

	<p>Planning Commission Meeting June 7, 2022 - 7:00 PM</p> <p>AGENDA</p>
---	---

I. VIRTUAL PARTICIPATION

A. Virtual Participation Information

The City of Auburn Planning Commission Meeting scheduled for Tuesday, June 7, 2022 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click one of the below links, enter the meeting ID into the Zoom App, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and City of Auburn Resolution No. 5581, City of Auburn has designated meeting locations as "virtual" for all Regular, Special and Study Session Meetings of the City Council and for the Committees, Boards and Commissions of the City.

Join Zoom Meeting

<https://us06web.zoom.us/j/87935260242>

Meeting ID: 879 3526 0242

One tap mobile

+12532158782,,87935260242# US (Tacoma)

+13462487799,,87935260242# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 720 707 2699 US (Denver)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

877 853 5257 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 879 3526 0242

Find your local number: <https://us06web.zoom.us/j/87935260242>

II. CALL TO ORDER

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

- A. May 3, 2022 Draft Minutes from the Regular Planning Commission Meeting

IV. OTHER BUSINESS

- A. **ZOA19-0003 - Fences, retaining walls, and rockeries**
- B. **ZOA20-0001 – BP, Business District and EP, Environmental Park Zone**

V. PUBLIC HEARINGS

- A. No Items for Public Hearing

VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. ADJOURNMENT

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

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

May 3, 2022 Draft Minutes from the Regular Planning
Commission Meeting

Date:

May 26, 2022

Department:

Community Development

Attachments:

[May 3, 2022 Draft Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission to approve the draft minutes from the May 3, 2022 Planning
Commission Meeting.

Background for Motion:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Dixon

Meeting Date: June 7, 2022

Item Number:



I. CALL TO ORDER

Chair Roland called the meeting to order at 7:04 p.m. via Virtual Zoom Meeting. Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and City of Auburn Resolution No. 5581, City of Auburn has designated meeting locations as "virtual" for all Regular, Special and Study Session Meetings of the City Council and for the Committees, Boards, and Commissions of the City.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Roland, Commissioner Mason, Commissioner Moutzouris, Commissioner Stephens; Commissioner Sprague; Commissioner Berry, and Commissioner Amer.

Staff present: Assistant Senior City Attorney Doug Ruth; Planning Services Manager Jeff Dixon

Members of the public present: No audience members were present.

b.) PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. April 5, 2022 – Regular Meeting Minutes

It was pointed out that while not captured in the meeting minutes, Commissioner Mason participated in the April 5, 2022 meeting by telephone. It was mentioned that the minutes should be corrected to reflect that Commissioner Mason participated by phone and to omit the phone number.

It was motioned by Commissioner Stephens and Commissioner Sprague seconded, to approve the minutes from the April 5, 2022 meeting with the two corrections noted.

MOTION CARRIED UNANIMOUSLY. 7-0

III. PUBLIC COMMENT

Assistant Senior City Attorney Doug Ruth explained due to a change in state law this year, the city must afford the opportunity for public comment on any action of the board

or commission. This will be a re-occurring agenda listing. He noted it can be subject to the 3-minute time limit per the Rules of Procedure.

There was a question by the Commission if the public comment had to be related to a topic on the agenda or if it's open to a wider range of subjects. Ruth noted the legislation is not clear, but since the context is related to action of the Commission, it should be an agenda topic.

IV. OTHER BUSINESS

A. Open Public Meeting Act (OPMA) and Public Records Act (PRA)

Training

Assistant Senior City Attorney Doug Ruth said state law provides for mandatory training of public officials which includes the Commission. It must be repeated every four years or within 90 days of appointment. He noted that he will play a video created by the City Attorney and City Clerk and then answer any questions afterwards.

He played the Open Government Training video. The video covers Records Retention & Destruction Chapter 40.14 RCW, Public Records Act (PRA) Chapter 42.56 RCW, and Open Public Meeting Act (OPMA) Chapter 42.30 RCW.

In describing the Records Retention, it was cautioned to avoid if possible, using personal devices to conduct city business. Only primary records need to be retained. Destruction of records too early is a crime.

In describing the Public Records Act, it must be an identifiable public record, regardless of physical form. There is no general privacy exemption.

The requirements of the OPMA are triggered whether or not there is a final action. The recent State house bill (HB) 1329 requires an opportunity for public comment at or before every regular meeting at which a final action is taken. It also requires that there be a physical location of the meeting that the public can attend, except in a declared emergency.

Communication between a quorum of members is considered a "public meeting" subject to public notice requirements and the OPMA. The agenda of regular and special meetings must be posted on the city's website at least 24 hours in advance of the meeting. Special meetings are limited to discussion of the specific agenda items listed.

Assistant Senior City Attorney Doug Ruth said he wanted to explain a few topics covered in the video. He said most records the Planning Commission receives are not "primary records"; but "secondary copies". An exception might be an article shared among Commission members or personal e-mails, not sent to staff.

Regarding public records requests, these should be directed to the City Clerk's office.

Going back to the use of city e-mail address, he said requests often seek "any and all records". There have been instances where board members have been requested to bring in their personal computer to the city clerk's office to comply with the public records request. This is awkward.

Discussing the OPMA, Ruth noted members should avoid hitting "reply all" to an e-mail and inadvertently creating a public meeting. Penalties for violations can be to individual members.

Dixon added that the changes to state law provide for a minimum of audio participation at public meetings; not video.

B. Planning Commission Rules of Procedure Amendment

Dixon recounted for the Commission that at the March 8th Regular Meeting, staff gave a PowerPoint presentation stepping through and describing the various sections of the Rules of Procedure (RP) and the purpose of each section. Also, staff distributed in advance of the meeting amendments shown in strike-through (deletions), and underline (additions) as staff-drafted changes to Section XIII adding a new section; "Hearing Record" to clarify the procedures and methods to provide information that becomes part of the decision-making record for the Commission.

At the meeting the revisions were discussed, and the Commission suggested some additions related to format of oversize documents and specifying the digital format such as file type, such as PDF or Windows-based files would be beneficial.

Then at the April 5th Regular Meeting, staff distributed in advance for this meeting further amendments shown in strike-through (deletions), and underline (additions) with changes in response to the Commission's requests discussed at the March 8th meeting. Based on the requests, language was added to address both hard copy and electronic format for submissions. Also, the past staff edits were simplified by removing some words.

He said the revisions were discussed among the Commission and seemed to be acceptable. The Commission asked for the addition of the wording: "... to the Commission Secretary" in the first sentence of Section 14, Hearing Record, Subsection F (Page 13). Staff indicated this change could be made and is reflected in the packet.

The chair asked if members had questions and hearing none, called for a motion.

Commissioner Stephens moved to approve the changes to the PC Rules of Procedure with changes presented. Commissioner Sprague seconded the motion. The chair asked for clarification of the motion if it included all changes presented to-date. Stephens stated it did. The Chair called for a vote.

MOTION CARRIED UNANIMOUSLY. 7-0

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon asked about the Planning Commissioners about their preference how the meetings are held moving forward considering the relaxing of Pandemic restrictions. He said, staff requests that all Commissioners participate in the same way; and not a mixture of in-person and virtual participation to be manageable.

Chair Roland said she prefers to meet in-person. Commissioner Mason said she also prefers in-person. Chair Roland called upon Commissioner Amer, who said she would prefer to meet in person. The Chair called upon Commissioner Berry, who said she could do either and whatever works best for the City. She said in person is good. Commissioner Sprague said he prefers in-person. The Chair called upon Commissioner Moutzouris. He commented that he is comfortable with technology but feels that in-person is best for the public. The Chair called upon Vice-Chair Stephens, and he said the public is best served by in-person meetings.

Staff member Dixon added that while staff requests all Commissioners participate in the same way, exceptions can be made to allow virtual participation for unusual circumstances. For example, if a Commissioner is out-of-town and without the Commissioner's participation by virtual format, there would not be a quorum to conduct business.

Dixon returned to the subject of the Community Development Report. He stated that the Divine Court project located downtown has begun construction and he showed pictures.

Across East Main street, the former Max House has a new more attractive and secure fencing on this now vacant site.

Dixon reported that Sound Transit, in follow up to the stakeholder's meeting on the building design that Commissioners were invited to a few months ago on the second parking garage, is now in a public comment period on the design and is accepting public comment up through May 25th via their website.

The Commission asked if Sound Transit is coordinating with the City on infrastructure needs for the second garage. Staff confirmed that coordination has been ongoing. This analysis has been conducted and an environmental decision already issued.

The Commission asked about the current utilization of the first parking garage based on coming out of the pandemic. Staff did not know but, noted that the train operation schedule is not fully returned to pre-pandemic levels.

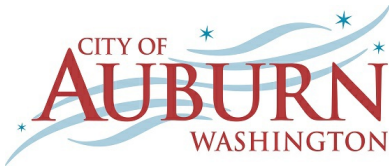
There was a question about the completion date for the Divine Court Project. Staff replied that it would be more than a year.

The Commission asked about the GSA property sale. There is no new information—only that there is a buyer.

The Chair asked about the next meeting and staff replied with information on estimated schedule.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:11 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

ZOA19-0003 - Fences, retaining walls, and rockeries

Department:

Community Development

Attachments:

[ZOA19-0003 MEMORANDUM](#)
[Exhibit A - ZOA19-0003](#)

Date:

May 26, 2022

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

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

See attached memorandum.

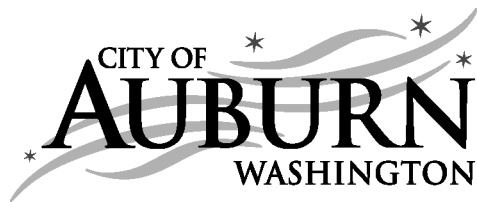
Reviewed by Council Committees:**Councilmember:**

Meeting Date: June 7, 2022

Staff:

Dixon

Item Number:



Memorandum

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

FROM: Alexandria D. Teague, AICP, Senior Planner
Department of Community Development

DATE: May 19, 2022

RE: Amend the City's Zoning Ordinance – Title 18 related to fences, retaining walls, and rockeries (City File No. ZOA19-0003)

I. BACKGROUND & PURPOSE

Staff is proposing to amend Chapters 18.04 (the "Definitions" chapter) and 18.31 (the "Supplemental Standards" chapter) of Title 18 (the Zoning Ordinance). The purpose of the text amendment is to update the City's existing fence standards and create a new set of standards pertaining to retaining walls.

Chapter 18.04 "Definitions"

Fence Opacity & Visibility – New Sections ACC 18.04.371 & ACC 18.04.373

The purpose of these two new sections is to define when a fence provides sufficient "visibility", which is a common question staff receives from the public. Currently, no definition related for fence visibility exists. The proposal is to link visibility to opacity. Opacity is the most appropriate metric, considering opacity is the degree to which light or view is blocked. The definition for opacity will include a simple illustration that depicts how opacity will be measured. A fence is considered to provide sufficient visibility if it is 50% or less opaque.

Retaining Walls and Rockeries – New Section ACC 18.04.376

Staff is proposing a new definition for retaining walls and rockeries. Currently, retaining walls and rockeries are not defined in the Zoning Ordinance.

Chapter 18.31 "Supplemental Development Standards"

Fences – Revise Section ACC 18.31.020

The purpose of amending this section is to clarify several provisions of the fence standards. Fence standards have existed in the Zoning Ordinance since the earliest comprehensive zoning ordinance was adopted in 1987 (Ordinance (Ord.) No. 4229). Over the years, these standards have been revised to provide clarification, respond to issues with implementation, or address common public confusion. The latest updates to the fence standards occurred in 2012 (under Ord. No. 6419) and 2013 (Ord. No. 6461). The change in 2012 added a provision related to fence gates and vehicle refuge areas. The change in 2013 added provisions related to electric fences, including electrification, placement, height, signage, and permitting requirements. Since the last change in 2013, there are a number of needed revisions to

the fence standards. The proposed changes included in this text amendment are based on Staff's previous implementation of the fence standards and is intended address questions, comments, and concerns that staff has received from the public.

Retaining Walls and Rockeries – New Section ACC 18.31.025

Staff is proposing a new section related to retaining walls and rockeries. Currently, standards related to retaining walls and rockeries only existed in the International Building Code (the IBC). The IBC provides standards related to the construction, design, and placement of a retaining wall or rockery and permitting requirements. The Zoning Ordinance is silent on specific standards for retaining walls and rockeries. In turn, staff is left to determine when a retaining wall or rockery is considered "a structure", and therefore, is subject to standards in the Zoning Ordinance (e.g. must meet setbacks). The disconnect between the IBC and the Zoning Code causes unnecessary confusion for staff and the public. For the purposes of consistency and clarity, staff has proposed retaining wall and rockery standards for the Zoning Ordinance that are consistent with the IBC.

II. STAFF PROPOSED UPDATES

A summary of the topics addressed in the proposed revisions Chapter 18.04 ACC and Chapter 18.31 ACC are included below. The proposed text amendment is shown by strikeout/underline and is attached to this memo as Exhibit A.

Chapter 18.04 "Definitions"

- Define fence visibility based on opacity.
- Revise the definitions of screened fence and 100 percent sight obscuring fence to relate to opacity.

Chapter 18.31 "Supplemental Development Standards"

Fences

- Change the height requirement for fences from 6 ft. to 7 ft. to match the height requirement in the International Building Code (IBC).
- Address whether the addition of a lattice counts towards the overall height of the fence.
- Determine whether the fence height restriction in the "front yard setback" is measured from the single family residence (e.g. the main structure) or the garage.
- Clarify whether fences can be placed in City and private easements.
- Clarify whether prohibition of barbed wire also includes a prohibition razor wire.
- Clarify whether electric fences are allowed within setback areas.
- Specify the fence and gate placement needed to create a vehicle refuge area.

Retaining Walls and Rockeries

- Clarify the standards for retaining walls and rockeries placed on residential versus non-residential lots (tracts).
- Outline the height, setback, and building permit requirements for retaining walls and rockeries.
- Specify any composition and/or landscaping requirements for retaining walls and rockeries.
- Clarify whether rockeries and retaining walls are allowed in City and private easements.

III. STAFF REQUEST

The proposed changes to Chapter 18.04 ACC and Chapter 18.31 ACC will help both the public and Staff understand and implement standards related to fences, retaining walls, and rockeries. If the Planning

Commission believes that the changes are ready to proceed, Staff requests to move forward with a public hearing.

IV. EXHIBIT(S)

A – Proposed Fence and Retaining Wall Text Amendment

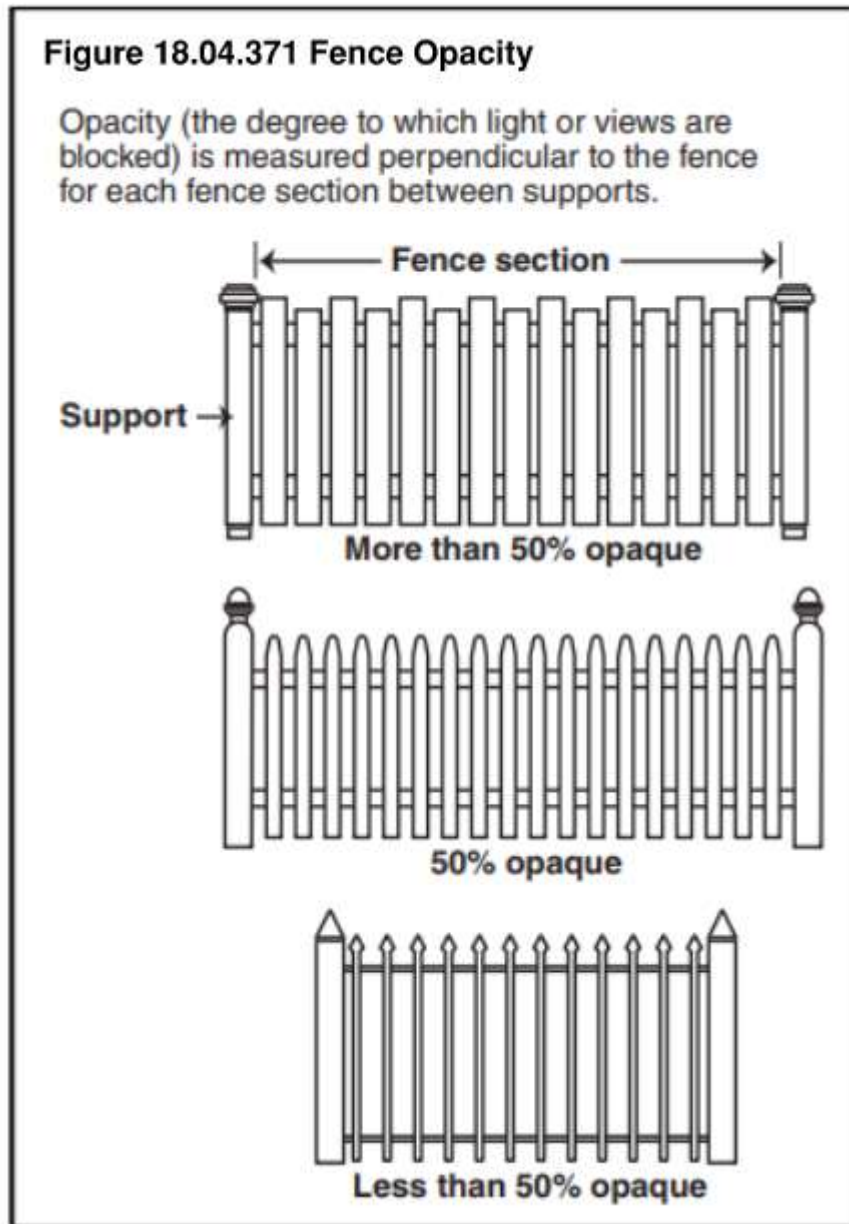
Chapter 18.04 DEFINITIONS

18.04.370 Fence.

"Fence" means a masonry wall or a barrier generally composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space, functional areas, or separating parcels of land. The term "fence" does not include retaining walls or ,rockeries when separate structure. The term also does not include ,or hedges, trees, or other natural growth. (Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

18.04.371 Fence, opacity.

Fence opacity is the degree to which views are blocked. Opacity, the degree to which light or view is blocked, is measured perpendicular to the fence for each fence section between supports.



18.04.372 Fence, screened.

"Screened fence" means a fence that is between 70 to 100 percent opaque, and provides ~~providing provide~~ a high degree of visual buffering between two areas ~~that meets the~~ requirements of Chapters ~~18.31 and 18.50 ACC.~~. A screened fence may be consist of wood, vinyl, or metal. A chain link fence interwoven with slats in every row or available space is considered a screened fence. (Ord. 6245 § 3, 2009.)

18.04.373 Fence, visibility.

A fence that is 50% or less opaque is generally considered to provide visibility.

18.04.374 Fence, 100 percent sight-obscuring.

“One hundred percent sight-obscuring fence” means a fence that is 100% opaque, completely obstructs view between two areas and/or completely obstructs view between two adjoining uses, and meets the requirements of Chapters 18.31 and 18.50 ACC. A sight-obscuring fence shall be constructed of solid wood, metal, concrete, or other appropriate material which totally conceals the subject use from adjoining uses. (Ord. 6245 § 3, 2009.)

18.04.376 Retaining Wall.

“Retaining Wall” means a structure designed and constructed to hold soil, earth, or like material in place, to resist lateral pressure of materials to create a desired change in ground elevation. Such walls can be of various types including gravity, cantilevered, anchored, or piling walls and can be comprised of various materials including concrete, stone, or masonry units. The term retaining wall does not include fences.

Chapter 18.31 SUPPLEMENTAL DEVELOPMENT STANDARDS**18.31.020 Fences.**

A. Purpose. The fencing requirements in this section are intended to maintain and protect property values, to enhance the city’s appearance, and to visually unify the city and its neighborhoods. This section contains general standards applicable to all fences (regardless of zoning district), and specific standards for fences within the residential, commercial, and institutional use zoning districts.

BA. Fence Height Regulations. The minimum or maximum height requirements as stipulated throughout this chapter shall be considered to be met if the height of the fence is within six percent of the height required. The height of the fence shall be determined from the existing,

established grade on the property to the highest point of the fence. at the time of this title adoption.

1. Fence heights areis restricted to the maximum heights that which would not reduce sight distances for vehicular and non-motorized transportation facilities below allowable limits as established by the Engineering Design Standards.
- 2.Fences built within, the portion of the lot interior of the required setbacks, may be as high as the maximum main building height allowed within the applicable zone.
3. Building permits are required for fences exceeding 84 inches in height.
4. The addition of lattice, trellis, and other similar features of the fence shall count towards the overall height and opaqueness of a fence.
5. Fence height is measured from the existing grade; if a retaining wall is existing or proposed, a permit may be required, and the height is measured from the base of the retaining wall.

C. 1. Fence Height Regulations by Zoning District. The following regulations shall apply in the R-1, R-5, R-7, R-10, R-16, R-20, R-MHC, RO, RO-H, I, C-N, C-1, C-2, C-4, and DUC zones:

aa. Fence heights shall may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

- i. Front setback¹: 42 inches; provided, that fences constructed of chain link, wrought iron or similar materials that provides visibility, as defined herein, may be 72 inches in height;
- ii. Side setback: 72 inches;
- iii. Rear setback: 72 inches; provided, that fences adjacent to alleys may be located at the rear property line, subject to meeting sight distance requirements of the Engineering Design Standards;
- iv. Street side setback: 72 inches.

~~2. Fences and walls built within the building area of a lot may be as high as the maximum building height allowed within the applicable zone. Building permits are required for fences or walls exceeding six feet in height.~~

~~3. If the fence includes a gate or similar feature to allow vehicle passage, the gate shall be placed within the interior of the lot and setback a sufficient distance to provide a vehicle refuge area shall be provided within the driveway to avoid blocking the street in accordance with the Engineering Design Standards. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street, sidewalk, or overhang the right-of-way, in accordance with the Engineering Design Standards., trellis, of the fence and opaqueness B. Special Height Restrictions.~~

~~1. There shall not be anything constructed or reconstructed, and no obstruction object permitted, within the sight distance obstruction provision triangle area as required by city of Auburn engineering design standards.~~

~~2. In general, no fence, hedge, structure or other obstruction object shall act as a sight distance obstruction hazard to traffic and access points, and the city engineer may order the removal of such hazard obstruction in accordance with the engineering design standards whether or not such object otherwise complies with the provisions of this title.~~

D.C. Screened Fences and Sight-Obscuring Fences.

1. Fence visibility is defined per ACC 18.04.373. In certain circumstances, a fence that is 50% or less opaque may be considered by the City Engineer to not provide visibility due to the angle through which the fence is being viewed for the sight distance analysis increasing the perceived opacity of the fence to 50% or higher.

2. Screened fences are defined per ACC 18.04.372. A screened fence shall consist, at a minimum, of a chain link fence interwoven with slats placed in every row or available space in the fence

3. 2.—Sight-obscuring fences are defined per ACC 18.04.374. A 100 percent sight-obscuring fence shall be constructed of solid wood, metal, concrete or other appropriate material which totally conceals the subject use from adjoining uses.

E.D. Fences and Associated Landscaping.

1. When landscaping is required along the property line, the fence shall be placed interior to the required landscaping. The fence may not shall be set back a minimum of five feet if the fence abuts a street right-of-way, so as to not obscure such landscaping unless through the land use approval process or architectural and site design review, the relation of fence and landscaping is reversed. -

2. At all other property lines, fencing shall be placed such that it does not damage existing native or requiredthe landscaping shall be located to serve the greatest public benefit.

FE. Access and Obstructions, — Generally Prohibited.

1. If the fence includes a gate or similar feature to allow vehicle passage, the gate shall be placed within the interior of the lot and setback a sufficient distance to provide a vehicle refuge area within the driveway exterior of the fence to avoid blocking the street in accordance with the Engineering Design Standards. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street, sidewalk, or overhang the right-of-way, in accordance with the Engineering Design Standards.

2. Any fence located within a front yard setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.

3. 1. In no case shall any fence, and/or hedge, or other obstruction be constructed, or grown, or placed, such that it deters or hinders the fire agency authority from gaining access to any fire agency authority connection, fire protection control valve, fire hydrant, or fire agency authority appliance or device. Minimum clearance requirements for fire hydrants shall be in accordance with the city Engineering Design Standards. design and construction standards.

4. In no case shall any fence, and/or hedge, or other obstruction be constructed, grown, or placed, such that it obstructs the visibility of any fire hydrant from a distance of 150 feet, in any direction, of vehicular approach to the hydrant.

5. 3. In no case shall any fence, and/or hedge, or other obstruction be constructed, grown, or placed, be constructed or grown in a manner which interferes with access to water, storm, or sanitary sewer manholes, utility meters, and other City appurtenances which require access for maintenance purposes.

6. Unless explicitly permitted by easement language, fences are prohibited within City utility easements except as may be authorized by the City Engineer.

7. Unless explicitly permitted by easement language, fences are prohibited within private easements (e.g. storm drainage) and other public utility easements (e.g. Lakehaven Water and Sewer District) except as may be authorized by the easement grantee.

G.F Other than in the P-1, M-1 or M-2 zones, no fence may include the use of barbed, including concertina, razor, or similar wire; provided, that existing pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of, and in addition to, the height of a 8472-inch fence in the above zones, provided it does not extend more than 12 inches ~~one additional foot~~ in height.

H.G. Other than in the RC, R-1, C-3, M-1, M-2, BP, LF, or I zones, electrically charged fences are ~~not permitted~~. Electrically charged fences shall only be allowed within the RC, R-1, C-3, M-1, M-2, BPLF, or I zones and shall adhere to the following standards. These standards shall not apply to underground or invisible pet fences, ~~invisible fences and wireless pet collar fences~~ that are used to contain ~~household pets~~ small domestic animals.

1. Within the RC and R-1 zones the electrical charge of an electric fence must be noncontinuous and the electric fence controller shall be approved by the Underwriter Laboratories (U.L.) or meet the testing standards of the Underwriter Laboratories. It is further provided that electric fences in the RC and R-1 zones that abut any public street or right-of-way shall include warning signs consistent with ACC 18.31.020(H)(2)(e), ~~of not less than 30 square inches in size posted at least every 50 feet on the fence, stating that the fence is charged with electricity.~~

2. Within the C-3, M-1, M-2, BP, LF, or I zones, the construction and use of electric fences shall be allowed in the city only as provided in this section and subject to the following:

a. *Electrification.*

i. The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a trickle charger.

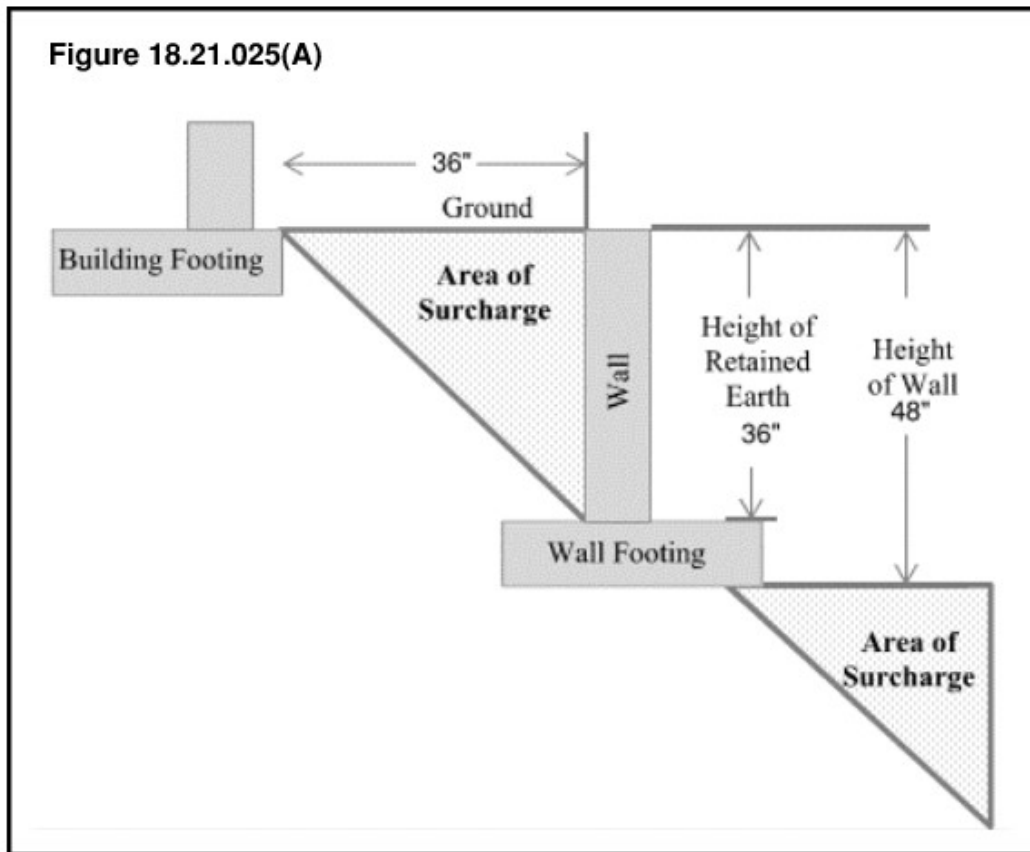
- ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in ~~paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standards No. 60335-2-76.~~
- b. *Perimeter Non-Electric Fence or Wall.* No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than ~~six feet.~~ 72 inches.
- c. *Location.* Electric fences shall only be permitted on around any nonresidential outdoor storage areas. Electric fences and the perimeter fencing is are allowed in the setback areas provided the requirements of subsections (E), (F), and (H)(2) are met.
- d. *Height.* Electric fences shall not exceed 10 feet in height.
- e. *Warning Signs.* Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals of 50 feet or less than 60 feet. Signs shall also contain imagery or symbols of or similar to the International Organization for Standardization (ISO) warning symbol for electric hazard ~~to alert individuals that that allows non-English speaking individuals to understand that the fence is electrically charged, (e.g. lightning bolts).~~
- f. ~~The permitting process for e~~Electric fences shall be governed and regulated in accordance with the regulations for ~~burglar alarm permits contained in Chapter 9.30 ACC under city code.~~
- g. The installation of electric fences and gates must also meet International Fire Code standards.

~~H. Any fence located within a front setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.~~

18.31.025 Retaining Walls

A. Retaining Wall General Regulations.

1. Retaining walls must be designed and placed per the adopted IBC and IRC design standards. See Figure 18.21.025(A).



2. Retaining wall height is limited to that which would not reduce sight distances for vehicular and non-motorized facilities below allowable limits as established by the Engineering Design Standards.
3. Any grading work shall be in compliance with Chapter 15.74 ACC.
4. All portions of retaining walls, including sub-surface elements such as footings, anchors, and cantilevers, shall not encroach or be located within the public right-of-way or public utility easements unless explicitly permitted by the City Engineer and/or by easement language.
5. The requirements of this chapter do not apply to retaining walls in right-of- way.
6. Additional requirements apply to retaining walls that provide support to right-of-way as specified in the Engineering Design Standards.

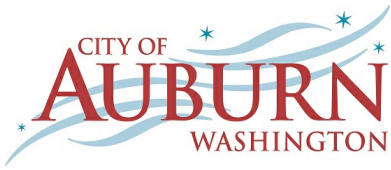
B. Residential Lots.

1. Retaining walls under 48 inches, constructed in accordance with the IRC, whether supporting a surcharge or not, are allowed in the required yard setback areas, as regulated per each zone.
2. Retaining walls over 48 and under 84 inches, constructed in accordance with the IRC, whether supporting a surcharge or not, in height measured from the bottom of the footing to the top of the wall, are allowed in the setbacks, except the front street-side setbacks, as regulated per each zone.
3. Retaining walls over 84 inches, constructed in accordance with the IRC, whether supporting a surcharge or not, in height measured from the bottom of the footing to the top of the wall, are not allowed in the yard setbacks, as regulated per each zone.
4. Retaining walls visible from the public right-of-way or adjacent property must be composed of rock, textured or patterned concrete, masonry, composite, or other products that complements the existing residential or neighborhood character. Products such as "ecology blocks" or plain smooth concrete are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.

C. Nonresidential Lots/Tracts.

1. Retaining walls visible from the public right-of-way or adjacent property shall be composed of rock, textured, or patterned colored concrete, masonry, or composite. Products such as "ecology blocks" are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.
2. For retaining walls over 48 inches in height or supporting a surcharge, the area between the right-of-way and the retaining wall shall be landscaped and maintained per Chapter 18.50 ACC.
3. Terraces created between retaining walls shall be permanently landscaped and revegetated pursuant to a mitigation or landscape plan developed by a qualified professional.
4. Notwithstanding the requirements contained in this section, retaining walls may still require a building permit if trees or other landscape features will potentially impact (e.g., tree roots) or impose a surcharge on the wall.
5. Retaining walls for nonresidential lots or tracts shall be located adjacent to any rights-of-way to ensure required frontage landscaping is located level to (i.e. not below) any required parking areas, outdoor storage, or other similar uses, to the greatest extent possible.

6. The width of the retaining wall or walls support shall not be included in any landscaping calculations or measurements.



AGENDA BILL APPROVAL FORM

Agenda Subject:

ZOA20-0001 – BP, Business District and EP, Environmental Park Zone

Date:

May 26, 2022

Department:

Community Development

Attachments:

[ZOA20-0001 - MEMORANDUM](#)

[Exhibit A - ZOA20-0001](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

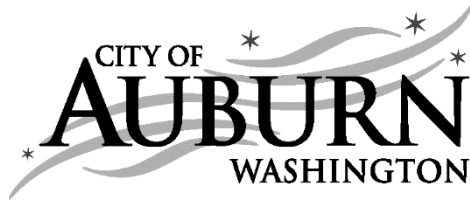
See attached memorandum.

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

Dixon

Meeting Date: June 7, 2022

Item Number:



MEMORANDUM

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

FROM: Alexandria D. Teague, Senior Planner
Department of Community Development

DATE: May 19, 2022

RE: Amend the City's Zoning Ordinance – Title 18 related to the BP and EP Zoning Districts (City File No. ZOA20-0001)

I. BACKGROUND

Staff is proposing to remove the BP, Business Park, and EP, Environmental Park Zoning Districts (zones), from Title 1– the Zoning Ordinance of the Auburn City Code. This will entail removing Chapter 18.36 the “Business Park District” chapter, as well as amending Chapter 18.23 to remove the Environmental Park Zone from Title 18. Several other chapters and sections of Title 18 must be amended to remove references of the BP and EP zones. Below staff has provided history of the BP and EP zones as well as the reason for their proposed removal from Title 18.

BP, Business Park District

The Business Park District or BP zone was adopted in 1987 under Ordinance No. 4229. This ordinance repealed the previous Zoning Ordinance and created a new codified Zoning Ordinance, in which new zoning districts, including the BP zone, were added to the title.

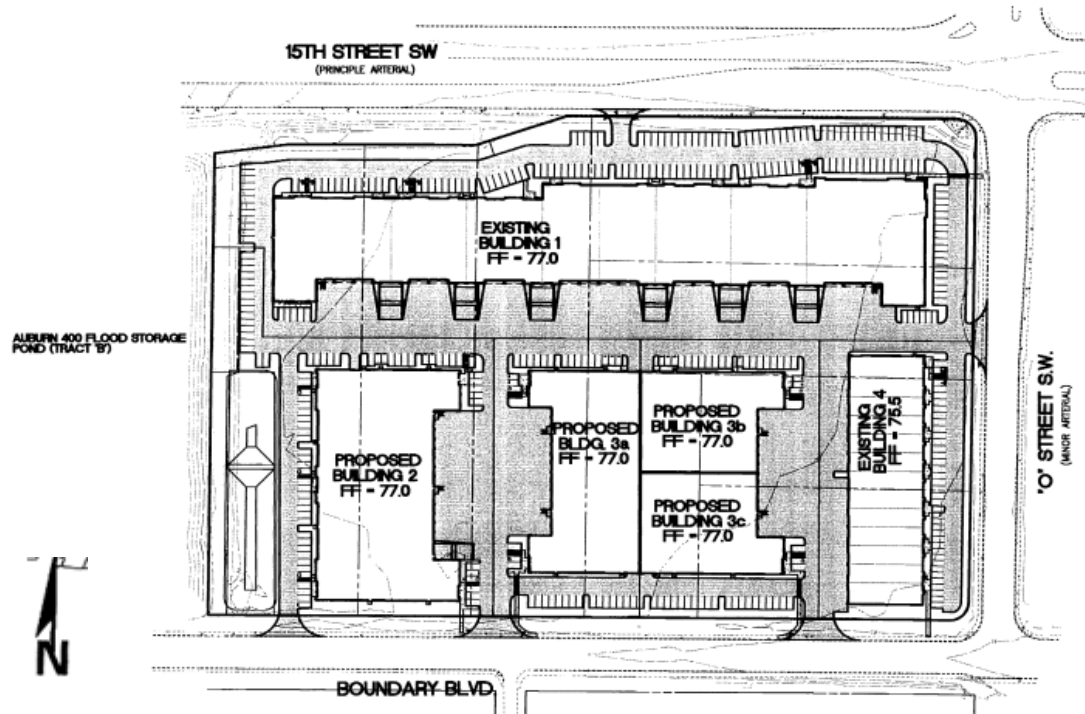
Per Auburn City Code (ACC) 18.36.010 the purpose of the BP zone is to “...respond to modern trends in business park development by providing a suitable area for industrial, professional office, service and commercial uses within a planned, well managed site with high quality development standards.” The intent of this zone is to allow flexibility with regard to the zoning development standards and uses, as long as the flexibility results in superior architectural, site, and landscape design. The zone allows for all of the uses listed as permitted, administrative, and conditional in the M-1, Light Industrial zone, and those uses listed as permitted in the C-3, Heavy Commercial zone.

To date, six parcels collectively known as the “Opus Park 167 Service District”, located at the southwest corner of 15th St. and O St. SW, were developed under the BP zone standards. Under Ordinance No. 4962 (1997), these six parcel were rezoned from M-1, Light Industrial to BP, Business Park in support of the “business park” type development. The Opus Park 167 Service District business park, shown below, was completed in 2002. Since then, no other parcels have been rezoned or developed under the BP zone standards.

Opus Park As-built Site Plan

OPUS PARK 167 SERVICE DISTRIBUTION CENTER

SECTION 23, TOWNSHIP 21 NORTH, RANGE 5 EAST



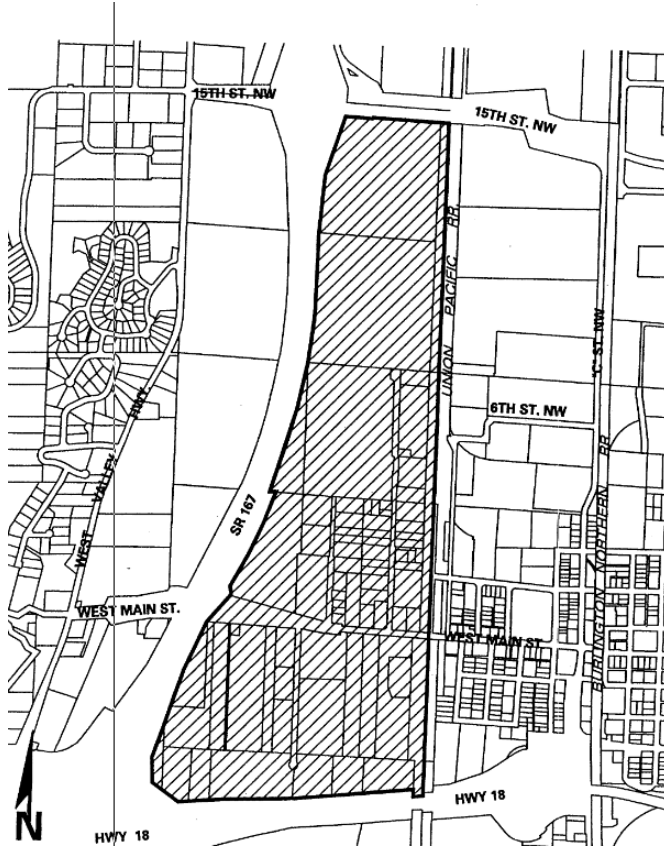
Subsequently, under Ordinance No. 5607 (2006) the six parcels were rezoned to C-3, Heavy Commercial from BP. This effectively made the BP zone no longer a mapped zoning district. The parcels were rezoned to C-3, Heavy Commercial since they were already designated Heavy Commercial, and the C-3 zone was (and still is) the only zone that implements the Heavy Commercial land use designation.

As mentioned above, the C-3 zone is currently the only zoning district that implements the Heavy Commercial land use designation. Each of the enumerated zoning districts in Title 18 implement a land use designation provided in the Comprehensive Plan. The BP zone was removed from Comprehensive Plan in 2015, and therefore BP no longer implements any of the comprehensive plan land use designations.

Given that the BP zone regulations resulted in one business park, and is no longer mapped on the City's Zoning Map or included in the Comprehensive Plan, staff is proposing to remove this zone from the City's Zoning Ordinance (Title 18).

EP, Environmental Park Zone

The Environmental Park Zone, or EP zone, was adopted in 2006 under Ordinance No. 6037. The EP zone was intended to create a zone with appropriate uses near the Auburn Environmental Park (located between W Main St. to the south, Interurban Trail to the east, 15th St. NW to the north, and W Valley Hwy to the west); uses that would benefit from the location and complement the AEP and its environmental features. Under this ordinance, approximately 75 parcels were rezoned from M-1, Light Industrial and R2, Single Family Residential District to the EP zone. The image below depicts the approx. 75 parcels that were rezoned to EP (area noted with diagonal hatching).

Ordinance No. 6037 Attachment A Site Plan

Per ACC 18.23.020(H) the purpose of the EP zone is 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.”

The uses typically allowed in the EP zone are similar to that of the M-1, Light Industrial Zone, with an emphasis on medical, biotech, and green technologies. Further, build out of parcels zoned EP must incorporate “sustainable design and green building practices” (definition included in glossary below).

It is difficult to ascertain which, if any, parcels were developed under the EP zoning designation. Per City permit records, it appears that most of the parcels that were zoned EP were developed prior to being rezoned to EP. This is supported by the fact that the intent statement for the EP zone (ACC 18.23.020(H)) acknowledges 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.”

In 2017, under Ordinance No. 6660, the 75 parcels were rezoned M-1, Light Industrial. The reason is that since the inception of the zoning designation there had been very little private sector investment into the privately owned properties, all while there has been substantial investment in the nearby M-1 and M-2, Heavy Industrial properties. Subsequently, in 2018, under Ordinance No. 6691, the City-owned parcels formerly zoned EP and associated with the AEP were rezoned to Open Space.

Similar to the BP zone, the EP zone is no longer mapped on the City's Zoning Map nor it is included in the City's Comprehensive Plan (it too was removed in 2015). Therefore, staff is proposing to remove the BP zone from the City's Zoning Ordinance (Title 18).

II. STAFF PROPOSED UPDATES

The text amendment is shown by strikeout/underline and is attached to this memo as Exhibit A.

III. STAFF REQUEST

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

IV. EXHIBIT(S)

A – BP and EP Zoning District Text Amendment

V. GLOSSARY OF KEY TERMS

- 1) *Built green*: means an environmental building program locally administered by the Master Builders Association of King and Snohomish Counties which provides rating systems which quantify environmentally friendly building practices for remodeling and new residential construction. The construction must qualify for a minimum number of points in order to be certified as "built green." Each building receives a one – to five-star rating based on the builder's ability to meet the sustainable design standards.ⁱ
- 2) *Comprehensive Plan*: Auburn's Comprehensive Plan is the leading policy document that guides the City's evolution and growth over a 20-year period. The Comprehensive Plan identifies the desired type, configuration, and intensity of land uses throughout the city, as well as the character and capacity of public facilities and services like streets and utilities. Its policies address critical topics such as housing, the environment, transportation, public safety, and economic development. The Comprehensive Plan also serves as the basis for the City's adoption of special purpose plans for the city such as transportation or utilities plans, and serves as the basis for development standards and regulations such as City zoning and critical area regulations.ⁱⁱ

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map.ⁱⁱⁱ
- 3) *Comprehensive Zoning Map*: The zones set out in ACC 18.02.070 are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.^{iv}
- 4) *Green building practices*: (as defined by the U.S. Green Building Council, Leadership in Energy and Environmental Design [LEED] Program) means practices that conserve resources, use recycled content materials, maximize energy efficiency, and otherwise consider environmental, economic, and social benefits in the design and construction of a building project. See ACC 18.04.525 for more information on LEED.^v

- 5) *Land use designation*: All land within the City of Auburn is assigned a land use designation, which builds off the past Comprehensive Plan Map, the existing land use City of Auburn Comprehensive Plan pattern, previously approved subarea plans, topography, natural features, and targeted goals for shifting the character of specified areas. The Comprehensive Plan Land Use Map shows the location and boundaries for each designation. This map should be consulted together with the written policies of this Plan when decisions about zoning designations, land use activities, and development of public infrastructure are considered.^{vi}
- 6) *Leadership in energy and environmental design (LEED)*: means a national standard for developing high-performance, sustainable buildings.^{vii}
- 7) *Sustainable design*: means design in which the impact of a building on the environment will be minimal over the lifetime of that building. Structures should incorporate the principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.^{viii}
- 8) *Zone*: means an area accurately defined as to boundaries and location on an official map to which a uniform set of regulations applies controlling the types and intensities of land uses, as set forth in this title.^{ix}
- 9) *Zoning*: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts – the text and a map.^x
- 10) *Use*: means an activity or purpose for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased.^{xi}

ⁱ ACC 18.04.235

ⁱⁱ City of Auburn Comprehensive Plan website, <https://www.auburnwa.gov/>

ⁱⁱⁱ Revised Code of Washington (RCW) 36.70A.070

^{iv} ACC 18.02.070

^v ACC 18.04.425

^{vi} City of Auburn Land Use Element (Ordinance No. 6746)

^{vii} ACC 18.04.525

^{viii} ACC 18.04.892

^{ix} ACC 18.04.960

^x WSDOT January 2011

^{xi} ACC 18.04.900

Title 18 ZONING

Chapters:

18.01	User Guide
18.02	General Provisions
18.04	Definitions
18.07	Residential Zones
18.08	Northeast Auburn Special Area Plan and Auburn Gateway Planned Action
18.09	R-MHC Manufactured/Mobile Home Community Zone
18.21	Overlays
18.23	Commercial and Industrial Zones
18.25	Infill Residential Development Standards
18.29	DUC Downtown Urban Center District
18.31	Supplemental Development Standards
18.35	Special Purpose Zones
18.36	BP Business Park District
18.38	LF Airport Landing Field District, Overlay, and FAR Part 77 Surfaces
18.42	UNC Unclassified Use District
18.46A	Temporary Uses
18.47	Electric Vehicle Infrastructure
18.49	Flexible Development Alternatives
18.50	Landscaping and Screening
18.52	Off-Street Parking and Loading
18.53	Master Plans
18.54	Nonconforming Structures, Land and Uses
18.55	Outdoor Lighting
18.56	Signs
18.57	Standards for Specific Land Uses
18.59	Development Standards for Marijuana Related Businesses
18.60	Home Occupations
18.62	Surface Mining
18.64	Administrative and Conditional Use Permits
18.66	<i>Recodified</i>
18.68	Zoning Map and Text Amendments
18.70	Variances, Special Exceptions, and Administrative Appeals
18.72	Administration and Enforcement
18.74	Location of Sexually Oriented Businesses
18.76	Planned Unit Development District (PUD) – Lakeland Hills South
18.78	Terrace View (TV) District

Chapter 18.02

GENERAL PROVISIONS

18.02.070 Establishment of zones.

A. The city is divided into the following classes of zones:

1. RC, residential conservancy zone (one dwelling unit per four acres);
2. R-1, residential zone (one dwelling unit per acre);
3. R-5, residential zone (five dwelling units per acre);
4. R-7, residential zone (seven dwelling units per acre);
5. R-10, residential zone (10 dwelling units per acre);
6. R-16, residential zone (16 dwelling units per acre);
7. R-20, residential zone (20 dwelling units per acre);
8. RMHC, manufactured/mobile home community zone;
9. RO, residential office zone, and RO-H, residential office-hospital zone;
10. C-N, neighborhood shopping zone;
11. C-1, light commercial zone;
12. C-2, central business zone;
13. C-3, heavy commercial zone;
14. M-1, light industrial zone;
15. M-2, heavy industrial zone;
- ~~16. BP, business park zone;~~
1617. LF, airport landing field zone;
1718. P-1, public use zone;
1819. UNC, unclassified use zone;
1920. I, institutional use zone;

~~21. EP, environmental park zone;~~

~~22~~20. DUC, downtown urban center zone;

~~23~~21. OS, open space zone.

B. The zones set out in subsection [A](#) of this section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the city of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title. (Ord. 6677 § 1, 2018; Ord. 6245 § 2, 2009.)

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. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

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 their 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 more 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 multi-story building. 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.~~

HH. *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. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.030 Uses.

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

B. *Requirements for Certain Specific Land Uses.* Where the last column in Table 18.23.030 (“Standards for Specific Land Uses”) includes a reference to a code section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

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

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)	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	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Commercial recreation facility, outdoor	X	X	X	A	A	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	
Work/live unit	X	P	P	P	P	P	P	X	
Marijuana cooperative	X	X	X	X	X	X	X	X	
Multiple-family dwellings as part of a mixed-use development ²	X	X	P	P	P	P	P	X	ACC 18.57.030
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing ²	X	X	A	A	X	X	X	X	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
RETAIL									
Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
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	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Repair service – Equipment, appliances	X	A	P	P	P	P	✕	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	✕	X	
Youth community support facility	X	P	X	X	X	X	✕	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	✕	P	
Broadcasting studio	X	P	X	P	X	P	✕	P	
Heliport	X	X	X	C	X	C	✕	C	
Motor freight terminal ¹	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	✕	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*	*	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC 18.04.912(H))	P	P	P	P	P	P	P	P	
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	P	P	P	
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	✕	P	ACC 18.57.050(A)

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)
OTHER									
Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	A	A	A	
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6) , Unclassified Uses.	P	P	P	P	P	P	P	P	

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

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

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

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				

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
Lighting	See Chapter 18.55 ACC				
Nonconforming 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 if 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

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP Environmental Park	M-2 Heavy Industrial
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		
Nonconforming 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.

(Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

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 subsection [D](#) of this section 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, entryways with accents such as brick pavers, artwork, 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 [\(D\)\(3\)\(b\)](#) 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 [\(D\)\(3\)\(b\)](#) and [\(g\)](#) 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 artwork 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 [\(D\)\(3\)\(a\)](#) 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 [\(D\)\(3\)\(a\)](#) of this section.
- j. A site plan shall be prepared by the proponent which addresses compliance with the requirements as outlined in subsections [\(D\)\(3\)\(a\)](#) through [\(i\)](#) 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 this subsection D 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. 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.

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. (Ord. 6433 § 26, 2012.)

18.23.060 Additional development standards for the C-N, C-1, C-2, C-3, C-4, and M-1EP, 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 ACC 18.31.020. The provisions of this section shall not apply to temporary fences during construction projects permitted by the city.~~

~~AB.~~ Loading and unloading docks shall not be visible from the street.

BC. 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. (Ord. 6433 § 26, 2012.)

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

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\(W\)](#)) on properties regulated under this title. The siting of small wireless facilities shall also be in accordance with ACC [18.31.110](#):

L. *Zones in Which WCFs Are Permitted.* The following table illustrates which zones the types of facilities as defined by ACC [18.04.912\(K\)](#) and [\(W\)](#) and subsection [A](#) of this section are allowed in and which land use approval process, if any, is required. Microcells, as defined by ACC [18.04.912\(M\)](#) (not located in public ways), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC [18.04.912\(M\)](#).

Zone	Type of Permit Required		
	Permitted Outright	Administrative Use Permit	Conditional Use Permit
All Zones	1-D	1-D ¹	1-D ²
RO, 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, C-4	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.

Chapter 18.36

~~BP BUSINESS PARK DISTRICT~~

Sections:

- ~~18.36.010 — Intent.~~
- ~~18.36.020 — Process.~~
- ~~18.36.030 — Permitted uses.~~
- ~~18.36.040 — Application.~~
- ~~18.36.050 — Development standards.~~
- ~~18.36.060 — Supplemental development standards.~~
- ~~18.36.070 — Time limit.~~

~~18.36.010 — Intent.~~

~~The purpose of the BP district is to respond to modern trends in business park development by providing a suitable area for industrial, professional office, service and commercial uses within a planned, well-managed site with high quality development standards.~~

~~It is also the intent of this district to allow flexibility with regard to development standards and uses if the flexibility results in an atmosphere of superior architectural, site and landscape design.~~

~~This district may be applied to any site within the city designated as “region serving” in the comprehensive plan, which is zoned commercial or industrial. In addition, the comprehensive plan identifies specific locations appropriate for business park development. (Ord. 4229 § 2, 1987.)~~

~~18.36.020 — Process.~~

~~The approval process for business parks is in two steps. The first step in the conceptual approval of the business park, by the hearing examiner and city council, this step also approves the rezone to the business park district. The second step is the approval of the site plan by the planning director.~~

~~A. Conceptual Approval.~~

- ~~1. Conceptual approval of a business park shall be applied by the rezone process as specified in ACC 18.68.030(A)(1). The rezone shall be a contract rezone and shall include an agreement that establishes the type, square footage and general location of the uses; the location and size of the park; restrictive covenants; public improvements; and the responsibilities of the owner/developer.~~

~~2. A BP district shall only be approved when the owner/developer has demonstrated that a public benefit will result and the project contains architectural, site, and landscape design standards that are significantly superior to those typically required in the other industrial and commercial zones.~~

~~3. No significant impacts on the public infrastructure shall occur that cannot be effectively mitigated by the development of the business park.~~

~~4. If the approval of the business park requires a subdivision of property, the preliminary plat may be processed concurrently.~~

~~B. Site Plan Approval.~~

~~1. The site plan of a business park shall be approved by the planning director.~~

~~2. From the date of filing a complete application the planning director shall within 30 calendar days either approve, deny, or approve with conditions the site plan. The decision of the director shall be final unless appealed to the hearing examiner pursuant to ACC 18.70.050.~~

~~3. The city attorney shall prepare the necessary documents, approving the site plan, which shall be recorded at the appropriate King County office, for properties located in King County, or recorded at the appropriate Pierce County office for properties located in Pierce County. (Ord. 6809 § 1 (Exh. A), 2021; Ord. 6779 § 3, 2020; Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

~~18.36.030 Permitted uses.~~

~~Only those uses specifically authorized in the contract rezone, as approved by the hearing examiner and city council, may be permitted in this zone. Any of the uses listed as permitted, administrative, and conditional in the M-1 district, Chapter 18.32 ACC, and those uses listed as permitted in the C-3 district, Chapter 18.30 ACC, may be those uses as being permitted in this zone. This however shall not allow outdoor activities such as storage, fabrication, or sales, unless specifically authorized as part of the contract rezone. The hearing examiner and city council may establish any procedural or substantive conditions on any such use as may be appropriate for the site. (Ord. 4229 § 2, 1987.)~~

~~18.36.040 Application.~~

~~A. Conceptual Approval. An application shall be required for conceptual approval of a business park and shall include the following:~~

~~1. Standard rezone application;~~

- ~~2. List of uses;~~
- ~~3. Covenants and restrictions;~~
- ~~4. A site plan to illustrate the following:~~
 - ~~a. Vicinity map;~~
 - ~~b. Boundaries and dimensions of proposed park;~~
 - ~~c. Acreage of park;~~
 - ~~d. Layout of interior streets;~~
 - ~~e. Adjacent public streets;~~
 - ~~f. Easements, existing, and if known, proposed;~~
 - ~~g. Location and size of all existing utilities;~~
 - ~~h. General location of uses;~~
 - ~~i. Existing ownership pattern;~~
 - ~~j. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director.~~

~~B. *Site Plan Approval.* An application shall be required for site plan approval of a business park and shall include the following:~~

- ~~1. The ordinance and contract of the conceptual approval;~~
- ~~2. A site plan which shall illustrate the following:~~
 - ~~a. Vicinity map;~~
 - ~~b. Boundaries and dimensions of park;~~
 - ~~c. If partial approval, illustrate the proposal within the boundaries of the park;~~
 - ~~d. Illustrate previous site plan approvals that may have occurred within the park;~~
 - ~~e. Acreage of proposal;~~
 - ~~f. Layout of interior streets;~~

- ~~g. Adjacent public streets,~~
- ~~h. Easements, existing and proposed,~~
- ~~i. Location and size of all existing and proposed utilities,~~
- ~~j. Typical street cross section,~~
- ~~k. Location of uses,~~
- ~~l. Location of buildings and structures, both existing and proposed, including setbacks,~~
- ~~m. Location and layout of off street parking, loading and unloading areas,~~
- ~~n. Location of walls and fences, indication of their height and materials,~~
- ~~o. Location of any storage areas or refuse containers,~~
- ~~p. Location and size of signs,~~
- ~~q. Landscaping plan,~~
- ~~r. Indication of height of buildings,~~
- ~~s. Proposed architectural treatment of large expanse of walls,~~
- ~~t. Any covenants not previously approved,~~
- ~~u. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director. (Ord. 4229 § 2, 1987.)~~

~~18.36.050 — Development standards.~~

~~Development standards in a BP district are as follows:~~

- ~~A. Minimum area to be developed as a business park: 10 acres;~~
- ~~B. Minimum lot area: none required;~~
- ~~C. Minimum lot width: none required;~~
- ~~D. Minimum lot depth: none required;~~

~~E. Maximum lot coverage: none required;~~

~~F. Maximum building height: 35 feet. Additional height may be allowed if approved by the hearing examiner and city council;~~

~~G. Minimum Yard Setbacks.~~

~~1. Exterior Property Lines: Setbacks from the exterior boundary line of the business park shall be comparable to or compatible with those of existing development of adjacent properties; or if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties or the projections of the comprehensive plan. In no event shall such setback be less than 20 feet.~~

~~2. Interior Property Lines: The setbacks within the business park may either be determined at the time of conceptual or site plan approval;~~

~~H. Fences and hedges: see Chapter 18.31 ACC;~~

~~I. Parking: see Chapter 18.52 ACC;~~

~~J. Landscaping: see Chapter 18.50 ACC, a minimum of 15 percent of the business park shall be landscaped;~~

~~K. Signs: see Chapter 18.56 ACC;~~

~~L. Performance standards: see Chapter 18.58 ACC;~~

~~M. Sidewalks and/or walkways: there may be flexibility in the design of sidewalks or walkways if approved by the city engineer. (Ord. 4229 § 2, 1987.)~~

~~18.36.060 — Supplemental development standards. (For the BP Zone.)~~

~~Supplemental development standards in a BP district are as follows:~~

~~A. All activities shall be conducted entirely within a building except as follows:~~

~~1. Gas pumps;~~

~~2. Refuse containers, provided they are screened from adjoining property and public or private right of way;~~

~~3. Horticulture activities;~~

~~4. Play areas for daycare;~~

~~5. Outdoor activities as permitted by the contract rezoning;~~

~~B. All odors, noise, vibrations, heat, glare, or other emissions are controlled within the confines of a building unless specifically permitted elsewhere by this title;~~

~~C. No outdoor testing of products;~~

~~D. No highly combustible, explosive or hazardous materials are permitted, unless clearly incidental and secondary to the permitted use;~~

~~E. Rooftop equipment shall be set back a minimum of 20 feet from the edge of the roof and be painted the same color as the building on which the equipment is located: or, screen the equipment from adjoining uses or from street right of way if setback is less than 20 feet;~~

~~F. Loading and unloading docks that have frontage on a street shall be required to provide an additional 10-foot width of Type III landscaping or in lieu of the additional 10-foot width, a Type II landscaping may be provided;~~

~~G. Outdoor storage may be restricted to the rear of the property and shall as a minimum be guided by the screening and landscaping requirements of the M-1 zone;~~

~~H. 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~~

~~18.36.070 — Time limit.~~

~~In order to effectively respond to the changing circumstances with regard to industrial land within Auburn and on neighboring parcels of the business park, and to be consistent with evolving development standards, the following time limit shall apply:~~

~~A. Each five years, from the approval date of the contract of each business park, the hearing examiner shall review the contract of each business park in which construction has not been completed. The hearing examiner shall determine whether the business park is still a viable proposal by reviewing whether the applicant is still pursuing the project, or there are conflicts in the execution of the contract, and shall recommend to the city council to either extend, amend or void the contract.~~

~~If a contract is voided, the BP zone itself may remain but further construction shall only be authorized by the execution of a new contract.~~

~~If a contract is voided, the hearing examiner must find reason for the BP zone to remain on that portion of the business park that has not been constructed. If no reason is found to continue the BP zone, then the hearing-~~

~~examiner shall conduct a public hearing to rezone the parcel back to the zone on the property prior to the BP zone. (Ord. 4229 § 2, 1987.)~~

Chapter 18.47

ELECTRIC VEHICLE INFRASTRUCTURE

18.47.020 Permitted locations.

EVI Type	Zoning District						
	PUD, RC, R-1, R-5	R-7, R-10, R-16, R-20	C-N, RO	DUC	C-1, C-2, C-3	M-1, M-2, BO, EP	I, P-1
EV Charging Station ^{1, 2}	P ³	P ³	P	P	P	P	P
Rapid Charging Station ⁴	P ⁵	P ⁵	P	P	P	P	P
Battery Exchange Station	X	X	X	X	P	P	P

P: Use is permitted. X: Use is not allowed in the given zoning district.

Development Standards:

1 Level 1 and Level 2 charging only.

2 Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.

3 Allowed only as accessory to a principal outright permitted use or permitted conditional use.

4 The term “rapid” is used interchangeably with Level 3 and fast charging.

5 Only “electric vehicle charging stations – restricted” as defined in ACC [18.04.354](#).

Chapter 18.50

LANDSCAPING AND SCREENING

18.50.040 Landscape development standards.

A. **General Location for Landscape Improvements.** Landscaping shall be provided in the following locations for all types of development, unless the city determines that the required landscape is not necessary to fulfill the purposes of this chapter:

1. *Perimeter Areas.* All areas that abut a street or residential property shall be landscaped in compliance with this chapter, except where occupied by a primary building, walk or driveway. Minimum landscape areas are listed in Tables 18.50.040(A) and (B).
2. *Unused Areas.* All areas of a multifamily or nonresidential project site not intended for a specific use (including areas planned for future phases of a phased development) shall be landscaped with existing natural vegetation, native grasses or similar.
3. *Parking/Loading Areas.* Parking lots, and where loading areas are visible from a public street, shall be landscaped in compliance with this chapter.
4. *Outdoor Storage Areas, Recreational Vehicle Parking, and Refuse Areas.* All outdoor storage areas, recreational vehicle parking, and refuse areas, when visible from adjoining properties or public streets, shall be landscaped in compliance with this chapter.
5. **Stormwater Low Impact Development (LID) Facilities.** Areas of vegetation planted in storm water LID facilities (not permanently inundated or ponded areas) and for which there is a city-approved maintenance plan as prescribed in the city's Engineering Design Standards Manual shall count towards the minimum landscape coverage areas outlined in subsection [B](#) of this section.

B. *Landscape Area Requirements by Zones.* Minimum landscape area requirements are listed below by zones consistent with ACC [18.02.070](#).

Table 18.50.040(A). Minimum Landscape Requirements by Zoning District

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
Residential Zones			
RC, R-1, R-5, and R-7 Residential Zones ⁴	N/A	N/A	N/A

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
R-10, R-16 and R-20 Zones ⁵	20%	6 ft.	10 ft.
Nonresidential Zones			
C-2	10%	0 ft.	6 ft.
C-1, C-N	10%	6 ft.	10 ft.
C-3, I, P-1	15%	6 ft.	10 ft.
EP	10%	10 ft.	10 ft.
BP	15%	10 ft.	10 ft.
M-1	10%	10 ft.	10 ft.
M-2	10%	10 ft.	25 ft.
Other			
RO ⁶ /RO-H ⁶	N/A	N/A	N/A
DUC ⁷	N/A	N/A	N/A

Notes:

1 Minimum landscape coverage required is the minimum percentage of net lot area that must be maintained with a vegetated pervious surface. Vegetated bioretention cells or water quality treatment swales (not permanently inundated or ponded areas) may be included in the required landscape coverage percentage. Preference shall first be given to retention of areas of existing native coniferous vegetation. For sites that do not have existing native coniferous vegetation, landscape coverage can be achieved through planting of native species.

2 Listed planter widths shall be located entirely on private property.

3 The minimum landscape planter abutting a street may be reduced in size using the provision contained in ACC [18.50.080](#), Alternative landscaping plan. The reduced landscape planter shall have an average width of the requirement contained in Table 18.50.040(A).

4 Landscaping shall only be required in conjunction with an administrative or conditional use permit. The type and amount of landscaping shall be determined at that time the administrative or conditional use permit is approved.

5 Refer to ACC [18.31.200](#), Architectural and site design review standards and regulations, for additional requirements.

6 Landscaping within the RO/RO-H zone is not required unless site development includes the demolition of existing structure(s) together with new construction. Under this scenario the minimum landscape requirements of the C-1 zone shall be met.

7 Landscaping within the DUC zone shall be provided as defined in the Downtown Urban Center Design Standards; see reference to ACC [18.29.070](#).

C. Landscape Design and Planting Requirements. Landscape design and construction for new development or redevelopment shall be compatible with the surrounding urban and natural environment. Landscape

18.54.080 Amortization and abatement of outdoor storage.

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter [18.50](#) ACC which are located within an M-1 ~~or BP~~ zone that are adjacent to a residential zone or are visible from a public street shall, within three years of the adoption of this title, screen and landscape the outdoor storage pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 4229 § 2, 1987.)

Chapter 18.55

OUTDOOR LIGHTING

18.55.030 General requirements.

A. *Shielding Required.* Except as otherwise exempt, all outdoor lighting fixtures shall be constructed with shielding on all sides. The outdoor light source (bulb or element) shall not be visible at or beyond the property line.

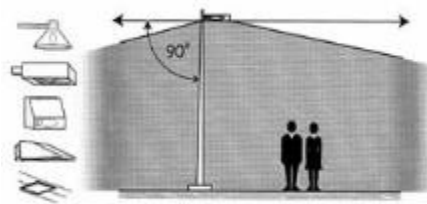


Figure 18.55.030. Examples of light fixtures with shielding on all sides

B. *Fixture Heights.* Lighting fixtures shall not exceed the following maximum heights:

Table 18.55.030.

Outdoor Lighting Location	Fixture Height (Maximum as measured to the top of the fixture from grade)
Within 50' of a residential zoning district	16 ft
Surface Parking Area	30 ft
C-1, C-3, M-1, M-2, EP	24 ft
All other districts	

C. *Photometric Plan Requirements.* A photometric plan shall be prepared and submitted for review and approval when required under ACC [18.55.020](#), Applicability. The required elements of the plan shall be specified in application forms to be provided by the city. The photometric plan will be reviewed to ensure compliance with the provisions in this chapter.

D. *Level of Illumination.*

1. Parking lots, driveways, and trash enclosures/areas shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light.
2. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
3. In order to minimize light spillage on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed one-tenth foot-candle.

E. *Accent Lighting.* Lighting used to accent architectural features, landscaping or art is permitted to be directed upward; provided, that the fixture shall be located, aimed, or shielded to minimize light spill. No permit is required for this type of lighting.

F. *Periods of Illumination.*

1. All outdoor lighting systems shall be equipped with automatic switches conforming to the requirements of Section 1513.6.2 of the Washington Energy Code.
2. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.
3. However, outdoor lights may remain on during the required off hours when:
 - a. Illuminating flags representing country, state, or other civic entity;
 - b. Functioning as security lighting (e.g., illuminating a pathway, building entry, etc.);
 - c. Associated with special events, etc. (Ord. 6390 § 1, 2011.)

Chapter 18.57

STANDARDS FOR SPECIFIC LAND USES

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. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of ACC [18.70.015\(A\)\(2\)](#).
- 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 of subsections [\(A\)\(1\)\(b\)](#) through [\(i\)](#) of this section.

~~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 of subsections [\(A\)\(1\)\(b\)](#) through [\(i\)](#) of this section.~~

34. M-2 Zone. Outdoor storage is subject to the following requirements:

- a. Outdoor storage shall be landscaped in accordance with ACC [18.50.040\(C\)\(5\)](#).
- b. Outdoor storage shall not be permitted on undeveloped lots.
- c. Outdoor storage shall be limited to 30 feet in height.

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 ACC [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.~~

18.57.030 Mixed-use development.

A. *All Zones Where Permitted.*

1. Multiple-family dwellings shall only occur concurrent with or subsequent to the development and construction of the nonresidential components of the mixed-use development unless a different sequence is allowed in the following code sections.
2. *Vertical Mixed-Use.*
 - a. Mixed-use development comprised of a maximum of one building on a development site shall have a minimum of 50 percent of the ground floor comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall occupy a maximum of 50 percent of the ground floor space.

3. *Horizontal Mixed-Use.*

a. Mixed-use development comprised of two or more buildings shall have a minimum of 25 percent of the cumulative building ground floor square footage comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall not be included in this 25 percent requirement.

b. Mixed-use development comprised of two or more buildings (horizontal mixed-use) shall be arranged with the required nonresidential building(s) located adjacent to the public street or private street and the multifamily located behind. For a corner lot or through lot, the nonresidential building(s) shall be located adjacent to higher classification street.

B. *C-2 Zone.*

1. Vertical mixed-use development is required.
2. All other requirements of subsection [A](#) of this section shall apply.

C. *C-3 Zone.*

1. One thousand two hundred square feet of lot area is required for each dwelling unit.
2. All other requirements of subsection [A](#) of this section shall apply.

D. *C-4 Zone.*

1. Vertical or horizontal mixed-use is allowed.
2. Multiple-family dwellings may be constructed prior to the development and construction of the nonresidential components of the mixed-use development; provided, that the nonresidential components of the master plan are development ready (i.e., wet and dry utilities are extended to future commercial pads) and required frontage improvements as determined by the community development director are completed.

E. *M-1 Zone.*

1. Vertical mixed-use development is required.
2. Ground floor uses shall be comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Retail” or “Services” in Table 18.23.030. All other requirements of subsection [A](#) of this section shall apply.

~~F. *EP Zone.*~~

~~1. The multiple-family development incorporates sustainable design and green building practices and qualifies to be built green certified.~~

~~2. All other requirements of subsection A of this section shall apply. (Ord. 6728 § 5 (Exh. E), 2019; Ord. 6644 § 3, 2017; Ord. 6478 § 1, 2013; Ord. 6435 § 1, 2012.)~~

Chapter 18.64

ADMINISTRATIVE AND CONDITIONAL USE PERMITS

18.64.020 Process.

A. *Administrative Use Permits.* An application for an administrative use permit shall be reviewed in accordance with ACC Title [14](#) as a Type II decision, subject to the additional provisions of this section. The planning director or designee shall make the final decision unless the application is forwarded to the hearing examiner pursuant to subsection [\(A\)\(2\)](#) of this section, in which case the hearing examiner will make the final decision.

1. *Additional Public Notice Requirements.* Administrative use permits for uses in the following zones shall be subject to the additional public notice requirements in subsections [\(A\)\(1\)\(a\)](#) and [\(b\)](#) of this section: R-C residential conservancy zone, C-N neighborhood shopping district, C-1 light commercial district, C-2 neighborhood business district, C-3 heavy commercial district, M-1 light manufacturing district, M-2 heavy manufacturing district, ~~BP business park district~~:

- a. The mailing radius requirement of ACC [14.07.040\(A\)](#) shall be increased to 500 feet; and
- b. In addition to the methods of providing notice required by ACC [14.07.040](#), public notice shall be posted on the city's website.

2. Following the public comment period provided for in ACC Title [14](#), the planning director or designee shall:

- a. Review the information in the record and render a decision pursuant to the procedural requirements of ACC Title [14](#); or
- b. Within 10 days following the close of the public comment period, forward the application to the hearing examiner for a public hearing and final decision in accordance with Chapter [2.46](#) ACC if the planning director or designee determines that one or more of the following exists:
 - i. Public comments indicate a substantial degree of concern, controversy, or opposition to the proposal; or
 - ii. A public hearing is necessary to address issues of vague, conflicting, or inadequate information; or
 - iii. The application raises a sensitive or controversial public policy issue; or
 - iv. A public hearing might clarify issues involved in the permit decision.
- c. When a public hearing before the hearing examiner is deemed necessary by the planning director or designee:

- i. The city shall provide written notice to the applicant within 10 days following the closing of the public comment period that the application is being forwarded to the hearing examiner for public hearing and decision pursuant to the procedural requirements of this chapter. The notice shall specify the reason the application is being forwarded to the hearing examiner;
- ii. Processing of the application shall not proceed until any supplemental permit review fees set forth in the city of Auburn fee schedule are received; and
- iii. The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of the applicant notification by the city.

B. *Conditional Use Permits.* An application for a conditional use permit shall be reviewed in accordance with ACC Title [14](#) as a Type III decision. A request for a conditional use permit shall be heard by the hearing examiner in accordance with the provisions of Chapter [2.46](#) ACC. The hearing examiner shall make the final decision.

C. When a proposal includes more than one element that requires administrative use and/or conditional use approval, the following review processes shall apply:

1. For proposals with multiple administrative use elements, a single administrative use permit application will be required; provided, that findings of fact pursuant to ACC [18.64.040](#) are made for each element.
2. For proposals with administrative and conditional use elements, a single conditional use permit application will be required; provided, that findings of fact pursuant to ACC [18.64.040](#) are made for each element. (Ord. 6442 § 24, 2012; Ord. 6269 § 22, 2009; Ord. 6185 § 5, 2008; Ord. 5811 § 6, 2003; Ord. 4875 § 1, 1996; Ord. 4840 § 1, 1996; Ord. 4304 § 1(45), 1988; Ord. 4229 § 2, 1987.)_

~~Chapter 3.60~~

~~SALES OR USE TAX~~

~~3.60.036 Construction sales tax exemption.~~

~~A.—~~

~~1. The following purchasers in the eligible target business class who have paid the tax imposed by this chapter on construction materials, fixed equipment, or machinery installation, or on sales of or charges made for labor and services rendered in respect to such construction or installation of such machinery or equipment, are eligible for an exemption as provided for in this section: for property zoned downtown urban center (DUC), C-3 (heavy commercial district), and C-4 (mixed-use commercial), purchases directly related to the construction of new commercial buildings or redevelopment of existing vacant buildings 25,000 square feet or greater or expansion of existing commercial buildings that creates new or expanded building floor area that generates sales tax revenue.~~

~~2. For property zoned downtown urban center (DUC), purchases directly related to the construction of new commercial buildings less than 25,000 square feet, or redevelopment of existing buildings less than 25,000 square feet, where the cost of the improvement is at least 25 percent of the current assessed value of the improvements on the property pursuant to the assessment records of King or Pierce County, as applicable.~~

~~3. For property zoned M-1 (light industrial district) and M-2 (heavy industrial district), purchases directly related to the construction of new commercial buildings, redevelopment of existing buildings that result in a change of occupancy from warehouse use to manufacturing use, or redevelopment of existing buildings where the cost of the improvement is at least 25 percent of the current assessed value of the improvements on the property pursuant to the assessment records of King or Pierce County, as applicable.~~

~~B. A purchaser is eligible for an exemption specified under this section from the local sales and use tax paid under this chapter, as authorized under RCW 82.14.030(2), up to a maximum of 20 percent of taxes imposed and paid to the city of Auburn not to exceed \$100,000. The purchaser is eligible for an exemption under this section in the form of a refund.~~

~~C. For purposes of this section, the following definitions apply:~~

1. ~~“Change of occupancy” means a change of the purpose for which a building is used or intended to be used. The term shall also include the building or portion thereof in which such change of occupancy is made. Change of occupancy is not intended to include change of tenants or proprietors.~~

2. ~~“Commercial building” means a structure that has, as its primary purpose, a commercial use as that term is defined in ACC 18.04.240.~~

3. ~~“Expansion” means to add to the floor area of a building.~~

4. ~~“Purchaser” means a person or entity that is the recipient of a good or service.~~

~~D. Eligible Target Business Classes.~~

1. ~~The construction sales tax exemption specified in subsection (A)(1) of this section shall only apply to those businesses engaged in normal business activities under the following classifications of businesses occurring within the specified zoning designations:~~

a. ~~General Merchandise, Warehouse Club, SuperCenter — Sales Tax Classification Code 45291;~~

b. ~~Building Materials and Garden Home Center — Sales Tax Classification Code 44411;~~

e. ~~Electronics and Appliances — Sales Tax Classification Code 44311;~~

d. ~~Full Service Restaurants — Sales Tax Classification Code 722110;~~

e. ~~New and Used Automobile and Light Utility Truck Dealers — Sales Tax Classification Code 44110;~~

f. ~~Bowling Centers — Sales Tax Classification Code 713950;~~

g. ~~Motion Picture Theaters (excluding drive-in theaters) — Sales Tax Classification Code 512131;~~

h. ~~Hotels — Sales Tax Classification Code 72110; and~~

i. ~~Residential Buildings and Dwellings within the DUC Only — North American Industry Classification System Code 531110.~~

2. ~~The construction sales tax exemptions specified in subsections (A)(2) and (3) of this section shall apply to all businesses located in the DUC, EP, M-1, and M-2 zoning districts as set forth in those subsections.~~

~~E. Application for Refund.~~

1. ~~A purchaser claiming an exemption and applying for a refund under this section must pay the tax imposed by ACC 3.60.020. The purchaser may then apply to the city for a refund in a form and manner prescribed by the city and shall submit information that the city deems adequate to justify the exemption, including but not limited to:~~

- ~~a. Identification of the vendor/contractor;~~
 - ~~b. North American Industry Classification System (NAICS) code under which the tax was reported;~~
 - ~~c. Name and Unified Business Identifier (UBI) number of the vendor/contractor on the combined excise-tax return filed with the state of Washington; and~~
 - ~~d. Detailed information supporting the amounts reported under the state use and sales tax section of the above report for location codes 1702 and 2724.~~
- ~~2. A purchaser may not apply for a refund under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain all records provided to the city in making its claim.~~
- ~~3. The city shall determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the city. If the city verifies eligibility, it shall remit eligible taxes paid to the purchaser.~~
- ~~F. *Appeals.* Any applicant aggrieved by an action of the city concerning eligibility or computation of remittance under this section may file a written appeal to the city's hearing examiner in accordance with Chapter 2.46 ACC within 14 calendar days of receipt of the city's decision. The hearing examiner is specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the city. (Ord. 6686 § 1, 2018; Ord. 6482 § 1, 2013; Ord. 6442 § 1, 2012; Ord. 6376 § 2, 2011.)~~