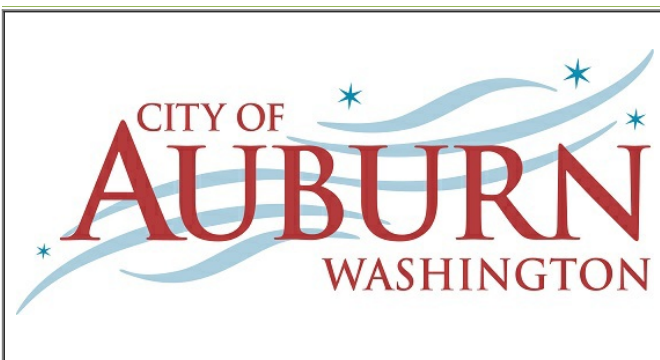


	City Council Meeting November 15, 2021 - 7:00 PM City Hall Council Chambers and Virtual AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. PUBLIC PARTICIPATION

1. Public Participation

The Auburn City Council Meeting scheduled for Monday, November 15, 2021 at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

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. The link to the Virtual Meeting is:

Zoom: <https://us06web.zoom.us/j/82118535756>

The public can also view the meeting on YouTube:
<https://www.youtube.com/user/watchauburn/live/?nomobile=1>

To join the meeting by phone, please use the below call-in information:

253 215 8782
877 853 5257 (Toll Free)

Webinar ID: 821 1853 5756

A. Pledge of Allegiance

B. Roll Call

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Proclamation - Small Business Saturday

Mayor Backus to proclaim November 28, 2021 as "Small Business Saturday" in the City of Auburn

B. Proclamation - GIS Day

Mayor Backus to proclaim November 17, 2021 as "GIS Day" in the City of Auburn

IV. NEW BUSINESS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing In Person or Virtual Participation

Any interested person is invited to attend the public meeting or submit written comments regarding the 2021-2022 Mid-Biennial Budget Amendment. All written comments must be received prior to 5:00 p.m. on November 15, 2021.

Please mail comments to:

City of Auburn

Attn: Shawn Campbell, City Clerk

25 W Main St

Auburn, WA 98001

Please fax comments to:

Attn: Shawn Campbell, City Clerk

Fax number: 253-804-3116

Email comments to:

publiccomment@auburnwa.gov

2. 2021-2022 Mid-Biennial Budget Amendment Public Hearing

Public Hearing - 2021-2022 Mid-Biennial Budget Amendment

B. Audience Participation

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

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

Participants can submit written comments via mail, fax or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail comments to:

City of Auburn

Attn: Shawn Campbell, City Clerk

25 W Main St

Auburn, WA 98001

Please fax comments to:

Attn: Shawn Campbell, City Clerk

Fax number: 253-804-3116

Email comments to:

publiccomment@auburnwa.gov

C. **Correspondence - (There is no correspondence for Council review.)**

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the October 25, 2021 Study Session

B. Minutes of the November 1, 2021 Regular Council Meeting

C. Claims Vouchers (Thomas)

Claim voucher list dated November 15, 2021 which includes voucher numbers 465613 through 465798 in the amount of \$1,509,055.64 and six wire transfers in the amount of \$1,109,462.46

D. Payroll Vouchers (Thomas)

Payroll check numbers 539216 through 539221 in the amount of \$77,107.40, electronic deposit transmissions in the amount of \$2,242,511.03, for a grand total of \$2,319,618.43 for the period covering October 27, 2021 to November 9, 2021 are approved for payment this 15th, day of November, 2021

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

VIII. UNFINISHED BUSINESS

IX. ORDINANCES

A. Ordinance No. 6837 (Thomas)

An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget Ordinance, as set forth in Schedule "A" and Schedule "B"

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6837.)

B. Ordinance No. 6838 (Tate)

An Ordinance relating to the regulation of land uses on and surrounding the Auburn Municipal Airport, amending Chapters 18.38 and 18.04, and Sections 18.01.030 and 18.23.030 of the Auburn City Code; and, amending the Comprehensive Zoning Map creating a new airport overlay

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6838.)

C. Ordinance No. 6842 (Thomas)

An Ordinance establishing the Levy for Regular Property Taxes by the City of Auburn for collection in 2022 for general City operational purposes in the amount of \$23,897,840

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6842.)

X. RESOLUTIONS

A. Resolution No. 5623 (Comeau)

A Resolution authorizing the Mayor to execute an Access Easement in favor of King County for access across a portion of City owned property – Tract E of Auburn 40 P. U. D.

(RECOMMENDED ACTION: Move to adopt Resolution No. 5623.)

B. Resolution No. 5626 (Gaub)

A Resolution setting a Public Hearing to consider the vacation of right-of-way of a portion of West Main Street, east of Lund Road SW, within the City of Auburn

(RECOMMENDED ACTION: Move to adopt Resolution No. 5626.)

C. Resolution No. 5628 (Tate)

A Resolution adopting the 2022 Community Development Block Grant Action Plan for the consolidated plan years 2020-2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5628.)

D. Resolution No. 5631 (Thomas)

A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and the Department of Ecology to implement the 2021-2023 Local Solid Waste Financial Assistance Grant Program and accepting program grant funds

(RECOMMENDED ACTION: Move to adopt Resolution No. 5631.)

XI. MAYOR AND COUNCILMEMBER REPORTS

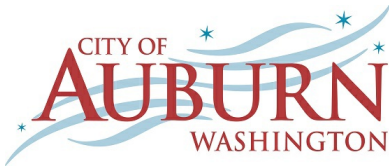
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. **From the Council**

B. **From the Mayor**

XII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

2021-2022 Mid-Biennial Budget Amendment Public Hearing

Date:

November 5, 2021

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:**Administrative Recommendation:**

City Council to conduct a public hearing on November 15, 2021 to receive public comments, proposals and suggestions with regard to the 2021-2022 Mid-Biennial Budget Amendment, including revenue estimates and possible increases in property taxes.

Background for Motion:**Background Summary:**

This public hearing provides an opportunity for any citizens to make comments, proposals, and suggestions regarding the 2021-2022 Mid-Biennial Budget Amendment.

Reviewed by Council Committees:

Councilmember: Baggett

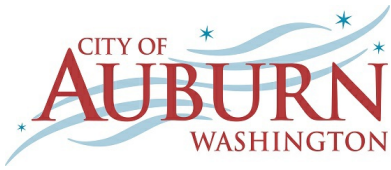
Staff:

Thomas

Meeting Date: November 15, 2021

Item Number:

PH.2



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 25, 2021 Study Session

Department:

City Council

Attachments:

[10-25-2021 Minutes](#)

Date:

November 1, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 15, 2021

Staff:

Item Number: CA.A

	City Council Study Session PWCD SFA October 25, 2021 - 5:30 PM City Hall Council Chambers and Virtual MINUTES  Watch the meeting LIVE!  Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:30 p.m.

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus, Director of Innovation and Technology David Travis, Innovation and Technical Support Specialist Danika Olson and Deputy City Clerk Teresa Mattingly were in Chambers.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Administration Dana Hinman, Director of Public Works Ingrid Gaub, Director of Community Development Jeff Tate, Director of Finance Jamie Thomas, Director of Parks, Arts and Recreation Daryl Faber, Chief of Police Mark Caillier, Assistant Director of Engineering Services Jacob Sweeting, Utilities Engineering Manager Lisa Tobin, Development Engineer Manager Steve Sturza, Senior Traffic Engineer James Webb, Senior Planner Dustin Lawrence and Assistant Director of Innovation and Technology Ashley Riggs.

III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports or presentations.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Auburn School District Presentation (Tate/Gaub)(30 Minutes)

Joint presentation by the Auburn School District and City of Auburn staff pertaining to a general overview of the development and/or redevelopment of schools within the city and a presentation on a planned roundabout at Chinook Elementary School and the City's future widening project

Director Tate introduced Executive Director of Capital Projects Jeffrey Grose with the Auburn School District and City of Auburn Engineer James Webb who provided Council with a presentation on the Auburn School District Building Program and the roundabout at Chinook Elementary.

Engineer Webb reviewed the SR164 Roundabout at Chinook Elementary.

Council discussed school capacities, environmental programs, parking and charging stations, the amount of work done by union workers, traffic congestion on Kersey Way, if there are any Native American art elements included in the designs, road closures, traffic signals, roundabout treatments and WSDOT roundabout requirements. Council also thanked Jeffrey Grose and everyone who worked on the Auburn School District Building Program and roundabouts for doing such a great job.

B. Ordinance No. 6836 (Thomas)(15 Minutes)

An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget, as amended by Ordinance No. 6815, as amended by Ordinance No. 6827, authorizing amendment to the City of Auburn 2021-2022 Budget as set forth in Schedule "A" and Schedule "B"

Director Thomas provided Council with an update on Ordinance No. 6836 Budget Amendment #3, Ordinance No. 6837 Budget Amendment #4 and Ordinance No. 6842 establishing the 2022 Property Tax Levy.

Council discussed the amount of funds and additional support needed when the Axon contract and body worn cameras are implemented, the increase in the SCORE contract, the decrease in the Business and Occupation Tax, and the costs related to contracted security officers for 2021 and 2022.

Mayor Backus discussed the additional staff needed to respond to public records requests that include body worn cameras and how the costs related to the SCORE contract is divided amongst the different Cities.

C. Ordinance No. 6837 (Thomas)(15 Minutes)

An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget Ordinance, as set forth in Schedule "A" and Schedule "B"

A revised version of Schedule A for Ordinance No. 6837 has been

provided to Council.

See Ordinance No. 6836 for discussion.

D. Ordinance No. 6842 (Thomas)(10 Minutes)

An Ordinance establishing the levy for Regular Property Taxes by the City of Auburn for collection in 2022 for general City operational purposes in the amount of \$23,917,282

See Ordinance No. 6836 for discussion.

V. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. King County Clean Water Plan (Gaub)(15 Minutes)

Deputy Mayor DaCorsi called for a 6-minute recess at 7:44 p.m. The meeting reconvened at 7:51 p.m.

Councilmember Stearns presided over the Public Works and Community Development section of the meeting.

Director Gaub introduced Manager Tobin who provided Council with a brief overview on the King County Clean Water Plan.

Council discussed the financial impacts of the Clean Water Plan.

B. Planning Services Environmental Regulation Series – Presentation 4 of 6 on Floodplain Development Permitting (Tate)(30 Minutes)

Planning Services staff to provide presentation on the administration of floodplain development regulations and floodplain development permitting. This presentation is part four of a six part series focusing on environmental regulation within the City of Auburn

Director Tate introduced Planner Lawrence who provided Council with an update on the Floodplain Development Management.

Council discussed future trends, flooding around Isaac Evans Park, potential flood mitigation, previous flood events and flooding at the golf course.

VI. OTHER DISCUSSION ITEMS

There were no other discussion items.

VII. NEW BUSINESS

There was no new business.

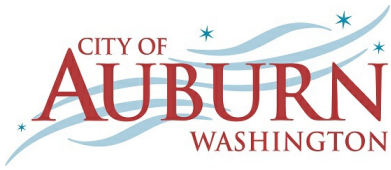
VIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:35 p.m.

APPROVED this 15th day of November, 2021.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the November 1, 2021 Regular Council Meeting

Department:

City Council

Attachments:

[11-01-2021 Minutes](#)

Date:

November 1, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

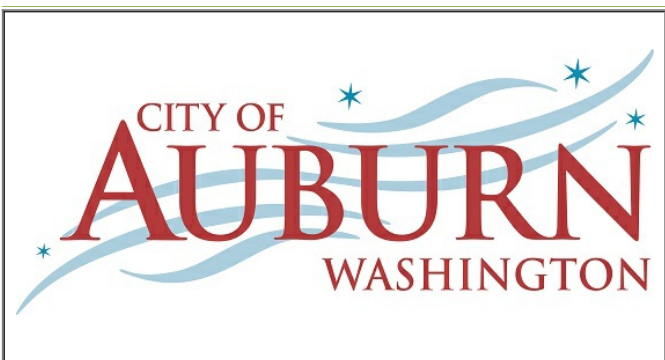
Revised Budget: \$0

Administrative Recommendation:**Background for Motion:****Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: November 15, 2021

Staff:

Item Number: CA.B

	City Council Meeting November 1, 2021 - 7:00 PM City Hall Council Chambers and Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

II. **PUBLIC PARTICIPATION**

1. **Public Participation**

The City Council Meeting was held in person and virtually.

A. **Pledge of Allegiance**

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street and led those in attendance in the Pledge of Allegiance.

B. **Roll Call**

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus, Director of Innovation and Technology David Travis, Innovation and Technical Support Specialist Danika Olson and City Clerk Shawn Campbell were in Chambers.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Public Works Ingrid Gaub, Director of Parks and Recreation Daryl Faber, Director of Finance Jamie Thomas, Director of Community Development Jeff Tate, Director of Human Resources & Risk Management Candis Martinson, Chief of Police Mark Caillier, Community Services Manager Joy Scott and Assistant Director of Innovation and Technology Ashley Riggs.

III. **ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

A. **Proclamation - Native American Heritage Month**

Mayor Backus to proclaim November 2021 as "Native American Heritage Month" in the City of Auburn

Mayor Backus read and proclaimed November 2021 as "Native American Heritage Month" in the City of Auburn.

IV. AGENDA MODIFICATIONS

There were no modifications to the agenda.

V. NEW BUSINESS

There was no new business.

VI. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing In Person or Virtual Participation

2. 2021-2022 Mid-Biennial Budget Amendment Public Hearing

Public Hearing #1 - 2021-2022 Mid-Biennial Budget Amendment
Public Hearing #2 - 2022 Property Tax Levy

Mayor Backus opened the public hearing for the 2021-2022 Mid-Biennial Budget Amendment at 7:05 p.m. No written comments were received and no one came forward to speak, she closed the hearing.

Mayor Backus opened the public hearing for the 2022 Property Tax Levy at 7:06 p.m. No written comments were received and no one came forward to speak, she closed the hearing.

3. Public Hearing for the 2022 Community Development Block Grant Annual Action Plan

City Council to hold a Public Hearing for the proposed 2022 Community Development Block Grant Annual Action Plan

Mayor Backus opened the public hearing at 7:07 p.m. No written comments were received and no one came forward to speak, she closed the hearing.

B. Audience Participation

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

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

No Public comments were received and no one came forward to speak.

C. Correspondence

There was no correspondence for Council to review.

VII. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

1. Finance Ad Hoc Committee (Chair Baggett)

Councilmember Baggett, Chair of the Finance ad hoc committee, reported he and Councilmember Jeyaraj have reviewed the claims and payroll vouchers described on the agenda this evening and recommended their approval.

VIII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the October 11, 2021 Study Session

B. Minutes of the October 18, 2021 Regular City Council Meeting

C. Claims Vouchers (Thomas)

Claim voucher list dated November 1, 2021 which includes voucher numbers 465404 through 465612 in the amount of \$1,321,903.49 and five wire transfers in the amount of \$274,824.49

D. Payroll Vouchers (Thomas)

Payroll check numbers 539212 through 539215 in the amount of \$526,865.09, electronic deposit transmissions in the amount of \$2,160,708.45, and a special payroll electronic deposit in the amount of \$1,545.14, for a grand total of \$2,689,118.68 for the period covering October 14, 2021 to October 26, 2021 are approved for payment this 1st, day of November, 2021

Deputy Mayor DaCorsi moved and Councilmember Jeyaraj seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. ORDINANCES

A. Ordinance No. 6836 (Thomas)

An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget, as amended by Ordinance No. 6815, as amended by Ordinance No. 6827, authorizing amendment to the City of Auburn 2021-2022 Budget as set forth in Schedule "A" and Schedule "B"

Councilmember Baggett moved and Councilmember Brown seconded to adopt Ordinance No. 6836.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

A. Resolution No. 5629 (Gaub)

A Resolution authorizing the Mayor to execute a right of entry and site access agreement between the City of Auburn and the Washington State Department of Transportation relating to the Mill Creek Ditch

Councilmember Stearns moved and Councilmember Brown seconded to adopt Resolution No. 5629.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5630 (Caillier)

A Resolution declaring an Auburn Police Department canine as surplus property and approving its transfer to a purchaser by contract

Councilmember Jeyaraj moved and Councilmember Mulenga seconded to adopt Resolution No. 5630.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Councilmember Trout-Manuel reported she attended the Trunk-or-Treat Event at Les Gove Park.

Councilmember Baggett reported he attended the Sound Cities Association Regional Transit Committee meeting.

Councilmember Stearns reported he met with the director of the Attorney General's Office for the Washington State Missing and Murdered Indigenous Women and People (MMIW/P) Task Force.

B. From the Mayor

Mayor Backus encouraged everyone to vote tomorrow, November 2nd.

XIII. ADJOURNMENT

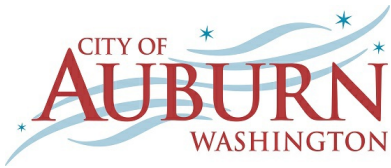
There being no further business to come before the Council, the meeting was adjourned at 7:20 p.m.

APPROVED this 15th day of November, 2021.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)

Date:

October 27, 2021

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claim voucher list dated November 15, 2021 which includes voucher numbers 465613 through 465798 in the amount of \$1,509,055.64 and six wire transfers in the amount of \$1,109,462.46.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 15, 2021

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

October 27, 2021

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539216 through 539221 in the amount of \$77,107.40, electronic deposit transmissions in the amount of \$2,242,511.03, for a grand total of \$2,319,618.43 for the period covering October 27, 2021 to November 9, 2021 are approved for payment this 15th, day of November, 2021.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 15, 2021

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6837 (Thomas)

Date:

November 5, 2021

Department:

Finance

Attachments:

[Ordinance No. 6837](#)

[Memo](#)

[Schedule A](#)

[Schedule B](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6837.

Background for Motion:

The Mid-Biennial Budget amendment will adjust the 2022 realign significant revenue sources; increase the budget for previously approved programs; adjust the projected 2022 beginning fund balances and increase the budget for new programs, which includes adding 4 new Full Time Employees (FTEs) and 1 new Limited Term Employee (LTEs).

Background Summary:

Budget Amendment #4 represents the fourth budget amendment for the 2021-2022 biennium and the first budget amendment for 2022. For details, see the attached transmittal memorandum and supporting materials.

Note that one item has changed from the public hearing on October 25, 2021: the request for a Security Officer at City Hall, the Annex, and Les Gove campus has been changed to be contracted security. This change is noted in red in both the transmittal memo and Schedule A.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 15, 2021

Item Number:

ORD.A

ORDINANCE NO. 6837

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6794, THE 2021-2022 BIENNIAL OPERATING BUDGET ORDINANCE, AND ORDINANCE NO. 6796, THE 2021-2022 BIENNIAL CAPITAL BUDGET ORDINANCE, AS SET FORTH IN SCHEDULE "A" AND SCHEDULE "B"

WHEREAS, the Auburn City Council at its regular meeting of November 16, 2020, adopted Ordinances Nos. 6794 and 6796 which adopted the City of Auburn 2021-2022 biennial operating and capital budgets; and

WHEREAS, the City of Auburn deems it necessary to appropriate additional funds to the various funds of the 2022 budget as outlined in this Ordinance (BA#4); and

WHEREAS, this Ordinance has been approved by one more than the majority of all councilpersons in accordance with RCW 35A.34.200.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. **Amendment of the 2021-2022 Biennial Budget.** The 2021-2022 Biennial Budget of the City of Auburn is amended pursuant to Chapter 35A.34 RCW, to reflect the revenues and expenditures as shown on Schedule "A" attached hereto and incorporated herein by reference. The Mayor of the City of Auburn, Washington is hereby authorized to utilize revenue and expenditure amounts shown on said Schedule "A" and Schedule "B". A copy of said Schedule "A" and Schedule "B" is on file with the City Clerk and available for public inspection.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 4. Effective Date. This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



Interoffice Memorandum

To: City Council
From: Jamie Thomas, Finance Director
CC: Nancy Backus, Mayor
Date: October 12, 2021
Re: Ordinance #6837 – 2021-2022 Budget Amendment #4 -- **AMENDED**

The City's biennial 2021-2022 budget was approved by Council as two one-year appropriations. Budget Amendments #1 through #3 amended the budget for calendar year 2021. This amendment will be the fourth budget amendment for the biennium and the first budget amendment for calendar year 2022. The purpose of this budget amendment is to:

1. Realign significant revenue sources;
2. Adjust projected 2022 beginning fund balance to reflect budget amendments made in 2021;
3. Adopt the continuation of previously-approved requests for ongoing expenditures;
4. Adjust capital project budgets to match the 2022-2025 Capital Facilities Plan (CFP); and
5. Add budget authority for new programs and other expected changes in 2022.

Realign Significant Revenue Sources. With new legislation and policies adopted throughout 2021, and three quarters of revenue collection data for 2021, there is an opportunity to fine-tune revenue projections for 2022. Total General Fund revenue adjustments would result in a net reduction of \$652,000 and include:

- | | |
|---|--------------|
| • Sales and use tax increase | \$ 2,500,000 |
| • Business & Occupation tax reduction to reflect delays in implementation | -4,300,000 |
| • Streamlined sales tax mitigation increase due to legislative extension through 2022 | 1,000,000 |

Adopt the continuation of previously approved requests by Council. Amend the 2022 budget for changes adopted in 2021 for which there is an ongoing fiscal impact in 2022. Items in this category were previously approved by Council in 2021. In total, these items would increase budgeted 2022 expenditures by about \$1.1 million, and include:

- | | |
|---|--------------|
| • Utility tax increase to reflect higher City tax rate | \$ 2,242,900 |
| • Reduced budget for lead service line replacement project (moved to 2021) | -1,600,000 |
| • Net reduction in debt service on 2020 LTGO A&B refunding bonds | - 695,400 |
| • Axon contract for body camera hardware and software | 427,500 |
| • Reduction in Airport debt service due to change in funding for hangar project | - 336,300 |
| • Increased budget for homeless sheltering by the Auburn Food Bank | 275,000 |
| • Operating budget for the Auburn Community Resource Center | 150,900 |
| • Limited Term Employee: Recruitment Coordinator | 137,000 |

- Limited Term Employee: Grants Coordinator (ARPA-funded) 132,000
- Limited Term Employee: Accounting Specialist 116,700
- **Contracted Security at City Hall, the Annex, and Les Gove campus 112,000**

Adjust capital project budgets. Represent changes to project budgets to align with the updated 2022-2027 Capital Facilities Plan (CFP) that is scheduled to be adopted in December, excluding unspent capital project budgets from 2021 that are automatically carried forward into 2022 due to the adoption of multi-year capital budgeting, as authorized in Ordinance No. 6682 (June 2018). The net increase due to these proposed adjustments is \$4.2 million.

Significant project adjustments included in this budget amendment include:

- Funding for North Airport storm improvements (cp2102) \$ 946,000
- Incr. budget for sidewalk repair and improvements (ARPA and fee funded) 850,000
- Incr. budget for Neighborhood Street Lighting Program (ARPA funded) 500,000
- Net increase for Airport hangar project 439,100
- Funding for North Airport stormwater system improvements (cp2118) 435,000
- Budget for City Hall Annex customer service center reconfiguration 350,000
- Incr. budget for Neighborhood Traffic Safety Program (ARPA and REET funded) 250,000

Add budget authority for new programs and other expected changes in 2022. These include requests for new full-time employees (FTEs), increased funding for existing programs, and funding requests for new projects or programs. These requests, which total \$1.9 million, include:

- Four new FTEs to provide support for body cameras \$ 479,200
- Two new FTEs for an in-house litter crew 267,500
- New FTE: Outreach Coordinator 141,600
- Supplement the existing human services contracts budget (ARPA funded) 160,000
- Incr. Golf Course maintenance, inventory, and supplies budget (revenue funded) 105,000

Adjustments of 2022 beginning fund balance due to 2021 budget amendments. Each approved budget amendment in 2021 (in BA #1, BA#2, and proposed BA#3) that amended the 2021 budgeted ending fund balance also affects the budgeted 2022 beginning fund balance. These adjustments, which affect most funds, increase 2022 budgeted fund balance by \$18.8 million.

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2022 Budget as Amended

2022 Adopted Budget	\$ 326,609,691
Budget Amendment #4 (Ord #6837)	<u>20,294,437</u>
2022 Budget as Amended	\$ 346,904,128

Attachments:

- ❖ Proposed Ordinance # 6837 (Budget Amendment #4)
- ❖ Summary of 2022 Budget Adjustments by Fund (Schedule A)
- ❖ Summary of 2022 ending fund balance/working capital by fund (Schedule B)

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
General Fund (#001)				
2022 Adopted Budget	10,524,785	81,938,250	85,605,016	6,858,019
BA#4 (Ordinance #6837, Proposed):	6,891,448	(106,600)	2,778,300	4,006,548
General Fund Revenues:				
Move lease revenues from Facilities to General Fund [BA#3]	-	108,000	-	108,000
Budget for ACRC lease revenues from the Auburn Food Bank [BA#3]	-	40,000	-	40,000
Adjust sales tax, B&O tax, and streamlined sales tax mitigation revenues	-	(800,000)	-	(800,000)
Mayor/Council:				
New Full-Time Employee (FTE): Outreach Coordinator	-	-	141,600	(141,600)
Human Resources Department:				
Funds to certify Human Resources staff to allow for more internally-run training	-	-	50,000	(50,000)
Increase funding to improve the recruitment process using a DEI lens	-	-	100,000	(100,000)
Continue Limited Term Employee (LTE): Recruitment Coordinator [BA#3]	-	-	137,000	(137,000)
City Attorney's Office:				
Ongoing incr to Auburn Food Bank sheltering budget for homeless persons [BA#2]	-	-	275,000	(275,000)
Ongoing budget for operation of the Auburn Consolidated Resource Center [BA#2]	-	-	150,900	(150,900)
Ongoing incr to budget to respond to civil judgments, subpoenas, etc. [BA#1]	-	-	25,000	(25,000)
Four new FTEs to provide support for body cameras and Axon contract for 2022	-	-	906,700	(906,700)
Community Development Department:				
Ongoing budget for eCityGov Alliance annual subscription (fee supported) [BA#2]	-	-	65,000	(65,000)
Use of ARPA funds to supplement the existing Human Services contracts budget	-	160,000	160,000	-
Adjust SKHHP budget to reflect adopted 2022 budget	-	25,400	25,400	-
Finance Department:				
Continue Limited Term Employee (LTE): Accounts Receivable Specialist [BA#3]	-	-	116,700	(116,700)
Continue Limited Term Employee (LTE): Grants Coordinator (ARPA funded) [BA#3]	-	132,000	132,000	-
Public Works Department:				
Ongoing increase in budget for signal system repair and maintenance [BA#1]	-	50,000	50,000	-
Convert part-time temp GIS Technician position to LTE (GF, F430, F431, F432)	-	-	15,000	(15,000)
Fund analysis and modeling to update the Comprehensive Transportation Plan	-	-	100,000	(100,000)
Parks Department:				
Update the Parks, Arts and Recreation Plan required by the GMA	-	-	50,000	(50,000)
Increase contracted landscaping work within public right-of-ways	-	-	100,000	(100,000)
Recreation access grants to impacted communities (ARPA funded)	-	50,000	50,000	-
Increase Golf Course repair and maintenance, inventory, and supplies budgets	-	105,000	105,000	-
King County Veterans, Seniors and Human Services levy (grant funds)	-	23,000	23,000	-

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Streets Department:				
Move funds to F102 for Roadway Channelization Refreshment project	-	-	-	-
001.42.542.300.41 PROFESSIONAL SERVICES			(200,000)	
001.98.597.100.55 OPERATING TRANSFERS OUT			200,000	
Non-Departmental:				
Adjust beginning fund balance for budget amendments in 2021	6,891,448	-	-	6,891,448
Revised 2022 Budget - Fund 001	17,416,233	81,831,650	88,383,316	10,864,567
Arterial Street Fund (#102)				
2022 Adopted Budget	427,309	5,778,300	5,892,400	313,209
BA#4 (Ordinance #6837, Proposed):	129,821	315,000	515,000	(70,179)
Adjust beginning fund balance for budget amendments in 2021	129,821	-	-	129,821
Move funds and increase budget for Roadway Channelization Refreshment project		200,000	350,000	(150,000)
Increase budget for the Non-Motorized Safety Program	-	-	50,000	(50,000)
Replace traffic impact fee funding for A St. Loop project with Sound Transit funds	-	40,000	40,000	-
Grant revenue and expenditure for Arterial & Pedestrian Bicycle Safety program	-	75,000	75,000	-
Revised 2022 Budget - Fund 102	557,130	6,093,300	6,407,400	243,030
Local Street Fund (#103)				
2022 Adopted Budget	1,318,428	1,660,500	1,664,500	1,314,428
BA#4 (Ordinance #6837, Proposed):	709,525			709,525
Adjust beginning fund balance for budget amendments in 2021	709,525	-	-	709,525
Revised 2022 Budget - Fund 103	2,027,953	1,660,500	1,664,500	2,023,953
Hotel/Motel Tax Fund (#104)				
2022 Adopted Budget	187,276	168,900	177,110	179,066
BA#4 (Ordinance #6837, Proposed):	90,521	-	-	90,521
Adjust beginning fund balance for budget amendments in 2021	90,521	-	-	90,521
Revised 2022 Budget - Fund 104	277,797	168,900	177,110	269,587

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Arterial Street Preservation Fund (#105)				
2022 Adopted Budget	1,514,104	2,058,800	2,135,000	1,437,904
BA#4 (Ordinance #6837, Proposed):	(71,451)	-	-	(71,451)
Adjust beginning fund balance for budget amendments in 2021	(71,451)	-	-	(71,451)
Revised 2022 Budget - Fund 105	1,442,653	2,058,800	2,135,000	1,366,453
American Rescue Plan Act Fund Fund (#106)				
2022 Adopted Budget	-	-	-	-
BA#4 (Ordinance #6764, Proposed):	5,416,700	-	1,970,000	3,446,700
Adjust beginning fund balance for budget amendments in 2021	5,416,700	-	-	5,416,700
Use of ARPA funds to supplement the existing Human Services contracts budget	-	-	160,000	(160,000)
Increase budget for Neighborhood Traffic Safety Program (ARPA & REET funding)	-	-	200,000	(200,000)
Increase sidewalk repair & improvement project budgets (ARPA and fee funded)	-	-	800,000	(800,000)
Increase Neighborhood Street Lighting Program budget (ARPA funded)	-	-	500,000	(500,000)
Recreation access grants to impacted communities (ARPA funded)	-	-	50,000	(50,000)
Minor improvements to qualifying neighborhood parks (ARPA funded)	-	-	75,000	(75,000)
Repair or replace Dykstra Footbridge (ARPA funded)	-	-	50,000	(50,000)
Continue Limited Term Employee (LTE): Grants Coordinator (ARPA funded) [BA#3]	-	-	135,000	(135,000)
Revised 2022 Budget - Fund 106	5,416,700	-	1,970,000	3,446,700
Drug Forfeiture Fund (#117)				
2022 Adopted Budget	612,573	148,000	356,531	404,042
BA#4 (Ordinance #6837, Proposed):	(53,266)	-	-	(53,266)
Adjust beginning fund balance for budget amendments in 2021	(53,266)	-	-	(53,266)
Revised 2022 Budget - Fund 117	559,307	148,000	356,531	350,776
Housing & Comm Develop Fund (#119)				
2022 Adopted Budget	42,904	600,000	600,000	42,904
BA#4 (Ordinance #6837, Proposed):	(579)	-	-	(579)
Adjust beginning fund balance for budget amendments in 2021	(579)	-	-	(579)
Revised 2022 Budget - Fund 119	42,325	600,000	600,000	42,325

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Recreation Trails Fund (#120)				
2022 Adopted Budget	87,125	7,700	-	94,825
BA#4 (Ordinance #6837, Proposed):	2,287	-	-	2,287
Adjust beginning fund balance for budget amendments in 2021	2,287	-	-	2,287
Revised 2022 Budget - Fund 120	89,412	7,700	-	97,112
BIA Fund (#121)				
2022 Adopted Budget	62,025	55,400	90,000	27,425
BA#4 (Ordinance #6837, Proposed):	73,070	-	-	73,070
Adjust beginning fund balance for budget amendments in 2021	73,070	-	-	73,070
Revised 2022 Budget - Fund 121	135,095	55,400	90,000	100,495
Cumulative Reserve Fund (#122)				
2022 Adopted Budget	6,484,315	80,000	1,950,000	4,614,315
BA#4 (Ordinance #6837, Proposed):	4,196,829	-	-	4,196,829
Adjust beginning fund balance for budget amendments in 2021	4,196,829	-	-	4,196,829
Revised 2022 Budget - Fund 122	10,681,144	80,000	1,950,000	8,811,144
Mitigation Fees Fund (#124)				
2022 Adopted Budget	9,372,642	1,161,900	5,851,450	4,683,092
BA#4 (Ordinance #6837, Proposed):	(1,476,597)	-	(300,000)	(1,176,597)
Adjust beginning fund balance for budget amendments in 2021	(1,476,597)	-	-	(1,476,597)
Replace traffic impact fee funding for A St. Loop project with Sound Transit funds	-	-	(300,000)	300,000
Revised 2022 Budget - Fund 124	7,896,045	1,161,900	5,551,450	3,506,495

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
City Hall Annex 2010 A&B Bond Fund (#230)				
2022 Adopted Budget	4,489	1,637,300	1,637,300	4,489
BA#4 (Ordinance #6837, Proposed):	(4,489)	(1,637,300)	(1,637,300)	(4,489)
Move debt service on 2010 debt to 2020 LTGO A&B Refunding Bonds Fund [BA#2]	-	(1,637,300)	(1,637,300)	-
Adjust beginning fund balance for budget amendments in 2021	(4,489)	-	-	(4,489)
Revised 2022 Budget - Fund 230	-	-	-	-
Local Revitalization 2010 C&D Bond Fund (#231)				
2022 Adopted Budget	33,863	567,370	567,100	34,133
BA#4 (Ordinance #6837, Proposed):	(33,863)	(567,370)	(567,100)	(34,133)
Adjust beginning fund balance for budget amendments in 2021	(33,863)	-	-	(33,863)
Move debt service on 2010 debt to 2020 LTGO A&B Refunding Bonds Fund [BA#2]	-	(567,370)	(567,100)	(270)
Revised 2022 Budget - Fund 231	-	-	-	-
2020 LTGO A&B Refunding Bonds Fund (#232)				
2022 Adopted Budget	-	-	-	-
BA#4 (Ordinance #6764, Proposed):	102,828	2,204,670	1,509,250	798,248
Adjust beginning fund balance for budget amendments in 2021	102,828	-	-	102,828
Move debt service on 2010 debt to 2020 LTGO A&B Refunding Bonds Fund [BA#2]	-	2,204,670	1,509,250	695,420
Revised 2022 Budget - Fund 232	102,828	2,204,670	1,509,250	798,248
LID Guarantee Fund (#249)				
2022 Adopted Budget	1,679	10	-	1,689
BA#4 (Ordinance #6837, Proposed):	7	-	-	7
Adjust beginning fund balance for budget amendments in 2021	7	-	-	7
Revised 2022 Budget - Fund 249	1,686	10	-	1,696

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
LID 350 Fund (#275)				
2022 Adopted Budget	1,363	10	-	1,373
BA#4 (Ordinance #6837, Proposed):	794	-	-	794
Adjust beginning fund balance for budget amendments in 2021	794	-	-	794
Revised 2022 Budget - Fund 275	2,157	10	-	2,167
Parks Construction Fund (#321)				
2022 Adopted Budget	1,031,996	3,483,950	3,730,050	785,896
BA#4 (Ordinance #6837, Proposed):	(177,301)	125,000	125,000	(177,301)
Adjust beginning fund balance for budget amendments in 2021	(177,301)	-	-	(177,301)
Minor improvements to qualifying neighborhood parks (ARPA funded)	-	75,000	75,000	-
Repair or replace Dykstra Footbridge (ARPA funded)	-	50,000	50,000	-
Revised 2022 Budget - Fund 321	854,695	3,608,950	3,855,050	608,595
Capital Improvements Fund (#328)				
2022 Adopted Budget	4,037,304	3,109,910	3,689,210	3,458,004
BA#4 (Ordinance #6837, Proposed):	3,027,711	1,550,000	1,950,000	2,627,711
Adjust beginning fund balance for budget amendments in 2021	3,027,711	-	-	3,027,711
Increase sidewalk repair & improvement project budgets (ARPA and fee funded)	-	850,000	850,000	-
Increase budget for Neighborhood Traffic Safety Program (ARPA & REET funding)	-	200,000	250,000	(50,000)
Increase Neighborhood Street Lighting Program budget (ARPA funded)	-	500,000	500,000	-
Reconfigure City Hall Annex 2nd floor customer service center (REET funded)	-	-	350,000	(350,000)
Revised 2022 Budget - Fund 328	7,065,015	4,659,910	5,639,210	6,085,715

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Water Fund (#430)				
2022 Adopted Budget	11,169,984	19,298,050	23,266,154	7,201,880
BA#4 (Ordinance #6837, Proposed):	(210,918)	-	(1,032,800)	821,882
Adjust beginning fund balance for budget amendments in 2021	(210,918)	-	-	(210,918)
Ongoing cost of new FTE in M&O Division – Administrative Specialist [BA#2]	-	-	14,200	(14,200)
Delete budget for lead service line replacement project (moved to 2021) [BA#1]	-	-	(1,600,000)	1,600,000
Increase utility tax expense to reflect higher City tax rate (in Ord. #6822)	-	-	539,200	(539,200)
Convert part-time temp GIS Technician position to LTE (GF, F430, F431, F432)	-	-	13,800	(13,800)
Revised 2022 Budget - Fund 430	10,959,066	19,298,050	22,233,354	8,023,762
Sewer Fund (#431)				
2022 Adopted Budget	9,001,356	9,992,880	8,321,966	10,672,270
BA#4 (Ordinance #6837, Proposed):	(286,984)	-	976,400	(1,263,384)
Adjust beginning fund balance for budget amendments in 2021	(286,984)	-	-	(286,984)
Ongoing cost of new FTE in M&O Division – Administrative Specialist [BA#2]	-	-	14,200	(14,200)
Increase utility tax expense to reflect higher City tax rate (in Ord. #6822)	-	-	948,400	(948,400)
Convert part-time temp GIS Technician position to LTE (GF, F430, F431, F432)	-	-	13,800	(13,800)
Revised 2022 Budget - Fund 431	8,714,372	9,992,880	9,298,366	9,408,886
Storm Drainage Fund (#432)				
2022 Adopted Budget	10,263,121	10,951,870	9,283,281	11,931,710
BA#4 (Ordinance #6837, Proposed):	613,461	-	369,600	243,861
Adjust beginning fund balance for budget amendments in 2021	613,461	-	-	613,461
Ongoing cost of new FTE in M&O Division – Administrative Specialist [BA#2]	-	-	14,200	(14,200)
Increase utility tax expense to reflect higher City tax rate (in Ord. #6822)	-	-	341,600	(341,600)
Convert part-time temp GIS Technician position to LTE (GF, F430, F431, F432)	-	-	13,800	(13,800)
Revised 2022 Budget - Fund 432	10,876,582	10,951,870	9,652,881	12,175,571

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Sewer Metro Sub Fund (#433)				
2022 Adopted Budget	2,070,836	21,012,700	21,008,800	2,074,736
BA#4 (Ordinance #6837, Proposed):	771,586	-	-	771,586
Adjust beginning fund balance for budget amendments in 2021	771,586	-	-	771,586
Revised 2022 Budget - Fund 433	2,842,422	21,012,700	21,008,800	2,846,322
Solid Waste Fund (#434)				
2022 Adopted Budget	5,578,288	18,629,600	18,719,680	5,488,208
BA#4 (Ordinance #6837, Proposed):	(281,301)	-	681,200	(962,501)
Adjust beginning fund balance for budget amendments in 2021	(281,301)	-	-	(281,301)
Increase utility tax expense to reflect higher City tax rate (in Ord. #6822)	-	-	413,700	(413,700)
Provide in-house litter crew to replace Waste Management crew (incl two FTEs)	-	-	267,500	(267,500)
Revised 2022 Budget - Fund 434	5,296,987	18,629,600	19,400,880	4,525,707
Airport Fund (#435)				
2022 Adopted Budget	1,608,781	1,507,100	2,878,847	237,034
BA#4 (Ordinance #6837, Proposed):	(473,825)	750,000	(397,200)	673,375
Move budget for Airport maintenance projects from capital subfund [BA#2]				
435.00.597.100.55 OPERATING TRANSFERS OUT			(75,000)	
435.00.546.800.48 REPAIRS & MAINTENANCE			75,000	
Reduce budget for hangar projects that had been planned to be bond-funded		750,000	(397,200)	1,147,200
Adjust beginning fund balance for budget amendments in 2021	(473,825)	-	-	(473,825)
Revised 2022 Budget - Fund 435	1,134,956	2,257,100	2,481,647	910,409
Cemetery Fund (#436)				
2022 Adopted Budget	364,582	1,280,400	1,386,048	258,934
BA#4 (Ordinance #6837, Proposed):	437,117	97,100	97,100	437,117
Adjust beginning fund balance for budget amendments in 2021	437,117	-	-	437,117
New Limited Term Employee (LTE): Maintenance Worker	-	97,100	97,100	-
Revised 2022 Budget - Fund 436	801,699	1,377,500	1,483,148	696,051

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Water Capital Fund (#460)				
2022 Adopted Budget	1,832,439	10,450,710	9,466,310	2,816,839
BA#4 (Ordinance #6837, Proposed):	(257,156)	(1,600,000)	(1,600,000)	(257,156)
Adjust beginning fund balance for budget amendments in 2021	(257,156)	-	-	(257,156)
Delete budget for lead service line replacement project (moved to 2021) [BA#1]	-	(1,600,000)	(1,600,000)	-
Revised 2022 Budget - Fund 460	1,575,283	8,850,710	7,866,310	2,559,683
Sewer Capital Fund (#461)				
2022 Adopted Budget	8,125,157	755,600	3,815,900	5,064,857
BA#4 (Ordinance #6837, Proposed):	(395,750)	-	-	(395,750)
Adjust beginning fund balance for budget amendments in 2021	(395,750)	-	-	(395,750)
Revised 2022 Budget - Fund 461	7,729,407	755,600	3,815,900	4,669,107
Storm Drainage Capital Fund (#462)				
2022 Adopted Budget	6,713,135	562,800	4,651,800	2,624,135
BA#4 (Ordinance #6837, Proposed):	519,381	-	1,381,000	(861,619)
Adjust beginning fund balance for budget amendments in 2021	519,381	-	-	519,381
Provide funding for North Airport stormwater improvements (cp2102)	-	-	946,000	(946,000)
Incr budget for North Airport stormwater system improvements, phase 2 (cp2118)	-	-	435,000	(435,000)
Revised 2022 Budget - Fund 462	7,232,516	562,800	6,032,800	1,762,516

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Airport Capital Fund (#465)				
2022 Adopted Budget	129,157	1,847,420	1,780,440	196,137
BA#4 (Ordinance #6837, Proposed):	140,783	364,100	364,100	140,783
Move budget for Airport maintenance projects to operating subfund [BA#2]	-	(75,000)	(75,000)	-
Adjust beginning fund balance for budget amendments in 2021	140,783	-	-	140,783
Reduce budget for hangar projects that had been planned to be bond-funded	-	439,100	439,100	-
Revised 2022 Budget - Fund 465	269,940	2,211,520	2,144,540	336,920
BA#4 (Ordinance #6837, Proposed):	43,597	-	-	43,597
Adjust beginning fund balance for budget amendments in 2021	43,597	-	-	43,597
Revised 2022 Budget - Fund 466	53,280	1,000	100	54,180
Insurance Fund (#501)				
2022 Adopted Budget	1,571,253	12,000	183,200	1,400,053
BA#4 (Ordinance #6837, Proposed):	18,262	-	-	18,262
Adjust beginning fund balance for budget amendments in 2021	18,262	-	-	18,262
Revised 2022 Budget - Fund 501	1,589,515	12,000	183,200	1,418,315
Workers' Comp Fund (#503)				
2022 Adopted Budget	2,644,627	1,144,900	884,000	2,905,527
BA#4 (Ordinance #6837, Proposed):	58,098	-	-	58,098
Adjust beginning fund balance for budget amendments in 2021	58,098	-	-	58,098
Revised 2022 Budget - Fund 503	2,702,725	1,144,900	884,000	2,963,625

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

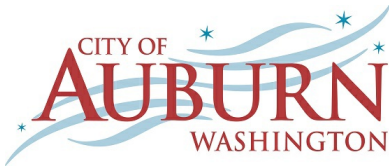
	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
Facilities Fund (#505)				
2022 Adopted Budget	623,845	3,694,500	3,724,226	594,119
BA#4 (Ordinance #6837, Proposed):	(46,261)	(67,800)	112,000	(226,061)
Ongoing operating budget for Auburn Consolidated Resource Center [BA#2]	-	2,700	-	2,700
Move lease revenues from Facilities to General Fund [BA#3]	-	(108,000)	-	(108,000)
Add lease revenue for Game Farm Park	-	37,500	-	37,500
Adjust beginning fund balance for budget amendments in 2021	(46,261)	-	-	(46,261)
Contracted security for City Hall, Annex, and Les Gove campus [BA#3]	-	-	112,000	(112,000)
Revised 2022 Budget - Fund 505	577,584	3,626,700	3,836,226	368,058
Innovation & Technology Fund (#518)				
2022 Adopted Budget	1,949,637	6,903,800	7,014,444	1,838,993
BA#4 (Ordinance #6837, Proposed):	126,252	6,000	6,000	126,252
Adjust beginning fund balance for budget amendments in 2021	126,252	-	-	126,252
Continue Limited Term Employee (LTE): Grants Coordinator (ARPA funded) [BA#3]	-	3,000	3,000	-
New Full-Time Employee (FTE): Outreach Coordinator	-	3,000	3,000	-
Revised 2022 Budget - Fund 518	2,075,889	6,909,800	7,020,444	1,965,245
Equipment Rental Fund (#550)				
2022 Adopted Budget	1,552,779	2,301,100	3,079,708	774,171
BA#4 (Ordinance #6837, Proposed):	227,114	-	25,700	201,414
Ongoing cost of new FTE in M&O Division – Administrative Specialist [BA#2]	-	-	25,700	(25,700)
Adjust beginning fund balance for budget amendments in 2021	227,114	-	-	227,114
Revised 2022 Budget - Fund 550	1,779,893	2,301,100	3,105,408	975,585
Equipment Rental Capital Fund (#560)				
2022 Adopted Budget	3,902,729	1,993,760	1,435,600	4,460,889
BA#4 (Ordinance #6837, Proposed):	(1,059,460)	72,700	72,700	(1,059,460)
Adjust beginning fund balance for budget amendments in 2021	(1,059,460)	-	-	(1,059,460)
Provide in-house litter crew to replace Waste Management crew (incl two FTEs)	-	72,700	72,700	-
Revised 2022 Budget - Fund 560	2,843,269	2,066,460	1,508,300	3,401,429

Schedule A
Summary of 2022 Budget Adjustments by Fund
Budget Amendment #4 (Ordinance #6837)

	Beg. Fund Balance	2022 Revenues	2022 Expenditures	Ending Fund Balance
IT Capital Fund (#568)				
2022 Adopted Budget	635,814	3,400	414,200	225,014
BA#4 (Ordinance #6837, Proposed):	(135,461)	-	-	(135,461)
Adjust beginning fund balance for budget amendments in 2021	(135,461)	-	-	(135,461)
Revised 2022 Budget - Fund 568	500,353	3,400	414,200	89,553
Fire Pension Fund (#611)				
2022 Adopted Budget	1,926,737	103,600	211,204	1,819,133
BA#4 (Ordinance #6837, Proposed):	55,039	-	-	55,039
Adjust beginning fund balance for budget amendments in 2021	55,039	-	-	55,039
Revised 2022 Budget - Fund 611	1,981,776	103,600	211,204	1,874,172
SKHHP Fund (#654)				
2022 Adopted Budget	186,885	252,300	315,450	123,735
BA#4 (Ordinance #6764, Proposed):	38,028	24,225	25,400	36,853
Adjust beginning fund balance for budget amendments in 2021	38,028	-	-	38,028
Adjust SKHHP budget to reflect adopted 2022 budget	-	24,225	25,400	(1,175)
Revised 2022 Budget - Fund 654	224,913	276,525	340,850	160,588
Cemetery Endowment Fund (#701)				
2022 Adopted Budget	2,046,766	64,130	-	2,110,896
BA#4 (Ordinance #6837, Proposed):	39,116	-	-	39,116
Adjust beginning fund balance for budget amendments in 2021	39,116	-	-	39,116
Revised 2022 Budget - Fund 701	2,085,882	64,130	-	2,150,012
Grand Total - All Funds				
2022 Adopted Budget	109,651,771	216,957,920	237,525,025	89,084,666
TOTAL BA#4 (Ordinance #6837, Proposed):	18,764,712	1,529,725	7,424,350	12,870,087
Revised 2022 Budget	128,416,483	218,487,645	244,949,375	101,954,753
		346,904,128		346,904,128

Schedule B
2022 Ending Fund Balance/Working Capital
by Fund

Fund	2022 Adopted Budget	BA#4 (Ord #6837)	Revised Budget
General Fund (#001)	6,858,019	4,006,548	10,864,567
Arterial Street Fund (#102)	313,209	(70,179)	243,030
Local Street Fund (#103)	1,314,428	709,525	2,023,953
Hotel/Motel Tax Fund (#104)	179,066	90,521	269,587
Arterial Street Preservation Fund (#105)	1,437,904	(71,451)	1,366,453
American Rescue Plan Act Fund (#106)	-	3,446,700	3,446,700
Drug Forfeiture Fund (#117)	404,042	(53,266)	350,776
Housing & Comm Develop Fund (#119)	42,904	(579)	42,325
Recreation Trails Fund (#120)	94,825	2,287	97,112
BIA Fund (#121)	27,425	73,070	100,495
Cumulative Reserve Fund (#122)	4,614,315	4,196,829	8,811,144
Mitigation Fees Fund (#124)	4,683,092	(1,176,597)	3,506,495
City Hall Annex 2010 A&B Bond Fund (#230)	4,489	(4,489)	-
Local Revitalization 2010 C&D Bond Fund (#231)	34,133	(34,133)	-
2020 LTGO A&B Refunding Bonds Fund (#232)	-	798,248	798,248
SCORE Debt Service Fund (#238)	-	-	-
LID Guarantee Fund (#249)	1,689	7	1,696
LID 350 Fund (#275)	1,373	794	2,167
Golf/Cemetery 2016 Refunding Fund (#276)	-	-	-
Parks Construction Fund (#321)	785,896	(177,301)	608,595
Capital Improvements Fund (#328)	3,458,004	2,627,711	6,085,715
Local Revitalization Fund (#330)	-	-	-
Water Fund (#430)	7,201,880	821,882	8,023,762
Sewer Fund (#431)	10,672,270	(1,263,384)	9,408,886
Storm Drainage Fund (#432)	11,931,710	243,861	12,175,571
Sewer Metro Sub Fund (#433)	2,074,736	771,586	2,846,322
Solid Waste Fund (#434)	5,488,208	(962,501)	4,525,707
Airport Fund (#435)	237,034	673,375	910,409
Cemetery Fund (#436)	258,934	437,117	696,051
Water Capital Fund (#460)	2,816,839	(257,156)	2,559,683
Sewer Capital Fund (#461)	5,064,857	(395,750)	4,669,107
Storm Drainage Capital Fund (#462)	2,624,135	(861,619)	1,762,516
Airport Capital Fund (#465)	196,137	140,783	336,920
Cemetery Capital Fund (#466)	10,583	43,597	54,180
Insurance Fund (#501)	1,400,053	18,262	1,418,315
Workers' Comp Fund (#503)	2,905,527	58,098	2,963,625
Facilities Fund (#505)	594,119	(226,061)	368,058
Innovation & Technology Fund (#518)	1,838,993	126,252	1,965,245
Equipment Rental Fund (#550)	774,171	201,414	975,585
Equipment Rental Capital Fund (#560)	4,460,889	(1,059,460)	3,401,429
IT Capital Fund (#568)	225,014	(135,461)	89,553
Fire Pension Fund (#611)	1,819,133	55,039	1,874,172
SKHHP Fund (#654)	123,735	36,853	160,588
Cemetery Endowment Fund (#701)	2,110,896	39,116	2,150,012
Total	89,084,666	12,870,087	101,954,753



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6838 (Tate)

Department:

Community Development

Attachments:

[Ordinance No. 6838](#)

[Exhibit A Airport Zoning Code Text Amendment](#)

[Exhibit B Airport Overlay Map Amendment](#)

[Exhibit C Airport Zoning Code Text Amendment](#)

[\(clean version\)](#)

[Exhibit D WSDOT City of Auburn Aviation](#)

[Consultant Confirmation Letter](#)

Date:

November 10, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6838.

Background for Motion:

Ordinance No. 6838 amends the airport related standards within Chapter 18.38, Chapter 18.04, and Sections 18.01.030 and 18.23.030 of Title 18, the City's Zoning Code, and creates a new airport overlay on the Comprehensive Zoning Map.

Background Summary:

The City of Auburn has the regulatory authority over how development occurs within the community, including the ability to plan for, abate, mitigate, and otherwise respond to land use concerns. The primary tool is through the City's zoning and land use regulations. The City also has the role of defining the current, short term, and long-term vision for growth and development within the City and this is completed through the City's adopted Comprehensive Plan.

During Auburn's 2020 annual amendment cycle staff proposed and prepared text amendments for the Comprehensive Plan. These amendments were reviewed by the Planning Commission and subsequently reviewed and approved by the City Council on December 2, 2020 under Ordinance No. 6803. The goal of the text amendments was to reinforce in the policy language the importance of the airport and recognize the significant investment that has been made, not only by the Federal Aviation Administration (FAA) and Washington State Department of Transportation (WSDOT), but also by the City.

As a follow up to Ordinance No. 6803, staff has prepared, and the Planning Commission is recommending, updates to the airport-related zoning code regulations. The majority of airport-related zoning code regulations are contained in Chapter 18.38, the "[LF Airport Landing Field District](#)" of the Auburn City Code (ACC). The purpose of the zoning code, or land use regulations, is to implement the policies of the Comprehensive Plan and its appendices to ensure consistency.

The initial regulations for the LF Airport Landing Field District Chapter date back to 1964 (under Chapter 18.40 ACC, Ordinance No. 1702), five years prior to the construction of the Auburn Municipal Airport, also known as Dick Scobee Field. The most recent update to the LF District regulations (now Chapter 18.38 ACC) occurred in 1997 (under Ordinance No. 5026). So, while staff strengthened the protection of the airport and its operations in the policy statements of Comprehensive Plan during the 2020 annual amendment cycle, this policy guidance must be implemented by corresponding regulations in the zoning code.

The proposed zoning code amendment was discussed with the City Council at the November 8th study session.

Reviewed by Council Committees:

Councilmember: Stearns

Staff: Tate

Meeting Date: November 15, 2021

Item Number: ORD.B

ORDINANCE NO. 6838

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE REGULATION OF LAND USES ON AND SURROUNDING THE AUBURN MUNICIPAL AIRPORT, AMENDING CHAPTERS 18.38 AND 18.04, AND SECTIONS 18.01.030 AND 18.23.030 OF THE AUBURN CITY CODE; AND, AMENDING THE COMPREHENSIVE ZONING MAP CREATING A NEW AIRPORT OVERLAY

WHEREAS, the Auburn Municipal Airport is classified as a Public-Use, General Aviation Regional-Reliever Airport within the National Plan of Integrated Airport Systems (NPIAS); and

WHEREAS, during Auburn's 2020 annual Comprehensive Plan amendment cycle, the City Council adopted text amendments to the Comprehensive Plan intended to reinforce in the policy language the importance of the airport, and recognize the significant investment that has been made, not only by the Federal Aviation Administration (FAA) and Washington State Department of Transportation (WSDOT), but also by the City; and

WHEREAS, the City of Auburn has regulatory authority over the manner of development occurring within the community, including the ability to plan for, abate, mitigate, and otherwise respond to land use concerns; and

WHEREAS, the most recent update to the regulations governing the airport s occurred in 1997; and

WHEREAS, pursuant to RCW 36.70.547 every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public must, through its comprehensive plan and development regulations, must discourage the siting of incompatible uses adjacent to said airport; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce on August 5, 2021 for comment, and no comments were received by the comment expiration date of October 4, 2021; and

WHEREAS, the code amendments were reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on September 1, 2021, and no comments or appeals were received within the fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed amendments and considered the effect of the changes on public and private property owners at its August 3, 2021 and September 8, 2021 virtual meetings; and

WHEREAS, pursuant to RCW 36.70.547 and 36.70A.510 local jurisdictions are required to formally consult with airport owners, managers, private airport operators, general aviation pilots, ports, and the Aviation Division of WSDOT prior to adoption of comprehensive plan policies or development of regulations that may affect property adjacent to public use airports; and

WHEREAS, a formal consultation with aviation stakeholders and the Aviation Division of WSDOT was held virtually on August 23, 2021; and

WHEREAS, on October 5, 2021 the Planning Commission held a virtual public hearing regarding the proposed amendments, heard and considered public testimony, examined exhibits presented by the city, and afterwards forwarded a recommendation for approval to the City Council. No written comments were offered by the public; and

WHEREAS, the purpose of the amendments offered herein are to ensure safety and the continued operation of the Auburn Municipal Airport.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, DO ORDAIN as follows:

Section 1. **Amendment to City Code.** Chapters 18.38 and 18.04, and Sections 18.01.030 and 18.23.030 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. **Amendment to Comprehensive Zoning Map.** The Comprehensive Zoning Map is amended as shown in Exhibit B.

Section 3. **Implementation.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 4. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____

Chapter 18.38

LF AIRPORT LANDING FIELD DISTRICT, OVERLAY, AND FAR PART 77 SURFACES

Sections:

- 18.38.010 ——— Intent.
- 18.38.020 ——— Purpose.
- 18.38.030020 ——— LF Airport Landing Field District Permitted uUses.
- 18.38.040 ——— LF Airport Landing Field District Development Standards.
- 18.38.050 ——— Airport Overlay Intent and Boundary.
- 18.38.030 ——— ~~Restricted uses.~~
- 18.38.060040 ——— ~~Zones established generally.~~ Airport Overlay Restrictions and Standards. —
- 18.38.070 ——— Federal Aviation Regulations Part 77 Surfaces and Other Surfaces.
- 18.38.050 ——— ~~Approach zone.~~
- 18.38.060 ——— ~~Transitional zone.~~
- 18.38.070 ——— ~~Horizontal zone.~~
- 18.38.080 ——— ~~Conical zone.~~
- 18.38.085 ——— ~~Obstacle free area.~~
- 18.38.090 ——— ~~Height limitations — Generally.~~
- 18.38.100 ——— ~~Height limitations — Noninstrument approach zone.~~
- 18.38.110 ——— ~~Height limitations — Transition zones.~~
- 18.38.120 ——— ~~Height limitations — Horizontal zones.~~
- 18.38.130 ——— ~~Height limitations — Conical zones.~~
- 18.38.080140 ——— ~~Nonconforming uUses, sStructures, and tTrees. — Continuation allowed when.~~
- 18.38.150 ——— ~~Nonconforming structures and trees — Marking and lighting.~~
- 18.38.160 ——— ~~Structure and use permits.~~
- 18.38.170 ——— ~~Nonconforming structures or trees — Alteration.~~
- 18.38.180 ——— ~~Nonconforming structures or trees — Abandoned or destroyed — Permit prohibited.~~
- 18.38.090190 ——— ~~Requirements for vVariances.~~
- 18.38.200 ——— ~~Variance — Grant conditions.~~
- 18.38.100210 ——— ~~Decision aAppeals — Generally.~~

- 18.38.110220 Conflicting Regulations.
- 18.38.120230 Enforcement.
- 18.38.130240 Violation – Penalty.
- ~~18.38.250 Development standards.~~

18.38.010 Purpose.

The provisions of this chapter apply to lands located within the LF Airport Landing Field Zoning District, Airport Zoning Overlay, and Federal Aviation Administration (FAA) Federal Regulation Title 14 Part 77 Imaginary Surfaces (FAR Part 77 Surfaces) and other Surfaces. The airport overlay and the FAR Part 77 Surfaces and other surfaces are supplemental to the existing zoning districts and may be more restrictive than the underlying zoning designation. The restrictions, performance standards, and requirements of the airport overlay shall be in addition to those of the underlying zone and, where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the City Code, State, or federal law, the more restrictive requirement applies.

18.38.010020 Intent.

The intent of this chapter is to provide for the operation and management of the Auburn Municipal Airport. This chapter seeks to apply the City's Comprehensive Plan and to implement certain land use and zoning development standards to reduce or avoid potential for airport related hazards. It is found that an airport hazard endangers the lives and property of users of the municipal airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the municipal airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the municipal airport;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention or the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation

or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. For the purpose of this chapter structure means any object constructed or installed by a human being, including, but not limited to buildings, signs, fences, towers, devices, and overhead transmission lines, and tree means any object of natural growth.

18.38.02030 — LF Airport Landing Field District ~~Permitted uses~~Uses.

A. Permitted Uses. Hereafter the effective date of this ordinance all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

1A. Landing, taking off, taxiing, and flying of aircraft, excluding ultralights as defined by ACC—
8.36.010;

2B. Aviation related business, manufacturing, service-related uses including Bbusinesses incidental to and necessary or convenient for airport operations, including offices, eating establishments, restrooms, hangars, shops for light repairs, gasoline and oil sales and accessory structures; and

3C. Other uses as determined by the Planning Director in consultation with the Airport Manager as defined in Chapter 12.56 ACC hearing examiner to be related to operation and use of the airport.
(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.030 — Restricted uses.

Restricted uses shall be as follows: no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, making it difficult for fliers using the airport, impair visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.040 LF Airport Landing Field District Zoning Development Standards.

Table 18.38.040 Development Standards

<u>A</u>	<u>Minimum lot area (square feet)</u>	<u>None</u>
<u>B</u>	<u>Minimum lot width</u>	<u>None</u>

<u>C</u>	<u>Minimum lot depth</u>	<u>None</u>
<u>D</u>	<u>Minimum lot coverage</u>	<u>None</u>
<u>E</u>	<u>Maximum structure height</u>	<u>45 ft^{1 3}</u>
<u>F</u>	<u>Minimum front setback (feet)</u>	<u>None²</u>
<u>G</u>	<u>Minimum interior side setback (feet)</u>	<u>None</u>
<u>H</u>	<u>Minimum street side setback (feet)</u>	<u>None²</u>
<u>I</u>	<u>Minimum rear setback (feet)</u>	<u>None²</u>
<u>J</u>	<u>Fences</u>	<u>See ACC <u>18.31.020</u>³</u>
<u>K</u>	<u>Landscaping</u>	<u>See Chapter <u>18.50</u> ACC³</u>
<u>L</u>	<u>Parking</u>	<u>See Chapter <u>18.52</u> ACC</u>
<u>M</u>	<u>Signs</u>	<u>See Chapter <u>18.56</u> ACC³</u>
<u>N</u>	<u>Outdoor lighting</u>	<u>See Chapter <u>18.55</u> ACC³</u>

1 Buildings and/or structures necessary for airport operations are exempt from the height requirements of this title when approved by the Airport Manager.

2 Must meet sight distance provisions of the engineering design standards.

3 Except as restricted elsewhere by this chapter.

18.38.050 Airport Overlay Intent and Boundaries.

The purpose of the airport overlay, as identified on the City of Auburn Comprehensive Zoning Map, is to protect the utility and viability of Auburn Airport by discouraging incompatible land uses and requiring the evaluation and consideration of potential safety impacts when siting certain land uses in proximity to the airport. The airport overlay is supplemental to the established zoning districts and may be more restrictive than the underlying zoning district. The overlay is composed of six zones based on use and proximity to the airport runway. The zones were modeled after the WSDOT Aviation Airport Compatibility Zones 1-6, and the Airport's published traffic pattern.

A. Zone 1 - Runway Overlay Zone. Zone 1 is a rectangular area that encompasses the trapezoidal runway protection zone (RPZ) at each end of the runway as shown in the "Auburn Municipal Airport Master Plan," dated May 2015, as may be amended. The purpose of Zone 1 is to maintain areas that are generally free of obstructions and significant concentrations of people. Zone 1 extends one thousand (1,000) feet in length from the ends of the future configuration of Runway 34/16 and is seven hundred and fifty (750) feet in width.

B. Zone 2 - Inner Safety Zone. Zone 2 is a rectangular area that extends beyond Zone 1 along the extension of the runway centerline. Next to the Zone 1 it represents the area where the risk of aircraft accidents is the greatest. This zone extends one thousand five hundred (1,500) feet from Zone 1 and is seven hundred and fifty feet (750) in width.

C. Zone 3 – Inner Turning Zone. Zone 3 is defined by a triangular shaped area that is positioned along each side of Zones 1 and 2. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well. This zone extends three thousand (3,000) feet from the Zone 3 vertex offsets (a point that is on the runway centerline) and inward within a thirty degree sector towards the extended runway centerline.

D. Zone 4 - Outer Safety Zone. Zone 4 is a rectangular area that lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in, overfly this area at low altitude. This zone is particularly significant on runways where airport operations use instrument procedures and at busy airports where elongated traffic patterns are common. This zone extends two thousand five hundred (2,500) feet beyond Zone 3 and is five hundred (500) feet in width.

E. Zone 5 - Sideline Safety Zone. Zone 5 consists of narrow bands along each side of the runway and encompasses the Object Free Area (OFA), as defined by the Airport Master Plan, dated 2015, as may be amended}. This zone is defined by a five hundred (500) foot centerline offset on each side of the runway. Aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after take-off.

F. Zone 6 – Airport Operations Zone. Zone 6 contains the remainder of the airport environment where aircraft fly as they approach and depart the airport. This zone extends six thousand five hundred (6,500) feet in length from the Zone 3 vertex offsets and six thousand (6,000) feet in width from the runway centerline.

ircraft

18.38.060 Airport Overlay Restrictions and Standards.

A. Zones 1 and 2. The following regulations shall apply within the boundaries of Zones 1 and 2:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zones 1 and 2:

- a. Multiple-family dwellings, stand-alone;
- b. Mixed-Use development;
- c. Nursing home;
- d. Assisted living facility;
- e. Supportive housing;
- f. Hospitals;
- g. Senior housing;
- h. Schools, elementary, middle/junior high, and secondary or high school;
- i. Daycare center and nursery schools/preschools;
- j. Detached single-family dwellings, except caretakers quarters; and
- k. Other uses, similar to those above, or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has the potential to interfere with the airport, airport traffic patterns, and aircraft operations.

2. The following standards apply in Zones 1 and 2:

- a. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an avigation easement to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.
- b. No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft, or aircraft to aircraft.

~~18.38.030 Restricted uses.~~

- c. ~~Restricted uses shall be as follows:~~No structure or tree shall be placed, erected, or allowed to grow ~~no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, that makesing it difficult for fliers usingpilots the airport~~ to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (~~Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.~~)
- b.d. No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.
- e. No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.
- f. In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the SWMM, as defined in ACC 12.04.010(B).

B. Zone 3. The following regulations shall apply within the boundary of Zone 3:

1. The new uses contained in (A)(1) are prohibited in Zone 3.
2. The standards of (A)(2)(a) through (d) apply.

C. Zone 4. The following regulations shall apply with the boundary of Zone 4:

1. The standards of (A)(2)(a) through (d) apply.

D. Zone 5. The following regulations shall apply within the boundary of Zone 5:

1. The standards of (A)(2)(a) through (f) apply.

E. Zone 6. The following regulations shall apply within the boundary of Zone 6:

1. The standards of (A)(2)(b) and (c) apply.

2. All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

18.38.040070 Federal Aviation Regulations (FAR) Part 77 Surfaces and Other Surfaces. Zones established generally.

A. In order to carry out the provisions purpose and intent of this chapter, there are created and established certain— zones—surfaces, including: which include all of the land lying within the primary surface, non-instrument approach surfacezone, transition surfacezone, horizontal surfacezone, conical surfacezone, as well as the Terminal Instrument Procedures (TERPS) airspace surfaces. —and obstacle— free areasThese. Such areas and zones—surfaces, with exception of the TERPS, are shown on the “City of Auburn Municipal Airport Master Plan Update, 1993-2013, dated February 1995, and the Federal Air Regulations (FAR) Part 77 drawing, as amended, which is on file in the city clerk's office. Other surfaces not provided for here, are included in the “Auburn Municipal Airport Layout Plan”, dated May 2015, as may be amended. The surfaces defined for the runway summarized below are consistent with the currently adopted airport layout plan (ALP) and FAR Part 77 Airspace Plan drawings for the airport. — The various zones are established and defined as follows in ACC 18.38.050 through 18.38.085. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

1. Primary surface.

The primary surface, is centered on top of the runway and extends two hundred feet beyond each end. The primary surface is longitudinally centered on the runway with a width of two hundred and fifty (250) feet and extends two hundred (200) feet beyond each end of the runway. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.) (250)(1,000)—

18.38.0502. —Approach zone—surface.

A non-instrument approach surface is established at each end of all non-instrument runways for landings and takeoffs. The inner width of the approach surface is two hundred and fifty (250) feet

at a distance of two hundred (200) feet beyond the physical end of the runway, and it expands uniformly to a width of one thousand, and two hundred and fifty (1,250) feet. This approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). The elevation of the inner width of the approach surface is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0603.~~ Transitional zone surface.

The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from a line one hundred and twenty five (125) feet from the runway centerline or runway end and from the sides of the approach surfaces. The elevation of the line one hundred and twenty five (125) feet from the runway centerline or runway centerline extended for two hundred (200) feet beyond each runway end is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0704.~~ Horizontal zone surface.

A horizontal surface is established above the airport. This horizontal surface is a plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by ~~swinging arcs which~~ swing five thousand (5,000) feet in a radius from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. ~~The primary surface is longitudinally centered on the runway with a width of 250 feet and extends 200 feet beyond each end of the runway.~~ (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0805. ———Conical zone surface.~~

A conical surface is established which extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand [4,000] feet.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

6. Terminal Instrument Procedures (TERPS) Surfaces.

Airspace surfaces associated with instrument approach and departure of aircraft to and from the
airport as determined by the Airport Manager.

~~18.38.085 —Obstacle free area.~~

An area extending 250 feet either side of the runway and 600 feet off either end of the runway. The ~~obstacle free area (OFA) must be kept clear of any structures, fencing, landscaping, parking, or vehicular circulation not directly related to aircraft operations at the Auburn Municipal Airport.~~

~~(Ord. 5026 § 1, 1997.)~~

~~18.38.090B. —Height limitations – Established Generally.~~

Except as otherwise provided in this chapter, no structure or tree shall be permitted, approved, erected, altered, allowed to grow, or maintained in any zone surface created in this chapter to have a height in excess of the height limits established in ACC 18.38.100 through 18.38.130 for such zone below.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.1001. ———Height limitations – Noninstrument approach zone~~Approach Surface (Non-
instrument).

The height limitations for non-instrument approach surfaces begin at a point two hundred (200) feet from and at the centerline elevation of the end of the runway and extend for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1102. ———Height limitations – Transition zones.~~Transition surface.

The height limitations for transition zones shall be as follows: One foot in height for each seven feet in horizontal distance beginning at any point one hundred and twenty five (125) feet normal to and at the elevation of the centerline of non-instrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred and fifty (150) feet above the airport elevation which is sixty three (63)~~59~~ feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1203.~~ ~~Height limitations – Horizontal zones~~ Horizontal surface.

The height limitation for a horizontal zone shall be as follows: one hundred and fifty (150) feet above the airport elevation or a height of two hundred and thirteen (213)~~209~~ feet above mean sea level. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1304.~~ ~~Height limitations – Conical zones~~ Conical surface.

The conical surface involves a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet. The relative difference in elevation between the inner and outer edge of the conical surface is two hundred (200) feet. The elevation of the outer edge of the conical surface is three hundred and fifty (350) ~~300~~ feet above the established airport elevation. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Height limitations – Compliance. Where the height of any new structure or tree, has the potential to exceed the surfaces established in ACC 18.38.070(A), applicants must demonstrate compliance with the height limitation. Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with contain sufficient information to permit it to be determined whether the resulting use, structure or tree would conform to the regulations therein prescribed. If such determination is in the affirmative, the permit shall be granted

1. The Planning Director in consultation with the Airport Manager may require one or all of the following documentation to demonstrate compliance with the surfaces established in ACC 18.38.070(A):

- a. A certificate from a Washington state licensed professional, engineer, or land surveyor, stating that no airspace obstruction will result from the proposed structure or tree being constructed or installed.
- b. The maximum elevation of proposed structures based on the established airport elevation.
- c. Prepare and submit FAA Form 7460 "Notice of Proposed Construction or Alteration".
- d. Other documentation as determined by the Airport Manager.

D. Height limitations – Mitigation and Maintenance. Where the height of any new structure or tree, exceeds the surfaces established in ACC 18.38.070(A), applicants will be responsible for the following mitigation and ongoing maintenance activities:

- 1. The Airport Manager may require the installation of markers and lights or markers as a warning to aircraft. The markers and lights shall meet FAA specifications, be installed, operated, and maintained at the expense of the owner of the structure. A public maintenance easement granting city access to the markers and lights shall be required.
- 2. Trees shall be maintained such that they do not penetrate the airspace.
- 3. Exceptions may include the following:
 - a. Because of natural terrain, land contour, or topographic features, a structure or object would extend above the height limits of each surface.
 - b. Structures necessary and incidental to airport operations.

18.38.08140 Nonconforming structures, trees, and uses. ~~structures and trees~~

~~Continuation allowed when.~~

A. Applicability. This section describes the circumstances in which a structure, tree, or use is considered nonconforming and when nonconforming provisions apply. Any structure or tree that legally existed prior to the regulations as of March 22, 1969 is considered nonconforming. Any use in ACC 18.38.030 that legally existed prior to the effective date of this ordinance is considered nonconforming. Any use in ACC 18.38.060 that legally existed prior to the effective date of this ordinance is not considered nonconforming. Nonconforming structures, trees, and uses are generally exempt from this chapter

except as may be compelled by state or federal regulations or if it loses its nonconforming status pursuant to the regulations contained in this section. ~~The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of March 22, 1969, or otherwise interfere with the continuance of any nonconforming use. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.150~~ ~~Nonconforming structures and trees~~ — B. Marking and lighting.

Notwithstanding the provisions of ACC ~~18.38.070(A)~~ ~~18.38.140~~, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such aircraft hazards. Such markers and lights shall meet FAA specifications, —be installed at City cost to the City, and operated and maintained by the city. ~~City.~~ A public maintenance easement agreement granting city access shall be required. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Alteration. Alteration of nonconforming structures, trees, and uses are subject to the following regulations.

1. Nonconforming structures may be maintained, repaired, restored, added onto, enlarged, or relocated in accordance with the provisions of ACC 18.54.060. A nonconforming structure that is restored or repaired at a valuation exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, relocated, enlarged, or added onto must conform to ACC 18.38.070.
2. Nonconforming uses may continue subject to the provisions of Chapter 18.54 ACC.
3. Nonconforming signs shall be subject to the nonconforming provisions of Chapter 18.56 ACC. A nonconforming sign that is enlarged, made taller, relocated, or loses its nonconforming status per ACC 18.56.030(J), must conform to ACC 18.38.070.
4. Alteration of a nonconforming tree, including replacement, replanting and trimming, must conform to ACC 18.38.070.
5. Notwithstanding the provisions of ACC 18.38.080(C)(1) through (4), ~~—No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.~~ (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. Abatement. Nonconforming structures and uses shall be abated according to the provisions of ACC 18.54.070. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with tree that conforms to ACC 18.38.070.

~~18.38.160 — Structure and use permits.~~

~~Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use, structure or tree would conform to the regulations therein prescribed. If such determination is in the affirmative, the permit shall be granted.~~

~~A. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.~~

~~B. In the area lying within the limits of the noninstrument approach surface but at a horizontal distance of not less than 5,000 feet from a point 200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such trees or structures would extend above the height limit prescribed for such noninstrument approach zone.~~

~~C. The transitional surface does not extend beyond the perimeter of the horizontal surface. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.170 — Nonconforming structures or trees — Alteration.~~

~~A. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the airport manager and, if applicable, the building official.~~

~~B. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.180 — Nonconforming structures or trees — Abandoned or destroyed — Permit prohibited.~~

~~Whenever the airport manager determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.190~~090 Variances. Requirements for variances.

~~A. Requirements. If the applicant seeks a variance to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, the variance shall be subject to the criteria contained in ACC 18.70.010 and processed according to the applicable provisions of Chapter 18.70 ACC. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, may apply to the hearing examiner for a variance from such regulation. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation should result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.200 — Variance — Grant conditions.~~

~~B. Approval conditions. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the~~

owner of the structure or tree requesting a variance to install, operate and maintain at their own expense such markers and lights as determined by the Airport Manager ~~may be necessary~~ to indicate to aircraft operators ~~fliers~~ the presence of an airport hazard. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.210~~100 Decision appeals – Generally.

Any person aggrieved, or any property owner ~~taxpayer~~ affected, by any decision of the city made in its administration of this chapter may appeal to the hearing examiner. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.220~~110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.230~~120 Enforcement.

It shall be the duty of the ~~airport manager and building official~~ Department of Public Works and the Department of Community Development to administer and enforce the regulations prescribed in this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.240~~130 Violation – Penalty.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor and is punishable as provided in ACC [1.24.010](#). Each day a violation continues to exist constitutes a separate offense. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.250~~ — Development standards.

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

- ~~A. Minimum lot area: none required;~~
- ~~B. Minimum lot width: none required;~~
- ~~C. Minimum lot depth: none required;~~
- ~~D. Maximum lot coverage: none required;~~

- ~~E. Maximum building height: 45 feet, except as restricted elsewhere by this chapter;~~
- ~~F. Minimum yard setbacks:~~
 - ~~1. Front: 20 feet,~~
 - ~~2. Side, interior: none required,~~
 - ~~3. Side, street: 15 feet,~~
 - ~~4. Rear: none required;~~
- ~~G. Fences and hedges: see Chapter 18.31 ACC;~~
- ~~H. Parking: see Chapter 18.52 ACC;~~
- ~~I. Landscaping: see Chapter 18.50 ACC;~~
- ~~J. Signs: see Chapter 18.56 ACC. (Ord. 5777 § 1, 2003; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

Chapter 18.01 USER GUIDE

18.01.030 How do I determine what uses are allowed on a particular property?

The first step in determining allowed uses is verifying the zoning on the property, which can be done by speaking with city of Auburn planning department staff or by consulting the city's official zoning map.

When verifying a property's zoning, it is also important to note any overlays that may be marked on the zoning map. Overlays may have additional requirements or otherwise modify the allowed uses and development standards for a zone. The overlay R regulations for overlays, such as those established for Lea Hill, West Hill, and designated urban separator areas, are contained in Chapter 18.21 ACC, and for the airport are contained in Chapter 18.38 ACC.-

The sections devoted to particular zones described on the zoning map form the framework of the zoning code. Each of these sections contains the intent statement for the particular zone, a table of allowed uses, as well as tables for dimensional standards (building height, setbacks, and lot coverage) and cross-references to other standards such as landscaping and parking requirements. It is important to note that each section contains only regulations that apply specifically to that zone, and development standards that apply to all zones are addressed through cross-references to other chapters of the zoning code. (Ord. 6245 § 1, 2009.)

Chapter 18.04

DEFINITIONS

18.04.039 Aircraft Operations.

The movement of aircraft operating in the airport traffic pattern or within sight of the airport. A landing or takeoff is one operation. An aircraft that takes off and then lands creates two aircraft operations.

18.04.072 Airport Manager.

See definition in Chapter 12.56 ACC.

18.04.040 Airport, heliport or aircraft landing field.

“Airport,” “heliport,” or “aircraft landing field” means any runway, landing area or other facility whether publicly or privately owned or operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, ~~including ultralights as defined by ACC 8.36.010.~~ This definition includes all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. This definition does not include manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith

18.04.365 FAR Part 77 Surfaces.

The Federal Aviation Administration’s Federal Aviation Regulations (FAR) Part 77 Surfaces are the imaginary airspace surfaces established with any relation to each runway of an airport. There are five types of surfaces: (1) primary, (2) approach, (3) transitional, (4) horizontal, and (5) conical. These surfaces are above and around airports and require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and persons on the ground. An object or structure with an elevation higher than the FAR Part 77 surface elevation is considered to penetrate the FAR Part 77 Surfaces and constitute an obstruction to navigable airspace. Navigable airspace is defined by the FAA pursuant to Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces.

18.04.676.1 Overlay Zone. “Overlay zone” is supplemental to the underlying zoning district and may establish additional or stricter standards and criteria for properties in addition to those of the underlying zoning district.

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

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	

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
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)

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	
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 (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	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	

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	
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									

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	
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)
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,	A	P	P	P	P	P	P	X	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
preschools or nursery schools									
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	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	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	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*	*	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.

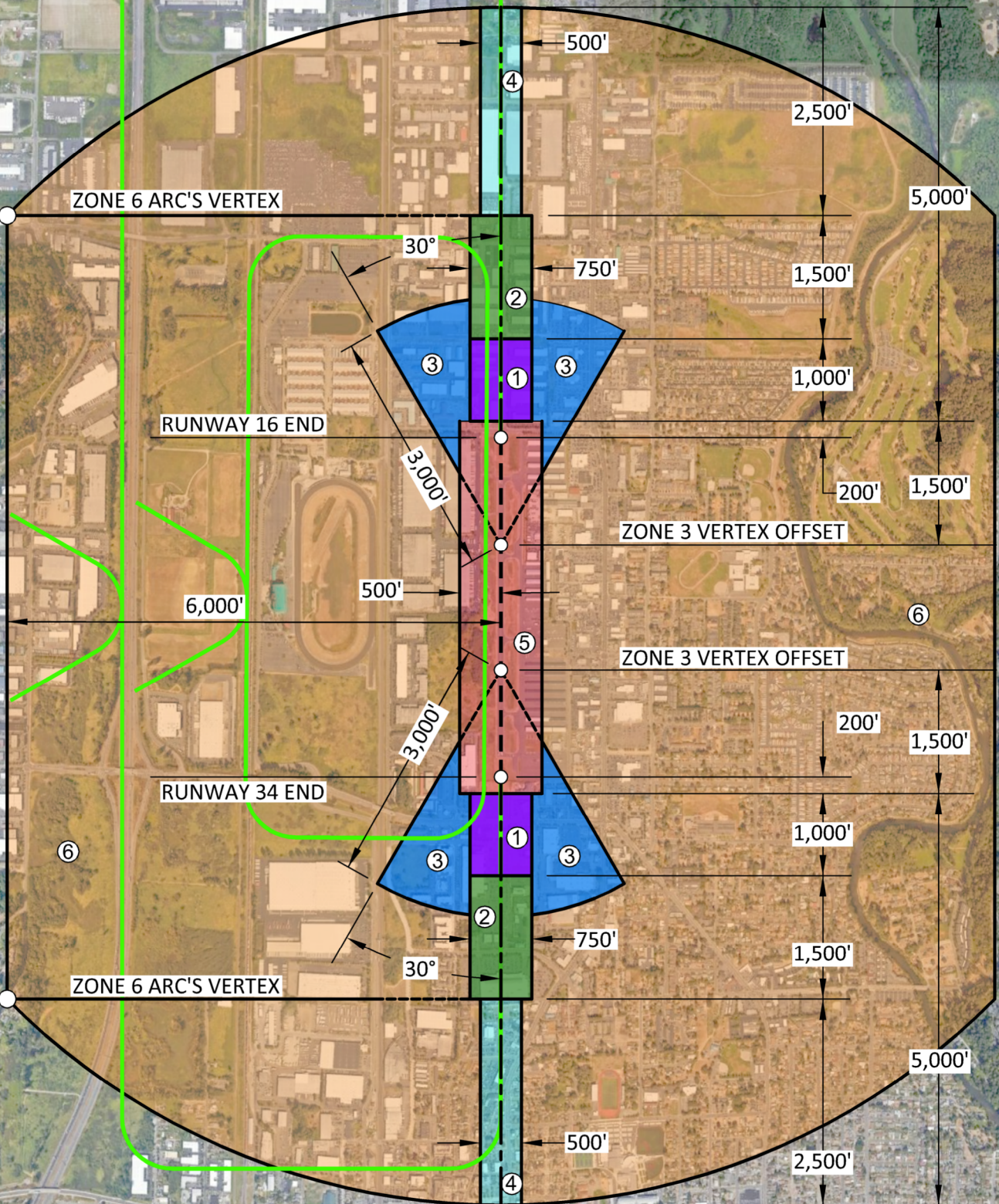
PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Eligible facilities request (EFR) (wireless communications facility) (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	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)
Fueling station	X	A	A	P	P	P	X	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales	X	X	X	P	X	P	X	P	
Vehicle services – Repair/body work	X	X	A	P	X	P	X	P	ACC 18.57.050(D)
OTHER									
Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or	A	A	A	A	A	A	A	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	
Monday – Saturday: 7:00 a.m. to 10:00 p.m.									
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. 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.)



	RUNWAY OVERLAY ZONE	①		OUTER SAFETY ZONE	④
	INNER SAFETY ZONE	②		SIDELINE SAFETY ZONE	⑤
	INNER TURNING ZONE	③		AIRPORT OPERATIONS ZONE	⑥

REV. DATE 8/2/21



LEGEND

- RUNWAY
- AIRPORT TRAFFIC PATTERN
(PATH OF THE GREEN LINE)

NOTE:

1. AIRPORT COMPATIBILITY ZONES BASED ON AIRPORT LAYOUT PLAN
4,118' RUNWAY LENGTH; AS-BUILT (2020)

Chapter 18.38

LF AIRPORT LANDING FIELD DISTRICT, OVERLAY, AND FAR PART 77 SURFACES

Sections:

- 18.38.010 Intent.
- 18.38.020 Purpose.
- 18.38.030 LF Airport Landing Field District Permitted Uses.
- 18.38.040 LF Airport Landing Field District Development Standards.
- 18.38.050 Airport Overlay Intent and Boundary.
- 18.38.060 Airport Overlay Restrictions and Standards.
- 18.38.070 Federal Aviation Regulations Part 77 Surfaces and Other Surfaces.
- 18.38.080 Nonconforming Uses, Structures, and Trees.
- 18.38.090 Variances.
- 18.38.100 Decision Appeals – Generally.
- 18.38.110 Conflicting Regulations.
- 18.38.120 Enforcement.
- 18.38.130 Violation – Penalty.

18.38.010 Purpose.

The provisions of this chapter apply to lands located within the LF Airport Landing Field Zoning District, Airport Zoning Overlay, and Federal Aviation Administration (FAA) Federal Regulation Title 14 Part 77 Imaginary Surfaces (FAR Part 77 Surfaces) and other Surfaces. The airport overlay and the FAR Part 77 Surfaces and other surfaces are supplemental to the existing zoning districts and may be more restrictive than the underlying zoning designation. The restrictions, performance standards, and requirements of the airport overlay shall be in addition to those of the underlying zone and, where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the City Code, State, or federal law, the more restrictive requirement applies.

18.38.020 Intent.

The intent of this chapter is to apply the City's Comprehensive Plan and to implement certain land use and zoning development standards to reduce or avoid potential for airport related hazards. It is found that an airport hazard endangers the lives and property of users of the municipal airport and of

occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the municipal airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the municipal airport;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention or the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)
- D. For the purpose of this chapter structure means any object constructed or installed by a human being, including, but not limited to buildings, signs, fences, towers, devices, and overhead transmission lines, and tree means any object of natural growth.

18.38.030 LF Airport Landing Field District Uses.

A. Permitted Uses. Hereafter the effective date of this ordinance all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

1. Landing, taking off, taxiing, and flying of aircraft;
2. Aviation related business, manufacturing, service-related uses including businesses incidental to and necessary or convenient for airport operations, including offices, eating establishments, restrooms, hangars, shops for light repairs, gasoline and oil sales and accessory structures; and
3. Other uses as determined by the Planning Director in consultation with the Airport Manager as defined in Chapter 12.56 ACC to be related to operation and use of the airport. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.040 LF Airport Landing Field District Zoning Development Standards.

Table 18.38.040 Development Standards

A	Minimum <u>lot area</u> (square feet)	None
B	Minimum lot width	None
C	Minimum lot depth	None
D	Minimum lot coverage	None
E	Maximum structure height	45 ft ¹³
F	Minimum <u>front setback</u> (feet)	None ²
G	Minimum interior <u>side setback</u> (feet)	None
H	Minimum street <u>side setback</u> (feet)	None ²
I	Minimum <u>rear setback</u> (feet)	None ²
J	<u>Fences</u>	See ACC <u>18.31.020</u> ³
K	<u>Landscaping</u>	See Chapter <u>18.50</u> ACC ³
L	Parking	See Chapter <u>18.52</u> ACC

M	<u>Signs</u>	See Chapter <u>18.56</u> ACC ³
N	Outdoor lighting	See Chapter <u>18.55</u> ACC ³

1 Buildings and/or structures necessary for airport operations are exempt from the height requirements of this title when approved by the Airport Manager._

2 Must meet sight distance provisions of the engineering design standards.

3 Except as restricted elsewhere by this chapter.

18.38.050 Airport Overlay Intent and Boundaries.

The purpose of the airport overlay, as identified on the City of Auburn Comprehensive Zoning Map, is to protect the utility and viability of Auburn Airport by discouraging incompatible land uses and requiring the evaluation and consideration of potential safety impacts when siting certain land uses in proximity to the airport. The airport overlay is supplemental to the established zoning districts and may be more restrictive than the underlying zoning district. The overlay is composed of six zones based on use and proximity to the airport runway. The zones were modeled after the WSDOT Aviation Airport Compatibility Zones 1-6, and the Airport's published traffic pattern.

A. Zone 1 - Runway Overlay Zone. Zone 1 is a rectangular area that encompasses the trapezoidal runway protection zone (RPZ) at each end of the runway as shown in the "Auburn Municipal Airport Master Plan," dated May 2015, as may be amended. The purpose of Zone 1 is to maintain areas that are generally free of obstructions and significant concentrations of people. Zone 1 extends one thousand (1,000) feet in length from the ends of the future configuration of Runway 34/16 and is seven hundred and fifty (750) feet in width.

B. Zone 2 - Inner Safety Zone. Zone 2 is a rectangular area that extends beyond Zone 1 along the extension of the runway centerline. Next to the Zone 1 it represents the area where the risk of aircraft accidents is the greatest. This zone extends one thousand five hundred (1,500) feet from Zone 1 and is seven hundred and fifty feet (750) in width.

C. Zone 3 – Inner Turning Zone. Zone 3 is defined by a triangular shaped area that is positioned along each side of Zones 1 and 2. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well. This zone extends three thousand (3,000) feet from the Zone 3 vertex offsets (a point that is on

the runway centerline) and inward within a thirty degree sector towards the extended runway centerline.

D. Zone 4 - Outer Safety Zone. Zone 4 is a rectangular area that lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in, overfly this area at low altitude. This zone is particularly significant on runways where airport operations use instrument procedures and at busy airports where elongated traffic patterns are common. This zone extends two thousand five hundred (2,500) feet beyond Zone 3 and is five hundred (500) feet in width.

E. Zone 5 - Sideline Safety Zone. Zone 5 consists of narrow bands along each side of the runway and encompasses the Object Free Area (OFA), as defined by the Airport Master Plan, dated 2015, as may be amended. This zone is defined by a five hundred (500) foot centerline offset on each side of the runway. Aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after takeoff.

F. Zone 6 – Airport Operations Zone. Zone 6 contains the remainder of the airport environment where aircraft fly as they approach and depart the airport. This zone extends six thousand five hundred (6,500) feet in length from the Zone 3 vertex offsets and six thousand (6,000) feet in width from the runway centerline.

18.38.060 Airport Overlay Restrictions and Standards.

A. Zones 1 and 2. The following regulations shall apply within the boundaries of Zones 1 and 2:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zones 1 and 2:

- a. [Multiple-family dwellings](#), stand-alone;
- b. [Mixed-Use development](#);
- c. [Nursing home](#);
- d. [Assisted living facility](#);
- e. Supportive housing;
- f. [Hospitals](#);
- g. [Senior housing](#);
- h. Schools, [elementary, middle/junior high](#), and [secondary or high school](#);
- i. [Daycare center and nursery schools/preschools](#);
- j. [Detached single-family dwellings](#), except caretakers quarters; and
- k. Other uses, similar to those above, or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has the potential to interfere with the airport, airport traffic patterns, and aircraft operations.

2. The following standards apply in Zones 1 and 2:

- a. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an aviation easement to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.
- b. No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft, or aircraft to aircraft.
- c. No structure or tree shall be placed, erected, or allowed to grow that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft.

- d. No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.
- e. No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.
- f. In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the SWMM, as defined in ACC 12.04.010(B).

B. Zone 3. The following regulations shall apply within the boundary of Zone 3:

- 1. The new uses contained in (A)(1) are prohibited in Zone 3.
- 2. The standards of (A)(2)(a) through (d) apply.

C. Zone 4. The following regulations shall apply with the boundary of Zone 4:

- 1. The standards of (A)(2)(a) through (d) apply.

D. Zone 5. The following regulations shall apply within the boundary of Zone 5:

- 1. The standards of (A)(2)(a) through (f) apply.

E. Zone 6. The following regulations shall apply within the boundary of Zone 6:

- 1. The standards of (A)(2)(b) and (c) apply.
- 2. All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

18.38.070 Federal Aviation Regulations (FAR) Part 77 Surfaces and Other Surfaces.

A. In order to carry out the purpose and intent of this chapter, there are created and established certain surfaces, including: all of the land lying within the primary surface, non-instrument approach surface,

transition surface, horizontal surface, conical surface, as well as the Terminal Instrument Procedures (TERPS) airspace surfaces. These surfaces, with exception of the TERPS, are shown on the FAR Part 77 drawing, as amended, which is on file in the city clerk's office. Other surfaces not provided for here, are included in the "Auburn Municipal Airport Layout Plan", dated May 2015, as may be amended. The surfaces defined for the runway summarized below are consistent with the currently adopted airport layout plan (ALP) and FAR Part 77 Airspace Plan drawings for the airport.

1. Primary surface. The primary surface, is centered on top of the runway and extends two hundred feet beyond each end. The primary surface is longitudinally centered on the runway with a width of two hundred and fifty (250) feet and extends two hundred (200) feet beyond each end of the runway. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)
2. Approach surface. A non-instrument approach surface is established at each end of all non-instrument runways for landings and takeoffs. The inner width of the approach surface is two hundred and fifty (250) feet at a distance of two hundred (200) feet beyond the physical end of the runway, and it expands uniformly to a width of one thousand, two hundred and fifty (1,250) feet. This approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). The elevation of the inner width of the approach surface is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)
3. Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from a line one hundred and twenty five (125) feet from the runway centerline or runway end and from the sides of the approach surfaces. The elevation of the line one hundred and twenty five (125) feet from the runway centerline or runway centerline extended for two hundred (200) feet beyond each runway end is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

4. Horizontal surface. A horizontal surface is established above the airport. This horizontal surface is a plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by arcs which swing five thousand (5,000) feet in a radius from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

5. Conical surface. A conical surface is established which extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

6. Terminal Instrument Procedures (TERPS) Surfaces. Airspace surfaces associated with instrument approach and departure of aircraft to and from the airport as determined by the Airport Manager.

B. Height limitations – Established. Except as otherwise provided in this chapter, no structure or tree shall be permitted, approved, erected, altered, allowed to grow, or maintained in any surface created in this chapter to have a height in excess of the height limits established below.

1. Approach Surface (Non-instrument). The height limitations for non-instrument approach surfaces begin at a point two hundred (200) feet from and at the centerline elevation of the end of the runway and extend for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

2. Transition surface. The height limitations for transition zones shall be as follows: One foot in height for each seven feet in horizontal distance beginning at any point one hundred and twenty five (125) feet normal to and at the elevation of the centerline of non-instrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred and fifty (150) feet above the airport elevation which is sixty three (63) feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

3. Horizontal surface. The height limitation for a horizontal zone shall be as follows: one hundred and fifty (150) feet above the airport elevation or a height of two hundred and thirteen (213) feet above mean sea level. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

4. Conical surface. The conical surface involves a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet. The relative difference in elevation between the inner and outer edge of the conical surface is two hundred (200) feet. The elevation of the outer edge of the conical surface is three hundred and fifty (350) feet above the established airport elevation. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Height limitations – Compliance. Where the height of any new structure or tree, has the potential to exceed the surfaces established in ACC 18.38.070(A), applicants must demonstrate compliance with the height limitation. Each application for a permit shall contain sufficient information to determine whether the resulting structure or tree will conform to the regulations herein prescribed.

1. The Planning Director in consultation with the Airport Manager may require one or all of the following documentation to demonstrate compliance with the surfaces established in ACC 18.38.070(A):

- a. A certificate from a Washington state licensed professional, engineer, or land surveyor, stating that no airspace obstruction will result from the proposed structure or tree being constructed or installed.
- b. The maximum elevation of proposed structures based on the established airport elevation.
- c. Prepare and submit FAA Form 7460 “Notice of Proposed Construction or Alteration”.
- d. Other documentation as determined by the Airport Manager.

D. Height limitations – Mitigation and Maintenance. Where the height of any new structure or tree, exceeds the surfaces established in ACC 18.38.070(A), applicants will be responsible for the following mitigation and ongoing maintenance activities:

1. The Airport Manager may require the installation of markers and lights or markers as a warning to aircraft. The markers and lights shall meet FAA specifications, be installed, operated, and maintained at the expense of the owner of the structure. A public maintenance easement granting city access to the markers and lights shall be required.
2. Trees shall be maintained such that they do not penetrate the airspace.
3. Exceptions may include the following:
 - a. Because of natural terrain, land contour, or topographic features, a structure or object would extend above the height limits of each surface.
 - b. Structures necessary and incidental to airport operations.

18.38.080 Nonconforming structures, trees, and uses.

A. Applicability. This section describes the circumstances in which a structure, tree, or use is considered nonconforming and when nonconforming provisions apply. Any structure or tree that legally existed prior to the regulations as of March 22, 1969 is considered nonconforming. Any use in ACC 18.38.030 that legally existed prior to the effective date of this ordinance is considered nonconforming. Any use in ACC 18.38.060 that legally existed prior to the effective date of this ordinance is not considered nonconforming. Nonconforming structures, trees, and uses are generally exempt from this chapter except as may be compelled by state or federal regulations or if it loses its nonconforming status pursuant to the regulations contained in this section.

B. Marking and lighting. Notwithstanding the provisions of ACC 18.38.070(A), the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such aircraft hazards. Such markers and lights shall meet FAA specifications, be installed at City cost, and operated and maintained by the City. A public maintenance easement agreement granting city access shall be required. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Alteration. Alteration of nonconforming structures, trees, and uses are subject to the following regulations.

1. Nonconforming structures may be maintained, repaired, restored, added onto, enlarged, or relocated in accordance with the provisions of ACC 18.54.060. A nonconforming structure that is restored or repaired at a valuation exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, relocated, enlarged, or added onto must conform to ACC 18.38.070.
2. Nonconforming uses may continue subject to the provisions of Chapter 18.54 ACC.
3. Nonconforming signs shall be subject to the nonconforming provisions of Chapter 18.56 ACC. A nonconforming sign that is enlarged, made taller, relocated, or loses its nonconforming status per ACC 18.56.030(J), must conform to ACC 18.38.070.
4. Alteration of a nonconforming tree, including replacement, replanting and trimming, must conform to ACC 18.38.070.
5. Notwithstanding the provisions of ACC 18.38.080(C)(1) through (4), no permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation.

D. Abatement. Nonconforming structures and uses shall be abated according to the provisions of ACC 18.54.070. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with tree that conforms to ACC 18.38.070.

18.38.090 Variances.

A. Requirements. If the applicant seeks a variance to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed

in this chapter, the variance shall be subject to the criteria contained in ACC 18.70.010 and processed according to the applicable provisions of Chapter 18.70 ACC.

B. Approval conditions. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree requesting a variance to install, operate and maintain at their own expense such markers and lights as determined by the Airport Manager to indicate to aircraft operators the presence of an airport hazard. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.100 Decision appeals – Generally.

Any person aggrieved, or any property owner affected, by any decision of the city made in its administration of this chapter may appeal to the hearing examiner. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.110 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.120 Enforcement.

It shall be the duty of the Department of Public Works and the Department of Community Development to administer and enforce the regulations prescribed in this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.130 Violation – Penalty.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor and is punishable as provided in ACC [1.24.010](#). Each day a violation continues to exist constitutes a separate offense. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

Chapter 18.01 USER GUIDE

18.01.030 How do I determine what uses are allowed on a particular property?

The first step in determining allowed uses is verifying the zoning on the property, which can be done by speaking with city of Auburn planning department staff or by consulting the city's official zoning map.

When verifying a property's zoning, it is also important to note any overlays that may be marked on the zoning map. Overlays may have additional requirements or otherwise modify the allowed uses and development standards for a zone. The overlay regulations established for Lea Hill, West Hill, and designated urban separator areas, are contained in Chapter 18.21 ACC, and for the airport are contained in Chapter 18.38 ACC.

The sections devoted to particular zones described on the zoning map form the framework of the zoning code. Each of these sections contains the intent statement for the particular zone, a table of allowed uses, as well as tables for dimensional standards (building height, setbacks, and lot coverage) and cross-references to other standards such as landscaping and parking requirements. It is important to note that each section contains only regulations that apply specifically to that zone, and development standards that apply to all zones are addressed through cross-references to other chapters of the zoning code. (Ord. 6245 § 1, 2009.)

Chapter 18.04 DEFINITIONS

18.04.039 Aircraft Operations.

The movement of aircraft operating in the airport traffic pattern or within sight of the airport. A landing or takeoff is one operation. An aircraft that takes off and then lands creates two aircraft operations.

18.04.072 Airport Manager.

See definition in Chapter 12.56 ACC.

18.04.040 Airport, heliport or aircraft landing field.

“Airport,” “heliport,” or “aircraft landing field” means any runway, landing area or other facility whether publicly or privately owned or operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft. This definition includes all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. This definition does not include manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith

18.04.365 FAR Part 77 Surfaces.

The Federal Aviation Administration’s Federal Aviation Regulations (FAR) Part 77 Surfaces are the imaginary airspace surfaces established with any relation to each runway of an airport. There are five types of surfaces: (1) primary, (2) approach, (3) transitional, (4) horizontal, and (5) conical. These surfaces are above and around airports and require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and persons on the ground. An object or structure with an elevation higher than the FAR Part 77 surface elevation is considered to penetrate the FAR Part 77 Surfaces and constitute an obstruction to navigable airspace. Navigable airspace is defined by the FAA pursuant to Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces.

18.04.676.1 Overlay Zone. “Overlay zone” is supplemental to the underlying zoning district and may establish additional or stricter standards and criteria for properties in addition to those of the underlying zoning district.

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

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

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	
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 (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	

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									

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	
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	
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

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	
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	

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	
Medical – Dental clinic	P	P	P	P	P	P	X	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	X	X	
Personal service shops	P	P	P	P	P	P	X	X	
Pharmacies	P	P	P	P	P	X	X	X	
Print and copy shop	P	P	P	P	P	P	X	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	P	P	
Professional offices	P	P	P	P	P	P	P	P	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	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	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

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, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless 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	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)

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	
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. 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.)

September 3, 2021

City of Auburn
25 West Main Street
Auburn, WA 98002

RE: City of Auburn Aviation Consultation

Dear Alexandria Teague:

This correspondence is to confirm that the City of Auburn has formally consulted with the Washington State Department of Transportation (WSDOT) Aviation Division regarding the comprehensive plan update. WSDOT appreciates the city's efforts and recognizes the substantial time and resources this represents.

RCW 36.70.547 and 36.70A.510 requires local jurisdictions to formally consult with airport owners, managers, private airport operators, general aviation pilots, ports, and the Aviation Division of WSDOT prior to adoption of comprehensive plan policies or development of regulations that may affect property adjacent to public use airports. The main goals of the formal consultation are to avoid, minimize, and resolve potential land use conflicts with airports through the comprehensive plan and development of regulations. WSDOT recommends that local jurisdictions initiate formal consultation as early as possible in the planning process. This is to assure that all parties have an opportunity to work together to find comprehensive solutions of mutual benefit that fulfill the intent of the legislation, consistent with local jurisdictions' land use planning authorities and obligations under law.

The following is a general summary of recommendations discussed during the formal consultation meeting:

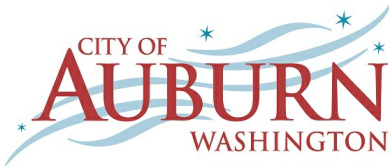
- The City of Auburn with the support of WSDOT Aviation has committed to implementing airport compatibility zoning to prevent incompatible land use near the airport.
- WSDOT Aviation is available for consultation and technical guidance.

We appreciate the City of Auburn's commitment to working with stakeholders to achieve a compatible outcome and adopt zoning to protect the Auburn Municipal

Airport. It is critical that every effort be made to discourage incompatible land uses that impair the airport's ability to operate as an essential public facility. We thank you again for the opportunity to comment, and remain available to formally consult and provide technical assistance. Please don't hesitate to contact me at 360-890-5258 or max.platts@wsdot.wa.gov if you have any questions.

Sincerely,

T.S. "Max" Platts
Aviation Planner



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6842 (Thomas)

Date:

November 5, 2021

Department:

Finance

Attachments:

[Ordinance No. 6842](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6842.

Background for Motion:

Sets the 2022 Property Tax Levy at \$23,897,840, which represents a 1% increase, or \$233,481, over the 2021 Property Tax Levy, plus the value of new construction and refunds.

Background Summary:

Proposed Ordinance No. 6842 establishes the 2022 Property Tax Levy based on the Assessed Valuations provided by King County. It represents a 1% increase over the 2021 levy of \$233,481, plus the increase due to new construction and refund levy. The following table summarizes the 2022 Property Tax levy:

Table 1. 2022 Property Tax Levy Calculations	
2021 property tax levy	\$ 23,348,142
1.000% increase	233,481
Estimated new construction	265,713
Estimated refund levy	50,503
Total Estimated property tax levy	\$ 23,897,840

As of this date, the County has preliminarily established the 2022 assessed valuation (including estimated new construction) for the City of Auburn at \$14.4 billion which is an 8.9% increase over the 2021 value of \$13.2 billion. The total 2022 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Reviewed by Council Committees:

Councilmember: Baggett

Staff: Thomas

Meeting Date: November 15, 2021

Item Number: ORD.C

ORDINANCE NO. 6842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING THE LEVY FOR REGULAR PROPERTY TAXES BY THE CITY OF AUBURN FOR COLLECTION IN 2022 FOR GENERAL CITY OPERATIONAL PURPOSES IN THE AMOUNT OF \$23,897,840

WHEREAS, the City Council of the City of Auburn has met and considered its budget for the calendar year 2022; and

WHEREAS, pursuant to RCW 84.55.120 the City Council held public hearings on October 18, 2021 and November 1, 2021, after proper notice was given, to consider the property tax levy needed to support the City of Auburn's 2022 budget; and

WHEREAS, the City Council of the City of Auburn, after public hearing, and after duly considering all relevant evidence and testimony presented, has determined that the City of Auburn requires property tax revenue and any increase of new construction and improvements to property, any increase in the value of state-assessed property, annexations, and any refund levies in order to discharge the expected expenses and obligations of the City and in its best interest; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Regular property taxes for collection in the City of Auburn for the year 2022 are authorized in the amount of \$23,897,840. Not including the

addition of new construction and improvements to property, any increases related to the value of state assessed property, and any refund levies available, the regular property tax levy for 2022 collection represents an increase from regular property taxes levied for collection in 2021 of \$233,481 which is a 1.0% increase in revenue from the previous year.

Section 2. Implementation. The Mayor is hereby authorized to implement those administrative procedures necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application of it to any person or circumstance will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

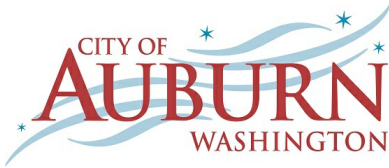
ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5623 (Comeau)

Department:

Legal

Attachments:

[Resolution No. 5623](#)

[King County Access Easement](#)

Date:

November 8, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5623.

Background for Motion:

Background Motion: Granting an access easement to King County over this portion of City property - Tract E of Auburn 40 P.U.D., will provide King County the access for their work, while causing very little impact to the City property.

Background Summary:

The City owns real property, Tract E of Auburn 40 P.U.D (the "City property"). King County owns property along the Green River which includes a levee. Access to the County property in this location is limited and some distance away. Granting an access easement across a portion of the City property will not impact the City's property rights or the City's access and use of the property but will provide King County a quicker, more favorable access to the King County properties located in this area.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: November 15, 2021

Staff:

Comeau

Item Number:

RES.A

RESOLUTION NO. 5623

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS EASEMENT IN FAVOR OF KING COUNTY FOR ACCESS ACROSS A PORTION OF CITY OWNED PROPERTY – TRACT E OF AUBURN 40 P.U.D.

WHEREAS, the City of Auburn owns Tract E of Auburn 40 P.U.D, real property, also designated as King County parcel number 030140-2420; and

WHEREAS, King County needs access across a portion of the City property in order to access property it owns;

WHEREAS, granting the Access Easement to King County will allow King County access to County-owned property, which contains levees along the Green River and is therefore in the public interest to grant such access that does not diminish the City's property rights;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute an Access Easement in favor of King County, which easement will be in substantial conformity with the easement attached.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this Resolution.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Recording Requested By and
When Recorded Return to:

King County
Water and Land Resources Division
Open Space Acquisitions
201 South Jackson Street, Suite 5600
Seattle, WA 98104

ACCESS EASEMENT

Grantor: City of Auburn, a municipal corporation
Grantee: King County, a political subdivision of the State of Washington
Legal Description (abbreviated): Trt E Subdivision: Auburn 40 P.U.D.
Assessor's Tax Parcel Number: portion of 030140-2420

The undersigned City of Auburn, a municipal corporation of the State of Washington, its successors and assigns (the "Grantor"), for and in consideration of mutual benefits and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, hereby conveys and grants to King County, a political subdivision of the State of Washington, its employees, contractors or guests (the "Grantee") an easement for ingress and egress over, across, along a portion of the following described property (the "Property"):

TRACT E, AUBURN 40 P.U.D., ACCORDING TO PLAT RECORDED IN VOLUME 255 OF PLATS, PAGES 51 THROUGH 58 AND RECORDED UNDER RECORDING NO. 20100826001442, RECORDS OF KING COUNTY, WASHINGTON.

Said portion of the Property being legally described in **Exhibit A** and depicted in **Exhibit B**, which are attached hereto and incorporated herein, ("the Easement Area"). The easement is for the benefit of the following described property (the "Benefitted Property"):

PARCEL A, CITY OF AUBURN BOUNDARY LINE ADJUSTMENT NO. BLA-17-0014, RECORDED UNDER RECORDING NO. 20180719900022.

King County / City of Auburn – Access Easement - Page 1 of 7



Grantor and Grantee, by accepting and recording this access easement (the "Easement"), mutually covenant and agree as follows:

Grantee, and its employees, agents, contractors and invitees shall have the right to use the Easement Area for non-vehicular and vehicular ingress and egress to the Benefitted Property. In its exercise of the rights herein granted, Grantee shall minimize its impacts to the Easement Area and shall promptly restore any damage arising from its activities or its agents' activities within the Easement Area. Grantee shall not disturb or destroy any landscaping features, fencing, structures, improvements, or other features located outside of the Easement Area on the remainder of the Property. Grantee covenants to take reasonable accommodations to minimize noise impacts to the surrounding neighborhood when accessing the Easement Area, including but not limited to restricting the use of motorized vehicles or equipment on or across the Easement Area to between the hours of 7am to 7pm unless in response to an emergency situation.

Grantor reserves the right to use the Easement Area for purposes consistent with the rights herein granted. Grantor shall not undertake any activity or erect any fence or other structure which would eliminate Grantee's access to the Benefitted Property through the Easement Area.

To the extent permitted by law, each party shall protect, defend, indemnify and save harmless the other party, its officials, employees and agents, from any and all costs, expenses, claims, actions, suits, liability, loss, judgments, attorneys' fees and/or awards of damages arising out of or in any way resulting from the indemnifying party's, or its officials', employees' or agents' negligent acts, errors or omissions related to the Easement Area or any improvements therein. If such costs, expenses, claims, actions, suits, liability, loss, judgments, attorneys' fees and/or awards of damages are caused by, or result from, the concurrent negligence of the parties, or their officials, employees and agents, this Section shall be valid and enforceable only to the extent of the negligence of each party, its officials, employees and agents.

If either party shall bring an action to enforce the terms of this Easement in any such action the prevailing party shall be entitled to an award of its reasonable attorneys' fees and reasonable costs. Said costs and attorneys' fees shall include, without limitation, costs and attorneys' fees incurred in any appeal or in any proceedings under any present or future federal bankruptcy, forfeiture or state receivership or similar law. The hourly rates for any award of attorneys' fees will be calculated based on the rate that would be charged for the services provided by an attorney who is in private practice, of the same expertise and experience as the prevailing party's attorney(s).

This Easement shall be governed by and construed and enforced in accordance with the laws of the State of Washington.

This Easement may be executed in multiple counterparts, all of which taken together shall constitute one and the same instrument.

King County / City of Auburn – Access Easement - Page 2 of 7



Effective as of this ____ day of _____, 2021.

GRANTOR: City of Auburn, a municipal corporation
of the State of Washington.

BY: _____
Name: _____
Title: _____

GRANTEE: King County, a political subdivision
of the State of Washington.

BY: 
Signed on 2021/10/21 13:07:50 -8:00
Department of Natural Resources & Parks
Name: Josh Baldi
Title: WLR Division Director



STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that ___he signed this instrument, on oath stated that ___he is authorized to execute the instrument and acknowledged it as the _____ of _____ to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Printed name

Notary Public in and for the
State of Washington

Residing at _____

My appointment expires _____

King County / City of Auburn – Access Easement - Page 4 of 7



STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Josh Baldi is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the WLR Division Director of the Department of Natural Resources and Parks of King County to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10/21/2021




Signed on 2021/10/21 13:07:50 -8:00

Julie Sanders

Printed name

Notary Public in and for the
State of Washington

Residing at Tacoma

My appointment expires 5/31/2025

Notarial act performed by audio-visual communication

King County / City of Auburn – Access Easement - Page 5 of 7



EXHIBIT A

LEGAL DESCRIPTION – THE EASEMENT AREA

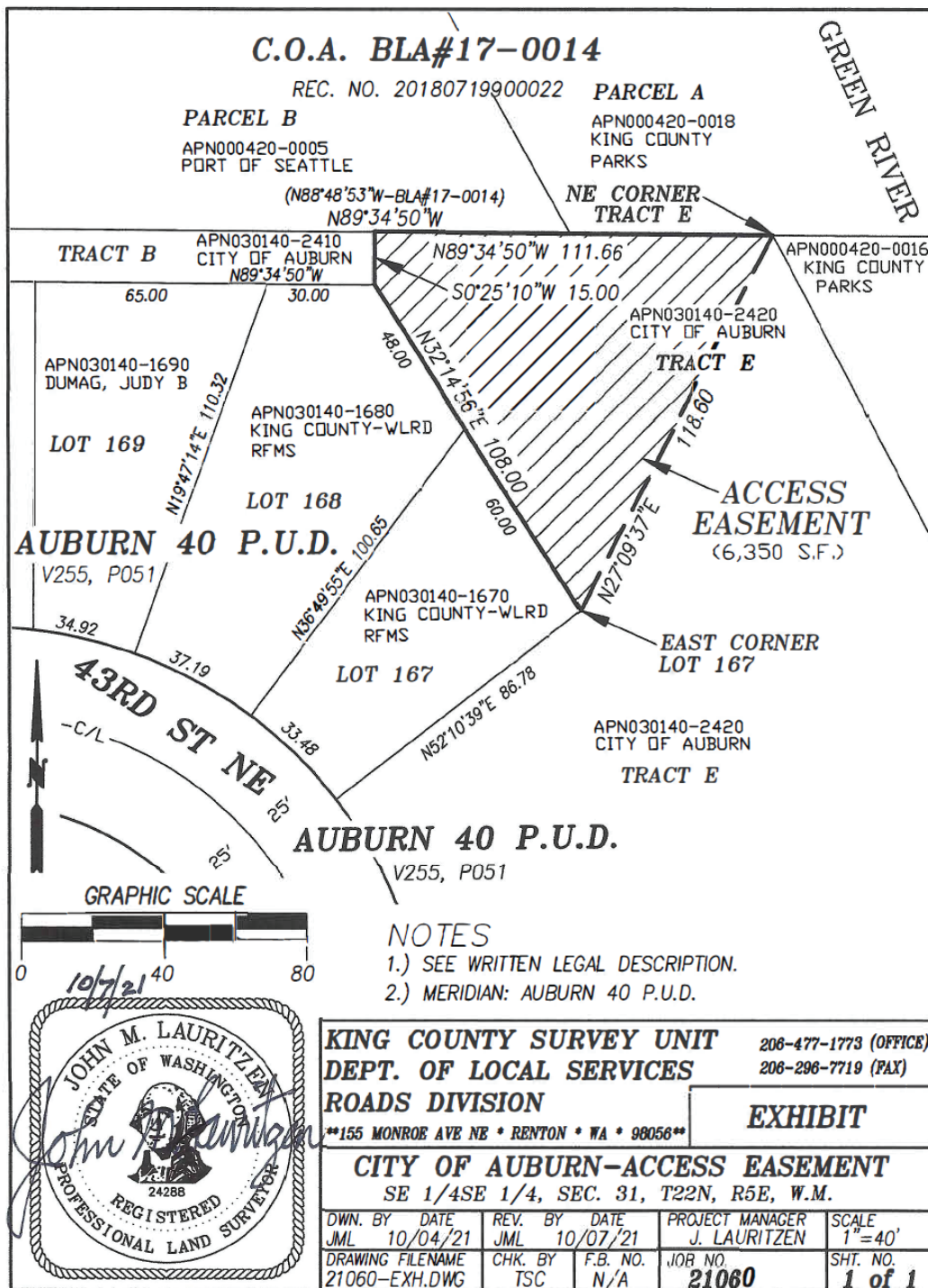
All that portion of the hereinabove described Tract E, Open Space, Auburn 40 P.U.D. lying northwesterly of a line connecting the east corner of Lot 167 and the northeast corner of Tract E of said plat.

Situate in the Southeast Quarter of the Southeast Quarter of Section 31, Township 22 North, Range 5 East, Willamette Meridian, King County, Washington.

Containing 6,350 sq. ft., more or less.

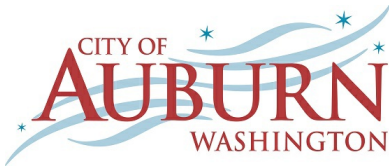


**EXHIBIT B
MAP OF EASEMENT AREA**



King County / City of Auburn – Access Easement - Page 7 of 7





AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5626 (Gaub)

Department:

Public Works

Attachments:

[Resolution No. 5626](#)

[Exhibit A](#)

Date:

November 8, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Resolution No. 5626.

Background for Motion:

Resolution No. 5626 will set December 20, 2021, as the date for a public hearing regarding a vacation of right-of-way on West Main Street, east of Lund Road SW.

Background Summary:

Ralph T. Pozzi has applied to the City for vacation of the right-of-way of a portion of West Main Street, east of Lund Road SW. The applicant owns the adjacent parcel #1321049008 to the south and is proposing to incorporate the right-of-way into development of the adjacent property to add additional parking for the associated business on the property.

The application has been reviewed by City staff and utility purveyors who have an interest in this right-of-way. Through this review City staff has determined that the right-of-way is no longer necessary to meet the needs of the City and could be vacated with conditions.

Resolution No. 5626, if adopted by City Council, sets the date of the Public Hearing for ROW Vacation No. VAC21-0002 for December 20, 2021.

Reviewed by Council Committees:

Councilmember: Stearns

Staff:

Gaub

Meeting Date: November 15, 2021

Item Number:

RES.B

RESOLUTION NO. 5626

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF RIGHT-OF-WAY OF A PORTION OF WEST MAIN STREET, EAST OF LUND ROAD SW, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington, has received a petition signed by owners of at least two-thirds (2/3) of the property abutting right-of-way located within a portion of West Main Street, east of Lund Road SW, within the City of Auburn, requesting vacation of the right-of-way; and,

WHEREAS, Section 35.79.010 of the Revised Code of Washington, requires that the City set a public hearing on vacation by Resolution, with the date of the hearing being not more than sixty (60) days nor less than twenty (20) days after the date of passage of such Resolution.

WHEREAS, this Resolution is consistent with Auburn City Code 12.48.070 and calls for a public hearing to consider the proposed vacation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. That a hearing on the vacation of right-of-way located within a portion of West main Street, east of Lund Road SW, located within the City of Auburn, Washington, legally described as follows:

Resolution No. 5626
ROW Vacation VAC21-0002
November 3, 2021
Page 1 of 3

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF CITY OF AUBURN SHORT PLAT NUMBER SP-11-85, RECORDED JANUARY 08, 1986 UNDER RECORDING NUMBER 8601080790, IN KING COUNTY, WASHINGTON; THENCE NORTH 86°14'47" WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 65.87 FEET; THENCE SOUTH 03°45'13" WEST 3.00 FEET TO THE BEGINNING; THENCE CONTINUING SOUTH 03°45'13" WEST 27.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADUIS POINT OF WHICH BEARS NORTH 03°45'13" EAST DISTANT 2260.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°35'30" AN ARC LENGTH OF 338.89 FEET; THENCE NORTH 77°39'17" WEST 31.05 FEET; THENCE NORTH 86°14'47" WEST 30.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADIUS POINT OF WHICH BEARS SOUTH 80°54'28" EAST DISTANT 30.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 94°02'01" AN ARC LENGTH OF 49.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HABING A RADUIS OF 2233.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°22'20" AN ARC LENGTH OF 365.27 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 10,620 SQUARE FEET, MORE OR LESS.

and as shown on the document attached, marked as Exhibit "A", is set for 7:00 p.m. on the 20th day of December, 2021, at the City Council Chambers at 25 West Main Street, Auburn, Washington, 98001, with all persons wishing to speak to the vacation at the public hearing being invited to attend.

Section 2. The Mayor is authorized to implement those administrative

Resolution No. 5626
ROW Vacation VAC21-0002
November 3, 2021
Page 2 of 3

procedures necessary to carry out the directives of this legislation, including posting notice of such public hearing as required by State law and City Ordinance.

Section 3. This Resolution shall be in full force in effect upon passage and signatures.

DATED and SIGNED this _____ day of _____, 2021.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Resolution No. 5626
ROW Vacation VAC21-0002
November 3, 2021
Page 3 of 3

EXHIBIT A

PAGE 1

RIGHT OF WAY VACATION LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF CITY OF AUBURN SHORT PLAT NUMBER SP-11-85, RECORDED JANUARY 08, 1986 UNDER RECORDING NUMBER 8601080790, IN KING COUNTY, WASHINGTON;

THENCE NORTH 86°14'47" WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 65.87 FEET;

THENCE SOUTH 03°45'13" WEST 3.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 03°45'13" WEST 27.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADIUS POINT OF WHICH BEARS NORTH 03°45'13" EAST DISTANT 2260.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°35'30" AN ARC LENGTH OF 338.89 FEET;

THENCE NORTH 77°39'17" WEST 31.05 FEET;

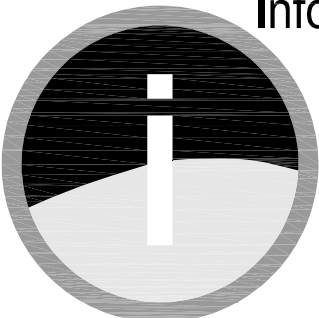
THENCE NORTH 86°14'47" WEST 30.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADIUS POINT OF WHICH BEARS SOUTH 80°54'28" EAST DISTANT 30.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 94°02'01" AN ARC LENGTH OF 49.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2233.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°22'20" AN ARC LENGTH OF 365.27 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 10,620 SQUARE FEET, MORE OR LESS.

A PORTION OF THE NE 1/4 OF THE SW 1/4 OF
SECTION 13, T21N, R4E, W.M.



informed land survey

PO Box 5137
Tacoma, WA 98415-0137

Phone: 253-627-2070
admin@i-landsurvey.com
www.i-landsurvey.com

LAND SURVEYING • MAPPING • CONSTRUCTION LAYOUT

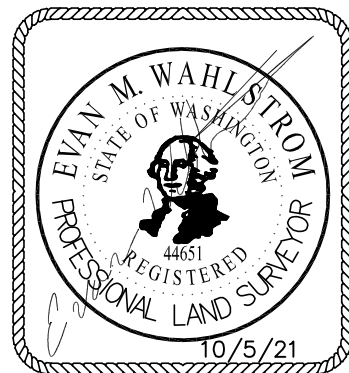
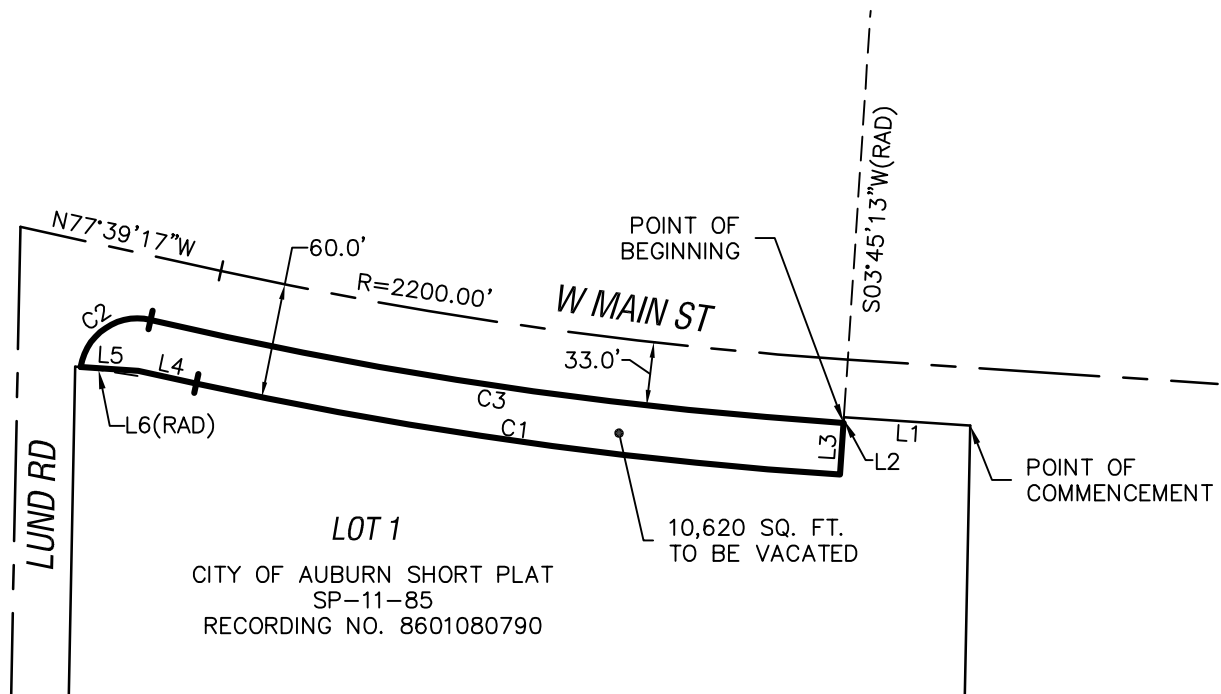
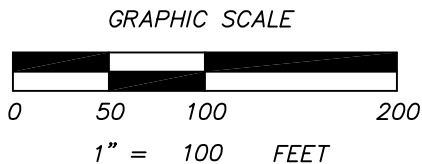


EXHIBIT A
PAGE 2
RIGHT OF WAY VACATION DEPICTION

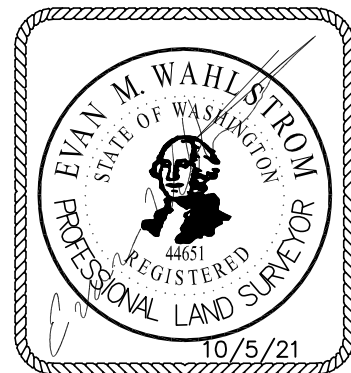


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE
C1	338.89'	2260.00'	8°35'30"
C2	49.24'	30.00'	94°02'01"
C3	365.27'	2233.00'	9°22'20"

LINE	BEARING	DISTANCE
L1	N86°14'47"W	65.87'
L2	S03°45'13"W	3.00'
L3	S03°45'13"W	27.00'
L4	N77°39'17"W	31.05'
L5	N86°14'47"W	30.07'
L6	S80°54'28"E	30.00'



A PORTION OF THE NE 1/4 OF THE SW 1/4 OF
SECTION 13, T21N, R4E, W.M.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5628 (Tate)

Department:

Community Development

Attachments:

[Resolution No. 5628](#)
[2022 Final CDBG Annual Action Plan](#)

Date:

November 8, 2021

Budget Impact:

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

Administrative Recommendation:

City Council to adopt Resolution No. 5628.

Background for Motion:

Resolution No. 5628 adopts the 2022 Annual Action Plan for the City of Auburn's Community Development Block Grant. This is a requirement of the Department of Housing and Urban Development in order to receive our annual entitlement award. Resolution 5628 will allow the City to carry out planned expenditures in accordance with the priorities established by the Council-approved 2020-2024 CDBG Consolidated Plan.

Background Summary:

Every year, the City of Auburn is required to submit an Annual Action Plan to the Department of Housing and Urban Development (HUD) to guide the investment of Community Development Block Grant (CDBG) funds for the following program year. Auburn's current Action Plan ends in 2021 with the next plan year scheduled to start on January 1, 2022.

The 2022 Annual Action Plan is guided by the priorities and goals established in the 2020 – 2024 Consolidated Plan adopted by City Council in November 2019. The Action Plan outlines the specific programs and activities to be undertaken for the program year and the amount of funds that will be awarded to those projects. The program year for the City of Auburn begins January 1 and ends December 31.

A Public Hearing to consider this Plan and hear public comment was held before the City Council on November 1, 2021 in accordance with Auburn's Citizen Participation Plan for Community Development Block Grant funds.

Resolution No. 5628, if adopted by City Council, adopts the 2022 Annual Action Plan, and authorizes the Mayor to implement such administrative procedures as may be necessary to carry out directions of the legislation.

Reviewed by Council Committees:

Councilmember: Mulenga

Staff:

Tate

Meeting Date: November 15, 2021

Item Number: RES.C

RESOLUTION NO. 5628

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ADOPTING THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN FOR THE CONSOLIDATED PLAN YEARS 2020-2024

WHEREAS, the City of Auburn was designated as an entitlement community by the U.S. Department of Housing and Urban Development (HUD) for its Community Development Block Grant (CDBG) Program; and

WHEREAS, the primary objective of the Consolidated Plan and CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-income and moderate-income; and

WHEREAS, to be eligible for funding, the City of Auburn must annually update the action plan for its Consolidated Plan that serves as a federally required planning document to guide the City of Auburn's human service and community development efforts; and

WHEREAS, the planning process to develop the Consolidated Plan involved citizen participation and guidance from non-profit and governmental agencies serving low income residents in the community; and

WHEREAS, the City Council of the City of Auburn heard and considered public comment about its proposed 2022 Action Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, HEREBY RESOLVES as follows:

Section 1. Pursuant to the provisions of 24 CFR 91, the City hereby adopts the 2022 Action Plan for the Consolidated Plan for Years 2020-2024.

Section 2. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2021.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

Each year the City of Auburn executes specific actions to implement the goals and strategies of the Consolidated Plan for Years 2020-2024. Actions that will be undertaken in 2022 are outlined in this Annual Action Plan.

The City of Auburn anticipates the receipt of \$650,000 in Community Development Block Grant (CDBG) funds in 2022. In addition to CDBG funds, the City is planned to allocate approximately 0.92% of the City's General Funds to Human Services. The City's Human Services program, housed in the Community Services Division, oversees and is responsible for providing and managing financial resources to more than 30 non-profit agencies that serve the Auburn community. The Community Services division is also responsible for administering the local housing repair program and developing collaborations among community partners to strengthen the response to residents in need.

The 2022 Action Plan proposes to allocate \$95,000 of CDBG funds to public services. Most of those funds (\$55,000) will be used to support Homelessness Prevention and Intervention. The remaining \$40,000 will be allocated to Fair Housing public services, in keeping with our Consolidated Plan priorities and challenges identified in the 2019 Analysis of Impediments to Fair Housing Choice.

Approximately \$125,000 of the CDBG funds will be allocated to program administration, which includes planning, citizen participation, and administration of the City's CDBG-funded Housing Repair Program. \$100,000 of the 2022 funding is designated to support sidewalk ADA improvements in low- to moderate-income residential areas. The remaining \$330,000 will be allocated to residential rehabilitation, providing free minor home repair services to low- and very low-income Auburn residents.

The City of Auburn is committed to continuing to focus on achieving equitable outcomes for its community members and achieving a greater collaboration among service providers. Overall the implementation of the Consolidated Plan is progressing as planned and the primary activities included are underway.

2. Summarize the objectives and outcomes identified in the Plan

This Action Plan allocates a total of \$650,000 dollars in anticipated 2022 Community Development Block Grant funds, to support the Community Development Block Grant program. With the overall goal of reducing the number of people living in poverty within the City of Auburn, the following objectives and outcomes will be employed:

1. **Affordable Housing:** The City of Auburn will engage in housing activities, collaborations, and partnerships to enhance opportunities for the creation and preservation of affordable housing. The City will plan for and support fair housing strategies and initiatives designed to affirmatively further fair housing choice, and to increase access to housing and housing programs.
2. **Ending Homelessness:** The City of Auburn will support Public Service activities that work toward the following outcomes: 1) reduce the number of households becoming homeless; 2) reduce the length of time that households are homeless; 3) increase the rate of exits to permanent housing; and 4) reduce the number of households that re-enter the homeless system after exit to permanent housing.
3. **Community and Economic Development:** In an effort to meet the need of Auburn's economic and demographic growth the City intends to fund programs and activities that will enhance the economy, accessibility, safety, and physical appearance of neighborhoods. Activities that would be eligible for funding include fair housing public services, public infrastructure and ADA improvements for public facilities. These investments help to ensure equitable opportunities for good health, happiness, safety, self-reliance and connection to community.
4. **Planning and Administration:** Administer the Community Development Block Grant program to meet the community needs and HUD requirements

To accomplish these outcomes and objectives, the City invests in programs that meet the community basic needs, increase self-sufficiency, provide economic opportunity and develop a safe community.

3. Evaluation of past performance

During the past year Auburn has accomplished significant achievement on its programs and impacted the lives of thousands of residents. In 2020 alone, projects funded by the City completed the following:

- 40 very low- and low-income Auburn homeowners received housing repair services. Roughly 70% of these homeowners were seniors.

- Over 2,800 low to moderate income residents received free or low cost medical care related to the COVID-19 pandemic.
- 161 low- to moderate-income Auburn residents impacted by the COVID-19 pandemic received emergency subsistence supports.
- A sidewalk project was completed to support greater ADA accessibility for Auburn residents, with an estimated direct impact for 3,500 residents.

The City of Auburn has prioritized COVID response with CDBG funds over the course of the pandemic. In addition to fully allocating the CDBG-CV funds made available, the City reallocated \$205,000 of 2020 CDBG-EN funds to public services directed towards those impacted by the COVID-19 pandemic. The City also applied for and received over \$170,000 of CDBG-CV2 funds from the State Department of Commerce to support eviction prevention efforts in the community in 2021 and 2022.

4. Summary of Citizen Participation Process and consultation process

The city is engaged in a public participation process for the 2022 Annual Action Plan, as outlined below:

- Drafts of the Action Plan have been made available for public via mail and on the City's website and notices of its public view were publicized in the local newspaper as of October 1, 2021. Interested community members can provide comment via mail, email, or on the City's public engagement web platform, Speak Up Auburn!, at www.speakupauburn.org/cdbg.
- A public hearing was provided on September 27, 2021, during the City's Human Services Committee meeting to hear public comment and input on priorities to be included in the 2022 Annual Action Plan. Consistent with local health guidelines related to COVID-19, this public hearing was conducted virtually.
- A public comment period was made available prior to drafting the plan, from September 14-27, 2021. Residents could provide comment through mail, email, or on the City's public engagement web platform, Speak Up Auburn.
- An additional public hearing was held on November 1, 2021, during the Auburn City Council meeting, to hear public comment and input on the published draft of the 2022 Annual Action Plan.

The City of Auburn in conjunction with the Consortium consulted with multiple public and private agencies during the development of the consolidated plan. Consultations occurred during regional meetings as well as in individual conversations. Agencies that participated in

consultations regarding public services, fair housing, and other topics relevant to the drafting of the 2022 Annual Action Plan included: the South King Housing and Homelessness Partners, local legal assistance providers, other government human service providers and nonprofit agencies delivering services in Auburn and the sub-region.

In addition to conducting consultations during the development of the plan, the City of Auburn collaborates and works closely with numerous coalitions, committees and government entities.

5. Summary of public comments

One comment was received via email by a community member seeking emergency financial assistance. In addition to noting their comment, staff reached out to the resident to provide additional resources to provide more immediate support for their individual needs.

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments were rejected.

7. Summary

Although we did not receive comments through the Speak Up Auburn website, our traffic to the site to review the plan and our City's CDBG page increased significantly, indicating engagement with the draft plan. During the public comment period of October 1-November 1, 2021, the CDBG page incurred 33 views (up from a monthly average of 6 between May 2021 and July 2021). The majority of these views were from a direct link, likely in the City's email communications regarding our published plan.

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	AUBURN	Community Development Department
CDBG Administrator	AUBURN	Community Development Department
ESG Administrator	KING COUNTY	DCHS

Table 1 – Responsible Agencies

Narrative

The City of Auburn, as a member of the King County Consortium, administers its own CDBG funds and prepares its own Consolidated Plan and Annual Action Plans for the administration of those funds.

As a member of the King County Consortium, the City works closely with numerous nonprofit organizations in the region that implement programs funded by the City of Auburn CDBG program. A detailed list of agencies responsible for administering funded programs by CDBG can be found in the Action Plan section of this document.

Consolidated Plan Public Contact Information

Joy Scott

Community Services Manager
City of Auburn
25 West Main Street
Auburn, WA 98001
253.876.1965
jfscott@auburnwa.gov

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

This section describes the community consultation process followed by the City of Auburn in developing the 2022 Annual Action Plan and the coordination with other local governments, the Continuum of Care, service agencies, and community stakeholders. The City of Auburn consulted with multiple public and private agencies as well as community members during the development of the Consolidated Plan.

In addition to conducting consultations during the development of the plan, the City of Auburn collaborates and works closely with numerous coalitions, committees, and government entities throughout the duration of the plan in efforts to enhance strategies and systems to meet established goals and objectives of the plan.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

The City of Auburn works closely with partnering King County jurisdictions, public housing authorities and health providers to develop systems in order to improve the quality of service and access for low-income residents as well as the community as a whole within the city and throughout the region.

The City of Auburn, in partnership with the Seattle-King County Coalition on Homelessness, convenes a monthly group of service providers, faith communities, community advocates, and others, to coordinate efforts on serving individuals experiencing homelessness in South King County. The meeting provides a venue for resource sharing, collaboration, training, and best practice implementation. City staff also participate in regional collaborative and decision making bodies such as the King County Joint Recommendations Committee (JRC) and the South King County Human Services Planners group. The city is a member of the King County Human Services Funder Collaborative, which provides a more streamlined process for human service agencies to access funding from multiple cities.

Additionally, the City participates in monthly Homelessness Action Committee meetings with staff from King County Department of Community and Human Services, Public Health King County, the Housing Development Consortium, Valley Cities, the Multi-Service Center, and the King County Housing Authority to review program progress and delivery of homeless services funded through regional efforts. In addition to these groups, the City’s regional collaboration

work on affordable housing is supported by the South King Housing and Homelessness Partners, which Auburn and other South King County Cities contribute to in order to build additional capacity to address issues related to housing and homelessness in the South King County region.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

In 2016, King County and All Home, our region's Continuum of Care (CoC) lead agency at the time, launched the Coordinated Entry for All (CEA) system for homeless populations and our region has been refining the system since then. National research identifies coordinated entry as a key component for an effective homeless system because it improves the quality of client screening and assessment, matches clients to appropriately targeted services and resources, and promotes a more efficient use of resources. CEA processes and prioritizes assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner.

Chronically homeless individuals and families, families with children, veterans, unaccompanied youth, and young adults are a part of the coordinated system. In addition, CEA utilizes regional access points which serve as the primary "front door" for the homeless housing system.

In 2021, the newly-created King County Regional Homelessness Authority (KCRHA) became our CoC lead agency, and has worked to consolidate structures and contracts across King County and Seattle to create greater efficiency and maximize impact. Auburn's mayor currently sits on the Governance Board of the Regional Homelessness Authority, and staff participate in bi-weekly meetings with KCRHA to collaborate and inform the work they are overseeing, particularly in regards to subregional planning.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The ESG program focuses on assisting people to quickly regain stability in permanent housing after experiencing homelessness or a housing crisis. Auburn does not receive ESG funds directly.

Coordinating with King County's Continuum of Care (CoC) is critical to our region's implementation. The City will continue to look for deeper ways of participating in and collaborating with the Regional Homelessness Authority and its Advisory Committee, which serves as our Continuum of Care.

The City of Auburn supports the continuum of housing including prevention, emergency shelter, and permanent housing. The City provides financial support for these efforts with City general funds and

also commits staff and leadership time to the ongoing development and implementation of the system to address the needs of persons experiencing homelessness.

The City participates in and supports numerous coalitions and committees, such as the South King County Forum on Homelessness and the Homelessness Action Committee, focusing on developing resources in South King County. The City also participates in the annual Count Us In, Point in Time Count, which provides invaluable data for planning. The City provides both CDBG and local funds to agencies that serve chronically homeless individuals and families with children, veterans, and unaccompanied youth.

2. Agencies, groups, organizations and others who participated in the process and consultations

1	Agency/Group/Organization	KING COUNTY
	Agency/Group/Organization Type	Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	As a member of the King County Housing Consortium for the purpose of HOME funds, Auburn works closely with King County in the development of the City's and the County's Consolidated Plan. Because the two entities have a cardinal role in each other's program delivery there is active participation from both parties in the development of the plan. Staff from King County and Auburn met regularly prior to and during the development of the plan, and Auburn rotates as a regular voting member of the County's Joint Recommendations Committee.
2	Agency/Group/Organization	KENT
	Agency/Group/Organization Type	Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	As members of the Urban County Consortium, Auburn and Kent staff worked closely together during the development of the Consolidated Plan. Staff from both cities attend monthly meetings to discuss human services and housing trends, needs, and progress on ongoing initiatives.
3	Agency/Group/Organization	FEDERAL WAY
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Lead-based Paint Strategy Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Market Analysis Anti-poverty Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	As members of the Urban County Consortium, Auburn and Federal Way staff worked closely together during the development of the Consolidated Plan. Staff from both cities attend monthly meetings to discuss human services and housing trends, needs, and progress on ongoing initiatives.
4	Agency/Group/Organization	Housing Development Consortium of Seattle-King County
	Agency/Group/Organization Type	Planning organization

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Auburn participates in monthly meetings convened by the Housing Development Consortium (HDC) on homeless response needs and strategy in SKC, and bimonthly meetings focused on affordable housing data and developments. The information collected by HDC helps to inform multiple pieces of our Consolidated Plan and Annual Action Plan, particularly those strategies related to homelessness and affordable housing in our community.
5	Agency/Group/Organization	Seattle-King County Coalition on Homelessness
	Agency/Group/Organization Type	Services-homeless Nonprofit agency
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Auburn is a member of the Seattle-King County Coalition on Homelessness (SKCCH), and co-convenes a monthly group of service providers working with people experiencing homelessness in our communities. The meetings provide a frequent check-in point, and the opportunity to hear from providers directly on the challenges and trends they're seeing in Auburn. The Coalition on Homelessness' organizational members include agencies and community groups that provide emergency shelter and services, transitional housing, and permanent, supported housing to the roughly 27,000 men, women, and children who are homeless in King County during one year.

6	Agency/Group/Organization	South King County Housing and Homelessness Partners
	Agency/Group/Organization Type	Other government - Local Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	South King Housing and Homelessness Partners (SKHHP) is a coalition formed by an interlocal agreement between the jurisdictions of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, Tukwila, and King County. The agreement allows for South King County jurisdictions to work together and share resources in order to effectively address affordable housing and homelessness. This collaborative model is based on similar approaches used in Snohomish County, East King County, and other areas of the country. The purpose of the coalition is to increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

A wide range of groups and organizations participated in the process including public funders from Washington State and King County partner jurisdictions, public housing authorities, members from the Seattle-King County Housing Development Consortium, stakeholders, housing providers for low-and-moderate income persons, agencies who serve persons who are homeless, and Seattle-King County Public Health. In addition to the consultations referenced above, Auburn, King County and Consortium partner staff coordinate closely with each other and fan out to participate and attend a wide range of standing meetings with city planners, housing and service providers.

The only types of organizations not consulted with were corrections facilities. The rationale for not consulting with these facilities is that the City does not host this type of organization.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	King County Regional Homeless Authority	The goals of Auburn's Strategic Plan overlap with the goals of the CoC to address the needs of homeless residents in the community and reduce the risk of homelessness.

Table 3 - Other local / regional / federal planning efforts

Narrative

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Public participation plays a crucial role in the success of the City's Annual Action Plan. The goals are to hear the community's feedback and recommendations on how CDBG funds should be invested and how services can coordinate to achieve the greatest impact. In addition to the targeted outreach listed below, the City regularly engages service providers and stakeholders in discussions regarding human services and local economic development needs. Organizations funded by the city are monitored throughout the year and report quarterly on progress, trends, and challenges. City staff co-host a monthly meeting of service providers working with individuals and families experiencing homelessness in the region to gather feedback and support increased capacity building through broad collaboration of regional providers. In addition, City staff meet regularly with other cities in the area and other funders to evaluate gaps in services and seek solutions to local and regional community development challenges.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1.	Public Hearing	Non-targeted/broad community				
2.	Newspaper Ad	Non-targeted/broad community				
3.	Web posting on Speak Up Auburn	Non-targeted/broad community				www.speakupauburn.or/cdbg
4.	Web posting on City's Community Services page	Broad community, Service providers in Auburn				www.auburnwa.gov/community services

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The City of Auburn anticipates funding for the duration of the Consolidated Plan from

- CDBG
- City of Auburn General Fund allocation for Human Services

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Admin and Planning Fair Housing Public Improvements Public Services	\$650,000	0	0	\$650,000	\$1,950,000	Auburn is anticipating approximately \$650,000 per year in CDBG funds for the remainder of the Consolidated Plan period.
ARPA	Public - federal	Public Services					\$1,000,000	Auburn is anticipating allocating approximately \$1,000,000 of ARPA funds to public services during the remainder of the Con Plan period
General Fund	Public - local	Public Services	Estimated: \$680,000	0	0	Estimated: \$680,000	\$1,880,000	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Auburn relies on CDBG funds to support community and economic development projects and activities in efforts to support low to moderate income populations to become self-sufficient and sustain affordable housing. However, CDBG funds are not the only source of funds the City uses to support community projects and activities. The City will be distributing federal ARPA funds in the next three years, with an expected allocation of \$1,000,000 to support the City's Human Services Grant program.

The City's general funds are used to support direct services benefitting Auburn's at risk populations in addition to CDBG funds.

CDBG funds do not require matching funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

N/A

Discussion

The City of Auburn will use CDBG funds to support all eligible projects and activities that align with CDBG guidelines and regulations.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Affordable Housing	CDBG: \$370,000	Homeowner Housing Rehabilitated: 65 Household Housing Unit Fair Housing Public Service Activities: 45 Persons Assisted
2	Ending Homelessness	2020	2024	Homeless		Ending Homelessness	CDBG: \$55,000	Public service activities other than Low/Moderate Income Housing Benefit: 96 Persons Assisted
3	Community and Economic Development	2020	2024	Non-Homeless Special Needs Non-Housing Community Development		Community and Economic Development	CDBG: \$100,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
4	Planning and Administration	2020	2024				CDBG: \$125,000	Other: 0 Other

Table 6 – Goals Summary

Goal Description

1	Goal Name	Affordable Housing
	Goal Description	The City of Auburn will engage in housing activities, collaborations, and partnerships to enhance opportunities for the creation and preservation of affordable housing. The City will plan for and support fair housing strategies and initiatives designed to affirmatively further fair housing choice, and to increase access to housing and housing programs.
2	Goal Name	Ending Homelessness
	Goal Description	The City of Auburn will support Public Service activities that work toward the following outcomes: 1) reduce the number of households becoming homeless; 2) reduce the length of time that households are homeless; 3) increase the rate of exits to permanent housing; and 4) reduce the number of households that re-enter the homeless system after exit to permanent housing.
3	Goal Name	Community and Economic Development
	Goal Description	In an effort to meet the need of Auburn's economic and demographic growth the City intends to fund programs and activities that will enhance the economy, accessibility, safety, and physical appearance of neighborhoods. Activities that would be eligible for funding include fair housing public services, public infrastructure and ADA improvements for public facilities. These investments help to ensure equitable opportunities for good health, happiness, safety, self-reliance and connection to community.
4	Goal Name	Planning and Administration
	Goal Description	General administration and project management

AP-35 Projects - 91.420, 91.220(d)

Introduction

Auburn's Annual Action Plan provides descriptions of proposals of how funds will be prioritized to achieve goals identified in the Consolidated Plan. Projects funded by the City will address the priority needs of providing assistance to prevent homelessness, ensure affordable housing and a suitable living environment. Projects and programs are selected through a competitive application process to ensure optimal quality services is provided to the community in use of the funds.

#	Project Name
1	HOUSING REPAIR
2	ADMINISTRATION
3	SOLID GROUND HOUSING STABILITY PROGRAM
5	FAIR HOUSING PUBLIC SERVICES
6	ADA SIDEWALK IMPROVEMENTS

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The allocations proposed are based on the assessment of Auburn's needs, the resources available in the region, the availability of other funds also focusing on needs, and the purpose of Consolidated Plan funds.

Should CDBG revenues exceed the proposed amount, the additional resources shall be allocated in accordance to the following guidelines:

- Fill gaps in human services primarily healthcare, homeless prevention and intervention and affordable housing accessibility.
- Increase funding for community development projects and activities including housing, community facilities and economic development.

If increases are not significant enough to enhance projects or activities funds may be placed in contingency for programming later in the year or the following program year.

Should CDBG revenues come in lower than anticipated; the City will continue with its planned policy and to the extent allowed reduce funding allocations in homeowner rehabilitation projects and administrative activities.

Should CDBG revenues come in less than originally proposed, the City will continue managing

the programs with decreased resources to the extent possible and reduce funding allocations in administrative activities and not public services.

AP-38 Project Summary

Project Summary Information

1	Project Name	Housing Repair
	Target Area	None
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$330,000
	Description	Maintain the affordability of decent housing for low-income Auburn residents by providing repairs necessary to maintain suitable housing for low income Auburn homeowners.
	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 65 low- and very low-income families will benefit from the housing repair program. As the City's largest homeless prevention program, housing repair ensures the sustainability of a safe home for some of Auburn's most vulnerable residents. Of the 65 low to moderate income residents who apply for the program, over half of them are of the senior and disabled population.
	Location Description	n/a
	Planned Activities	Activities include minor home repairs.
2	Project Name	Administration
	Target Area	None
	Goals Supported	All
	Needs Addressed	Planning and Administration
	Funding	CDBG: \$125,000
	Description	General administration and project management

	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	n/a
	Location Description	n/a
	Planned Activities	General planning and administration of the CDBG programs include: management of the housing repair program, management of all CDBG related finances, all grant reporting, monitoring of subrecipients and providing guidance of program implementation in Auburn.
3	Project Name	Solid Ground Housing Stability Program
	Target Area	
	Goals Supported	End Homelessness
	Needs Addressed	Ensure a Suitable Living Environment
	Funding	CDBG: \$55,000
	Description	Provide time limited emergency subsistence/rental assistance to Auburn residents paired with supportive services based on the progressive engagement model to support homelessness prevention and increased housing stability. This is a public service activity.
	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	26 low to moderate income Auburn residents will benefit from the housing stability program.
	Location Description	n/a
5	Project Name	Fair Housing Public Services
	Target Area	

	Goals Supported	Affordable Housing
	Needs Addressed	Ensure a Suitable Living Environment.
	Funding	CDBG: \$40,000
	Description	Make funds available through an RFP process to nonprofit agencies to provide Fair Housing services to Auburn residents.
	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 45 low income households will benefit from the proposed activity.
	Location Description	n/a
6	Project Name	ADA Sidewalk Accessibility Improvements
	Target Area	none
	Goals Supported	Community and Economic Development
	Needs Addressed	Ensure a Suitable Living Environment
	Funding	CDBG: \$100,000

	Description	Provide sidewalk ADA improvements in low- to moderate-income residential areas of Auburn, improving accessibility, safety, and community connectedness.
	Target Date	12/31/2022
	Estimate the number and type of families that will benefit from the proposed activities	500 low to moderate income Auburn residents will benefit from the improvements.
	Location Description	TBD
	Planned Activities	TBD

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Auburn intends on distributing funds throughout the jurisdiction.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Due to the fact that all areas of Auburn have low to moderate income families dispersed throughout the entire City, the City intends on investing throughout the entire jurisdiction to ensure that all populations throughout the region have access to beneficial programs and housing opportunities.

Discussion

Due to the fact that all areas of Auburn have low to moderate income families dispersed throughout the entire City, the City intends on investing throughout the entire jurisdiction to ensure that all populations throughout the region have access to beneficial programs and housing opportunities.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City of Auburn will continue to work with service providers, the housing authority and residents in coordination to fully address and develop systems and strategies to promote their efforts in providing sustainable, affordable housing.

Auburn's partnerships with organizations such as the King County Housing Authority, South King Housing and Homelessness Partners, and the Housing Development Consortium of Seattle King County have allowed the City to explore new and innovative strategies to continue to offer affordable housing to its current and prospective residents.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Auburn will continue to look at policies that remove barriers to affordable housing. The City of Auburn's Comprehensive Land Use Plan includes several policies and objectives that will guide the city toward achieving its affordable and fair housing goals. These policies include maintaining flexibility in land use to achieve a balanced mix of affordable housing opportunities. The City will continue to pursue mixed use developments that are consistent with the transportation oriented developments located in Auburn's downtown. The City will look for opportunities with public and private agencies to implement policies and offer programs that help alleviate physical and economic distress, conserve energy resources, improve the quality and quantity of community services, and eliminate conditions that are detrimental to health, safety and public welfare.

In 2019, the Washington State Legislature adopted House Bill 1923, which awarded grants in the amount up to \$100,000 to cities for the purpose of increasing residential capacity. The City of Auburn partnered with five other South King County jurisdictions to establish a sub-regional framework of existing conditions. The results of that effort were used to inform and aid in the development of Auburn's own Housing Action Plan.

Auburn's Housing Action Plan focuses on encouraging construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. The final Housing Action Plan was adopted by Auburn City Council on July 6, 2021. The City will continue its work in implementing strategies identified in the Housing Action Plan in 2022 and through the remainder of the Consolidated Plan period.

In 2020 the City of Auburn passed an ordinance adopting a new chapter of Rental Housing Code. Included in this ordinance were multiple housing stability strategies, including increased notice of rental increases, a cap on late fees, and a Just Cause Eviction Ordinance that requires landlords to have good cause in order to evict or terminate tenancy of a renter. Just Cause protections are especially helpful in addressing fair housing issues, and this adoption was consistent with the City's efforts related to the Analysis of Impediments to Fair Housing Choice. This builds on previous protections passed by Auburn City Council, including Source of Income Discrimination protections and enhanced rental inspections. Auburn staff have been involved in local and regional policy conversations exploring opportunities to further support anti-displacement efforts and reduce barriers to affordable housing development within our jurisdiction.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City of Auburn will continue to work with service providers throughout the region in coordination to develop systems and strategies to promote their efforts in providing optimal, easily accessible services. The City will work to reduce the number of families in poverty, sustain relationships with employment training agencies, and work to preserve and increase the affordable housing stock in our community.

Actions planned to address obstacles to meeting underserved needs

By establishing a strong foundation of networks between local service providers, stakeholders and government agencies through committees and coalitions, the City will work in partnership to address obstacles and ameliorate barriers to meeting underserved needs. The collaborated organizations will develop detailed strategic plans that will delegate tasks, build systems and ongoing assessment of service delivery.

Actions planned to foster and maintain affordable housing

The City will continue to maintain the affordability of decent housing for low income Auburn residents by allocating over \$300,000 of CDBG funds to the City's Housing Repair Program. The program provides emergency repairs necessary to maintain safe housing for at least 65 Auburn homeowners, many of whom are senior citizens and/or are experiencing barriers to safely accessing their homes due to physical disabilities.

In addition to Auburn's Housing Repair program, the City will maintain affordable housing by continuing to engage and partner with coalitions, committees and other government agencies to integrate and enhance efforts on the issue.

The City has formally adopted a Housing Action Plan, as discussed in AP-75, that is helping to guide current and future efforts in this area. That plan is available to the public on the City of Auburn's website.

Auburn has been participating in multiple robust regional efforts to coordinate affordable housing activities in King County. One of these efforts, The South King Housing and Homelessness Partners (SKHHP) is a coalition formed by an interlocal agreement between the jurisdictions of Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Normandy Park, Renton, Tukwila, and King County. The agreement allows for South King County jurisdictions to work together and share resources in order to effectively address affordable housing and homelessness. This collaborative model is based on similar approaches used in Snohomish County, East King County, and other areas of the country. The purpose of the coalition is to

increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock.

Additionally, the City of Auburn has been an active participant in the recently formed Affordable Housing Committee of the Growth Management Planning Council (GMPC), with a City Councilmember sitting on the Committee as a voting member. The Affordable Housing Committee serves as a regional advisory body to recommend action and assess progress toward implementing the Regional Affordable Housing Task Force (RAHTF) Five Year Action Plan. The Committee functions as a point in coordinating and owning accountability for affordable housing efforts across King County.

Actions planned to reduce lead-based paint hazards

The City of Auburn includes language in its CDBG contracts that require agencies to comply with HUD Lead-Based Paint Regulations (24 CFR Part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4831, et seq.) requiring prohibition of the use of lead-based paint whenever CDBG funds are used. In addition, the City notifies residents of potential lead-based paint hazards when it awards a Housing Repair grant. A copy of the pamphlet – "Protect Your Family from Lead In Your Home" is provided each Housing Repair client when the City conducts the initial inspection of their home.

The city takes additional measures when the age of the home indicates a possible presence of lead-based paint. Before housing repair work commences, the city contracts with a certified provider to undertake lead paint testing. When lead-based hazards are positively identified, the city works with the housing repair client and contractors certified in RRP Lead Abatement to implement the necessary mitigation and safety strategies.

Actions planned to reduce the number of poverty-level families

The City of Auburn's planned actions to reduce the number of poverty- level families within the context of this Annual Action Plan include but are not limited to:

- Allocating \$335,000 to the Housing Repair program, which serves low- and very low-income residents and supports households to remain in safe and affordable housing.
- Allocating \$55,000 to public service activities providing Homelessness Prevention and Intervention services.
- Participate and partner with coalitions, committees and agencies that provide antipoverty services to develop and enhance strategies and efforts to reduce poverty level families.
- Supporting the development and sustainability of affordable multi-family housing in

Auburn.

In addition, the city will continue to support and fund programs serving families living in poverty through a competitive human services funding process.

Actions planned to develop institutional structure

The City's planned actions to address the gaps and weaknesses identified in the strategic plan include:

- Maintaining partnerships with and participating in the South King County Housing and Homelessness Partnership, the Regional Homelessness Authority of King County and other regional human service providers, coalitions and committees who address homeless issues. The City will also continue to work collaboratively with partnering organizations and groups to integrate and enhance services to provide optimal services to individuals and families currently experiencing or at risk of homelessness. In addition the City plans to prioritize General Fund human services dollars for housing and homelessness interventions, and allocate more than \$150,000 to basic needs services such as food, financial assistance, clothing and healthcare.
- Take a comprehensive approach to consolidated and comprehensive planning to include all internal City departments, commissions, committees and task forces.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Auburn has heavily contributed and intends to continue cultivating relationships between public and private housing and social service agencies. In addition the City will continue to participate in collaborations with the South King County Forum on Homelessness, the South King County Council of Human Services, Seattle-King County Housing Development Consortium and the King County Joint Planners Meeting.

Discussion

The expressed goal of the City's Consolidated Plan is to reduce the number of people living in poverty within Auburn. The City intends to give funding priority to programs that in addition to complying with federal regulations and address a priority outlined in the Consolidated Plan are consistent with all of the goals and objectives identified.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

Introduction

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan
3. The amount of surplus funds from urban renewal settlements
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.
5. The amount of income from float-funded activities

Total Program Income

Other CDBG Requirements

Discussion



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5631 (Thomas)

Date:

November 5, 2021

Department:

Finance

Attachments:

[Resolution No. 5631](#)

[Agreement](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5631.

Background for Motion:

Resolution No. 5631 is for a \$100,261.00 grant from the Department of Ecology for the City's 2021-2023 waste reduction and recycling grant program.

Background Summary:

The Washington State Department of Ecology (Ecology) requests to enter into an interlocal agreement with the City of Auburn for the 2021-2023 Local Solid Waste Financial Assistance Grant Program. Ecology has appropriated a 75% grant in the amount of \$100,261.00 for the City to promote waste reduction and recycling. The remaining 25% match of \$33,420.33 will come from a King County Waste Reduction and Recycling Grant.

The grant funding will be used to support the following: contamination reduction in recycling at multifamily properties, community yard sale, classroom presentations, milk dispenser pilot program with Auburn School District, outreach at City-sponsored events, and outreach related to the new solid waste collection services contract.

Reviewed by Council Committees:

Finance

Councilmember: Baggett

Staff:

Thomas

Meeting Date: November 15, 2021

Item Number:

RES.D

RESOLUTION NO. 5631

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND THE DEPARTMENT OF ECOLOGY TO IMPLEMENT THE 2021-2023 LOCAL SOLID WASTE FINANCIAL ASSISTANCE GRANT PROGRAM AND ACCEPTING PROGRAM GRANT FUNDS

WHEREAS, King County and the City of Auburn have adopted the King County Solid Waste Management Plan, which includes recycling and waste reduction goals; and

WHEREAS, in order to help meet these goals, the Department of Ecology with King County Solid Waste Division has established a waste reduction and recycling grant program for the suburban cities; and

WHEREAS, this program provides funding to further the development of local waste reduction and recycling for Auburn businesses and residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RESOLVES as follows:

Section 1. The Mayor is authorized to execute an Agreement between the City and the Department of Ecology for the 2021-2023 Local Solid Waste Financial Assistance Grant Program, which agreement will be in substantial conformity with the agreement attached hereto, and to accept program grant funds in the amount of \$100,261.00.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this Resolution.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____



Agreement No. SWMLSWFA-2021-AubuSW-00039

SOLID WASTE MANAGEMENT LOCAL SOLID WASTE FINANCIAL ASSISTANCE AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

CITY OF AUBURN

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as “ECOLOGY,” and CITY OF AUBURN, hereinafter referred to as the “RECIPIENT,” to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	IMP City of Auburn
Total Cost:	\$133,681.33
Total Eligible Cost:	\$133,681.33
Ecology Share:	\$100,261.00
Recipient Share:	\$33,420.33
The Effective Date of this Agreement is:	07/01/2021
The Expiration Date of this Agreement is no later than:	06/30/2023
Project Type:	Planning & Implementation

Project Short Description:

The City of Auburn will spend \$133,681.33 to reduce recycling contamination and promote waste reduction and recycling programs to residents, businesses, and schools. As a result, approximately 50 tons of potential waste will be either prevented or recycled.

Project Long Description:

See the Scope of Work section for more detailed information related to individual Tasks.

Overall Goal:

Provide regional solutions and intergovernmental cooperation; prevent or minimize environmental contamination through planning and project implementation; and comply with state and local solid and hazardous waste management plans and laws.

Agreement No: SWMLSWFA-2021-AubuSW-00039

Project Title: IMP City of Auburn

Recipient Name: CITY OF AUBURN

RECIPIENT INFORMATION

Organization Name: CITY OF AUBURN

Federal Tax ID: 91-6001228

DUNS Number: 032942575

Mailing Address: 25 West Main St
Auburn, WA 98001

Physical Address: 25 West Main St
Auburn, Washington 98001

Organization Email: jenelson@auburnwa.gov

Contacts

Agreement No: SWMLSWFA-2021-AubuSW-00039

Project Title: IMP City of Auburn

Recipient Name: CITY OF AUBURN

Project Manager	Joan Nelson Solid Waste & Recycling Supervisor 25 West Main St Auburn, Washington 98001 Email: jenelson@auburnwa.gov Phone: (253) 931-5103
Billing Contact	Consuelo Rogel Financial Analyst 25 West Main Street Auburn, Washington 98001 Email: crogel@auburnwa.gov Phone: (253) 804-5023
Authorized Signatory	Nancy Backus Mayor 25 W Main St Auburn, Washington 98001 Email: nbackus@auburnwa.gov Phone: (253) 931-3041

ECOLOGY INFORMATION

Mailing Address: Department of Ecology
Solid Waste Management
PO BOX 47600
Olympia, WA 98504-7600

Physical Address: Solid Waste Management
300 Desmond Drive SE
Lacey, WA 98503

Contacts

Project Manager	Carolyn Bowie PO Box 330316 Shoreline, Washington 98133-9716 Email: CARB461@ecy.wa.gov Phone: (425) 698-3722
Financial Manager	Carolyn Bowie PO Box 330316 Shoreline, Washington 98133-9716 Email: CARB461@ecy.wa.gov Phone: (425) 698-3722

AUTHORIZING SIGNATURES

RECIPIENT agrees to furnish the necessary personnel, equipment, materials, services, and otherwise do all things necessary for or incidental to the performance of work as set forth in this Agreement.

RECIPIENT acknowledges that they had the opportunity to review the entire Agreement, including all the terms and conditions of this Agreement, Scope of Work, attachments, and incorporated or referenced documents, as well as all applicable laws, statutes, rules, regulations, and guidelines mentioned in this Agreement. Furthermore, the RECIPIENT has read, understood, and accepts all requirements contained within this Agreement.

This Agreement contains the entire understanding between the parties, and there are no other understandings or representations other than as set forth, or incorporated by reference, herein.

No subsequent modifications or amendments to this agreement will be of any force or effect unless in writing, signed by authorized representatives of the RECIPIENT and ECOLOGY and made a part of this agreement. ECOLOGY and RECIPIENT may change their respective staff contacts without the concurrence of either party.

This Agreement shall be subject to the written approval of Ecology’s authorized representative and shall not be binding until so approved.

The signatories to this Agreement represent that they have the authority to execute this Agreement and bind their respective organizations to this Agreement.

Washington State
Department of Ecology

CITY OF AUBURN

By: _____

By: _____

Laurie Davies
Solid Waste Management
Program Manager
Date

Nancy Backus
Mayor
Date

Template Approved to Form by
Attorney General's Office

SCOPE OF WORK

Task Number: 1 **Task Cost:** \$56,681.33

Task Title: CROP Residential Recycling/Waste Prevention

Task Description:

RECIPIENT, with a consultant, will conduct residential outreach to promote waste reduction and recycling (WRR), with particular emphasis on multi-family properties to reduce contamination in recycling collection.

RECIPIENT will conduct targeted contamination reduction outreach to at least three multi-family properties in the City of Auburn, totaling approximately 100 units. RECIPIENT will measure contamination reduced using a pre and post survey method described below.

RECIPIENT will conduct additional outreach efforts which may include:

- Producing WRR advertisements, flyers, and postcards.
- Providing educational table displays, virtual training materials or workshops.
- Staffing at City of Auburn (City) events related to promoting WRR.
- Promoting participation in two community yard sales and monitoring an online map used by participants.
- Working with the City's contracted service provider on education and assistance for new Solid Waste Contract changes, including updating commercial customers on WRR services.

Activities that go beyond the scope of materials management (such as management of wastes and toxics and the generation and handling thereof) may be eligible up to the portion that relates to materials management. For example, if workshops discuss things like energy conservation, that is beyond the scope of materials management, and that portion would need to be removed from the reimbursement request for this task.

EXPECTED TASK COSTS

Costs eligible for reimbursement with supporting documentation include:

- RECIPIENT employee salaries and benefits including indirect costs.
- Consultant costs to conduct Task work.
- Costs to develop, print, and distribute educational and outreach materials.
- Costs not listed here but pre-approved in writing by ECOLOGY.

Costs not eligible for reimbursement:

- Overtime compensation (all hours are calculated at the regular rate of pay).
- Items intended as incentives or to giveaway that are not pre-approved in writing by ECOLOGY.
- Costs not specifically identified in the task's scope of work or pre-approved in writing by ECOLOGY.

In accordance with provisions 3 and 19 of the General Terms and Conditions of this Agreement, RECIPIENT is encouraged to work with their Ecology grant manager when developing promotional materials, and must provide a draft copy for review and approval 10 business days prior to production and distribution of materials.

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Reimbursement for costs incurred by contractors to implement work identified in this task are subject to the same eligibility and reimbursement requirements as the RECIPIENT, and require ECOLOGY approval.

Task Goal Statement:

The goal of this task is to reduce negative environmental impacts of materials management. To this end, the task aims to promote waste reduction, reduce contamination, and increase recycling among residents, while bringing awareness to existing collection guidelines and programs, and inspiring residents to participate.

Task Expected Outcome:

With the Task Cost, RECIPIENT anticipates reducing recycling contamination by approximately 5 tons.

RECIPIENT will conduct contamination reduction outreach to at least three multi-family properties, totaling approximately 100 units. To measure contamination reduction, a baseline measurement will be completed by a visual waste audit, viewing the recycle dumpster two times per week. Educational outreach will be provided to tenants after the initial baseline is completed and periodically throughout the program. RECIPIENT will complete a visual waste audit one time per month for 6 months (two quarters).

RECIPIENT anticipates a 5% contamination reduction in recycling which equates to 96 pounds per multi-family unit per year. Estimating 100 units would be targeted would reduce contamination by 9,600 pounds (or 4.8 tons).

Recipient Task Coordinator: Kathleen Edman

CROP Residential Recycling/Waste Prevention

Deliverables

Number	Description	Due Date
1.1	Task Expected Outcomes are the deliverables and achieved incrementally throughout the biennium.	

SCOPE OF WORK

Task Number: 2 **Task Cost:** \$37,000.00

Task Title: CROP IMP Business Recycling/Waste Prevention

Task Description:

RECIPIENT, with a consultant, will support the Auburn School District (ASD)'s continuing work to increase their diversion rate, reduce contamination of recycling and organics waste streams, and reduce overall waste.

RECIPIENT will:

- Provide waste reduction and recycling presentations to students.
- Conduct a Milk Dispenser Pilot Program.
- Conduct a Waste Reduction and Recycling Summer Camp program.

RECIPIENT will provide the ASD Resource Conservation Manager (RCM) with advanced notice of the dates and locations of the classroom presentations. RECIPIENT also will coordinate with the RCM to increase waste prevention and recycling through the promotion of the King County Green Schools and Washington Green Schools programs. To measure the outcomes of this Task work, RECIPIENT will conduct waste audits to measure the waste reduced.

EXPECTED TASK COSTS

Costs eligible for reimbursement with supporting documentation include:

- RECIPIENT employee salaries and benefits including indirect costs.
- Consultant costs to conduct Task work.
- Development and production of program material including presentation props.
- Supplies (gloves, tongs, etc.) for cafeteria waste audit checks and milk dispenser supplies including equipment and durable cups.
- Costs not listed here but pre-approved in writing by ECOLOGY.

Costs not eligible for reimbursement:

- Overtime compensation (all hours are calculated at the regular rate of pay).
- Items intended as incentives or to giveaway that are not pre-approved in writing by ECOLOGY.
- Costs not specifically identified in the task's scope of work or pre-approved in writing by ECOLOGY.

In accordance with provisions 3 and 19 of the General Terms and Conditions of this Agreement, RECIPIENT is encouraged to work with their Ecology grant manager when developing promotional materials, and must provide a draft copy for review and approval 10 business days prior to production and distribution of materials.

Reimbursement for costs incurred by contractors to implement work identified in this task are subject to the same eligibility and reimbursement requirements as RECIPIENT, and require ECOLOGY approval.

Task Goal Statement:

The goal of this task is to reduce negative environmental impacts of materials management. To reach this goal, the task aims to

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increase waste reduction and recycling awareness in Auburn's school students and staff, resulting in effective waste management behaviors both at home and school.

Task Expected Outcome:

With the Task Cost, RECIPIENT anticipates reducing recycling contamination by 39 tons and reducing waste by approximately 4 tons through the milk dispenser pilot program.

To measure waste reduced:

RECIPIENT will compare the quantities of milk cartons purchased before and after milk dispensers are installed at selected schools.

To measure contamination reduction:

RECIPIENT will gather information on the quantity of milk cartons purchased throughout the school year to estimate the weight of the total cartons that need to be disposed of (starting this year, milk cartons may no longer be recycled in ASD and so will become a contamination concern). RECIPIENT will gather waste sort information through spot check, conversations with custodians, and waste audits. Waste audits will convert milk carton volume to weight to estimate waste reduction. RECIPIENT will conduct three inspections at targeted schools to measure impact of education and outreach throughout the school year. The first check will establish the impact of labels and signs and custodial education; the second check will establish impacts of the previous outreach along with workshop outreach and education efforts for students, and the final check will include the previous tools and help to establish behavior change for students.

Recipient Task Coordinator: Kathleen Edman

CROP IMP Business Recycling/Waste Prevention**Deliverables**

Number	Description	Due Date
2.1	Task Expected Outcomes are the deliverables and achieved incrementally throughout the biennium.	

SCOPE OF WORK

Task Number: 3 **Task Cost: \$40,000.00**

Task Title: CROP Recycling Operations

Task Description:

RECIPIENT will support the operations, coordination, and promotion of collection events for items not typically collected in curbside recycling. Services may focus on collection and recycling (but is not limited to): tires, polystyrene foam, mattresses, specific (non-hazardous) electronics, clean scrap wood, branches and stumps, scrap metal, CFC-containing appliances, and secure document shredding.

Work to be performed:

- Organize, stage, and staff two neighborhood recycling events, including scheduling and paying vendors.
- Advertisement of the event.
- Distribution of the outreach materials at the event.
- Responsible recycling, or disposing (such as for some hazardous waste) of the collected materials.
- Calculating and reporting outcomes of each event to ECOLOGY.

Who will perform it:

- A contractor, in conjunction with any vendors hired or utilized by said contractor for final management of materials.
- RECIPIENT employee intends to be minimally involved, performing basic oversight.

EXPECTED TASK COSTS

Costs eligible for reimbursement with supporting documentation include:

- RECIPIENT employee salaries and benefits including indirect costs.
- Service provider, non-profit, or community organization costs for staffing collection, and ultimate recycling vendor costs.
- Education and outreach materials specific to the Task.
- Costs not listed here but pre-approved in writing by ECOLOGY.

Costs not eligible for reimbursement:

- Overtime compensation (all hours are calculated at the regular rate of pay).
- Costs/products covered by existing product stewardship organizations (E-Cycle Washington, LightRecycle Washington, PaintCare, and Call2Recycle) and costs covered by new product stewardship organizations that are fully implemented during this agreement period.
- Costs not specifically identified in the task's scope of work or pre-approved in writing by ECOLOGY.

RECIPIENT will credit the grant for revenue received from fees or sales of items this Task is directly supporting.

Reimbursement for costs incurred by contractors to implement work identified in this task are subject to the same eligibility and reimbursement requirements as the RECIPIENT, and require ECOLOGY approval.

In accordance with provisions 3 and 19 of the General Terms and Conditions of this Agreement, RECIPIENT is encouraged to work with their Ecology grant manager when developing promotional materials, and must provide a draft copy for review and

approval 10 business days prior to production and distribution of materials.

This Task includes recycling activity managed or performed by RECIPIENT at a recycling center such as a drop box location, or at another location. Disposal of any materials collected or advertised as collected for recycling or reuse or marketed for recycling or reuse under this Task is prohibited. RECIPIENT must immediately notify ECOLOGY when they become aware that disposal of materials collected for recycling occurred. ECOLOGY may deny new costs or require RECIPIENT to repay costs already reimbursed or both.

Task Goal Statement:

The goal of this Task is to increase diversion from landfill and reduce illegal dumping by providing access to recycling for items that are banned from disposal or not typically recycled via routine curbside collection services.

Task Expected Outcome:

With the Task Cost, RECIPIENT anticipates collecting approximately 6 tons of materials total, of which 4 tons will be for recycling and 2 tons will be for organics.

RECIPIENT will track the type and quantity of outcomes listed on the Spending Plan and Outcomes Data Collection form found within the EAGL database.

Recipient Task Coordinator: Kathleen Edman

CROP Recycling Operations

Deliverables

Number	Description	Due Date
3.1	Task Expected Outcomes are the deliverables and achieved incrementally throughout the biennium.	

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
City of Auburn	25.00 %	\$ 33,420.33	\$ 100,261.00	\$ 133,681.33
Total		\$ 33,420.33	\$ 100,261.00	\$ 133,681.33

AGREEMENT SPECIFIC TERMS AND CONDITIONS

N/A

SPECIAL TERMS AND CONDITIONS

If the scope of this Agreement includes recycling activity managed or performed by the RECIPIENT at a recycling center (such as a transfer station or drop box location) or other locations, Ecology will not reimburse disposal costs for materials collected or advertised as collected for recycling/reuse or marketed for recycling/reuse under this Agreement, unless approved in writing by Ecology. RECIPIENT must immediately notify ECOLOGY when the RECIPIENT becomes aware that disposal of materials occurred or may occur due to the market conditions for recycled/reused materials. ECOLOGY may deny new costs or require repayment of costs already reimbursed or remove the task from the Agreement or terminate the Agreement.

Ecology will conduct a risk assessment of all Local Solid Waste Financial Assistance recipients. The level of risk determines the level of oversight required by Ecology throughout the biennium. If the RECIPIENT's performance or project circumstances change, Ecology may reassess risk and notify the RECIPIENT of any changes to administrative requirements.

RECIPIENT shall update the Spending Plan and Outcomes Data Collection form at least quarterly. The Spending Plan and Outcomes Data Collection form must be completed concurrent with the submittal of each payment Request/Progress Report. RECIPIENT shall report outcomes in a manner consistent with instructions in the Local Solid Waste Financial Assistance guidelines.

RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial (including payment requests), performance, and other reports required by this Agreement. Ecology shall have the right to deny reimbursement of payment requests received after this date.

GENERAL FEDERAL CONDITIONS

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY

EXCLUSION:

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements

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contained in the certification, they must provide an explanation as to why they cannot.

2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment. RECIPIENT/CONTRACTOR must run a search in <http://www.sam.gov> and print a copy of completed searches to document proof of compliance.

B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$25,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required DUNS number, at www.fsrc.gov <http://www.fsrc.gov> within 30 days of agreement signature. The FFATA information will be available to the public at www.usaspending.gov <http://www.usaspending.gov>.

For more details on FFATA requirements, see www.fsrc.gov <http://www.fsrc.gov>.

C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE

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SERVICES OR EQUIPMENT:

As required by 2 CFR 200.216, federal grant or loan recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

1. Procure or obtain;
2. Extend or renew a contract to procure or obtain; or
3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#) <https://www.govinfo.gov/content/pkg/PLAW-115publ232/pdf/PLAW-115publ232.pdf>, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

Recipients, subrecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\)](#) <https://sam.gov/SAM/> exclusion list.

GENERAL TERMS AND CONDITIONS

Pertaining to Grant and Loan Agreements With the state of Washington, Department of Ecology

GENERAL TERMS AND CONDITIONS

For DEPARTMENT OF ECOLOGY GRANTS and LOANS

06/24/2021 Version

1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

4. ARCHAEOLOGICAL AND CULTURAL RESOURCES

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

- a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:
 - Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

* For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

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- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).
- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
 - Make the IDP readily available to anyone working at the project site.
 - Discuss the IDP with staff, volunteers, and contractors working at the project site.
 - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

5. ASSIGNMENT

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

6. COMMUNICATION

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

7. COMPENSATION

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.
- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email PayeeRegistration@ofm.wa.gov.
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

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j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

8. COMPLIANCE WITH ALL LAWS

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

9. CONFLICT OF INTEREST

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

10. CONTRACTING FOR GOODS AND SERVICES

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

11. DISPUTES

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

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The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

12. ENVIRONMENTAL DATA STANDARDS

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at:

<http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at:

<https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

13. GOVERNING LAW

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

14. INDEMNIFICATION

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

15. INDEPENDENT STATUS

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

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16. KICKBACKS

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

18. ORDER OF PRECEDENCE

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

19. PRESENTATION AND PROMOTIONAL MATERIALS

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

20. PROGRESS REPORTING

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- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.
- b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.
- c) RECIPIENT shall use ECOLOGY's provided progress report format.
- d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.
- e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

21. PROPERTY RIGHTS

- a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.
- b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.
- c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.
- d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.
- e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.
- f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:
 - 1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
 - 2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.
- g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

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22. RECORDS, AUDITS, AND INSPECTIONS

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
 - b) Be kept in a common file to facilitate audits and inspections.
 - c) Clearly indicate total receipts and expenditures related to this Agreement.
 - d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.
- RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced.

Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

23. RECOVERY OF FUNDS

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

24. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

25. STATE ENVIRONMENTAL POLICY ACT (SEPA)

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

26. SUSPENSION

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

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27. SUSTAINABLE PRACTICES

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing,

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

28. TERMINATION

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no

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event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments. If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

29. THIRD PARTY BENEFICIARY

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

30. WAIVER

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

End of General Terms and Conditions