabinet is proposed to be located above ground, an explanation of why it is impracticable to locate the cabinet underground.

(h) Documentation of efforts to collocate on existing facilities.

(i) The city may require the applicant, at the applicant's expense, to provide any additional information, mapping, studies, materials, inspections, or reviews that are reasonably necessary to implement this chapter and to require that such information, studies, mapping, materials, inspections, and reviews be reviewed by a qualified professional under contract to the city, also at the applicant's expense.

(2) Permit applications for temporary personal wireless service facilities shall include the following minimum information:

(a) Documentation of previously permitted facility.

(b) Site plan showing proposed location of temporary facility in relationship to the location of the previously permitted facility and property boundaries, including dimensions from the property lines and height of proposed facility.

(c) Photographs of the proposed facility.

(Ord. No. 09-633, § 6, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 01-399, § 3, 8-7-01; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-970.)

19.255.060 Collocation.

(1) A permittee shall cooperate with other PWSF providers in collocating additional antennas on support structures and/or on existing buildings and sites, provided said proposed collocatees have received a permit for such use at said site from the city. A permittee shall allow other providers to collocate and share the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether a permittee has exercised good faith in accommodating a new applicant, the city may require a third party technical study at the expense of the permittee. Failure to comply with this provision may result in a revocation of the permit.

(2) A signed statement indicating that the applicant agrees to allow for the potential collocation of additional PWSF equipment by other providers on the applicant's structure or within the same site location shall be submitted by the applicant as part of the permit application. If an applicant contends that future collocation is not possible on their site, they must submit a technical study documenting why.

(3) Collocation requirements shall not apply to PWSFs located on existing structures in appropriate public rights-of-way within residential zones, neighborhood business (BN) zones and professional office (PO) zones. (Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-971.)

19.255.070 Removal of facility.

(1) *Abandonment and removal.* The owner or operator of a PWSF shall provide the city with a copy of the notice of intent to cease operations required by the FCC at the time it is submitted to the FCC. Additionally, the owner or operator of a PWSF shall notify the city in writing of the abandonment of a particular facility within 30 days of the date the PWSF is abandoned. The abandoned PWSF shall be removed by the facility owner within 90 days of the date the PWSF is abandoned, the permit is revoked, or if the facility falls into disrepair and is not maintained, as determined by the city. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in adverse safety or visual impacts. If there are two or more users of a single tower, then the city's right to remove the tower shall not become effective until all users abandon the tower.

(2) *Partial abandonment and removal.* If the abandoned antennas on any PWSF are removed or relocated to a point where the top 20 percent or more of the height of the supporting structure is no longer in use, the PWSF shall be considered partially abandoned. The owner or operator of any partially abandoned PWSF shall notify the city in writing of the partial abandonment of a particular facility within 30 days of the date the PWSF is partially abandoned.

The owner of the PWSF shall have 120 days from the date of partial abandonment to collocate another service on the PWSF. If another service provider is not added to the PWSF within the allowed 120-day collocation period, the owner shall in 210 days of partial abandonment, dismantle and remove that portion of the supporting structure which exceeds the point at which the highest operational antenna is mounted.

(3) *Removal and lien.* If the provider fails to remove the abandoned or partially abandoned facility upon 210 days of its abandonment or partial abandonment, the responsibility for removal falls upon the property owner on which the abandoned or partially abandoned facility is located. The city may enforce this subsection using the procedures as set forth in FWRC 1.15.010.

(Ord. No. 09-633, § 7, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-973. Formerly 19.255.080.)

19.255.080 Revocation of permit.

A permit issued under this chapter may be revoked, suspended or denied for any one or more of the following reasons:

- (1) Failure to comply with any federal, state or local laws or regulations;
- (2) Failure to comply with any of the terms and conditions imposed by the city on the issuance of a permit;
- (3) When the permit was procured by fraud, false representation, or omission of material facts;
- (4) Failure to cooperate with other PWSF providers in collocation efforts as required by this chapter;
- (5) Failure to comply with federal standards for EMF emissions; and
- (6) Failure to remedy localized interference with the reception of area television or radio broadcasts or the functioning of other electronic devices.

(7) Pursuant to FWRC 19.05.300(3), the city, as the applicant, shall use the same process to determine if the permit shall be revoked as it used to grant the permit.

(Ord. No. 09-633, § 8, 11-17-09; Ord. No. 08-585, § 3(Exh. A), 11-4-08; Ord. No. 00-363, § 14, 1-4-00; Ord. No. 97-300, § 3, 9-16-97. Code 2001 § 22-975. Formerly 19.255.100.)

This page of the Federal Way Revised Code is current through Ordinance 12-725, passed July 17, 2012.

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Chapter 18.37
WIRELESS COMMUNICATION FACILITIES

Sections:

- 18.37.010 Purpose.
- 18.37.015 Wireless communication facilities – Interchange commercial zones (IC).
- 18.37.020 Wireless communication facilities – LDR, MDR, HDR, RP, CBD, MUD and NC zones.
- 18.37.030 Wireless communication facilities in GC, M-1, M-2, UV and AG zones.
- 18.37.040 Performance standards.

18.37.010 Purpose.

The purpose of this chapter is to provide for a wide range of locations and options for wireless communication providers and users while minimizing the visually obtrusive characteristics associated with wireless communication facilities, and to encourage creative approaches in location, construction and treatment of such facilities in a manner which reduces the associated adverse visual and aesthetic impacts on the community in compliance with state and federal law. (Ord. 1830 § 26 (part), 1998)

18.37.015 Wireless communication facilities – Interchange commercial zones (IC).

Wireless communication facilities permitted as principal or accessory uses in the interchange commercial zone (IC) are subject to the provisions of this chapter and the requirements set forth for the general commercial (GC) zone. (Ord. 2040 § 6, 2003)

18.37.020 Wireless communication facilities – LDR, MDR, HDR, RP, CBD, MUD and NC zones.

Wireless communication facilities are permitted as principal or accessory uses in LDR- 6, LDR-7.2, LDR-8.5, LDR-12, MDR, HDR, RP, CBD, MUD and NC zones subject to the provisions of this chapter and the following requirements:

A. Accessory antenna devices, parabolic antennas two feet in diameter or less, omnidirectional antennas less than eight feet in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas are permitted subject to the performance standards set forth in SMC 18.37.040 and subject to meeting the following criteria:

1. The antenna is attached to an existing structure; and
2. The antenna does not extend more than 15 feet above the top of the structure.

B. Freestanding parabolic antennas greater than two feet in diameter and associated support structure are allowed subject to the performance standards set forth in SMC 18.37.040 and subject to meeting the following criteria:

1. The antenna and associated support structure are not located within any required landscaped setbacks, front or side yard setback, or in the area located between the front setback line and the front of the building; and

2. The antenna and associated support structure does not extend more than 15 feet above the adjoining grade.

C. Attached or freestanding antennas and associated support structures which are not specifically permitted under subsection (A) or (B) of this section or which exceed the associated criteria shall comply with the following requirements:

1. The antenna and support structure shall be subject to the maximum building height for the corresponding zone in which it is located as set forth in SMC 18.12.070(G) for low density residential zoned property, SMC 18.14.070(G) for medium density residential and high density residential zoned property and SMC 18.16.070(11) for central business district and neighborhood commercial zoned property; said height restrictions shall not be subject to granting of a variance;

2. The antenna and associated support structure shall not be located within any required landscaped setback, front or side yard setback, or in the area located between the front setback line and the front of the building;

3. The antenna and associated structure shall comply with required building setbacks and shall be set back from the required side yard setback an additional one foot for each foot of height over 10 feet;

4. The antenna and associate structure shall comply with the performance standards set forth in SMC 18.37.040; and

5. No more than one freestanding support structure shall be permitted per lot. (Ord. 2147 § 15, 2005; Ord. 1830 § 26 (part), 1998)

18.37.030 Wireless communication facilities in GC, M-1, M-2, UV and AG zones.

Wireless communication facilities permitted as principal or accessory uses are subject to the provisions of this chapter and the following requirements:

A. Wireless Communication Facilities as an Accessory Use in GC, M-1, M-2, UV and AG Zones. The following facilities are permitted as accessory uses in general commercial (GC), light manufacturing (M-1), heavy manufacturing (M-2) and agricultural district (AG) zones subject to compliance with the performance standards set forth in SMC 18.37.040 and the following requirements:

1. Accessory antenna devices, parabolic antennas two feet in diameter or less, omni-directional antennas less than eight feet in length, directional antennas five feet or less in height with a combined surface area of not more than 580 square inches as viewed from any one point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure;

2. Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than eight feet in length, and directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point shall also comply with the following requirements:

a. The antenna and associated support structure shall be set back two feet

from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone;

3. Freestanding parabolic antennas and associated support structures shall be subject to the following criteria:

- a. The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between the front setback line and the front of the building.
- b. The antenna and associated support structure does not extend more than 15 feet above the adjoining grade.
- c. The antenna and associated support structure is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in SMC 18.16.080(A) for general commercial zoned property and SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zoned property. Agricultural district (AG) zoned property shall conform to the screening requirements for exterior mechanical devices set forth in SMC 18.18.060(A).

B. Wireless Communication Facilities as a Permitted Use in a GC, M-1, M-2 and AG Zones. The following facilities are permitted as a primary use in a general commercial (GC), light manufacturing (M-1), heavy manufacturing (M-2) and agricultural district (AG) zone subject to compliance with the performance standards set forth in SMC 18.37.040 and the following requirements:

1. Attached accessory antenna devices, parabolic antennas two feet or less in diameter, omni-directional antennas eight feet or less in length, and directional antennas five feet or less in height with a combined surface area not more than 580 square inches as viewed from any point, and stealth antennas, and not extending more than 15 feet above the roof surface of the structure.
2. Attached parabolic antennas greater than two feet in diameter, omni-directional antennas greater than eight feet in length, directional antennas greater than five feet in height with a combined surface area of more than 580 square inches as viewed from any one point, and stealth antennas shall also comply with the following requirements:
 - a. The antenna and associated support structure shall be set back two feet from any exterior building wall for every one foot of height measured from the surface of the roof, except when incorporated as an architectural feature of the building or screened from view from any public right-of-way or residential zone.
3. Freestanding antennas and associated support structures shall be subject to the following criteria:
 - a. The antenna and associated support structure are not located within any required landscaping, front or side yard setback, or in the area located between

the front setback line and the front of the building.

b. The antenna and associated support structure complies with the maximum building height provisions and corresponding setback for structures in the applicable zone, except as follows:

i. If associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the community development director, the corresponding setback may be reduced; or

ii. If in compliance with performance standards of SMC 18.37.040 an antenna may extend to a height of 120 feet unless the property is in a general commercial zone abutting Main Street or Traffic Avenue or the antenna is in a light manufacturing (M-1) or heavy manufacturing (M-2) zone, which is located west of SR-167 or less than 1,000 feet from any residentially zoned parcel.

c. The equipment shelter or cabinet is screened from view from any public right-of-way or residential zone in accordance with the screening requirements for exterior mechanical devices set forth in SMC 18.16.080(A) for general commercial and SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zones. Screening requirements for the agricultural district (AG) zone shall adhere to the standards set forth in SMC 18.18.060(A) for light manufacturing (M-1) and heavy manufacturing (M-2) zones.

C. Wireless Communication Facilities as a Conditional Use in a GC, M-1, M-2 and AG Zones. Freestanding antennas and associated support structures which exceed a height of 120 feet, are in a general commercial (GC) zone abutting Traffic Avenue or Main Street, encroach within required setbacks except as permitted in SMC 18.32.030(C), are in a light manufacturing (M-1) or heavy manufacturing (M-2) zone which is located west of SR-167 or less than 1,000 feet from residentially zoned parcel, or are not able to comply with one or more of the performance standards set forth in SMC 18.37.040 are only allowed upon issuance of a valid conditional use permit pursuant to chapter 18.48 SMC. (Ord. 1830 § 26 (part), 1998)

18.37.040 Performance standards.

The following special requirements and performance standards shall apply to any wireless communication structure or facility:

A. Wireless Communication Facility Preference. Proposed antennas, associated structures and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

1. Stealth antennas.
2. Attached wireless communication facilities, only when subsection (A)(1) cannot be reasonably accomplished.
3. Co-location wireless communication facilities, only when subsection (A)(1) or (2)

cannot be reasonably accomplished.

4. Freestanding wireless communication facilities which extend no more than 15 feet above adjacent existing vegetation or structures, only when subsections (A)(1), (2) or (3) cannot be reasonably accomplished.

5. Freestanding wireless communication facilities which extend more than 15 feet above adjacent existing vegetation or structures, only when subsections (A)(1) through (4) cannot be reasonably accomplished.

If the applicant chooses to construct a new freestanding wireless communication facility, the burden of proof shall be on the applicant to show a wireless communication facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The city reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

B. Co-location. Shared use of support structures and other associated wireless communication facilities by multiple parties is encouraged. Prior to city approval of any new freestanding transmission tower:

1. The applicant shall provide proof of inability to locate on existing towers in the immediate vicinity due to the following:

a. Refusal of the tower owner to provide space at a fair rate of compensation;
or

b. The existing tower location or configuration is incompatible with the applicant's system.

2. The applicant shall provide proof of notification and an offer of co-location opportunities to other service providers. As a condition of city approval of any new freestanding transmission towers, the applicant shall comply with the following requirements:

a. The applicant shall agree to sign and record with Pierce County auditor's office a legally binding agreement limiting any co-location costs assessed to other carriers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and reasonable maintenance, repair and replacement costs.

b. Co-location shall not result in an initial tower height greater than the minimum necessary.

c. Co-location shall be achieved either through the extension of the tower or by placing equipment at a lower level.

d. The applicant shall notify other wireless communication providers that a tower is being proposed and is available for co-location.

C. State and Federal Pre-emption. Federal law prohibits consideration of environmental

effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning emissions. All other city regulations shall apply unless specifically preempted by state or federal authority.

D. Visual Impacts. Wireless communication facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area in the following manner:

1. Antennas may not extend more than 10 feet in low density residential, high density residential, medium density residential, central business district, and neighborhood commercial zones, and 15 feet in all other zones, above their supporting structure, monopole, lattice tower, building or other structure, or surrounding vegetation.
2. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use and the zone district to the extent possible, while maintaining the function of the communication equipment. Wireless communication facilities shall be integrated through location, siting and design to blend in with the existing characteristics of the site through application of the following measures:
 - a. Existing on-site vegetation shall be preserved insofar as possible or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - b. Location of wireless communication facilities close to structures or vegetation of a similar height.
 - c. Location of wireless communication facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof, in order to minimize view from adjacent properties and rights-of-way.
 - d. Location of wireless communication facilities within interior side and rear yards.
 - e. Incorporation of antenna, associated support structure and equipment shelter as a building element or architectural feature.
3. Related shelters used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in buildings or placed underground, equipment shelters or cabinets shall be screened. Alternate methods for screening may include the use of building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls or equipment enclosures.
4. Wireless communication facilities and related equipment shelters shall be of neutral colors such as white, gray, blue, black or green, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by federal or state authority. Wooden poles are not required to be painted.

E. Signage. No signage, message or identification other than the manufacturer's identification is allowed to be portrayed on any antenna, and permitted identification shall not exceed 10 percent of the surface area, and no signage or advertising shall be allowed above the height of the perimeter fencing except for the manufacturer's identification described above.

F. Lighting and Security. Wireless communication facilities shall not be illuminated except for security reasons or unless required by federal or state authority. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited between midnight and sunrise. All lighting unless required by the Federal Aviation Authority (FAA) or other federal or state authority shall be shielded so that the direct illumination is confined to the property boundaries of the light source.

G. Minor Modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna, for which a valid conditional use permit exists may be approved by the community development director, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this chapter.

H. Abandonment or Obsolescence. Any wireless communication facility shall be removed by the facility owner or authorized agent within six months of the date it ceases to be operational.

I. Critical Areas. A wireless communication facility shall not be located in a wetland or wetland buffer pursuant to chapter 16.46 SMC or in a wildlife buffer pursuant to chapter 16.56 SMC. (Ord. 1830 § 26 (part), 1998)

This page of the Sumner Municipal Code is current through Ordinance 2398, passed July 2, 2012.

Disclaimer: The City Clerk's Office has the official version of the Sumner Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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CITY OF KENT**15.08.035 Wireless telecommunications facilities.**

A. *Purpose and goals.* The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically including, without limitation, towers and antennas, in light of the following goals:

1. Protecting residential areas from potential adverse impacts;
2. Enhancing the ability of the providers of wireless telecommunications services to provide those services quickly, effectively, and efficiently;
3. Encouraging location in nonresidential areas;
4. Minimizing the total height of towers within the community;
5. Encouraging the joint use of new and existing sites;
6. Encouraging service providers to locate and configure facilities to minimize adverse impacts through careful design, siting, landscaping, screening, and innovative camouflaging techniques; and
7. Considering potential adverse impacts to the public health and safety from these facilities except where preempted by other laws, rules, and regulations.

In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of WTFs, including towers and antennas.

B. *Definitions.* As used in this section only, the following terms shall have the meanings set forth below:

Abandon or abandonment means:

1. To cease operation for a period of one hundred eighty (180) or more consecutive calendar days; or
2. To reduce the effective radiated power of an antenna by seventy-five (75) percent for one hundred eighty (180) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy-five (75) percent, so long as the operator still serves essentially the same customer base.

Antenna means any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves.

Backhaul network means the lines that connect a provider's WTFs/towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Camouflage means to disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

Co-locate means use of a WTF by more than one (1) service provider.

COW means cell on wheels or Cellular on Wheels.

EIA means Electronic Industries Association.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed tower means a wireless communication support structure which is typically over one hundred (100) feet tall and is steadied by wire guys in a radial pattern around the tower.

Height means, when referring to a tower or other WTF, the distance measured from the finished grade of the parcel at the base of the WTF to the highest point on the tower or other WTF, including the base pad and any antennas.

Lattice tower means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

Monopole tower means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

Non-whip antenna means an antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.

Preexisting WTF means any WTF for which a building permit has been properly issued prior to July 7, 1997, including permitted WTFs that have not yet been constructed, so long as that permit or approval has not expired.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

Telecommunications service means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, telephone, radio, and similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

Whip antenna means an omni-directional dipole antenna of cylindrical shape that is no more than six (6) inches in average diameter.

Wireless telecommunications facility or *WTF* includes “personal wireless service,” “personal wireless service facilities,” and “facilities” as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC, and also includes any other unlicensed wireless services.

C. Applicability.

1. *New uses.* All WTF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided in subsection (D) of this section.

D. Exemptions. The following are exempt from the provisions of this section and are allowed in all zoning districts.

1. *Existing uses.* WTFs that currently exist on July 7, 1997, or for which a valid building permit has been obtained and remains in effect on July 7, 1997, except this exemption does not apply to modifications of existing facilities.

2. *Industrial/scientific equipment.* Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

3. *Amateur radio station operators or receive-only antennas.* Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

4. *Home satellite services.* Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property.

5. *COW.* A COW or other temporary WTF, but its use anywhere in the city cannot exceed thirty (30) days, unless extended by permit issued by the planning manager or unless the city has declared an area-wide emergency.

6. *Public safety WTFs and equipment.* Public safety WTFs and equipment, including, but not limited to, the regional 911 system.

E. *General.*

1. *Principal or accessory use.* WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

2. *Not essential services.* WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

F. *General requirements.*

1. *Siting.* Anyone who applies to construct a WTF or to modify or add to an existing WTF shall demonstrate to the city's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system.

2. *FCC licensing.* The city will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

3. *Compliance with other laws.* Applicants must show, to the satisfaction of the planning manager, compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

4. *Lot size.* For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

5. *Height.* Unless further restricted or expanded elsewhere in this section, no WTFs may exceed the following height and usage criteria:

a. For a single user, up to ninety (90) feet in height; and

b. For two (2) or more users, up to one hundred twenty (120) feet in height.

6. *Security fencing.* WTFs shall be enclosed, where appropriate, by security fencing not less than six (6) feet in height; provided however, that the planning manager or, where applicable, the hearing examiner may waive these requirements, as appropriate.

7. *Landscaping.* WTFs shall be landscaped with a buffer of plant materials that effectively screens the view of the WTF compound; provided, however, that the planning manager or, where applicable, the hearing examiner may waive these requirements if the goals of this section would be better served.

8. *WTFs mounted on structures or rooftops.* WTFs mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

9. *Aesthetics.* WTFs shall meet the following requirements:

a. WTFs shall be painted a neutral color so as to reduce visual obtrusiveness.

b. At a WTF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

10. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WTF, the lighting must cause the least disturbance to the surrounding area.

11. *Measurement.* For purposes of measurement, WTF setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

12. *Franchises, licenses, and permits.* Owners and/or operators of WTFs shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of a wireless telecommunication system in the city and shall file a copy of all required franchises, licenses, and permits with the planning manager.

13. *Signs.* No signs shall be allowed on an antenna or tower.

14. *Backhaul providers.* Backhaul providers shall be identified and they shall have and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, wired or wireless, shall be identified.

G. *Tower requirements.*

1. *Tower setbacks.* All towers, support structures, and accessory buildings must satisfy the minimum setback requirements for that zoning district.

2. *Support systems setbacks.* All guywires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks and no closer than five (5) feet to any property line.

3. *Monopole construction required.* All towers will be of a tapering monopole construction; however, the planning manager or, where applicable, the hearing examiner may allow another type tower upon a showing that it would cause less impact to the surrounding property than a similar monopole structure or would further the purposes and goals in this section.

4. *Inventory of existing sites.* Each applicant for a tower shall provide an inventory of its existing WTF sites that are either within the jurisdiction of the city or within one (1) mile of its borders, including specific information about the location, height, and design of each facility.

5. *EIA standards.* Towers shall be constructed so as to meet or exceed the most recent EIA standards. Prior to issuance of a building permit, the building official shall be provided with an engineer's certification that the tower's design meets or exceeds those standards.

6. *Site selection and height.* Towers shall be located to minimize their number and height and to minimize their visual impacts on the surrounding area in accordance with the following policies:

a. Ensure that the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location; and

b. Demonstrate that the owner or operator has, to the greatest extent practical, selected a new tower site that provides the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility; and

c. Site so as to minimize being visually solitary or prominent when viewed from surrounding areas, especially residential areas. The facility should be camouflaged to the maximum extent feasible.

7. *Co-location priority.* Co-location of antennas by more than one (1) carrier on existing towers is preferred to construction of new towers; provided, that the co-location is consistent with the following:

a. *Redesign restrictions.* A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, or of a less obtrusive design (such as a monopole), if practical.

b. *Height.* Except as may be modified in subsection (1)(1)(a) of this section, an existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred twenty (120) feet, whichever is lower, to accommodate the co-location by another provider or operator of an additional antenna system in any district except DC, DCE, NCC, and all SR districts. This additional height shall not require an additional distance separation.

c. *Onsite relocation.* A tower that is being rebuilt to accommodate the co-location of an additional antenna may be relocated on its existing site within fifty (50) feet of its existing location. If consistent with the purposes and goals in subsection (A) of this section, the

planning manager or, where applicable, the hearing examiner, may permit the onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands.

8. *Separation distances between towers.* Separation distances between towers shall be measured between the proposed tower and preexisting towers. Measurement shall be from base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1, unless the distance is reduced by the planning manager when administratively approving a WTF or by the hearing examiner through issuance of a conditional use permit.

Table 1

	<i>Lattice</i>	<i>Guyed</i>	<i>Mono-pole 75 feet in height or greater</i>	<i>Mono-pole less than 75 feet in height</i>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

H. *Administratively approved WTFs.* The planning manager may administratively approve the uses listed in this subsection, once each applicant has applied for and provided all necessary information required in this code and in the city’s application form. This administrative approval is classified as a Process I application and is subject to the requirements of Ch. 12.01 KCC.

1. *Administratively approved uses.* The following uses may be approved by the planning manager after conducting an administrative review:

a. *Industrial/commercial zones.* Locating WTFs, including the placement of additional buildings or other supporting equipment used in connection with WTFs, that do not exceed

ninety (90) feet in height for a single user and one hundred twenty (120) feet in height for two (2) or more users in the following districts: MA, M1, M1-C, M2, M3, CM-1, CM-2, GC, and GWC.

b. *Antennas on existing structures.* Locating a WTF other than a tower as an accessory use by attachment to any building or structure other than a single-family dwelling or multifamily structure of fewer than eight (8) dwelling units in any zoning district provided:

- i. The antenna does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if a non-whip antenna; and
- ii. The antenna complies with all applicable building codes; and
- iii. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.

c. *WTFs on existing towers.* Locating a WTF through co-location by attaching the antenna to an existing tower.

d. *WTFs within allowable building height.* Locating WTFs, including placement of additional buildings or other supporting equipment used in connection with the WTF in O, CC, MRG, MRM, MRH, AG, and A-10 districts, so long as the WTF does not exceed the allowable building height for that district.

e. *COWs for greater than thirty (30) day periods.* Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTF clearly and legitimately cannot be completed within thirty (30) days), locating a COW at a single location for more than thirty (30) calendar days; however, purely economic convenience shall not be considered a viable factor in making this determination.

2. *Authority to waive certain requirements.* In connection with this administrative approval, the planning manager may, in order to encourage camouflaging and co-location of WTFs, administratively waive separation distance requirements between WTFs by up to fifty (50) percent in nonresidential zones. Additionally, the planning manager may, in order to encourage the use of the least obtrusive type of WTF, administratively allow the reconstruction of an existing WTF to that less obstructive use.

I. *Conditional use permits.* Applications for conditional use permits under this subsection shall be subject to the procedures and requirements of KCC [15.09.030](#) and Ch. 12.01 KCC, except as modified by this subsection. If the WTF is not subject to administrative approval pursuant to subsection (H) of this section, then a conditional use permit shall be required.

1. *Conditional WTF uses.* Specifically, conditional use permits shall be required for the following WTFs:

a. *Industrial/commercial zones.* Locating WTFs that exceed ninety (90) feet in height for a single user or one hundred twenty (120) feet for two (2) or more users or locating antennas on existing structures that exceed the height limitations in subsection (H)(2)(b) of this section in the following districts: MA, M1, M1-C, M2, M3, CM-1, CM-2, GC, and GWC.

b. *Government property.* Locating WTFs (1) separate from existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity or (2) attached to existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity exceeding the height limitations in subsection (H)(2)(b) of this section, but only on the condition that the total height of the attached WTF, including the structure, does not exceed one hundred twenty (120) feet, unless permitted under subsection (I)(1)(a) of this section; however, this subsection shall not apply in DC, DCE, and NCC districts.

c. *WTFs exceeding allowable building height.* Locating WTFs that exceed the allowable building height in the following districts: O, CC, MRG, MRM, MRH, AG, and A-10.

d. *Tower construction under allowed separation distances.* Locating towers that do not meet the separation distance requirements in subsection (G)(8) of this section or that do not meet administratively approved separation distance limits.

2. *Factors considered in granting conditional use permits for towers.* In addition to KCC [15.09.030\(D\)](#), the hearing examiner shall also consider the following factors when considering a CUP application for WTF towers:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures;

h. Obstruction of or interference with views;

i. Consistency with purpose and goals set forth in subsection (A) of this section.

3. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the hearing examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WTF. An applicant shall submit information requested by the hearing examiner related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed WTF may consist of any of the following:

a. No existing WTF is located within the geographic area that meets applicant's engineering requirements.

b. Existing WTFs are not of sufficient height to meet applicant's engineering requirements.

c. Existing WTFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.

d. Electromagnetic interference would occur between two (2) or more WTF systems.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing WTF or to adapt an existing WTF for co-location are unreasonable. Fees or costs that exceed new WTF development shall not be presumed to render sharing facilities unsuitable.

f. Other limiting factors render existing WTFs unsuitable.

g. An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WTF development shall not be presumed to render the technology unsuitable.

4. *Separation requirements.* The hearing examiner may reduce tower separation distance requirements, including administratively approved separation distance reductions, if the purposes and goals of this section would be better served; however, development of multiple tower locations on a single site (often referred to as "antenna farms") are specifically discouraged wherever possible.

J. *Removal of abandoned towers.*

1. *Abandonment and removal.* The owner or operator of any abandoned tower shall notify the city's planning manager, in writing, of that abandonment and shall remove the same within ninety

(90) calendar days. Failure to remove an abandoned tower within ninety (90) calendar days shall be grounds to remove the tower at the owner's expense. If there are two (2) or more users of a single tower, then the city's right to remove the tower shall not become effective until all users abandon the tower.

2. *Partial abandonment and removal.* If the antennas on any tower are removed or relocated to a point where the top twenty (20) percent or more of the height of the tower is no longer in use, the tower shall be deemed partially abandoned. The owner or operator of any partially abandoned tower shall notify the city's planning manager, in writing, of that partial abandonment and shall remove the partially abandoned portion within ninety (90) calendar days. Failure to remove a partially abandoned tower within ninety (90) calendar days shall be grounds to remove the abandoned portion of the tower at the owner's expense.

3. *Security and lien.* Each applicant, prior to commencement of construction, shall post sufficient security in the form of a bond, assignment of funds, cashier's check, or cash, in a form acceptable to the city, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If for any reason the posted funds are not adequate to cover the cost of removal, then the city may charge the facility owner or operator with the city's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

K. *Nonconforming uses.*

1. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted. Any construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

2. *Damage or destruction not the fault of owner/occupant.* Bona fide nonconforming WTFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain administrative approval or a conditional use permit and without having to meet separation requirements. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (J) of this section.

(Ord. No. 3424, § 30, 11-17-98; Ord. No. 3600, § 4, 5-7-02; Ord. No. 3612, § 7, 8-6-02)

(11 hits)

Chapter 21A.55
WIRELESS COMMUNICATION FACILITIES

Sections:

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21A.55.030	Exemptions.
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21A.55.080	General requirements.
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21A.55.110	Interference.
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21A.55.130	Light poles.

21A.55.010 Purpose.

The purpose of this chapter is to:

- (1) Establish clear regulations for the siting and design of wireless communication facilities consistent with federal regulations;
- (2) Promote the health, safety, and general welfare of the public by regulating the siting of WCFs;
- (3) Minimize impacts of WCFs on surrounding areas by establishing standards for location, structural integrity, and compatibility;
- (4) Encourage the location and collocation of wireless communication equipment on existing structures;
- (5) Minimize visual, aesthetic, public safety, and environmental and wildlife effects;
- (6) Accommodate the growing need and demand for wireless communication services;
- (7) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
- (8) Encourage orderly development in a preferred hierarchy using concealed technologies; and
- (9) Assure WCF development is consistent with the City's wireless master plan. (Ord.

O2010-281 § 4)

21A.55.020 Applicability.

(1) If a conflict arises between this chapter and the provisions of another chapter regarding wireless communication facilities, this chapter shall govern.

(2) Facilities regulated by this chapter include the construction, modification, and placement of all WCFs, FCC-regulated amateur radio antennas, dish antennas, and any antennas used for multichannel multipoint distribution service (MMDS) or wireless cable, and wireless service facilities (i.e., cellular phone service, PCS – personal communication services, wireless paging services, wireless Internet services, etc.). Wireless services shall be subject to the following regulations to the extent that such requirements (a) do not unreasonably discriminate among providers of functionally equivalent services; and (b) do not have the effect of prohibiting personal wireless services within the City of Sammamish. (Ord. O2010-281 § 4)

21A.55.030 Exemptions.

The following are exempt from the provisions of this chapter:

(1) Amateur radio antenna operated by a federally licensed amateur radio operator as part of the amateur or business radio service;

(2) Citizen band or two-way radio antenna including any mast;

(3) Satellite earth stations (satellite dish) that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts;

(4) Public agency communications systems of the City of Sammamish, without limitation, when the facility or facilities are on lands owned by the City and all other building and land development regulations are complied with. Any such facility constructed and operated under this section shall comply with all federal regulations including, but not limited to, site location, aircraft warning, station power level, and frequency allocation;

(5) A temporary commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the City, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this chapter up to one week after the duration of the special event;

(6) In the event a building permit is required for any emergency repair, notification in writing to the director of community development shall occur within 24 hours of identification of the needed repair; filing of the building permit application shall be done in compliance with the City's adopted building code. (In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities);

(7) Antenna modifications, provided:

(a) There is no increase in the number of antennas; and

(b) There is no increase in the height of the antenna support structure; and

(8) Temporary WCF. (Ord. O2010-281 § 4)

21A.55.040 Permit required.

The following table summarizes the type of proposal and required land use approvals. All proposals are subject to the siting hierarchy requirements of this chapter.

Concealed Attached WCF	Monopole-Style WCF	Concealed Collocation	Flush- or Nonflush-Mounted Antenna on Existing Antenna Support Structure	New Concealed Antenna Support Structure
P ¹ C	P ¹	P ¹ C	P ¹ C	C

P – Permitted Use: The use is allowed subject to the requirements of the code.

C – Conditional Use Permit: The use is allowed subject to the conditional use review procedures and requirements of the code.

Notes:

1. If the proposal does not exceed the maximum height limits set forth at SMC 21A.55.090(3).

(Ord. O2012-321 § 2 (Att. A § 1); Ord. O2010-281 § 4)

21A.55.050 Application requirements.

In addition to any information required for CUP and/or building permit review, an application for new WCFs or modifications to WCFs that require City approval shall provide the following information:

(1) A site plan showing existing and proposed WCFs, access, base station, ancillary structures, warning signs, fencing, landscaping and any other items necessary to illustrate compliance with the development standards of this chapter;

(2) Except as provided below, a stamped statement by a state of Washington registered professional engineer that the support structure shall comply with EIA/TIA-222-Revision G, published by the American National Standards Institute (as amended), allowable wind speed for the applicable zone in which the facility is located, and describing the general structural capacity of any proposed WCF(s), including:

(a) The number and type of antennas that can be accommodated;

(b) The basis for the calculation of capacity; and

(c) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

The foregoing requirements are not applicable when the support structure is a utility pole or high voltage electrical transmission tower;

(3) A report by the applicant that includes a description of the proposed WCF, including height above grade, materials, color, lighting, and information demonstrating compliance with SMC 21A.55.060, Siting hierarchy;

(4) Where a permit for an attachment is required, the application shall also include the following information:

(a) The name and address of the operator(s) of proposed and existing antennas on the site;

(b) The height of any proposed antennas;

(c) Manufacture, type, and model of such antennas;

(d) Frequency, modulation, and class of service; and

(e) A description of the wireless communication service that the applicant intends to offer to provide, or is currently offering or providing within the City;

(5) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the applicant, including a map showing all locations where an unimpaired signal can be received for that facility;

(6) Approved WROWA (wireless right-of-way use agreement);

(7) Other information as the director of community development may reasonably require, including additional information specific to the City's wireless communication facilities master plan; and

(8) Fees for review as established by the City's most current fee resolution.

The director of community development may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted. (Ord. O2012-321 § 2 (Att. A § 2); Ord. O2010-281 § 4)

21A.55.060 Siting hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be 1 to 5. Where a lower ranking alternative is proposed, the applicant must file relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not

technically feasible or justified given the location of the proposed wireless communications facility and network need.

Example:

A new WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy 1. The applicant then demonstrates the new facility cannot be sited under hierarchy 2. The applicant then moves to hierarchy 3 and is able to propose a site.

Hierarchy:

(1) A WCF that is:

(a) A concealed WCF that is attached to an existing antenna support structure:

- (i) Located within City-classified principal arterial rights-of-way;
- (ii) Located on a high voltage electrical transmission tower;
- (iii) Collocated with another WCF; or
- (iv) Within public parks, public open spaces, or on other publicly owned land; or

(b) A monopole-style WCF with encased antennas that is located within public parks, public open spaces, or on other publicly owned land.

(2) A WCF that is:

(a) A concealed WCF that is attached to an existing antenna support structure:

- (i) In a minor arterial right-of-way;
- (ii) Located on the roof of a multi-story building in the Town Center A or B zone;
- (iii) Located on the roof of any building in the commercial business or office zone; or
- (iv) Located on the roof of any building in the R-12 or R-18 zone.

(3) A WCF that is:

(a) A concealed WCF that is attached to an existing antenna support structure:

- (i) Located in a collector arterial right-of-way;
- (ii) Located on the roof of any building in the neighborhood business zone; or
- (iii) Located in a residentially zoned area on a parcel not used for residential purposes; or

(b) A monopole-style WCF that is located in a residentially zoned area on a parcel not used for residential purposes.

(4) A concealed WCF that is attached to a new antenna support structure within an arterial right-of-way.

(5) WCF not meeting any of the options in Tiers 1 through 4, when no reasonable alternative exists. (Ord. O2011-298 § 1 (Att. A); Ord. O2010-281 § 4)

21A.55.070 Base station hierarchy.

Siting of base stations shall adhere to the siting hierarchy of this section. The order of ranking, from highest to lowest, shall be 1, 2, and 3. Where a lower ranking alternative is proposed, the applicant must demonstrate that a higher ranking option is not technically feasible, or justified given the location or size of the proposed base station.

Hierarchy:

(1) A base station that is:

(a) Underground and where the top of the vault is flush with the surrounding grade within City rights-of-way.

(2) A base station that is:

(a) Attached to an antenna support structure located within City rights-of-way;

(b) Placed within an existing building, provided the use of the building is not single-family residential; or

(c) On the roof of an existing building, provided the use of the building is not single-family residential and is not visible from the street.

(3) A base station that is:

(a) On adjacent property and concealed in the same manner as concealed WCF (i.e., the base station is not readily identifiable as such and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site); or

(b) On adjacent property; provided, that the base station is fenced and landscaped; or

(c) Inside a building; or

(d) Otherwise located so as not to be open or visible to public view (e.g., in a forested area surrounded by vegetation so that the base station is not open to public view). (Ord. O2011-298 § 1 (Att. A); Ord. O2010-281 § 4)

21A.55.080 General requirements.

(1) Within public parks and public open spaces, the placement of antennas on existing structures, such as power poles, light standards for recreational fields and antenna support structures, is the preferred option subject to the approval of the property owner. If an existing structure cannot accommodate an antenna due to structural deficiency, or does not have the height required to provide adequate signal coverage, the structure

may be replaced with a new structure, provided the new structure:

- (a) Will serve the original purpose;
- (b) Does not exceed the maximum height allowed by this chapter. Any height increase in excess of the maximum height allowed pursuant to SMC 21A.55.090(3) will require a conditional use permit; and
- (c) Meets all the requirements of this chapter.

(2) Concealed attached antennas shall comply with the following requirements:

(a) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antennas on the structure shall reflect the following order of priority in order to minimize visual impact:

- (i) A location as close as possible to the center of the structure; and
- (ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and
- (iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways;

(b) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3) Concealed antenna support structures shall comply with the following requirements:

(a) Upon application for a conditional use permit or a building permit for a new concealed antenna support structure, whichever is required first, the applicant shall provide a map showing all existing antenna support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements.

(b) No new antenna support structure shall be permitted if an existing structure suitable for attachment of an antenna or collocation is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or collocation cannot be reasonably or

economically used in accordance with these criteria.

(c) In residential districts, new concealed antenna support structures shall only be permitted on lots whose principal use is not single-family residential including, but not limited to: schools, churches, synagogues, fire stations, parks, and other public property.

(d) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, new antenna support structures shall be concealed as defined by this chapter and shall be configured and located in a manner to have the least visually obtrusive profile on the landscape and adjacent properties. New concealed antenna support structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed concealed antenna support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(e) At time of application the applicant shall file a letter with the department, agreeing to allow collocation on the tower. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to collocate the antenna of other service providers on the applicant's proposed tower to the extent that such collocation is technically and structurally feasible for the affected parties.

(f) All new concealed antenna support structures up to 60 feet in height shall be engineered and constructed to accommodate no less than two antenna arrays. All concealed antenna support structures between 61 feet and 100 feet shall be engineered and constructed to accommodate no less than three antenna arrays. All concealed antenna support structures between 101 and 140 feet shall be engineered and constructed to accommodate no less than four antenna arrays.

(g) Grading shall be minimized and limited only to the area necessary for the new WCF.

(4) Collocated or combined facilities shall comply with the following requirements:

(a) At the time of installation, the WCF base station and ancillary structures shall be brought into compliance with any applicable landscaping requirements; and

(b) When a collocated or combined WCF is to be located on a nonconforming building or structure, then it will be subject to Chapter 21A.70 SMC. (Ord. O2012-321 § 2 (Att. A § 3); Ord. O2010-281 § 4)

21A.55.090 Design standards.

(1) All WCFs shall:

- (a) Be designed and constructed or improved at the time of an upgrade to present the least visually obtrusive profile; and
- (b) Use colors such as brown, grey, blue, or green and materials that match the existing antenna support structure and structures in the local area and reduce visual impacts unless otherwise required by the City of Sammamish, the FAA, or the FCC. For example, a utility pole that is brown should have conduits and antennas that are brown. The colors and materials shall be approved by the City community development director to ensure compliance with this section; and
- (c) Flush-mount antennas when feasible. Four nonflush-mounted antennas are allowed only upon written demonstration by the applicant that flush-mounting is not feasible.

(2) Base Stations.

- (a) Base stations and ancillary structures shall be subject to the setbacks of the underlying zoning district.
- (b) Except as allowed pursuant to subsection (5)(c) of this section, base stations that are not located underground shall not be visible from public views.
- (c) New concealed base stations and ancillary structures shall be designed to complement or match adjacent structures and landscapes. Specific design considerations such as architectural designs, height, scale, color, and texture should be designed to blend with existing surroundings to the extent feasible.
- (d) Where feasible, one building with multiple compartments shall be constructed to serve the total number of anticipated collocation tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a master site plan shall be provided to demonstrate how all potential base stations and ancillary structures will be accommodated within the vicinity of the WCF.

(3) Height Standards.

- (a) Measurement of WCF. For purposes of this subsection, the height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto.
- (b) Maximum Height for New WCF. The height of any new WCF shall not exceed the height provided in the table below.

Locations	Maximum Height of New Antenna Support Structures

CB, O	80'
NB	40'
R-1 – R-8, TC-C and TC-E	40'
R-12 – R-18	60'
TC-A, TC-B and TC-D	80'
Principal arterial rights-of-way	120'
Minor or collector arterial rights-of- way	80'

(c) Maximum Height for Replacement Antenna Support Structure. The height of an antenna support structure that replaces an existing antenna support structure shall not exceed the higher of the height of the existing antenna support structure being replaced or the maximum height provided in the table above for new antenna support structures.

(d) Maximum Height Above Top of Antenna Support Structure. The highest point of an attached antenna shall not be more than 20 feet above the highest point of the antenna support structure (not including any attached antenna) to which it is attached.

(e) A new antenna support structure may be permitted to exceed the maximum height allowed per location, provided:

- (i) The increase is consistent with all conditions of the CUP authorizing the use and subsequent approvals thereafter;
- (ii) The existing conditions and the proposed changes are not in violation of the SMC;
- (iii) The height increase is made necessary by foliage attenuation from foliage in the proposed location of the antenna support structure that exceeds the maximum height allowed for antenna support structure for that location;
- (iv) The height increase is the minimum necessary for the effective functioning of the provider's network; and
- (v) A nonconformance shall not be created or increased, except as otherwise provided by this chapter.

(4) Setback Requirements.

(a) Antenna support structures outside of the right-of-way shall have a setback from property lines of 10 feet from any property line and 50 feet or one foot setback for

every one foot in height from any residentially zoned property, whichever provides the greatest setback.

(b) Base stations shall be subject to the setback requirements of the zone in which they are located.

(c) The department shall consider the following criteria and give substantial consideration to on-site location and setback flexibility. These are authorized when reviewing applications for new antenna support structures. The following shall be considered:

(i) Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;

(ii) Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences; and

(iii) Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(5) Landscaping and Fencing Requirements.

(a) Except as allowed pursuant to subsection (5)(c) of this section, all ground-mounted base stations shall be enclosed with an opaque fence. In all residential zones, or a facility abutting a residential zone, or in any zone when the base station adjoins a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. All fencing shall be subject to SMC 21A.30.190.

(b) Except as allowed pursuant to subsection (5)(c) of this section, all base stations that are within base station hierarchy 2(a) and 3(b) shall have perimeter landscaping as follows:

(i) In the NB, CB, O or TC zone and the abutting rights-of-way, the base stations shall be landscaped with eight feet of Type II landscaping pursuant to Chapter 21A.35 SMC along any lot line abutting a residential zone;

(ii) In residential zones and the abutting rights-of-way, the base station shall be landscaped with 10 feet of Type I landscaping pursuant to Chapter 21A.35 SMC;

(iii) Any landscaping required shall be placed outside of the fence; and

(iv) Landscaping provisions may be modified in accordance with Chapter 21A.35 SMC.

(c) If an applicant is able to demonstrate to the City engineer that compliance with the applicable fencing and landscaping requirements will pose an unreasonable risk to the public health or safety, the fencing and landscaping requirements may be

altered to the extent reasonably necessary to address the demonstrated risk to public health or safety, or waived if no reasonable alternatives exist.

(6) Lighting Standards. Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, except lighting for security purposes that is compatible with the surrounding neighborhood.

Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property, and be consistent with FAA and FCC requirements.

(7) Signage. Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, base station, or fence shall be informational and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high-contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(8) Sounds. Maximum permissible sound levels to intrude into the real property of another person from a WCF shall not exceed 45 dB(A). In the case of maintenance, construction, and emergencies, these sound levels may be exceeded for short durations as required by the specific circumstance. (Ord. O2012-321 § 2 (Att. A § 4); Ord. O2011-298 § 1 (Att. A); Ord. O2010-281 § 4)

21A.55.100 Technical evaluation.

The City may retain the services of an independent technical expert such as a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator's license. The engineer will provide technical evaluation of permit applications for WCFs. The applicant shall pay all the costs of said review. (Ord. O2010-281 § 4)

21A.55.110 Interference.

Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

(1) Upon notification by the City to WCF service providers potentially interfering with public safety communications equipment, the providers shall cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry – public safety “Best

Practices Guide,” released by the FCC in February 2001, including the “Good Engineering

Practices,” as may be amended or revised by the FCC from time to time.

(2) If any WCF owner fails to cooperate with the City in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, the owner who fails to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of the City’s notification. (Ord. O2010-281 § 4)

21A.55.120 Cessation of use.

(1) Antennas shall be removed, at the owner’s expense, from WCFs no more than 180 days after the antenna is no longer operational, unless the abandonment is associated with a consolidation, in which case the removal shall occur within 90 days of cessation of use.

(2) The whole WCF shall be removed, at the owner’s expense, within 180 days of the date the last antenna is removed.

(3) An owner wishing to extend the time for removal or reactivation shall submit a written request along with the appropriate documentation demonstrating the reason for such extension request. The City may extend the time for removal up to 90 additional days upon a showing of good cause with one additional 90-day extension. If the antenna support structure or antenna is not removed in a timely fashion, the City may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the City may cause removal of the antenna support structure with costs being borne by the current WCF owner or landowner.

(4) Upon removal of the WCF, base station, and ancillary structures, said area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the current WCF owner or landowner. (Ord. O2010-281 § 4)

21A.55.130 Light poles.

Light poles and light standards located within the public rights-of-way are prohibited from use as an antenna support structure or for the attachment of an antenna or antenna array. For purposes of this prohibition, “light pole” shall mean and refer to a structure affixed to the ground, such as a pole, that has as its primary purpose the support of an overhead light fixture; and “public rights-of-way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, any easement now or hereafter held by the City within the corporate

boundaries of the City as now or hereafter constituted for the purpose of public travel, excluding railroad rights-of-way. (Ord. O2010-281 § 5)

This page of the Sammamish Municipal Code is current through Ordinance O2012-323, passed May 1, 2012.

Disclaimer: The City Clerk's Office has the official version of the Sammamish Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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