

June 20, 2014

Via Certified Mail

Sam Ball, Director of Capital Projects
Green River Community College
12401 SE 320th St
Auburn, WA 98092-3622

Joan Rumsey, Project Manager
McGranahan Architects
2111 Pacific Avenue, Suite 100
Tacoma, WA 98402

Re: MIS14-0004, Planning Director's Zoning Code Interpretation related to Educational Uses in the C1, Light Commercial Zoning Code Section 18.23.030

Dear Mr. Ball and Ms. Rumsey:

This letter is in response to your application for a zoning code interpretation by the Planning Director regarding the zoning code provisions for educational uses allowed in the City's established C1, Light Commercial zone. The use regulations of the C1, Light Commercial zoning district are found in ACC 18.23.030. As indicated in your application, the interpretation is requested in relation to the specific 3.64-acre vacant property (Parcel # 0721059055) located on the west side of D Street NE.

The written interpretation is attached. This letter constitutes an official administrative interpretation of the zoning code in accordance with Auburn City Code (ACC) Section 18.02.060. This decision is final subject to appeal to the Hearing Examiner. Should you disagree with this interpretation, administrative interpretations may be appealed to the Hearing Examiner as prescribed in ACC Section 18.70.050 within 14 days of the mailing of this decision, July 4, 2014. If no appeals are received, then the decision is final.

If you have any further questions, please feel free to contact Jeff Dixon, Principal Planner at 253-804-5033 or by e-mail at jdixon@auburnwa.gov.

Sincerely,



Jeff Tate
Assistant Community Development Director

JT/JD/svs
CORR14-0402

Enclosure: Decision with Attachment A & B

cc: James Webb, COA Transportation Engineer
Ingrid Gaub, COA City Engineer
Norm Golden, VRFA, Fire Marshall
File # MIS14-0004
Interpretation File (hard file and electronic)

**Community Development & Public Works Department
Director's Administrative Zoning Code Interpretation**

File No. MIS14-0004

Date Issued: June 20, 2014

Subject: Zoning code interpretation by the Planning Director regarding educational uses allowed in the City's C1, Light Commercial zone. The use regulations of the C1, Light Commercial zoning district are found in ACC 18.23.030.

Code References: Zoning Code Sections
ACC 18.23.010, 'Intent of the C1, Light Commercial Zoning District'
ACC 18.23.030, 'Use Table for the C1, Light Commercial Zoning District'
ACC 18.02.060, 'Rules for administrative interpretations'
ACC 18.02.120, 'Permitted land uses established'

Zoning Designation(s): The site which is the subject of this request, is a vacant 3.64-acre site located on the west side of D Street NE, north of 9th Street NE. The site is identified as parcel number 0721059055 and is located within the West 1/2 OF SW 1/4 OF SEC 7-21-5, W.M.

Applicants: Sam Ball
Director of Capital Projects
Green River Community College
12401 SE 320th St
Auburn, WA 98092-3622

Joan Rumsey
Project Manager
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Tacoma, WA 98402

Background

While this interpretation is requested in relation to a specific parcel of property, due to the general nature of this interpretation request, the interpretation is also of general applicability to all properties zoned C1, Light Commercial.

As identified in the Application, this interpretation request is in relation to the vacant 3.64-acre site located on the west side of D Street NE, north of 10th Street NE. The site is identified as parcel number 072105905. The site consists of a vacant previously graded, filled and pre-loaded site. The parcel is irregular in shape and best described as two rectangles joined at

diagonal corners by an approximately 60-foot wide strip. The City's inventory shows the property as potentially containing geologic seismic hazard critical areas.

The property has a Comprehensive Plan designation of "Light Commercial" and is part of the North Auburn Business District Special area plan, a sub-area plan designated by the City's Comprehensive Plan.

In June 1990, the City of Auburn initiated a planning study for a larger area that includes the subject property. The area is located directly north of the Auburn Central Business District. The purpose of the study was to analyze and recommend appropriate land uses, circulation, and urban form/design features for this 200-acre area (referred to as the Auburn North Business Area).

The need for a comprehensive planning study of the Auburn North Business Area arose for a number of reasons. First, there has been increasing development pressure in the area during the past few years, best evidenced by the completion of the 175,000 square foot Fred Meyer store in 1989. The City had also received development proposals including rezone applications to change industrial zoned properties to commercial, while other proposals requested to reclassify commercial designation to industrial. A comprehensive planning analysis of the Auburn North Business Area was viewed as a preferable alternative to continued consideration of rezone requests on a parcel-by-parcel basis.

Second, while there is a substantial amount of vacant land in the Auburn North Business Area, a significant portion of that land has been identified by the City as likely to contain wetlands. Recent changes in wetlands regulations may significantly affect the amount of development permitted within the Auburn North Business Area. Finally, the study area is located directly adjacent to downtown Auburn and with the increased development pressure being experienced; the time is ripe to reconsider the future of the Auburn North Business Area. The Special area plan was conducted to determine whether the area should develop with industrial uses, or is it more appropriate to develop with commercial and/or high density residential uses that may be more compatible with the existing CBD.

The Planning Study is incorporated within a Final Environmental Impact Statement that was issued in November of 1991. In 2005, the City amended this special area plan to provide specific development standards for automobile service stations. Then in 2006 and 2007, the City amended the Plan to coincide with Comprehensive Plan Map changes to eliminate industrially designated land within the plan area and to refine the applicable architectural and site design standards.

On page 3, the adopted Plan provides the following policies regarding land use:

"A. LAND USE POLICIES:

AN1.1. A mix of land uses that include light commercial and high density residential, which complement the Central Business District (CBD), are to be the principal uses of the Planning Area.

Commercial uses that could complement the CBD may include but not be limited to entertainment, professional office, dining, medical/dental and personal services.

AN1.2. In order to promote the efficient use of land and attain open space amenities, multi-story buildings are encouraged.

AN1.3. High density multi-family development is encouraged if it is directly linked to a commercial development, e.g. part of a multi-story building that has the ground floor devoted to commercial uses.

AN1.4. Multi-family development may be allowed independent from a commercial development if the multi-family development does not have frontage on a street.

AN1.5. Multi-family developments shall also provide recreational facilities commensurate with the size of the development."

After adoption of the Special Area Plan, the site was the subject of a larger, phased development proposal described as the subdivision of a 25-acre site into six lots and site preparation and construction of a mixed use commercial center of six freestanding buildings totaling 305,580 square feet. The proposal includes the associated development of public street improvements, landscaping, shared drainage facility, utilities and parking spaces. (City File No. SEP98-0020). This specific site was identified as Parcel D-1 of this proposal. Only two of these parcels of this multiphase development remain undeveloped.

Discussion/Analysis

This Application is a request for a zoning code administrative interpretation by the Planning Director - a Type I decision pursuant to Code Section, ACC 14.03.010. The request is regarding the zoning code provision for educational uses allowed in the City's established C1, Light Commercial zone.

In 2012, as part of an update of the zoning code by Ordinance No. 6433, the City adopted zoning code provisions that refined the set of uses allowed in the City's commercial and industrial zoning districts. Prior to this change, "Schools, including art, business, barber, beauty, dancing, martial arts, and music" were allowed in the C1, zone while "Government facilities" required a Conditional Use Permit. With the ordinance change, "Private school – specialized education/training (for profit)" requires an Administrative Use Permit in the C1, Light Commercial zone.

Issue

Currently, the set of allowed uses in the C1, Light Commercial zone only allows for private, for profit, special purpose educational uses; and does not include public (non-profit) educational uses; especially those for post secondary education. The Applicant seeks to be allowed to construct and operate a public (non-profit) educational use; specifically the request for an

interpretation that public educational uses are similar enough to private, for profit, special purpose educational uses to be allowed in the C1, Light Commercial zone.

The C1, Light Commercial zone is the only zoning category that implements the Comprehensive Plan designation of "Light Commercial". The stated purpose of the C1 the Light Commercial zoning designation (ACC 18.23.020) is as follows:

"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."

As Identified in the May 8, 2014 letter from Joan Rumsey, McGranahan Architects, representing Sam Ball, Green River Community College (GRCC), indicates the intended use and activities for the location in the C1 zone as follows:

"Intended use and activities proposed to occupy the building:

- *Aviation program: Students in the Aviation Technology degree program at Green River Community College receive a background in Aviation Weather, Aviation Law, Air Transportation, Air Traffic Control, English, Math, Speech, and Human Relations. The Aviation program spaces will include classrooms, computer labs an Air Traffic Control Lab (which will contain computers and lecture area), and Faculty offices.*
- *Adult Basic Education (ABE) and General Education classrooms. The Basic Skills program is for adults who may have experienced educational gaps, missed the opportunity to develop certain skills or missed necessary steps in their education. Students may work on GED® preparation, basic reading, writing and mathematics, career exploration and college readiness skills. These classes help adults who want to improve, refresh or learn basic skills in English writing, reading and/or math.*
- *Student Affairs: This office suite will serve the GRCC students in the proposed building, providing counseling, Financial Aid, and Veterans Services.*
- *Small Business Assistance Center (SBAC) provides technical assistance to small businesses in South King County and North Pierce County areas. The SBAC offers assessment, referral services and business counseling at no charge as well as hands-on training to small business owners and managers. The proposed area in the building includes an office for counseling and small meeting area, and a classroom lecture space for training.*
- *Washington Environmental Training Center (WETRC) provides specialized training and continuing education for water or wastewater personnel and backflow assembly testers.*

The proposed spaces for WETRC include a wet lab for backflow assembly training, and two general classrooms for lecture.

☐ *Washington Certification Services (WCS). Water district operators are required to get continuing education credits and re-certification every three years. WCS administers the Backflow Assembly Tester Certification exams, and provides the re-certification of the Water district operators. WCS and WETRC are recognized by the state as qualified providers. The WCS space in the proposed building includes an office suite and an exam area with three exam rooms to administer the Backflow Assembly Testing."*

Comparison to Purpose and Intent statements of the C1, Light Commercial zone

By the description provided, the use by GRCC is proposed to consist of classrooms, lecture rooms, computer labs for specialized instruction (which will contain computers and lecture area), administrative offices, faculty offices and meeting rooms in a multi-story approximately 40,000 square foot building. By the description provided, many of the programs proposed by GRCC for this site in the C1 zone are community-focused and thus are appropriate to be located separate from the main community college campus and that could benefit from being located within a commercial area developed with a combination of uses. Several of the college programs are community focused in that their target population is continuing education and professional training that enhances career development. The proposed programs involve instruction for professionals who are not likely year-around full time students, such as the adult basic education, small business assistance center, WA Environmental Training Center continuing education of water, wastewater, or back flow assembly personnel, WA Certification Services for testing and re-certification of water district operators. It is foreseeable that professionals attending these continuing education and professional training would utilize and could benefit from proximity to restaurants, services and shopping opportunities consistent with the purpose of the C1 zone.

Also, some of the other programs proposed by GRCC benefit from proximity to community resources that are near to this specific site and not located or available and not capable of being located on the main GRCC campus. The aviation technology degree program benefits from proximity to the Auburn Regional Airport that is located approximately 1,300 feet to the north at the closest point. However, the Airport is not located in the same C1 zoning district.

By comparison, the Student Affairs program proposed by GRCC is a use that provides educational counseling, financial aid and veterans services that are of general applicability to the college student population. This program has less justification for being remote or separate from the main college campus and appears less compatible with the leisure shopping or pedestrian purpose and intent of the C1 zone. It is less compatible since it appears that the individuals using these program services would likely use these services on a drop in or appointment basis associated with attending classes at the main campus. The Student Affairs Programs serve a more supportive or general administrative purpose that continues to rely on an association with the main college campus. This program is appropriate so long as it is not the predominant component or program in the C1 zone.

The stated purpose of the C-1 zone is to generally serve as a transition zone between higher and lower intensity land uses and that provides 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.

While this grouping of C1 zoned properties is not adjacent to a single family neighborhood in this location, the C1 zoned area, along with adjacent physical features (such as roads and rail lines), serves as a transition in land uses; it is located between heavier commercial and industrial uses. The GRCC use is compatible with the professional services and the small to moderate scale of activities that are the intent of this zone. This grouping of educational program services within a moderate-sized building of up to 40,000 square foot would appear compatible with the objective of small to moderate scale commercial activities and the intent of the C1 zone. A larger public educational facility, or one that was mainly focused on general education for full time students, would not be compatible with the C1 zone; these larger and more general purpose public educational uses would be more appropriately located within the City's I, Institutional zoning district.

Also, the GRCC use will exhibit similar performance standards to the medical office building that was recently constructed on an adjacent site in the C1 zone in the Auburn Marketplace Development and other uses allowed in the zone. Pedestrian connections consistent with the Covenants, Conditions & Restrictions (CC&R's) for the Auburn Marketplace will be provided, connecting the proposed building to other light commercial buildings and facilitating pedestrian oriented activities on site.

Comparison to other uses specified in the C1, Light Commercial zone

Also, the programs proposed by GRCC are of a similar nature to other use allowed by the C1, Light Commercial zone. GRCC's proposed use is most similar to the "Private School – specialized education/training (for profit)" listed as an Administrative Use in this zoning district per Table 18.23.030 of the Auburn City Code. The GRCC programs are similar to the "Private School – specialized education/training (for profit)" because the programs such as adult basic education, small business assistance center, WA Environmental Training Center continuing education of water, wastewater, or back flow assembly personnel, WA Certification Services for testing, re-certification of water district operators and the aviation technology program provides specialized education and training similar to that of a private school, similar to an art, business, barber, beauty, dancing, martial arts, or music school.

By contrast, the proposed Student Affairs program, that provides educational counseling, financial aid and veteran's services that are of general applicability to the college student population, is not a specialized education function and instead is a supportive or administrative function. If in a limited proportion and not the primary focus, and appropriately evaluated and controlled through the land use approval process of an Administrative Use Permit, the Student Affairs as a supportive or administrative function is appropriate to include in this zone.

Decision

On the basis cited above, the Assistant Director of Community Development (Planning Director) interprets the zoning code section regarding "Private School – specialized education/training (for profit)" listed as an Administrative Use in the C1, Light Commercial zone per Table 18.23.030 of the Auburn City Code to specifically allow small to moderate-scale Public Schools (non-profit) for post secondary education with an Administrative Use Permit for all properties zoned C1, Light Commercial. The Director determines the use is consistent with the intent of the C1, Light Commercial zone and is similar in nature to, and not more intense than the other uses allowed by an Administrative Use Permit.

Condition(s)

(No conditions)

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City's written code interpretation. This decision was mailed on June 20, 2014. The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before July 4, 2014. The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.

Other Relevant Code References

“ACC 18.02.060 Rules for administrative interpretations.

- A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulation and the comprehensive plan. Life, safety and public health regulations are assumed to prevail over all other regulations.
- B. The planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in ACC 18.02.120.
- C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.
- D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to this title, when consistent with the title format and level of detail required. The city shall incorporate administrative interpretations upon approval of the legislative authority. (Ord. 6245 § 2, 2009; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987. Formerly 18.02.040.)”

“ACC 18.02.120 Permitted land uses established.

C. Interpretation of Zone Use Tables.

6. Unclassified Uses. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director or designee to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in this subsection. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director or designee shall indicate which zones, if any, do permit the use.

- a. Criteria for Unclassified Uses. In order to make a determination that an unclassified use is permitted, administratively permitted, conditionally permitted, or accessory, the planning director or designee must find that the use is:
 - i. In keeping with the intent of the zone, and consistent with Auburn comprehensive plan policies; and
 - ii. Similar in nature to, and no more intense than, specifically listed permitted, conditional or accessory uses; and
 - iii. Consistent with subsection (C)(4) of this section, if determined to be permissible as an accessory use. (Ord. 6269 § 1, 2009; Ord. 6245 § 2, 2009.).

Attachment A – Excerpt of the City's Comprehensive Plan

Chapter 14 – "Comprehensive Plan Map"

Light Commercial

Purpose: To create people oriented commercial areas to supply a wide range of general commercial services to area residents.

Description: This category represents the prime commercial designation for small to moderate scale commercial activities. These commercial areas should be developed in a manner which is consistent with and attracts pedestrian oriented activities. The ambiance of such areas should encourage leisure shopping and should provide amenities conducive to attracting shoppers.

Compatible Uses: A wide range of consumer oriented goods and services are compatible within this designation since the emphasis would be on performance criteria which create an attractive shopping environment. However, uses which rely on direct access by vehicles or involve heavy truck traffic (other than for merchandise delivery) are not appropriate in this category. Unsightly outdoor storage and similar activities should be prohibited. Permitted uses would consist of retail trade, offices, personal services, indoor eating establishments, financial institutions, governmental offices, and similar uses. Multiple family dwellings should be encouraged as part of mixed-use developments where they do not interfere with the shopping character of the area, such as within the upper stories of buildings. Since taverns can break up the continuity of people oriented areas, taverns would be permitted generally only as a conditional use. Drive in windows should only be allowed as ancillary to a permitted use, and only when carefully sited under the conditional use permit process in order to ensure that an area's pedestrian environment is not seriously affected.

Criteria for Designation: This designation should include moderate sized shopping centers, and centrally located shopping areas. This designation should be preferred for commercial sites where visual and pedestrian amenities are an important concern outside of the downtown.

Considerations Against Applying this Designation: Commercial areas which can not be readily separated from high traffic volumes (such as shallow lots along busy arterials) should not be included in this designation. Areas not large enough for separation from any adjacent heavier commercial or industrial area should not be designated as light commercial.

Appropriate Implementation: This designation is implemented by the C-1 Light Commercial District. This district provides for a wide range of small and moderate scale commercial oriented towards the leisure shopper and pedestrian oriented activities.

Attachment B – Excerpt of the City's Zoning Code

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. 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 his/her analysis of them together with clear and objective reasons for such interpretation.

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

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

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

E. C-3, Heavy Commercial Zone. The intent of the C-3 zone is to allow for medium to high intensity uses consisting of a wide range of retail, commercial, entertainment, office, services, and professional uses. This zone is intended to accommodate uses which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The uses allowed can include outside activities, display, fabrication or service features when not the predominant portion of the use. The uses enumerated in this classification have potential for impacts to surrounding properties and street systems than those uses permitted in the more restrictive commercial classifications.

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

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

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

H. EP, Environmental Park Zone. The environmental park district is intended to allow uses in proximity to the Auburn Environmental Park that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and "green" technologies including energy conservation, engineering, water quality and similar uses. Other uses complementary to and supporting these uses are also allowed. Incorporation of sustainable design and green building practices will be a primary aspect of this zone. The

construction of leadership in energy and environmental design (LEED) and built green certified buildings is encouraged and built green will be required for multiple-family dwellings. The city recognizes that much of the property in this zone was developed under earlier standards, so the goals of the district will be realized over a period of time as properties are redeveloped.

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

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

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

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

INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING

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

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Manufacturing, assembling and packaging – light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	C	X	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY USEs

Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	X	P	A	A	ACC 18.57.025(A)

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

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

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C- N	C- 1	C- 2	C- 3	C- 4	M- 1	EP	M- 2	
Multiple-family dwellings as part of a mixed-use development	X	P	P	P	P	P	P	X	ACC 18.57.030(A)
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	ACC 18.57.030(B)
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing	X	A	A	A	X	X	X	X	

RETAIL

Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	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)

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

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

Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
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Table 18.23.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

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

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	

TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE

Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	

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

Permitted, Administrative, Conditional and Prohibited Uses by Zone									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	-	-	-	-	-	-	-	-	ACC 18.04.912, 18.31.100

VEHICLE SALES AND SERVICES

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

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

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

OTHER

Any commercial use abutting a residential zone which has hours of operations 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 zone. Any maintenance, alterations and additions to an existing motor freight terminal which are consistent with ACC 18.23.040, Development standards, are allowed.

(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	Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these setback standards.				
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	Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.				
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				

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
Signs	See Chapter 18.56 ACC				
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	Minimum setbacks required for structures. See also ACC 18.31.070		

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
	for specific exceptions to these standards.		
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	Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.		
Maximum height	45 ft (2)	35 ft	45 ft (2)
Additional development standards	None	ACC 18.23.060	None
Fences and hedges	See Chapter 18.31 ACC		
Landscaping	See Chapter 18.50 ACC		
Parking	See Chapter 18.52 ACC		
Signs	See Chapter 18.56 ACC		
Lighting	See Chapter 18.55 ACC		
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. 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 EP, environmental park zone.

A. Fences and Hedges. Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Colored chain link fences may be allowed subject to the planning director's approval. Barbed wire or razor wire fences are not permitted. For further information on fencing see ACC 18.31.020. The provisions of this section shall not apply to temporary fences during construction projects permitted by the city.

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

C. Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:

1. Set back from the roof edge to obscure visibility from below;
2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
3. Equipment enclosure or sight-obscuring fencing or landscaping;
4. Overhead trellis or roof to obscure visibility from above.

Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure. (Ord. 6433 § 26, 2012.)
