

City Council Meeting
October 19, 2015 - 7:00 PM
Auburn City Hall
AGENDA

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

Meeting videos are not available until 72 hours after the meeting has concluded.

I. CALL TO ORDER

A. **Pledge of Allegiance**

B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Valley Cities Update on Phoenix Rising

B. National Cyber Security Awareness Month
Mayor Backus to proclaim the month of October 2015 as "National Cyber Security Awareness Month" in the city of Auburn

III. APPOINTMENTS

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. **Public Hearings**

1. **Public Hearing No. 1 - 2015-2016 Mid Biennial Budget* (Coleman)**
City Council to conduct a public hearing to receive public comments and suggestions with regard to the proposed modifications to the 2015-2016 Biennial Budget

B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

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.

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 5, 2015 City Council Meeting***

B. **Claims Vouchers (Coleman)**

Claims voucher numbers 435787 through 435916 in the amount of \$4,669,745.66 and four wire transfers in the amount of \$865,524.07 and dated October 19, 2015.

C. **Payroll Vouchers (Coleman)**

Payroll voucher numbers 535899 through 535934 in the amount of \$942,973.52, electronic deposit transmissions in the amount of \$1,333,942.46 for a grand total of \$2,276,915.98 for the period covering October 01, 2015 to October 14, 2015.

(RECOMMENDED ACTION: City Council approve the Consent Agenda.)

VIII. **UNFINISHED BUSINESS**

IX. **NEW BUSINESS**

X. **ORDINANCES**

A. **Ordinance No. 6574, First Reading* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, approving the Final Plat of Hazel Heights

(RECOMMENDED ACTION: City Council suspend the rules and adopt Ordinance No. 6574 on first reading.)

B. **Ordinance No. 6564, Second Reading* (Snyder)**

An Ordinance of the City Council of the City of Auburn Washington, vacating right-of-way of the south side of South 318th Street, east of 56th Avenue South, within the City of Auburn, Washington

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6564.)

C. **Ordinance No. 6565, Second Reading* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 18.04.330, 18.07.020, 18.46A.070 of the Auburn City Code relating to recreational vehicles as dwelling units

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6565.)

D. **Ordinance No. 6572, Second Reading* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 2.33 of the Auburn City Code relating to the Municipal Airport Advisory Board

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6572.)

XI. **MAYOR AND COUNCILMEMBER REPORTS**

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

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.

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing No. 1 - 2015-2016 Mid Biennial Budget

Date:

October 8, 2015

Department:

Finance

Attachments:

[2015-2016 Mid Biennial Budget Update](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to conduct a public hearing to receive public comments and suggestions with regard to the proposed modifications to the 2015-2016 Biennial Budget.

Background Summary:

This is the initial public hearing held prior to the review of the 2015-2016 mid-biennial budget correction. The purpose of the correction is to evaluate and assess any changes needed to the budget for the remainder of the 2015-2016 biennium. This public hearing provides an opportunity for any citizens to make comments or suggestions prior to publication of the mid-biennial correction. A second public hearing is tentatively scheduled for November 16, where citizens will have an additional opportunity to make comments or suggestions.

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

Coleman

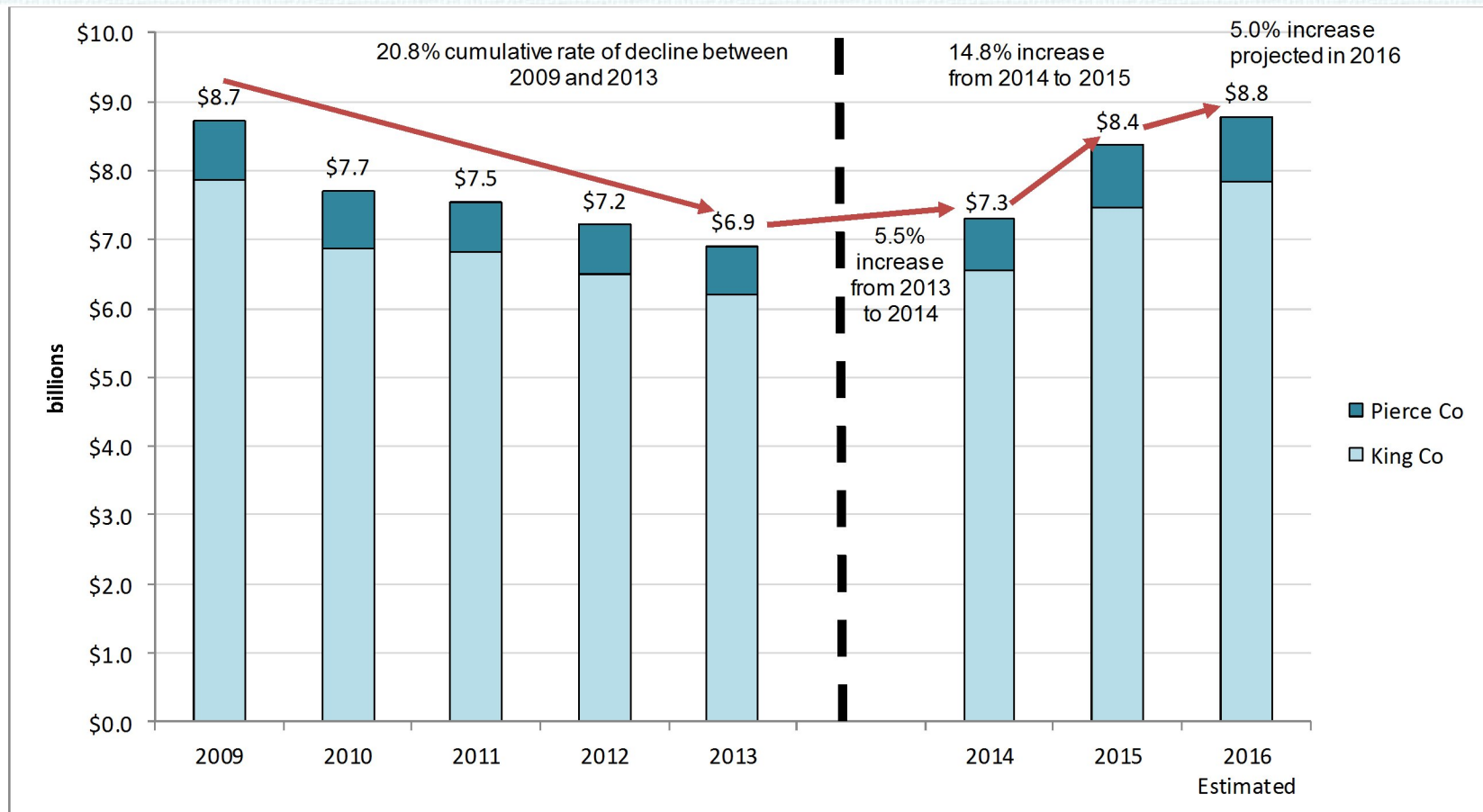
Meeting Date: October 19, 2015

Item Number: PH.1

2015-16 Budget Planning Property Tax Review

Monday, October 19, 2015

Property Assessed Valuation



Historical AV, Levy and Levy Rate

Year	Assessed Value	% Change in AV	Levy
2009	\$ 8,719,721,892		
2010	\$ 7,702,255,337	-11.7%	\$ 14,239,494
2011	\$ 7,544,294,006	-2.1 %	\$ 14,595,036
2012	\$ 7,214,024,327	-4.4 %	\$ 14,874,840
2013	\$ 6,909,168,076	-4.2 %	\$ 14,513,336
2014	\$ 7,288,082,732	+5.5 %	\$ 15,792,046
2015	\$ 8,366,304,712	+14.8 %	\$ 17,182,621
2016E	\$ 8,784,619,948	+5.0 %	\$ 17,604,485
Total Change		+0.7 %	

Property Tax Levy

Year	Levy
2012	\$ 14,874,840
2013	\$ 14,513,336
2014	\$ 15,792,046
2015	\$ 17,182,621
2016 Estimated	\$ 17,604,485

Assumptions:

- 14.8% and 5% annual increase in base assessed valuation 2015, 2016.
- Increase in 2015 new construction-\$563,500; \$250,000 NCI estimated for 2016.
- 1% levy increases in 2015 and 2016

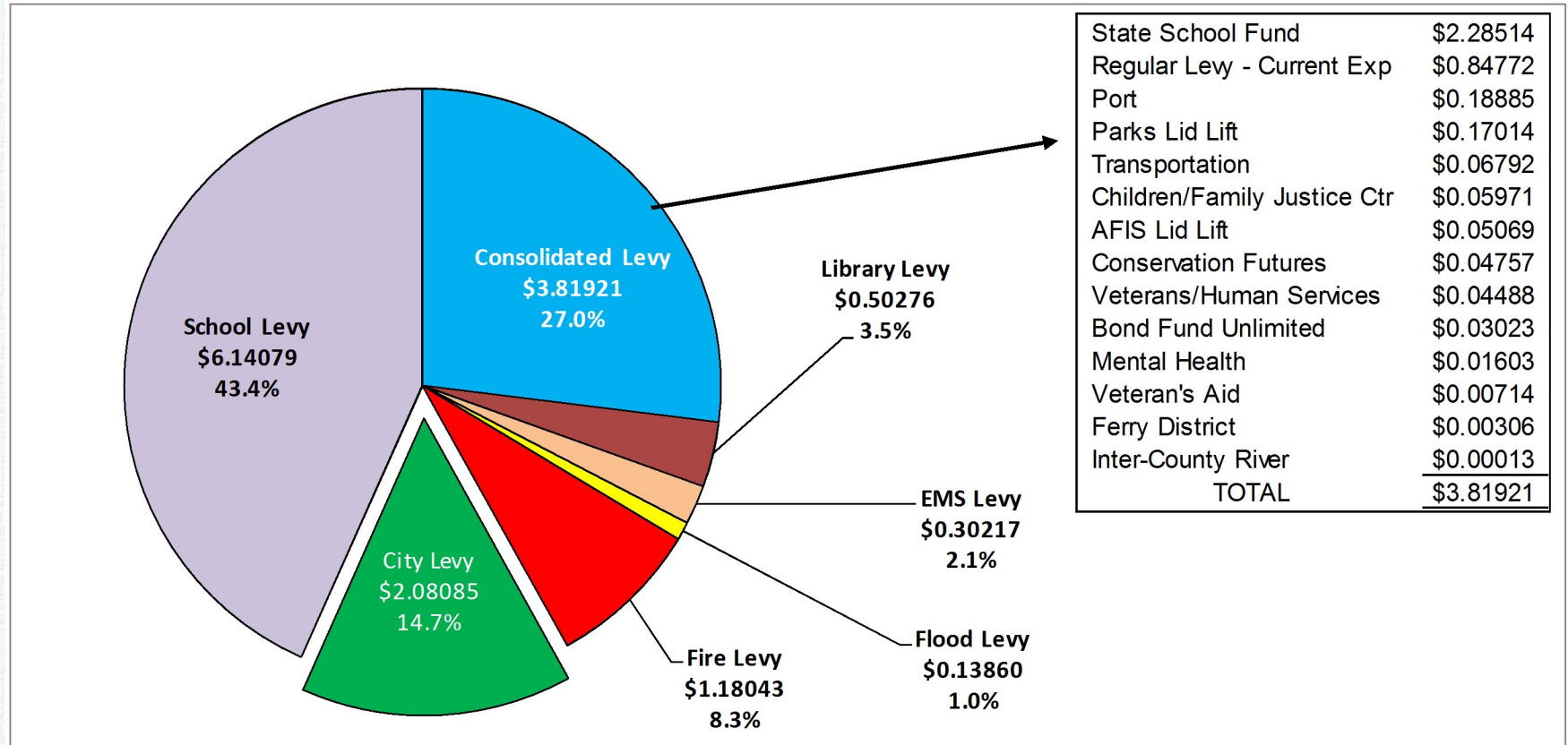
Levy Lesser of IPD or 1%

- IPD for 2016 Levy is .251% and would generate a \$43,000 increase over 2015 levy.
- 1% would generate \$171,800.
- The City may increase 1% if there is a finding of substantial need **and** will require super majority vote of Council, 5 years.
- Substantial need requires documentation in the budget ordinance or a separate resolution. Cannot be part of the levy Ordinance.

Finding of Substantial Need

- All labor contract increases are greater than 1% in 2016.
- Increases in service and supply contracts are greater than 1%.
- SCORE, Valley Communication's (911), and King County District Court alone are increasing \$650,000 in 2016 over 2015.

Total Levies



End of Presentation



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 5, 2015 City Council Meeting

Date:

October 13, 2015

Department:

Administration

Attachments:

[Minutes](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: October 19, 2015

Item Number: CA.A



**City Council Meeting
October 5, 2015 - 7:00 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

City Councilmembers present: Rich Wagner, Bill Peloza, Largo Wales, Claude DaCorsi, and Yolanda Trout. Deputy Mayor Holman and Councilmember Wayne Osborne were excused.

Mayor Nancy Backus presided over the meeting.

Department directors and staff members present included: City Attorney Daniel B. Heid, Director of Administration Dana Hinman, Chief of Police Bob Lee, Community Development and Public Works Director Kevin Snyder, Finance Director Shelley Coleman, Assistant Director of Community Development Services Jeff Tate, Economic Development Manager Doug Lein, Domestic Violence Victim Advocate Shelly David, and City Clerk Danielle Daskam.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Mayor's Proclamation & Award Presentation for Domestic Violence Awareness & Prevention Month

Mayor Backus to proclaim October 2015 as Domestic Violence Awareness and Prevention Month in the City of Auburn.

Mayor Backus read and presented a proclamation declaring the month of October as Domestic Violence Awareness and Prevention Month in the city of Auburn to Domestic Violence Victim Advocate Shelly David. Ms. David reported a Domestic Violence Awareness and Education Event will be held in Auburn on October 16, 2015 with keynote speaker Denise Brown, sister of the late Nicole Brown Simpson. The event will be held at Grace Community Church at 1:00 p.m.

Mayor Backus and Chief of Police Bob Lee presented awards to police officers Mike McNabb and Aaron Ernst and Detective Rob Jones for their service and dedication to the domestic violence unit. Chief Lee reported the Auburn Police Department responds to 5.5 domestic violence cases per day.

Councilmember Trout, a member of the Domestic Violence Prevention Task Force, was recognized for her dedication and service on the Task Force.

III. APPOINTMENTS

There was no appointment for Council consideration.

IV. AGENDA MODIFICATIONS

Resolution No. 5174 was removed from the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

No public hearing was scheduled for this evening.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Jerry Galland, PO Box 1843, Milton, WA
Mr. Galland spoke regarding Ordinance No. 6573, which appears on the agenda this evening. Ordinance No. 6573 amends certain sections of the code relating to charitable solicitations. Mr. Galland questioned the definition of a bona fide charity and suggested the ordinance may impact a person's freedom of speech. Mr. Galland stated he believes the Muscular Dystrophy Fill the Boot Campaign is a form of aggressive begging.

C. Correspondence

There was 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 recommendations to the City Council, if any.

Councilmember Wales reported on behalf of the Council ad hoc committee that reviews claims and payroll vouchers. Councilmember Wales reported Councilmember Osborne and she reviewed claims and payroll vouchers as presented on this evening's Consent Agenda, and the ad hoc committee recommends their approval.

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 August 31, 2015 Study Session

B. Minutes of the September 21, 2015 City Council Meeting

C. Claims Vouchers (Coleman)

Claims voucher numbers 435602 through 435786 in the amount of \$1,379,865.31 and five wire transfers in the amount of \$196,852.62 and dated October 5, 2015.

- D. Payroll Vouchers (Coleman)
Payroll voucher numbers 535861 through 535898 in the amount of \$325,034.41 and electronic deposit transmissions in the amount of \$1,387,669.14 for a grand total of \$1,712,703.55 for the period covering September 17, 2015 to September 30, 2015.
- E. Call for Public Hearing (Coleman)
City Council to call for Public Hearing No. 1 for the Mid-Biennial Review and Modification of the 2015-2016 Biennial Budget to be held October 19, 2015.
- Councilmember Wales moved and Councilmember Trout seconded to approve the Consent Agenda.

The Consent Agenda includes minutes, claims vouchers, payroll vouchers, and a request to call for public hearing on the mid-biennial budget review and modification.

MOTION CARRIED. 5-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

- A. SCORE Jail Statistics (Mayor Backus)

Mayor Backus is the City's representative on the South Correctional Entity (SCORE) Board and presented a PowerPoint presentation on SCORE Jail statistics. The SCORE member cities include Auburn, Renton, Federal Way, Tukwila, Burien, SeaTac and Des Moines.

Mayor Backus reviewed SCORE Member City Billable Average Daily Population (ADP) for August, which was at 312 for member cities. Auburn's ADP in August was 75.

Mayor Backus reviewed Total ADP by Month and Year for August 2015. Contract agencies ADP in August 2015 was 306 compared to member cities ADP of 312.

Mayor Backus reviewed Auburn Billable ADP for 2013 to 2015, Total Bookings for Member and Contract Agencies, Member Bookings by Agency, Member Agency Bookings by Type, a breakout of contract inmates by agency, SCORE Contract Billable ADP 2014-2015, Male versus Female Bookings for 2015, and August 2015 Member Agency Arrests by Inmate's City of Residence.

X. ORDINANCES

- A. Ordinance No. 6565, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 18.04.330, 18.07.020, 18.46A.070 of the Auburn City Code relating to Recreational Vehicles as Dwelling Units

Councilmember Wales moved and Councilmember Trout seconded to adopt Ordinance No. 6565.

In response to questions from Councilmember Peloza, Assistant Director of Community Development Services Jeff Tate explained the proposed ordinance provides for a no fee, registration program that allows for an RV to be temporarily placed on a residential property for up to 90 calendar days with an allowance for a single 90-day extension.

Councilmember Wales recalled reviewing the proposed ordinance in a previous study session and spoke in favor of the ordinance.

In response to questions from Councilmember Wagner, Assistant Director Tate advised that the current city code allows for placement of caretaker RV vehicles on commercial property. There are additional provisions in the city code that provide the authority to have RV recreational units removed from commercial property.

- B. Ordinance No. 6572, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 2.33 of the Auburn City Code relating to the Municipal Airport Advisory Board

Councilmember Wales moved and Councilmember Trout seconded to adopt Ordinance No. 6572.

Councilmember Wales spoke in favor of Ordinance No. 6572. The proposed Ordinance removes the requirement for monthly meetings and substitutes a required quarterly meeting. Councilmember Wales stated the proposed change in city code will help make more efficient use of Board members' volunteer time as well as more efficient use of City staff.

- C. Ordinance No. 6573, First Reading (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 9.18.010, 9.18.020 and 9.18.050 of the Auburn City Code relating to charitable solicitations

Councilmember Wales moved and Councilmember DaCorsi seconded to suspend the rules and adopt Ordinance No. 6573 on first reading.

Councilmember Wales recalled the proposed Ordinance was reviewed in study session on September 28, 2015. Councilmember Wales expressed support for Ordinance No. 6573.

MOTION CARRIED. 5-0

XI. RESOLUTIONS

- A. Resolution No. 5166 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an addendum to the agreement for the day to day operation and management of the Auburn Municipal Airport

Councilmember Wales moved and Councilmember Peloza seconded to adopt Resolution No. 5166.

Councilmember Peloza spoke in favor of Resolution No. 5166 and the extension of the airport management agreement with Aviation Management.

Group.

MOTION CARRIED. 5-0

B. Resolution No. 5172 (Snyder)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the City to expend funds to abate the litter, junk, weeds and attractive nuisances at 5412 S. 331st Street, 802 A Street SE, 620 D Street SE, and 1322 17th Street NE, in the city of Auburn

Councilmember Wales moved and Councilmember DaCorsi seconded to adopt Resolution No. 5172.

Councilmember Wales spoke in favor of the resolution and enforcement of city code standards.

Councilmember DaCorsi spoke in favor of code enforcement efforts.

Councilmember Trout concurred with Councilmembers Wales and DaCorsi.

MOTION CARRIED. 5-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

A. From the Council

Councilmember DaCorsi reported on his attendance at the Regional Law, Justice and Safety Committee meeting. The Committee received presentations from Judge Tucker on King County District Court's on-line ticket mitigation program and electronic records system. The Committee also received a presentation from Puget Sound Emergency Radio Network (PSERN) Project Director David Mendel on the project status and milestones.

Councilmember Wales reported on her attendance at the Pierce County Association of Small Cities and Towns where representatives from the Association of Washington Cities spoke regarding the legislative priorities and agenda for next year.

Councilmember Pelosa reported on his attendance at the Sister Cities Association meeting, and a tour of the Mill Creek Ecosystem restoration, which is a flood control and salmon habitat project funded by the US Army Corps of Engineers, the City of Auburn and others.

Councilmember Trout reported she attended the opening of a new homeless shelter in Kent called the Hope Center for Women and Children, the Mill Creek Ecosystem restoration tour, the Auburn MultiCare Medical Center reception, the LEAN leadership workshop, a Veterans appreciation dinner, Auburn Parks and Recreation S'Mores Than You Imagined event at Game Farm Wilderness Park, and the Domestic Violence Awareness and Prevention candlelight vigil held earlier this evening.

B. From the Mayor

Mayor Backus reported on some of her activities since the last Council meeting, including the Downtown Auburn Business Summit, King County Councilmember Peter von Reichbauer's Good Eggs Breakfast, the global meeting with the Muckleshoot Indian Tribe, and a neighborhood meeting in the Cedar Lanes Park area. Mayor Backus also reported on her attendance at the United Way Breakfast at the Paramount Theater where the program included a presentation on the TRiO Program at Green River College. Three Green River College students spoke about their difficulties in schooling and how the TRiO Program supported them in achieving either their high school or college degree. Mayor Backus also announced that a member of the Muckleshoot Indian Tribal Council will be participating on the Homelessness Task Force.

XIII. EXECUTIVE SESSION

At 8:06 p.m., Mayor Backus recessed the meeting to executive session for approximately 10 minutes in order to discuss a lease of property, pursuant to RCW 42.30.110(1)(b) with possible action following the executive session. City Attorney Heid, Finance Director Coleman, Director of Administration Hinman, and Economic Development Manager Doug Lein attended the executive session.

Mayor Backus reconvened the meeting at 8:16 p.m.

City Attorney Heid read Resolution No. 5175 by title:

Resolution No. 5175

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute a Parking Lot Lease Agreement between the City of Auburn and Levan Auburn Development, LLC, and IOUANNOU, LLC.

Councilmember Wales moved and Councilmember Trout seconded to adopt Resolution No. 5175.

MOTION CARRIED. 5-0

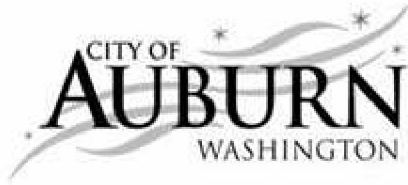
XIV. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:18 p.m.

APPROVED this 19th day of October, 2015.

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

October 13, 2015

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve claim vouchers

Background Summary:

Claims voucher numbers 435787 through 435916 in the amount of \$4,669,745.66 and four wire transfers in the amount of \$865,524.07 and dated October 19, 2015.

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

Coleman

Meeting Date: October 19, 2015

Item Number: CA.B



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

October 13, 2015

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve payroll vouchers

Background Summary:

Payroll voucher numbers 535899 through 535934 in the amount of \$942,973.52, electronic deposit transmissions in the amount of \$1,333,942.46 for a grand total of \$2,276,915.98 for the period covering October 01, 2015 to October 14, 2015.

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

Coleman

Meeting Date: October 19, 2015

Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6574, First Reading

Date:

October 12, 2015

Department:

Community Development
and Public Works

Attachments:

[Ordinance 6574](#)
[Exhibit 2](#)
[Exhibit 3](#)
[Exhibit 4](#)
[Exhibit 5](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6574.

Background Summary:

Jeff Potter, representing Alpine View LLC, has made application for the Final Plat of "Hazel Heights"; located at the northwest corner of 112th Avenue SE and SE 304th Street, in the "Lea Hill" area of the City. This Final Plat subdivides the 4.31-acre site (King County Tax Parcel No. 0521059039) into 17 single-family residential lots, and 3 tracts; one tract dedicated to the City of Auburn for stormwater purposes (Tract A), one tract dedicated to the Hazel Heights Homeowner's Association for a critical area and associated buffer (Tract B), one tract dedicated to the City of Auburn for a fence encroachment (Tract C), and dedication of public right-of-way. See Exhibit 2.

The Preliminary Plat was approved as a single phase by the Hearing Examiner on April 22, 2013 (PLT12-0002) with 17 conditions; see Exhibit 4. The plat, including minor adjustments to the approved Preliminary Plat consistent with Auburn City Code (ACC) 17.10.100(A), has been developed in accordance with the R5 Residential zoning district, Title 17 ACC – "Land Adjustments and Division", Chapters WAC 58.17 and RCW 35A.58, and the 19 conditions of the Preliminary Plat approval.

Certificate of Improvements has been issued by the City Engineer, accepting completion of all required plat public improvements in accordance with all applicable standards of the City's Engineering Design Standards in effect at the time of Preliminary Plat approval and accepting financial security for those improvements that remain to be completed.

The Final Plat has been reviewed by the various divisions of the Community Development and Public Works Department and the Valley Regional Fire Authority (VRFA) and find that all requirements have been met.

The role of the City Council in review of a Final Plat is ministerial in that it is limited to determining whether or not the Final Plat meets the requirements of the Preliminary Plat.

The City Council, in its Final Plat approval, cannot add, subtract or modify Preliminary Plat requirements. Its decision is to either (1) approve the final plat if all Preliminary Plat requirements have been met; or (2) deny approval of the Final Plat if any Preliminary Plat requirements have not been met. If a Final Plat is being denied, it is also appropriate for the City Council to identify any/all Preliminary Plat requirements that have not been met.

Exhibit 1: Proposed Ordinance No. 6574, approving the Final Plat of Hazel Heights.

Exhibit 2: Final Plat Map of Hazel Heights (Map, 3 pages)

Exhibit 3: City Engineer's "Certificate of Improvements"

Exhibit 4: Hearing Examiner Decision dated April 22, 2013, approving the Preliminary Plat of Hazel Heights (PLT12-0002)

Exhibit 5: Vicinity Map

Reviewed by Council Committees:

Other: Building, Legal, CD&PW, Fire, & Survey

Councilmember:

Staff: Snyder

Meeting Date: October 19, 2015

Item Number: ORD.A

ORDINANCE NO. 6 5 7 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE FINAL PLAT OF HAZEL HEIGHTS

WHEREAS, the City of Auburn received a final plat application for the Plat of Hazel Heights, Application No PLT15-0001, the final approval of which is appropriate for City Council Action, and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

- 1 Alpine View LLC has made application for the Final Plat of "Hazel Heights"
2. The Preliminary Plat of "Hazel Heights" (PLT12-0002) was approved by the Hearing Examiner on April 22, 2013, as a single phase
- 3 The Plat of "Hazel Heights", including minor adjustments to the approved Preliminary Plat consistent with Auburn City Code (ACC) 17 10 100(A), has been developed in accordance with all applicable conditions of the Preliminary Plat.
- 4 A Certificate of Improvements has been issued by the City Engineer, accepting completion of all required plat improvements in accordance with all applicable standards of the City's Engineering Design Standards and accepting financial security for those improvements that remain to be completed.
- 5 The final plat includes two publicly dedicated tracts, Tract A, for the storm drainage facility, and Tract C, for a fence encroachment.

CONCLUSIONS OF LAW

- 1 The Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls.
2. The Final Plat of "Hazel Heights" is consistent with the Comprehensive Plan.

3 The Plat meets the requirements of Chapter 58 17 RCW

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, HEREBY RESOLVES AS FOLLOWS

Section 1. Approval. Hazel Heights, a subdivision consisting of real property located within the City of Auburn, Washington, which plat is legally described on Sheet 1 of 3 of the Final Plat and set forth below:

THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER
OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M.,
IN KING COUNTY, WASHINGTON;

EXCEPT COUNTY ROADS

[King County Tax Parcel No 0521059039]

is hereby approved, and deemed to conform to the requirements for Plat approval pursuant to State and local law and Chapter 58 17 of the Revised Code of Washington and Section 58.17 140 thereof

Section 2. Constitutionality or Invalidity. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall

Ordinance No. 6574
October 5, 2015
Page 2 of 3

cause this Ordinance to be recorded in the office of the King County Auditor's Division

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law

FIRST READING _____

SECOND READING _____

PASSED _____

APPROVED _____

CITY OF AUBURN

NANCY BACKUS,
MAYOR

ATTEST

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

Ordinance No. 6574
October 5, 2015
Page 3 of 3

HAZEL HEIGHTS

A PORTION OF THE S.W. 1/4, OF THE S.E. 1/4, SEC. 5, T 21 N, R 5 E, W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACES, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF AUBURN, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF AUBURN.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF AUBURN, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING THE COSTS OF DEFENSE CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF AUBURN, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF AUBURN, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

ALPINE VIEW LLC, A WASHINGTON LIMITED LIABILITY COMPANY

BY: ITS:

HOME STREET BANK, A WASHINGTON STATE CHARTERED SAVINGS BANK

BY: ITS:

Acknowledgement

STATE OF WASHINGTON }
COUNTY OF KING } ss.

ON THIS DAY PERSONALLY APPEARED BEFORE ME _____
TO ME KNOWN TO BE THE _____ OF ALPINE VIEW LLC,
A WASHINGTON LIMITED LIABILITY COMPANY, THE COMPANY THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT ON BEHALF OF THE CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
MY COMMISSION EXPIRES _____

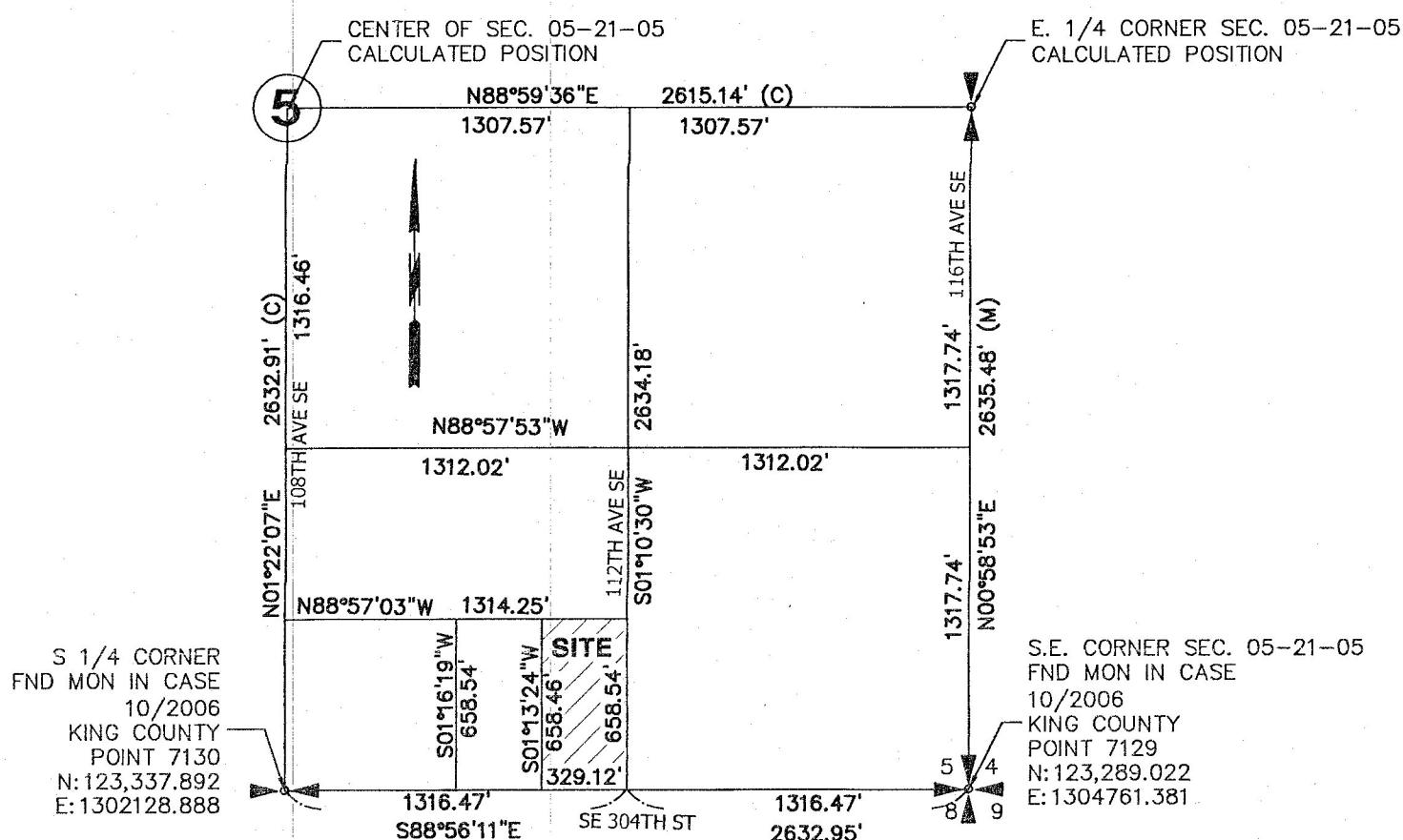
Acknowledgement

STATE OF WASHINGTON }
COUNTY OF KING } ss.

ON THIS DAY PERSONALLY APPEARED BEFORE ME _____
TO ME KNOWN TO BE THE _____ OF HOME STREET
BANK, A WASHINGTON STATE CHARTERED SAVINGS BANK, THE COMPANY THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE SAID INSTRUMENT ON BEHALF OF THE CORPORATION.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
MY COMMISSION EXPIRES _____



BASIS OF BEARING: SE 304TH STREET (S88°56'11\"E) NAD 83/91

REFERENCE

USED SECTION BREAKDOWN FROM THE
PLAT OF CAMBRIDGE POINT, VOL. 240, PGS. 40 TO 43
FOR THE BASIS OF THIS SURVEY

LEGAL DESCRIPTION

THE SOUTH HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT COUNTY ROADS.

APPROVALS

FINANCE DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS FOR WHICH THE PROPERTY SUBJECT TO THIS SUBDIVISION MAY BE LIABLE TO THE CITY, AND THAT ALL SPECIAL ASSESSMENTS ON ANY PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE HAVE BEEN DULY PAID.

THIS _____ DAY OF _____, 20____.

AUBURN DIRECTOR OF FINANCE

CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS FINAL PLAT IS IN COMPLIANCE WITH THE CERTIFICATE OF IMPROVEMENTS ISSUED PURSUANT TO ACC 17.14.015, AND IS CONSISTENT WITH ALL APPLICABLE CITY IMPROVEMENT STANDARDS AND REQUIREMENTS IN FORCE ON THE DATE OF THE PRELIMINARY PLAT APPROVAL.

THIS _____ DAY OF _____, 20____.

AUBURN CITY ENGINEER

COMMUNITY DEVELOPMENT ASSISTANT DIRECTOR'S CERTIFICATE

I HEREBY CERTIFY ON THIS _____ DAY OF _____, 20____, THAT THIS FINAL PLAT IS IN SUBSTANTIAL CONFORMANCE WITH THE PRELIMINARY PLAT AND ANY CONDITIONS ATTACHED THERETO, WHICH PRELIMINARY PLAT WAS APPROVED BY THE HEARING EXAMINER ON THE 22ND DAY OF APRIL, 2013.

AUBURN ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT

APPROVAL

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____, PURSUANT TO ORDINANCE NUMBER _____ ADOPTED BY THE AUBURN COUNCIL ON THE _____ DAY OF _____, 20____.

MAYOR _____ ATTEST: _____ AUBURN CITY CLERK

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION, AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL THIS _____ DAY OF _____, 20____.

MANAGER _____ DEPUTY _____

ASSESSOR'S APPROVAL

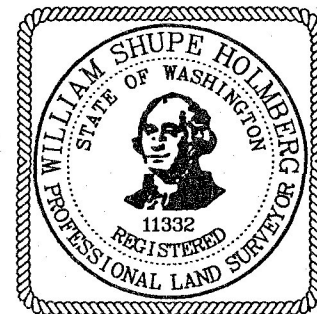
EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____.

KING COUNTY ASSESSOR _____ DEPUTY COUNTY ASSESSOR _____
TAX PARCEL NO. 052105-9039

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF HAZEL HEIGHTS IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 5, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

William Shupe Holmberg
WILLIAM SHUPE HOLMBERG, PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 11332
ENCOMPASS ENGINEERING AND SURVEYING
165 NE JUNIPER STREET, SUITE 201
ISSAQUAH, WA 98027
PHONE: (425) 392-0250



PLT 15-0001

PREPARED BY	Encompass ENGINEERING & SURVEYING			VOL.
Western Washington Division 165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055 Eastern Washington Division 407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433 • Fax: (509) 674-7419				PG.
DRAWN BY:	CHECKED BY:	DATE:	SHEET:	
JEF	WSH	09/10/15	1 OF 3	

HAZEL HEIGHTS

A PORTION OF THE S.W. 1/4, OF THE S.E. 1/4, SEC. 5, T 21 N, R 5 E, W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON

EASEMENT NOTES

1. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS LOT 2 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 1 AND 2 . THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
2. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS LOTS 4 AND 5 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 3, 4 AND 5 . THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
3. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS LOTS 7 AND 8 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 6, 7 AND 8 . THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
4. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS LOTS 13, 14, 15 AND 16 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 12, 13, 14, 15, 16 AND 17. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
5. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS LOTS 9 AND 10 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 9, 10 AND 11. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
6. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS THE BACKS OF LOTS 6, 7 AND 8 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 6, 7, 8 AND THE HAZEL HEIGHTS HOMEOWNER'S ASSOCIATION. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE STORM DRAINAGE SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES BY THE OWNERS OF LOTS 6, 7 AND 8, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE STORM DRAINAGE SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE. IN ADDITION, THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR ENSURING THE FUNCTION, MAINTENANCE, REPAIR OR RECONSTRUCTION OF THE STORM DRAINAGE SYSTEM IF NOT MAINTAINED BY THE OWNERS OF LOTS 6, 7 AND 8. IF NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE STORM DRAINAGE SYSTEM, THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
7. THE 10' PRIVATE DRAINAGE EASEMENT (PVDE) SHOWN OVER AND ACROSS THE WEST PORTION OF LOT 5 IS ESTABLISHED FOR THE BENEFIT OF THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THE DRAINAGE SYSTEM SHALL BE BORNE BY THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION AND WHEN NECESSARY THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION SHALL HAVE A RIGHT OF ENTRY FOR INSPECTING, OPERATING, MAINTAINING, REPAIRING, RECONSTRUCTING AND IMPROVING THE DRAINAGE FACILITIES CONTAINED THEREIN.
8. THE 5' PRIVATE WATER EASEMENT (PVWE) SHOWN OVER AND ACROSS LOT 6 IS ESTABLISHED FOR THE BENEFIT OF THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THE WATER SYSTEM SHALL BE BORNE BY THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION AND WHEN NECESSARY THE HAZEL HEIGHTS HOMEOWNERS ASSOCIATION SHALL HAVE A RIGHT OF ENTRY FOR INSPECTING, OPERATING, MAINTAINING, REPAIRING, RECONSTRUCTING AND IMPROVING THE WATER FACILITIES CONTAINED THEREIN.
9. THE 15' PUBLIC WATER EASEMENT (PUBWE) ACROSS LOTS 10 AND 11 IS HEREBY GRANTED AND CONVEYED TO THE CITY OF AUBURN, ITS SUCCESSORS AND/OR ASSIGNS. A PERPETUAL NONEXCLUSIVE EASEMENT UNDER, OVER, THROUGH AND ACROSS THE REAL PROPERTY AS DESCRIBED HEREIN FOR THE PURPOSE OF LAYING, MAINTAINING, INSTALLING AND CONVEYING WATER, AND APPURTENANCES THEREOF, PER THE ENGINEERING PLANS APPROVED BY THE CITY OF AUBURN FOR THIS PLAT, TOGETHER WITH THE ABSOLUTE RIGHT, AT ALL TIMES AS NECESSARY FOR IMMEDIATE ACCESS (INGRESS AND EGRESS), TO ENTER SAID EASEMENT FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING, RECONSTRUCTING AND IMPROVING THE WATER FACILITIES CONTAINED THEREIN WITHOUT INCURRING ANY LEGAL OBLIGATION OR LIABILITY THEREFORE.

THE OWNERS OF SAID PRIVATE PROPERTY SHALL NOT IN ANY WAY BLOCK, RESTRICT OR IMPEDE ACCESS AND EGRESS TO OR FROM SAID EASEMENT AREA, AND/OR IN ANY WAY BLOCK, RESTRICT OR IMPEDE FULL USE OF THE REAL PROPERTY WITHIN THE ABOVE DESCRIBED EASEMENT AREA BY THE CITY OF AUBURN FOR THE ABOVE DESCRIBED PURPOSES. NO BUILDING, WALL, ROCKERY, FENCE, TREES, OR STRUCTURE OF ANY KIND SHALL BE ERRECTED OR PLANTED, NOR SHALL ANY FILL MATERIAL BE PLACED WITHIN THE BOUNDARIES OF SAID EASEMENT AREA, WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CITY OF AUBURN. WITH CITY OF AUBURN PERMISSION, THE OWNERS OF SAID PRIVATE PROPERTY MAY FENCE ACROSS SAID EASEMENT AREA AND/OR ALONG THE BOUNDARIES OF SAID EASEMENT AREA. PROVIDED THAT A GATE IS CONSTRUCTED IN SAID FENCE. SAID GATE SHALL BE OF SUFFICIENT LENGTH AND LOCATION TO ALLOW THE GRANTEE FULL USE OF, AND ACCESS AND EGRESS TO AND FROM THE REAL PROPERTY WITHIN THE EASEMENT AREA. IF SAID GATE IS TO BE LOCKED, KEYS SHALL BE PROVIDED TO THE CITY OF AUBURN.

NO EXCAVATION SHALL BE MADE WITHIN THREE (3) FEET OF SAID WATER FACILITIES AND THE SURFACE LEVEL OF THE GROUND WITHIN THE EASEMENT AREA SHALL BE MAINTAINED AT THE ELEVATIONS AS CURRENTLY EXISTING.

THE OWNERS OF SAID PRIVATE PROPERTY GRANTS TO THE CITY OF AUBURN THE RIGHT OF INGRESS AND EGRESS TO THE EASEMENT AREA OVER AND ACROSS ALL PAVED, GRAVELED, OR OTHERWISE IMPROVED DRIVEWAYS OR PARKING LOTS WITHIN THE PARENT PARCEL. IF DIRECT ACCESS TO THE EASEMENT AREA IS NOT AVAILABLE FROM SUCH DRIVEWAYS OR PARKING LOTS, THE CITY OF AUBURN'S RIGHT OF INGRESS AND EGRESS SHALL INCLUDE SUCH OTHER AREAS OF THE PARENT PARCEL AS THE CITY OF AUBURN DETERMINES ARE NECESSARY TO ACCESS THE EASEMENT AREA FROM SUCH DRIVEWAYS AND PARKING LOTS OR FROM THE PARENT PARCELS BOUNDARIES. IN THE CASE OF ANY DAMAGE OR DISRUPTION OF THE PARENT PARCEL, THE CITY OF AUBURN SHALL RETURN THE PROPERTY TO A CONDITION REASONABLY COMPARABLE TO ITS CONDITION AS IT EXISTED IMMEDIATELY BEFORE ENTRY AND/OR WORK WAS MADE THEREON BY THE CITY OF AUBURN OR ITS AGENTS.

THE OWNERS OF SAID PRIVATE PROPERTY ADDITIONALLY GRANTS TO THE CITY OF AUBURN, THE USE OF SUCH ADDITIONAL AREA IMMEDIATELY ADJACENT TO SAID EASEMENT AREA AS SHALL BE REQUIRED FOR THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND OPERATION OF SAID WATER FACILITIES. THE USE OF SUCH ADDITIONAL AREA SHALL BE HELD TO REASONABLE MINIMUM AND IN THE CASE OF ANY DAMAGE OR DISRUPTION OF THE PARENT PARCEL, THE CITY OF AUBURN SHALL RETURN THE PROPERTY TO A CONDITION REASONABLY COMPARABLE TO ITS CONDITION AS IT EXISTED IMMEDIATELY BEFORE ENTRY AND/OR WORK WAS MADE THEREON BY THE CITY OF AUBURN OR ITS AGENTS. IN ADDITION TO THE OTHER RESTRICTIONS HEREIN, THE OWNERS OF SAID PRIVATE PROPERTY SHALL NOT CONVEY TO A THIRD PARTY ANY EASEMENT OR OTHER RIGHT OF THE EASEMENT AREA.

THIS EASEMENT AND COVENANT SHALL RUN WITH THE PARENT PARCEL AND IS BINDING ON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND/OR ASSIGNS.

10. THE 10' PUBLIC UTILITY EASEMENT (PUBUE) SHOWN ALONG THE PUBLIC STREET RIGHT-OF-WAYS IS HEREBY GRANTED AND CONVEYED TO THE CITY OF AUBURN, ITS SUCCESSORS AND/OR ASSIGNS FOR INSTALLING AND MAINTAINING PUBLIC UTILITY LINES/FACILITIES. THIS EASEMENT AND COVENANT SHALL RUN WITH THE PARENT PARCEL AND IS BINDING ON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND/OR ASSIGNS.
11. THE 24' PRIVATE ACCESS/UTILITY EASEMENT SHOWN OVER AND ACROSS LOTS 10 AND 11 IS ESTABLISHED FOR THE BENEFIT OF THE OWNERS OF LOTS 10 AND 11. THE COST OF MAINTENANCE, REPAIRS OR RECONSTRUCTION OF THAT PORTION OF THE ACCESS OR UTILITY SYSTEM USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF ANY LOWER PARCEL SHALL NOT BE RESPONSIBLE FOR THE PART OF THE UTILITY SYSTEM ABOVE THEIR CONNECTION; AND WHEN NECESSARY TO REPAIR OR RECONSTRUCT THE UTILITY SYSTEM, THE PROPERTY OWNER(S) TO WHOM THE EASEMENT BENEFITS SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.
12. THE 10' TRACT B ACCESS EASEMENT SHOWN OVER AND ACROSS LOT 5 IS ESTABLISHED FOR THE BENEFIT OF ALPINE VIEW LLC AND ITS HEIR, SUCCESSORS, AND ASSIGNS TO PROVIDE ACCESS TO TRACT B FOR CONSTRUCTION OF THE REQUIRED WETLAND MITIGATION PER THE WETLAND CREATION AND WETLAND BUFFER ENHANCEMENT PLAN IN FAC13-0011, FOR THE BENEFIT OF THE HAZEL HEIGHTS HOMEOWNER'S ASSOCIATION TO PROVIDE ACCESS TO TRACT B FOR MAINTENANCE PURPOSES, AND FOR THE BENEFIT OF THE CITY OF AUBURN TO PROVIDE ACCESS TO TRACT B FOR MONITORING PURPOSES.

NOTES/RESTRICTIONS

1. NO DIRECT LOT ACCESS SHALL BE ALLOWED TO 112TH AVENUE S.E. OR S.E. 304TH STREET.
2. NO BUILDING PERMIT SHALL BE ISSUED FOR LOTS 5-8 UNTIL THE REQUIRED WETLAND MITIGATION IN TRACT B IS CONSTRUCTED PER THE WETLAND CREATION AND WETLAND BUFFER ENHANCEMENT PLAN CONTAINED IN FAC 13-0011.

PUBLIC EASEMENT PROVISION

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY COMPANY, CENTURY LINK, COMCAST AND/OR ANY OTHER PRIVATE UTILITY, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET OF ALL LOTS AND TRACTS, PARALLEL WITH AND ADJOINING THE EXISTING OR PROPOSED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND DISTRIBUTION SYSTEMS WITH NECESSARY FACILITIES, AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNAL OR FOR OTHER PURPOSES, SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

TRACT DEFINITIONS

TRACT A

TRACT A IS A STORM DETENTION AND SEWER TRACT, AND IS HEREBY CONVEYED TO THE CITY OF AUBURN. THE HAZEL HEIGHTS HOMEOWNER'S ASSOCIATION AND ITS HEIRS AND SUCCESSORS SHALL MAINTAIN LANDSCAPING IN THOSE PORTIONS OF TRACT A LOCATED OUTSIDE OF THE PROPOSED RETAINING WALLS AND FENCED POND BOUNDARY.

TRACT B

TRACT B IS A CRITICAL AREA TRACT THAT CONTAINS A CATEGORY IV WETLAND WITH AN ASSOCIATED BUFFER. THE ASSOCIATED BUFFER IS LOCATED IN ITS ENTIRETY WITHIN TRACT B.

DEDICATION OF CRITICAL AREA TRACT(S) AND BUFFER CONVEYS TO THE PUBLIC A BENEFICIAL INTEREST IN THE LAND WITHIN THE TRACT/CRITICAL AREA AND BUFFER. THIS INTEREST INCLUDES THE PRESERVATION OF NATIVE VEGETATION FOR ALL PURPOSES THAT BENEFIT THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING THE CONTROL OF SURFACE WATER AND EROSION, MAINTENANCE OF SLOPE STABILITY, AND PROTECTION OF PLANT AND ANIMAL HABITAT.

THE CRITICAL AREA TRACT/CRITICAL AREA AND BUFFER IMPOSES UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE LAND SUBJECT TO THE CRITICAL AREA TRACT/CRITICAL AREA AND BUFFER THE OBLIGATION ENFORCEABLE ON BEHALF OF THE PUBLIC BY THE CITY OF AUBURN, TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE CRITICAL AREA TRACT/CRITICAL AREA AND BUFFER. THE VEGETATION WITHIN THE CRITICAL AREA TRACT/CRITICAL AREA TRACT AND BUFFER MAY NOT BE CUT, PRUNED, COVERED BY FILL, REMOVED, OR DAMAGED WITHOUT APPROVAL IN WRITING FROM THE CITY, UNLESS OTHERWISE PROVIDED BY LAW.

THE COMMON BOUNDARY BETWEEN THE TRACT/CRITICAL AREA AND BUFFER AND THE AREA OF DEVELOPMENT ACTIVITY MUST BE MARKED OR OTHERWISE FLAGGED TO THE SATISFACTION OF THE CITY PRIOR TO ANY CLEARING, GRADING, BUILDING CONSTRUCTION, OR OTHER BUILDING ACTIVITY ON A LOT SUBJECT TO SUBJECT TO THE CRITICAL AREA TRACT/CRITICAL AREA AND BUFFER.

NO BUILDING FOUNDATIONS ARE ALLOWED BEYOND THE REQUIRED 5-FOOT BUILDING SETBACK LINE FROM TRACT B.

TRACT B IS HEREBY CONVEYED TO THE HAZEL HEIGHTS HOMEOWNER'S ASSOCIATION AND IS RESPONSIBLE FOR ITS MAINTENANCE.

TRACT C

TRACT C IS AN ENCROACHMENT TRACT AND IS HEREBY CONVEYED TO THE CITY OF AUBURN, FOR THE PURPOSE OF CONSOLIDATING PROPERTY ENCLOSED BY THE FENCING, ERECTED BY RESIDENTIAL PROPERTIES TO THE NORTH, WITH THE CITY'S PROPERTIES (APN0521059038 AND APN 0521059152) ADJOINING THE PLAT.

FIRST AMERICAN TITLE INSURANCE COMPANY - FILE NO: PAK-610717

ORIGINAL REPORT - 11/29/05
SUPPLEMENT 2 - 02/08/08
SUPPLEMENT 3 - 08/13/10
SUPPLEMENT 4 - 02/10/12
SUPPLEMENT 5 - 03/16/12
SUPPLEMENT 6 - 04/02/15
SUPPLEMENT 7 - 06/02/15
SUPPLEMENT 8 - 08/06/15

SCHEDULE B

1. EASEMENT AND THE TERMS AND CONDITIONS REFERENCED THEREIN, GRANTED TO KING COUNTY, WASHINGTON FOR PUBLIC HIGHWAY, RECORDED JUNE 8, 1931 UNDER RECORDING NUMBER 2675531. (UNABLE TO LOCATE ON THIS SURVEY - DESCRIPTIONS ARE INSUFFICIENT TO DETERMINE EXACT LOCATION)
2. EASEMENT AND THE TERMS AND CONDITIONS REFERENCED THEREIN, GRANTED TO U.S. WEST COMMUNICATIONS TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REMOVE TELECOMMUNICATIONS FACILITIES, RECORDED APRIL 21, 1992 UNDER RECORDING NUMBER 9204211391, AFFECTING THE NORTH 15 FEET OF THE EAST 30 FEET OF SAID PREMISES. (LOCATED ON THIS SURVEY)

SAID EASEMENT SUPERCEDES EASEMENT RECORDED UNDER RECORDING NUMBER 9012170915.

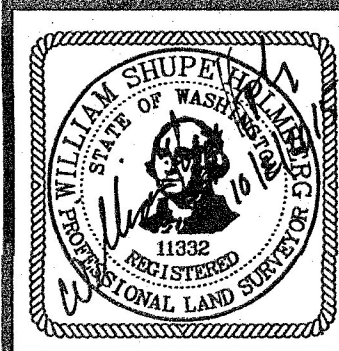
3. RESERVATION OF ALL COAL, OIL, GAS AND MINERAL RIGHTS, AND RIGHTS TO EXPLORE FOR THE SAME CONTAINED IN DEED FROM WEYERHAUSER TIMBER CO., A WASHINGTON CORPORATION, RECORDED AUGUST 21, 1951 UNDER RECORDING NUMBER 4163016. (UNABLE TO LOCATE ON THIS SURVEY - DESCRIPTIONS ARE INSUFFICIENT TO DETERMINE EXACT LOCATION)

NOTE: NO EXAMINATION HAS BEEN MADE TO DETERMINE THE PRESENT RECORD OWNER OF THE ABOVE MINERALS, OR MINERALS LANDS AND APPURTENANT RIGHTS THERETO, OR TO DETERMINE MATTERS WHICH MAY AFFECT THE LANDS OR RIGHTS SO RESERVED.

5. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF BY CITY OF AUBURN AND MR. STEVE JEWETT, HAZEL HEIGHTS LLC; DENNIS JOHNSON, FREMANTLE DEVELOPMENT; AND DAVID AND CLEMENCE BAKER, RECORDED AUGUST 15, 2005 UNDER RECORDING NUMBER 20050815000315, REGARDING OUTSIDE UTILITY EXTENSION AGREEMENT.

13. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN IN FAVOR OF PUGET SOUND ENERGY, INC., A WASHINGTON CORPORATION, FOR GAS AND ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM(S), RECORDED OCTOBER 15, 2014 UNDER RECORDING NUMBER 20141015000838. (LOCATED ON THIS SURVEY)

PLT 15-0001



PREPARED BY

Encompass
ENGINEERING & SURVEYING

Western Washington Division
165 NE Juniper Street, Suite 201 • Issaquah, WA 98027 • Phone: (425) 392-0250 • Fax: (425) 391-3055
Eastern Washington Division
407 Swiftwater Blvd. • Cle Elum, WA 98922 • Phone: (509) 674-7433 • Fax: (509) 674-7419

DRAWN BY:

JEF

CHECKED BY:

WSH

DATE:

09/10/15

SHEET:

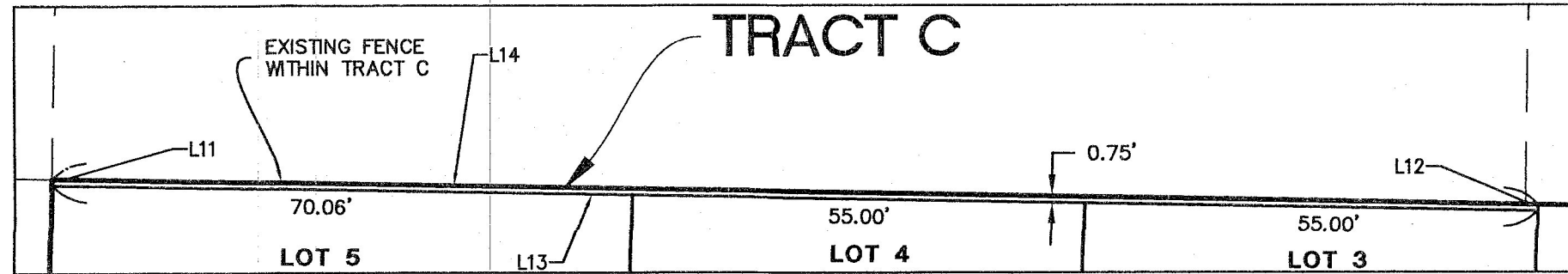
2 OF 3

VOL.

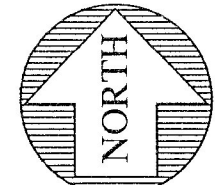
PG.

HAZEL HEIGHTS

A PORTION OF THE S.W. 1/4, OF THE S.E. 1/4, SEC. 5, T 21 N, R 5 E, W.M.
CITY OF AUBURN, KING COUNTY, WASHINGTON



FOUND MONUMENT
IN CASE, 2" BRASSY
IN CONCRETE
0.19'E
10/2006



0 510 25 50

SCALE 1" = 50'

EASEMENT LEGEND

UGFAC	UNDERGROUND FACILITIES EASEMENT REC. NO. 20141015000838
PVDE	PRIVATE DRAINAGE EASEMENT NOTES ON SHEET 2 OF 3
PVWE	PRIVATE WATER EASEMENT NOTES ON SHEET 2 OF 3
PUBUE	PUBLIC UTILITY EASEMENT SEE NOTE 10 ON SHEET 2 OF 3
PUBWE	PUBLIC WATER EASEMENT NOTE 9 ON SHEET 2 OF 3
TBAE	TRACT B ACCESS EASEMENT NOTE 12 ON SHEET 2 OF 3

ADDRESSES

LOT 1	11192 SE 302ND PL
LOT 2	11184 SE 302ND PL
LOT 3	11176 SE 302ND PL
LOT 4	30313 111TH CT SE
LOT 5	30321 111TH CT SE
LOT 6	30343 111TH CT SE
LOT 7	30351 111TH CT SE
LOT 8	30359 111TH CT SE
LOT 9	30394 111TH CT SE
LOT 10	30386 111TH CT SE
LOT 11	30378 111TH CT SE
LOT 12	30370 111TH CT SE
LOT 13	30362 111TH CT SE
LOT 14	30354 111TH CT SE
LOT 15	30346 111TH CT SE
LOT 16	30338 111TH CT SE
LOT 17	30330 111TH CT SE

KCSP 186038
REC. NO.
8701050677
LOT 1

T.L. 052105-9159

T.L. 052105-9105

KCSP1283082
REC. NO. 8512260307

T.L. 052105-9156

NOTE

RECORD OF SURVEY, REC. NO. 199302179004 USES DIFFERENT SECTION BREAKDOWN THAN THIS SURVEY. RESULTING IN A "GAP" BETWEEN THE TWO SURVEYS OF 0.03' TO 0.07'

T.L. 052105-9084

T.L. 052105-9083
FOUND 1" IRON PIPE
WITH METAL FLASHER
0.07"N
0.14"E
(VISITED 10/2006)

S 1/4 CORNER
FND MON IN CASE
10/2006
N:123,337.892
E:1302128.888

LEGEND

- EASEMENT
- ⊗ FOUND MONUMENT IN CASE
- ⊕ MONUMENT IN CASE SET PER CITY OF AUBURN STANDARDS
- ⊙ SET REBAR & CAP AT ALL LOT AND TRACT CORNERS

INSTRUMENTATION

INSTRUMENT USED: 5 SECOND TOTAL STATION.
FIELD SURVEY WAS BY CLOSED TRAVERSE LOOPS,
MINIMUM CLOSURE OF LOOPS WAS 1:22,000, IN
ACCORDANCE WITH WAC 332-130-090.

NOTE T. L. 052105-9169 T.L. 052105-9052

RECORD OF SURVEY, REC. NO. 199702219001 USES DIFFERENT SECTION BREAKDOWN THAN THIS SURVEY. RESULTING IN AN OVERLAP BETWEEN THE TWO SURVEYS OF 0.08' TO 0.09'

15'X30' TELECOMMUNICATIONS EASEMENT, REC. NO. 9204211391

TAX LOT 052105-9038
TRACT C ENCROACHMENT
135 SF -SEE DETAIL

TAX LOT 052105-9152

SE 301ST WAY

LOT 1
T.L. 140290-0010
PLAT OF CARRINGTON
BLUFF DIV. 1
VOL. 171, PGS. 24-29

LOT 1
T.L. 131082-0010

LOT 2
T.L. 131082-0020

LOT 3
T.L. 131082-0030
MONUMENT PLACED
ON CALCULATED
SUBDIVISION LINE

LOT 4
T.L. 131082-0040

LOT 5
T.L. 131082-0050

PLAT OF CAMBRIDGE
POINTE
VOL. 240, PGS. 40-43

TRACT A
SENSITIVE AREA

27
DETENTION POND

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	39.27'	25.00'	90°00'00"
C2	125.66'	80.00'	90°00'00"
C3	23.33'	80.00'	16°42'30"
C4	49.02'	80.00'	35°06'38"
C5	20.05'	80.00'	14°21'41"
C6	33.26'	80.00'	23°49'11"
C7	28.20'	25.00'	64°37'28"
C8	5.78'	45.00'	7°21'24"
C9	112.66'	45.00'	143°26'30"
C10	31.99'	45.00'	40°43'36"
C11	12.24'	45.00'	15°34'44"
C12	12.08'	45.00'	15°23'13"
C13	17.38'	45.00'	22°07'54"
C14	47.12'	30.00'	90°00'00"
C15	39.27'	25.00'	90°00'00"
C16	39.22'	25.00'	89°53'19"

S.E. CORNER SEC. 05-21-05
FND MON IN CASE
10/2006
N:123,289.022
E:1304761.381

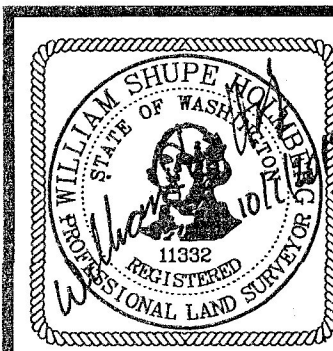
SE 304TH ST

LEEANN MEADOWS
VOL. 205, PGS. 80-83

6	4	3	2	1
425020-0060	425020-0050	425020-0040	425020-0030	425020-0020
425020-0010				

FOUND MONUMENT
IN CASE, 2" BRASSY
C.O.A. BM 237
06/2015
0.08"N
0.13"E

PLT 15-0001



PREPARED BY

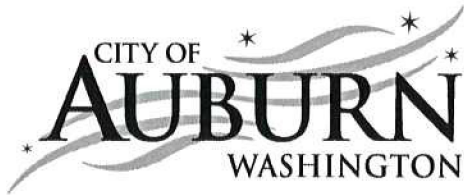
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DRAWN BY: JEF CHECKED BY: WSH DATE: 09/10/15 SHEET: 3 OF 3

VOL.

PG.



CERTIFICATE OF IMPROVEMENTS

FINAL PLAT APPLICATION
FAC13-0011

COMPLETION OF IMPROVEMENTS

The required improvements for the Final Plat of _____ have been completed in accordance with the Land Division Ordinance and the City of Auburn's standards and specifications.

City Engineer

Date

SECURITY IN LIEU OF COMPLETION

In lieu of the required public improvements for the Final Plat of **HAZEL HEIGHTS**, an approved security PLAT SECURITY BOND for **\$25,112.00** (150% of the estimated costs of improvements) has been submitted and approved by the City Engineer.



City Engineer

10/1/2015

Date

1. The developer has provided references and demonstrated a minimum of 3 years successful, non-defaulted plat development experience in the Puget Sound region.
2. The bond/security is based on the following costs:

PHASE 1

- INSTALLATION OF STREET TREES
- INSTALLATION OF HYDROSEED IN THE LANDSCAPE PLANTER STRIPS

	\$16,741.78
x	150%
Total	\$25,112.67

cc: File: FAC13-0011
Gary Yao - Planner
Jeff Potter - Alpine View, LLC

1 **BEFORE THE HEARING EXAMINER FOR THE CITY OF AUBURN**

2 Phil Olbrechts, Hearing Examiner

3

4 RE: Hazel Heights Preliminary Plat 5 6 PLT12-0002	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION.
--	---

7 **INTRODUCTION**

8 The applicant requests approval of a preliminary plat for a 17 lot single-family
9 subdivision of a 4.31 acre parcel located at 11112 Southeast 304th St., along with
10 approval of four deviations to road design standards. The preliminary plat and
deviation requests are approved with conditions.

11 **ORAL TESTIMONY**

12 Gary Yao, Auburn Planner, stated that the proposal is for a 17-lot subdivision at the
13 NW corner of SE 304th St. The property is 4.31 acres and zoned R-5. The lots will
14 be single-family, and the site will have three tracts: (A) storm pond (B) wetland
15 buffer and (C) public utilities. The density will be 4.86 dwelling units per net acre
16 which is consistent with the R-5 zone requirements and single-family comprehensive
17 plan. The minimum lot area is 6,444 sq. ft. and the minimum average lot area is
18 7,195 sq. ft. The dimensions are consistent with the administrative variance approved
via MIS12-008, which reduced the minimum average lot area from 8,000 to 7,000 sq
ft. Residents will gain access to the lots from road A which is an internal access road.
Road A will connect with 112th Ave SE. Roadway frontage improvements will be
done along 112th Ave.

19 Mr. Yao added that Tract A will be a stormwater detention water quality pond located
20 at the northwest corner of the property. The water will flow north, off-site and
21 eventually reach the Green River. The maintenance of tract A will be split between
the city and the future Homeowners Association. The basic design is consistent with
22 the Surface Water Management Manual. Tract B will be a wetland and buffer tract.
The tract will provide infiltration to keep the wetland wet. The future Homeowners
23 Association will be required to maintain tract B.

24 Mr. Yao testified that there were four wetlands identified on-site during SEPA
25 review. The four wetlands are all Category IV, which is the lowest classification for
wetlands. The wetland that is currently behind the existing single-family home was
artificially produced by the septic system. Three of the four wetlands will be filled,
leaving only the wetland in Tract B. Mitigation measures require that some wetland

1 enhancements be made. In regard to the SEPA review, a determination of non-
2 significance was issued on February 12, 2013, and no appeals were filed. ACC
3 17.10.0070 provides requirements for preliminary plat approval. The code requires
4 adequate access and infrastructure to serve the plats and the payment of impact fees to
5 the city. The current design meets these requirements. The proposal design must also
6 meet the requirements of the city's comprehensive plan and the transportation plan.
7 The existing single-family home and septic system will be removed from the site as
8 part of the proposal.

9 Mr. Yao said that the applicant submitted a modification for design standards of the
10 public right-of-ways as part of the proposal. On 112th Ave SE, the right-of-way and
11 construction of its improvements will be held to residential-collector standards rather
12 than the minor-arterial standards. For 304th St SE, the dedication will be minor-
13 arterial, but the construction will be for residential-collector improvements. For road
14 A, the horizontal curve radius will be 55ft rather than the original standard of 333ft.
15 Additionally, the intersection spacing will be changed from the regular design
16 standards. Details of this change are noted in exhibit 4 of the staff report. Other plats
17 in the area of 112th Ave and 304th St had improved frontage improvements to the
18 residential-collector standard, rather than the minor-arterial standard. Based on these
19 previous determinations and the traffic impact analysis, staff recommends approval of
20 these proposed modifications to design standards.

21 In conclusion, according to Mr. Yao, staff has prepared 18 conditions of approval that
22 are described in the staff report. These conditions include approval of the
23 modification to minimum average lot size, request for an updated geotechnical report,
24 inclusion of an approved mitigation plan consistent with Auburn's critical area
25 ordinance, a requirement that dedication and restrictions appear on the plat for tract
B, maintenance of tract B by the Homeowners Association, parking restrictions on
road A, demolition of the existing sewer system and several other minor revisions. In
regard to wetland creation, the expansion will occur to the east of tract B. The new
buffer will not expand onto any neighboring properties.

26 In regard to the reduction in curve radius, James Webb, Traffic Engineer, testified
27 that road A will not connect directly to SE 304th St. because this connection would
28 result in a very tight intersection with 112th Avenue to the east. In regard to
29 intersection spacing, the proposed deviation occurs between road A and 301st St. The
30 reduction in spacing is from 500 ft. This reduction maximizes the spacing from 304th
31 St to the south. From safety and traffic operation standpoints, the proposed location
32 is better than a location further south. The 301st St and 112th Ave intersection has less
33 traffic than its 304th St and 112th Ave counterpart.

34 In regard to stormwater, Monty Bakken, Development Engineer, stated that Auburn's
35 stormwater standards require stormwater flows to be maintained at predevelopment
levels. Impervious areas on the site are used to determine the amount of developed
area. This developed area is used to calculate the amount of detention necessary.
The original runoff should be significantly below that of the developed situation for

1 the site. The majority of the water run-off from the Hazel Heights area was from
2 interflow so it went into the trees or the top 3-4 feet of the soil. Under the developed
3 conditions, most of the runoff goes into public streets and is then collected into a
4 pond with a specific release rate. Ultimately, Mr. Bakken does not expect
5 neighboring property owners to see an increase in stormwater runoff. Previously, on
6 the subject site, stormwater runoff sloped to the west side of the property. Under the
7 new proposal, the stormwater will go to either tract A for treatment and release or to
8 tract B to hydrate the wetlands. The applicant has not tested the ditch capacity with a
9 survey because the ditch is on private property. Preferably, the applicant should have
10 access to the discharge area for maintenance, but this is not the case for the subject
11 site. If a maintenance problem occurred, it would be handled between neighbor and
12 neighbor.

13 In regard to the street frontage construction, James Webb noted that frontage
14 improvements are planned for the east side of 112th Avenue, directly across from the
15 subject property. There are also frontage improvements planned for 304th Street,
16 adjacent to the site. On the north side of the property, along 112th Avenue, there are
17 no planned improvements. The frontage improvements will be held to city standards.
18 The modification requested is to reduce the cross-section of the roadway from 4/5-
19 lane roadway to a 3-lane roadway. Reviewing traffic anticipation models for 2030,
20 the city found that traffic volumes are not anticipated to rise to a level that would
21 need a 4/5-lane roadway.

22 Applicant testimony

23 Dennis Johnson stated that the deviation request is consistent with Auburn City Code
24 and was recommended for approval by the city engineer.

25 Public Testimony

Nick Perius testified that he owns property adjacent to the subject site. He noted that
his property is adjacent to both tracts A and B. He wants to ensure that the proposal
design avoids encroachment by the wetland buffer onto his property. He asked for
clarification regarding the existing wetland on tract B. In addition, he asked if the
retention pond had been moved and if stormwater flows would increase. He wished
to know if the city had considered that the flow rates varied based on weather.

Gary Yao clarified, stating that the design of the retention pond had changed, but the
pond had not been moved. He noted that that the wetland buffer on tract B would be
expanded to the east. The water will run off to the northwest of the property. In
regard to Mr. Perius' question regarding minimum lot size, Mr. Yao stated that an
administrative variance reduced the minimum standard.

Monty Bakken, Development Engineer, added that stormwater flows would not
increase due to the new development. Flow rate will be based on pre-development
flows, and flows will only be released in the northwest corner. A survey of current

1 flows has been conducted. He noted that flows vary based on precipitation levels.
2 The detention pond has been designed to handle up to a 100-year storm event with
controlled release. These flow rate calculations include westerly flow from off-site.

3 Cameron Moritz stated that his property abuts lots 6 and 7 of the planned
4 development. He questioned if the wetlands on lot 7 were actually artificially created
5 by the septic system, as the city claims. He noted there is a large amount of clay on
6 the lot, thus it may be difficult to fill the area. There is no guarantee that the wetlands
will properly be filled and mitigated based on the current plans. The water in this
area flows west, contrary to what the city claims. He asked several questions which
were answered by Monty Bakken and Gary Yao from the city.

7 Monty Bakken responded to Mr. Moritz, noting that the design standards require best
8 management practices. The city will require that four inches of the soil on each lot be
9 roughed up and topped off with 8 inches of amended soils. This soil will absorb a lot
10 of the runoff that normally comes directly off the surface. In addition, the collection
system will gather all on-site water either in the street or the interceptor ditches. The
11 intent is to control for any adverse impacts on neighboring properties. The yards will
be nicer, and less water will be used to irrigate during the summer.

12 Gary Yao added that the lots which will be diverting water to the wetland in tract B
13 have not been specified. This area will be reviewed during the facilities extension
14 agreement process. The flows will be consistent with the critical areas ordinance.
The code specifies the flow rate to the wetland and buffer that needs to be maintained
15 for plat approval. An access tract will be constructed off of SE 304th St; however,
this tract will only be used by the city to maintain public facilities and will not be
16 used by residential traffic. In regard to the existing trees along the property line, Mr.
Yao noted that a plan will be submitted which denotes significant trees to be retained.
17 This plan will be reviewed, and the city will determine the trees Mr. Johnson will be
able to remove on his property. He is unaware of trees that straddle the property line.

18 Fred Allen testified that he owns property adjacent to the subject site. He believes the
19 current stormwater design plan will result in water draining onto the back of his
property. He is concerned with the increased volume of water from development. He
20 submitted photographs of the existing channel (exhibit 15). The existing ditch is
adequate, but is at capacity.

21 Monty Bakken clarified that the final calculations of the development release rate
22 have not been calculated. Additionally, the flow channel capacity will be reviewed
23 by the city. The city has asked the developer to provide a downstream analysis of the
channel. If the channel is not adequate, the city will review a number of alternatives.
24 One potential option would be to increase the size of the detention pond which would
25 reduce the release rate.

Nick Perius asked if it would be possible to build the ditch underground, especially as
the current channel is very wide. Monty Bakken responded that a channel needs a

1 significant cross-section and a decent slope. These two factors determine the capacity
2 of the channel. The city has no control over the area because the property is private.
3 The city will not increase the runoff peaks beyond the original, pre-development
4 runoff. Beyond meeting this requirement, the property owners determine the best
5 approach to constructing the channel. An underground ditch or piping are possible,
6 alternative options. The water flows to the north down the ditch and eventually
7 reaches the Green River. The ditch is approximately .25 mile from the connecting
8 creek.

9 In response to examiner questions, Monty Bakken stated that the mitigated numbers
10 noted in the stormwater report table reflect the raw flow rate based on the developed
11 conditions for the site. The applicant must mitigate the stormwater runoff to make
12 the release rate match the pre-developed rates. The city is mitigating up to a 100-year
13 flood.

14 Gary Yao noted that the required noticing for the hearing was conducted. The city
15 requires all property owners within 300ft of the site be notified. He is unaware if this
16 area encompassed every property owner that the off-site ditch flows through. The
17 city does not have any provisions that would require these other property owners to
18 be notified.

19 Monty Bakken, Developmental Engineer, noted that the city would require the
20 applicant to establish that the ditch had adequate capacity to handle stormwater
21 discharge from the proposal. Capacity would be determined through representative
22 cross-sections. These cross-sections take on various shapes and sizes such as
23 trapezoids and triangles. From these representations, the city determines the cross-
24 sectional area of the channel at various lengths down the channel. These areas are
25 multiplied by the length of the channel to determine the total available volume. The
city also determines the flow rate using cross-sectional representations of the slope.
The applicant's engineer will evaluate the current condition of the channel to ensure it
is functioning effectively.

EXHIBITS

The exhibits identified at p. 14 of the April 1, 2013 staff report are admitted into the
record. In addition, the following exhibits were admitted during the hearing:

Exhibit 15 photos of existing ditch taken by Fred Allen

Exhibit 16 staff power point

FINDINGS OF FACT

Procedural:

1. Applicant. The applicant is Hazel Heights, LLC.
2. Hearing. The Hearing Examiner conducted a hearing on the application at City Council Chambers of Auburn City Hall on April 8, 2013, at 5:30 p.m.

Substantive:

3. Site/Proposal Description. The applicant requests approval of a preliminary plat for a 17 lot single-family subdivision of a 4.31 acre parcel located at 11112 Southeast 304th St., along with approval of four deviations to street design standards. The applicant proposes a density of 4.86 dwelling units per net acre. The proposed average lot size is 7,195 square feet with a minimum lot area of 6,444 square feet and a minimum lot width of 50 feet. An administrative variance (MIS12-0008) was approved for the proposal in 2012 authorizing a reduction in the required minimum lot size for the proposal from 8,000 square feet to 7,000 square feet.

The applicant requests the following deviations to City of Auburn Design Standards as follows:

- Dedication of right-of-way and construction of right-of-way improvements along the 112th Avenue SE frontage to Residential Collector rather than Minor Arterial standard
- Construction of right-of-way improvements along the SE 304th Street frontage to the Residential Collector rather than Minor Arterial standard
- Construction of Road A with a horizontal curve radius of 55 ft. rather than the Local Residential standard of 333 ft.
- Intersection spacing as proposed on the site plans ("Exhibit 4") received on March 15, 2013 rather than the spacing required per the City of Auburn Engineering Design Standards

The proposed deviation request has been reviewed by the transportation staff and the City Engineer. The City Engineer is recommending approval to the Hearing Examiner subject to conditions of approval.

The Site is currently developed with an existing single-family residence, accessory structures, and a septic system, which will all be removed by the Proposal.

4. Characteristics of the Area. The subdivision is surrounded by detached single-family homes.

5. Adverse Impacts. As conditioned, there are no significant adverse impacts associated with the proposal. More specifically, impacts are addressed as follows:

1 A. Environmental Resources. The proposal will not adversely affect
2 environmental resources. The only environmental resource of concern requiring
3 proposal mitigation are on-site wetlands. There are three (3) Category IV wetlands
4 and one (1) artificially created wetland on-site. The Proposal proposes to fill two (2)
5 Category IV wetlands and one (1) artificially created wetland comprising
6 approximately 0.07 acres in total. A conceptual mitigation plan has been submitted
7 specifying buffering, enhancement, and creation of additional wetland for the
8 remaining Category IV wetland, which is approximately 0.03 acres in size and
9 located in proposed Tract B ("Exhibit 4"). Staff have determined that the wetland
10 enhancement and creation proposed is consistent with the City's Critical Area
11 regulations. A Final Mitigation Plan addressing construction details of mitigating
12 impacts to on-site wetlands consistent with ACC 16.10.090 through 16.10.130 is
13 required to be approved and implemented on the Site.

14 No state or federal candidate threatened or endangered plant or animal species or
15 habitat has been identified on the site. The site is not located within any shoreline
16 designation. No Critical Landslide or Erosion Hazard areas have been identified on
17 the Site. The Site is not located in the regulatory floodplain per Federal Emergency
18 Management Agency (FEMA) maps.

19 B. Drainage. Drainage was a major source of concern for adjoining property
20 owners. Stormwater management, drainage, and erosion control will be adequately
21 addressed via compliance with City stormwater standards, specifically including but
22 not limited to the City's 2009 Surface Water Management Manual (SWMM), the
23 ACC 13.48 Storm Drainage Utility, and ACC 15.74 Land Clearing, Filling, and
24 Grading.

25 As testified at length by engineering staff, the City's stormwater regulations provide
detailed standards to assure that off-site stormwater flows are not increased by the
development. In the opinion of Monty Bakken, City development engineer, adjoining
property owners will not see any increase in stormwater run-off as a result of the
proposal. Further, Mr. Bakken noted that City regulations will require the applicant
to establish that the drainage channel on the Allen property will have adequate
capacity to handle stormwater discharge from the proposal.

The majority of the stormwater resulting from the Proposal will drain to a stormwater
detention and water quality pond constructed by the developer and located in Tract A
prior to controlled release near the northwest corner of the site. Stormwater from
several lots will drain to the wetland and buffer contained in proposed Tract B of the
proposal, which achieves both infiltration and maintenance of wetland hydrology,
soils, and vegetation.

6. Adequacy of Infrastructure and Public Services. The proposal will be adequately
served by public infrastructure. Drainage has already been addressed under adverse
impacts above. In general, the streets, sidewalks, storm drainage facilities, and sewer
mains will be required to meet the City's Design Standards during engineering review

1 and shall be required to meet and implement those standards prior to final plat
2 approval. These facilities will be reviewed as part of the facility extension, grading,
3 and civil plans to be submitted by the Applicant. The following more specifically
4 addresses other infrastructure and services:

- 5 A. Water. Water will be provided by the City of Auburn.
- 6 B. Sewer. Sewer service will be provided by the City of Auburn.
- 7 C. Transportation. All transportation improvements necessary to meet the traffic
8 demands created by the proposal are provided by the proposal as conditioned.
9 The City's Transportation Division has reviewed and accepted a Traffic
10 Impact Analysis (TIA), prepared by TraffEx, dated January 24, 2013, which is
11 inclusive of the deviations requested and has shown that the street design for
12 the proposal will mitigate the different types of traffic flows and access needs
13 for the Site. The TIA shows that the proposal will not lower the level of
14 service for affected intersections and also that those intersections will be
15 exceeding the adopted level of service D.
- 16 D. Sidewalks. All internal roads and all street frontages are or will be developed
17 with sidewalks on both sides of the street.
- 18 E. Schools. Adequate provisions are made for schools through the payment of
19 school impact fees at the time of building permit issuance. Sidewalks do not
20 currently exist in the vicinity. Sidewalks will be provided along the SE 304th
21 Street and 112th Avenue SE Site frontages, as well as in Road A serving the
22 proposal, to provide pedestrian access.
- 23 F. Parks. Adequate provisions for parks are made through the payment of park
24 impact fees at the time of Building Permit issuance for each lot or deferred per
25 Ordinance No. 6455. The proposed Proposal of 17 lots does not reach the
threshold of 50 units that requires the dedication of park space per ACC
17.14.100.
- 26 G. Fire Protection. Adequate provision of fire protection is made through the
payment of fire impact fees at the time of Building Permit issuance for each
lot or deferred per Ordinance No. 6455 and consistency with the City of
Auburn Engineering Design Standards and the 2009 International Fire Code
(IFC). The conditions of approval require fire hydrants and mains that are
necessary for compliance with applicable fire code standards.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. ACC 17.10.050 grants the Hearing Examiner with the authority to review and make a final decision on an application for preliminary plat. ACC 17.18.010(A) grants the Hearing Examiner with the authority to approve modifications to the City's Design Standards with the concurrence of the City Engineer.

Substantive:

2. Zoning Designation. R-5 Residential.

3. Review Criteria and Application. ACC 17.06.070 governs the criteria for preliminary plat approval. ACC 17.18.030 governs the criteria for Design Standard deviations. Relevant criteria are quoted below with corresponding conclusions of law.

Preliminary Plat Standards:

ACC 17.07.070(A): *Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools and school grounds.*

4. As identified in Finding of Fact No. 5 and 6, the proposal is adequately served by all public services and utilities required in the criterion above. As further determined in Finding of Fact No. 5 there are no adverse impacts associated with the proposal. Given the absence of any adverse impacts in conjunction with adequate public facilities, it is concluded that adequate provision is made for the public health, safety and welfare.

ACC 17.07.070(B): *Conformance of the proposed subdivision to the general purposes of the Comprehensive Plan.*

5. The staff's analysis of consistency with the comprehensive plan at pages 6-7 of the staff report is adopted and incorporated by this reference as if set forth in full.

ACC 17.07.070(C): *Conformance of the proposed subdivision to the general purposes of any other applicable policies or plans that have been adopted by the City Council.*

6. The staff's analysis of consistency with any other applicable plans or policies at pages 7-9 of the staff report is adopted and incorporated by this reference as if set forth in full.

ACC 17.07.070(D): *Conformance of the proposed subdivision to the general purposes of the Land Division Ordinance as enumerated in ACC Section 17.02.030.*

1 **ACC 17.02.030:** *The purpose of this title is to regulate the division of land lying*
2 *within the corporate limits of the city, and to promote the public health, safety and*
3 *general welfare and prevent or abate public nuisances in accordance with standards*
4 *established by the state and the city, and to:*

- 5 A. *Prevent the overcrowding of land;*
- 6 B. *Lessen congestion and promote safe and convenient travel by the public on*
7 *streets and highways;*
- 8 C. *Promote the effective use of land;*
- 9 D. *Provide for adequate light and air;*
- 10 E. *Facilitate adequate provision for water, sewerage, drainage, parks and*
11 *recreational areas, sites for schools and school grounds, and other public*
12 *requirements;*
- 13 F. *Provide for proper ingress and egress;*
- 14 G. *Provide for the expeditious review and approval of proposed land divisions*
15 *which comply with this title, the Auburn zoning ordinance, other city plans, policies*
16 *and land use controls, and Chapter 58.17 RCW;*
- 17 H. *Adequately provide for the housing and commercial needs of the citizens of the*
18 *state and city;*
- 19 I. *Require uniform monumenting of land divisions and conveyance by accurate*
20 *legal description;*
- 21 J. *Implement the goals, objectives and policies of the Auburn comprehensive*
22 *plan;*
- 23 K. *Prevent or abate public nuisances.*

24
25 7. The proposal is consistent with the purposes of the Land Division Ordinance as
enumerated above. The roads designed for the proposal are safely designed to meet
traffic demand and sidewalks on both sides of the subdivision street promote
pedestrian safety. Applicable zoning setbacks provide for adequate light and air.
The proposal does not result in overcrowding as it proposes a density within the
range allowed by the underlying zone. As previously discussed, the proposal is
consistent with and implements the Auburn Comprehensive Plan. As previously
determined the proposal is adequately served by all essential public facilities and it is
consistent with the comprehensive plan. As conditioned the final plat development
will require uniform monumenting of new lots and conveyance by accurate legal
description.

22 **ACC 17.07.070(E):** *Conformance of the proposed subdivision to the Auburn*
23 *Zoning Ordinance and any other applicable planning or engineering standards and*
24 *specifications as adopted by the City.*

25 8. The proposed proposal meets the bulk and dimensional standards of the R5 district.
As determined in FOF No. 4, 5 and 6 the lots are designed to meet the following R5
requirements:

- Minimum lot width of 50 feet
 - Minimum lot size of 7,000 square feet (as set by administrative variance).
- The future single family residences will be required to meet the minimum setbacks and lot coverage for the R5 district during building permit review.

Engineering standards will be met during engineering review prior to final plat approval. City staff have reviewed preliminary plans for traffic, utilities and storm drainage and found them to be compliant with City standards.

ACC 17.07.070(F): *The potential environmental impacts of the proposed subdivision are mitigated such that the preliminary plat will not have an unacceptable adverse effect upon the quality of the environment.*

9. As determined in Finding of Fact No. 5 there are no significant adverse impacts associated with the proposal.

ACC 17.07.070(G): *Adequate provisions are made so the preliminary plat will prevent or abate public nuisances.*

10. As determined in Finding of Fact No. 5, there are no significant adverse impacts associated with the proposal. Consequently, no public nuisance is anticipated.

DEVIATIONS (Conclusions include findings of fact)

ACC 17.18.030(A): *Such modification is necessary because of special circumstances related to the size shape topography location or surroundings of the subject property to provide the owner with development rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located.*

11. The SE 304 an 112th Ave SE deviations are necessary to match frontage improvements on the other side of the street as well as to match the street improvements made in other areas in the vicinity of the proposal. Engineering staff have also determined that future traffic projections show that the number of lanes required for the street improvements are more than necessary to accommodate future traffic. The intersection spacing deviation is necessary because there is no other location where adequate spacing can be achieved and engineering staff has determined that the proposed location maximizes safety and functionality. The radius deviation is necessary because no smaller curve radius can fit on the site and the shape of the subdivision and its proximity to other intersections does not provide any feasible alternative internal access route.

ACC 17.18.030(B): *That because of such special circumstances the development of the property in strict conformity with the provision of this title will not allow a reasonable and harmonious use of the property.*

1 12. For the SE 304 an 112th Ave SE deviations, the deviations are necessary
2 to prevent the construction of improvements that are both unnecessary and
3 incompatible with surrounding street improvements. The intersection spacing
4 deviation is necessary because without it there would be no safe and functional place
5 to place an access road. The radius deviation is necessary because without it the
6 applicant would be unable to construct an access road that could serve all the lots of
7 the proposed subdivision. All of these reasons justify a finding that the deviations
8 are necessary for reasonable and harmonious use of the property.

9 **ACC 17.18.030(C):** *That the modification if granted will not alter the character of*
10 *the neighborhood or be detrimental to surrounding properties in which the property*
11 *is located*

12 13. The SE 304, 112th Ave SE and curve radius deviations would allow street
13 improvements that are consistent with those already in place in the vicinity, which
14 were constructed under more flexible King County standards prior to annexation.
15 The intersection spacing does not create any appreciable alteration to neighborhood
16 character. As noted in the staff report the City's transportation division has reviewed
17 the modifications and has not found them to be detrimental to surrounding properties
18 and there is nothing to suggest to the contrary.

19 **ACC 17.18.030(D):** *Such modification will not be materially detrimental to the*
20 *implementation of the policies and objectives of the comprehensive land use*
21 *circulation and utility plans of the city*

22 14. The proposed deviations are safe and necessary for the reasonable use of
23 property. There is no comprehensive plan policy that is inconsistent with the
24 proposed deviations. The SE 304 an 112th Ave SE deviations will still include two
25 6 ft. bicycle lanes, which are designated as future Class 2 or 3 bicycle routes in the
Comprehensive Transportation Plan. It is additionally the goal of the Comprehensive
Transportation Plan to preserve neighborhood continuity and cohesiveness, which
the request achieves by providing for the same type of street improvements built in
the vicinity.

ACC 17.18.030(E): *Literal interpretation of the provisions of this title would*
deprive the applicant of rights commonly enjoyed by other properties in the same
zoning district.

15 15. As previously noted, the requested deviations are necessary to provide for
16 safe and effective access to all internal lots and also to provide for street frontage
17 improvements that are comparable to those that have been required for other
18 subdivisions in the vicinity.

ACC 17.18.030(F): *The approval of the modification will be consistent with the*
purpose of this title

1 18. The approvals of the modifications are consistent with the purpose of the
2 subdivision code as detailed in ACC 17.02.030 because they provide for safety in
3 access and continuity in street improvements.

4 **ACC 17.18.030(G):** *The modification cannot lessen the requirements of the zoning ordinance.*

5 19. The modifications do not violate any Zoning Ordinance provisions.

6 **DECISION**

7 The proposed preliminary plat, as described in this decision and in Ex. 1, 3 and 4, is
8 approved subject to the following conditions:

- 9 1. The plat modification related to the minimum average lot area is approved. Per
10 the approved Administrative Variance (File No. MIS12-0008), the minimum
11 average lot area shall be 7,000 sq. ft.
- 12 2. The Geotechnical Engineering Report prepared by Dennis Joule, P.E., dated
13 August 7, 2006 ("Exhibit 13") was prepared nearly 7 years ago and shall be
14 updated. All approvals and permits related to the Proposal and issued by the City,
including permits related to the construction of single-family residences, shall be
consistent with the updated Geotechnical Engineering Report.
- 15 3. The Site is in Groundwater Protection Zone 4. All approvals and permits related
16 to the Proposal and issued by the City shall be consistent with best management
17 practices (BMPs) per ACC 16.10.120(E)(2) and the following from the SWMM at
minimum:
- 18 BMP C101 – Preserving Natural Vegetation
19 BMP C102 – Buffer Zone
20 BMP C103 – High Visibility Plastic or Metal Fence
21 BMP C120 – Temporary and Permanent Seeding
22 BMP C153 – Material Storage, Delivery, and Containment
23 BMP C160 – Certified Erosion and Sediment Control Lead
- 24 4. A Final Wetland Mitigation Plan consistent with the requirements of ACC
25 16.10.090, 16.10.110, 16.10.120, and 16.10.130 shall be submitted to the City and
approved prior to Final Plat approval.
5. A performance and maintenance security meeting the requirements of ACC
16.10.130(B) for the wetland mitigation site will be required to be in place prior
to issuance of permit approvals for ground-disturbing work. The amount of the
security shall equal 125% of the cost of construction, maintenance, and
monitoring the mitigation proposal for the length of the monitoring period..

1 6. Prior to construction or clearing activities on the Site, the boundary for Tract B
2 ("Exhibit 4") shall be clearly marked with orange construction fencing or similar,
3 and shown on engineering plans. The fencing shall remain in place until all
clearing and construction is completed.

4 7. The Final Plat shall contain the following notes for Tract B:

5 TRACT B IS A CRITICAL AREA TRACT THAT CONTAINS A CATEGORY
6 IV WETLAND WITH AN ASSOCIATED BUFFER

7 DEDICATION OF CRITICAL AREA TRACT(S) AND BUFFER CONVEYS
8 TO THE PUBLIC A BENEFICIAL INTEREST IN THE LAND WITHIN THE
TRACT/CRITICAL AREA AND BUFFER. THIS INTEREST INCLUDES THE
9 PRESERVATION OF NATIVE VEGETATION FOR ALL PURPOSES THAT
BENEFIT THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING
10 THE CONTROL OF SURFACE WATER AND EROSION, MAINTENANCE
OF SLOPE STABILITY, AND PROTECTION OF PLANT AND ANIMAL
11 HABITAT.

12 THE CRITICAL AREA TRACT/CRITICAL AREA AND BUFFER IMPOSES
UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE
13 LAND SUBJECT TO THE CRITICAL AREA TRACT/CRITICAL AREA AND
14 BUFFER THE OBLIGATION ENFORCEABLE ON BEHALF OF THE
PUBLIC BY THE CITY OF AUBURN, TO LEAVE UNDISTURBED ALL
15 TREES AND OTHER VEGETATION WITHIN THE CRITICAL AREA
TRACT/CRITICAL AREA AND BUFFER. THE VEGETATION WITHIN
16 THE CRITICAL AREA TRACT/CRITICAL AREA TRACT AND BUFFER
MAY NOT BE CUT, PRUNED, COVERED BY FILL, REMOVED, OR
17 DAMAGED WITHOUT APPROVAL IN WRITING FROM THE CITY,
18 UNLESS OTHERWISE PROVIDED BY LAW.

19 THE COMMON BOUNDARY BETWEEN THE TRACT/CRITICAL AREA
AND BUFFER AND THE AREA OF DEVELOPMENT ACTIVITY MUST BE
20 MARKED OR OTHERWISE FLAGGED TO THE SATISFACTION OF THE
CITY PRIOR TO ANY CLEARING, GRADING, BUILDING
21 CONSTRUCTION, OR OTHER BUILDING ACTIVITY ON A LOT SUBJECT
TO SUBJECT TO THE CRITICAL AREA TRACT/CRITICAL AREA AND
22 BUFFER.

23 NO BUILDING FOUNDATIONS ARE ALLOWED BEYOND THE
24 REQUIRED 5-FOOT BUILDING SETBACK LINE FROM TRACT B ON LOT
25 4.

8. Prior to Final Plat approval, the Proposal shall be revised to show that certain
proposed lots' drainage will be conveyed to Tract B as consistent with the

conceptual mitigation plan of the Critical Areas Report, prepared by Sewall Wetland Consulting, Inc., dated January 18, 2013. The balance of the Proposal shall be conveyed to the storm detention and water quality pond located in proposed Tract A.

9. Prior to Final Plat approval, civil plans for the Proposal shall be revised to show the bench at the 10-year storm elevation in Tract A ("Exhibit 4") moved up to the fence at the top of the cut slope.
10. A note shall be placed on the Final Plat indicating that the Hazel Heights Homeowners Association and its heirs and successors shall maintain those portions of the Tract A located outside of the proposed retaining walls and fenced pond boundary, as determined by the City Engineer.
11. Prior to City approval of the Facilities Extension Agreement (FAC), the plat construction drawing shall show that Road A shall be posted parking on one side of the street only due to its 28' road width. The cul-de-sac shall be posted "No Parking" around its entire perimeter.
12. Prior to City approval of the Facilities Extension Agreement (FAC), the plat construction drawing shall show that fire hydrants moved farther north along Road A for better Fire Department operations. Possible placement is at the intersection of Lots 16 and 17. Final fire hydrant locations shall be approved by the Fire Marshal.
13. Prior to City approval of a Demolition Permit, the applicant shall submit information demonstrating that before demolition of any structure, all sewage will be removed from the septic systems, cesspools, and any other cavities where sewage is located per the requirements of the King County Department of Public Health. After sewage removal, the voids shall be filled with sand, gravel, or other approved material.
14. The plat modification related to the construction of right-of-way improvements along the SE 304th Street frontage to the Residential Collector standard rather than Minor Arterial standard is approved subject to revision of the cross section to show 25' of pavement from the centerline to curb (rather than the 24' currently shown) and street trees located in the planter strip (rather than the sidewalk).
15. The plat modification related to the dedication of right-of-way and construction of right-of-way improvements along the 112th Avenue SE frontage to the Residential Collector standard rather than Minor Arterial standard is approved subject to the revision of the cross section to show street trees located in the planter strip (rather than the sidewalk).
16. The plat modification related to the construction of Road A with a horizontal curve radius of 55 ft. is approved subject to the revision of the cross section to

show 2% cross slopes (rather than 3%) and 5.5' planter strips per City of Auburn Engineering Design Standards Detail Traffic-32.

17. The plat modification related to Intersection spacing as proposed on the site plans received on March 15, 2013 ("Exhibit 4") is approved.

18. The existing structures on site shall be demolished prior to any grading work commencing on-site. If it exists, asbestos containing material shall be removed prior to demolition of the on-site structures and disposed in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and King County Department of Public Health.

19. Prior to the issuance of the final plat the Applicant shall show evidence of uniform monumenting of lots and conveyance by accurate legal description.

Dated this 22nd day of April 2013.



Phil Olbrechts
City of Auburn Hearing Examiner

Appeal Right and Valuation Notices

This decision is final subject to appeal to superior court as governed by Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

RECEIVED

APR 24 2013

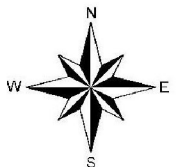
CITY OF AUBURN
PLANNING & DEVELOPMENT

PLT15-0001 Hazel Heights



ORD.A

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6564, Second Reading

Date:

October 12, 2015

Department:

CD & PW

Attachments:

[Ordinance 6564](#)

[Exhibits A & B](#)

[Staff Report](#)

[Vicinity Map](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:**

Hastings 10, LLC has applied to the City for vacation of the right-of-way of the south side of South 318th Street, east of 56th Avenue South, shown on Exhibit "B". The applicant currently owns the adjacent parcel to the south and is proposing to incorporate the right-of-way in the development of the adjacent 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.

Ordinance No. 6564, if adopted by City Council, approves Vacation No. V4-14 and vacates the right-of-way subject to conditions outlined in the Ordinance. Due to the anticipated cancellation of the next regular City Council meeting, staff requests that City Council waive the second reading of Ordinance No. 6564 and take action upon the first reading.

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

Snyder

Meeting Date: October 19, 2015

Item Number: ORD.B

ORDINANCE NO. 6 5 6 4

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF THE SOUTH SIDE OF SOUTH 318TH STREET, EAST OF 56TH AVENUE SOUTH, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington (the "City"), has received a petition by not less than two-thirds (2/3) of the owners of real property adjacent to the City's right-of-way located at the south side of South 318th Street, directly east of 56th Avenue South, within the City, requesting vacation of the same, and

WHEREAS, the City Council of the City of Auburn, Washington ("City Council"), has, after a review of its needs for streets and right-of-ways in the vicinity of the south side of South 318th Street, east of 56th Avenue South within the City, determined that consideration should be given to the vacation of the same, and

WHEREAS, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute, and

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, held on the 3rd day of August, 2015, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. Vacation. That the right of way located at the south side of South 318th Street, directly east of 56th Avenue South, located within the City of Auburn, County of

Ordinance No 6564
ROW Vacation V4-14
June 9, 2015
Page 1 of 6

King, Washington, legally described as follows.

THAT PORTION OF THE SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 21
NORTH, RANGE 4 EAST, W.M., KING COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF TRACT
11 OF WEST AUBURN FIVE ACRE TRACTS, ACCORDING
TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF
PLATS, PAGE 12, IN KING COUNTY, WASHINGTON;
THENCE NORTH 88°58'52" EAST, ALONG THE NORTH
LINE OF SAID TRACT, A DISTANCE OF 39 41 FEET,
THENCE SOUTH 01°01'08" EAST, 30 00 FEET TO THE
POINT OF BEGINNING, BEING A POINT ON A CURVE
CONCAVE SOUTHEASTERLY, FROM WHICH THE RADIUS
POINT BEARS SOUTH 42°25'43" EAST A DISTANCE OF
20 00 FEET, THENCE ALONG SAID CURVE
NORTHEASTERLY 14 45 FEET THROUGH A CENTRAL
ANGLE OF 41°24'35" TO A POINT 25 FEET SOUTH OF
AFORESAID NORTH LINE AS MEASURED
PERPENDICULARLY, THENCE NORTH 88°58'52" EAST,
PARALLEL WITH SAID NORTH LINE, A DISTANCE OF
341 73 FEET, MORE OR LESS TO THE WEST LINE OF
THE EASTERLY 260 FEET OF AFORESAID TRACT 11,
THENCE SOUTH 00°02'35" EAST, ALONG SAID WEST
LINE, A DISTANCE OF 5 00 FEET TO A POINT 30 00 FEET
SOUTH OF AFORESAID NORTH LINE AS MEASURED
PERPENDICULARLY AND BEING A POINT ON THE
SOUTH LINE OF THAT PORTION OF AFORESAID TRACT
11 CONVEYED TO KING COUNTY FOR ROAD PURPOSES
BY DEED RECORDED UNDER KING COUNTY
RECORDING NUMBER 3376319; THENCE DEPARTING
SAID WEST LINE, SOUTH 88°58'52" WEST, PARALLEL
WITH AFORESAID NORTH LINE, A DISTANCE OF 354 86
FEET TO THE POINT OF BEGINNING

[Also identified as Exhibit A hereto.]

and as shown on the survey, a copy of which is attached hereto, marked Exhibit "B" and

Ordinance No 6564
ROW Vacation V4-14
June 9, 2015
Page 2 of 6

incorporated herein by this reference, the same is hereby vacated and the real property lying in said portion of right-of-way described hereinabove, shall be returned and belong to those persons entitled to receive the property in accordance with RCW 35 79 040, conditioned upon the following;

A. Reservation in favor of the City a perpetual nonexclusive easement under, over, through and across the vacated right-of-way as described above (the "Easement") for the purpose of laying, maintaining, and installing future and existing storm water drainage facilities.

The City shall have the absolute right, at times as may be necessary for immediate entry upon the Easement for the purpose of maintenance, inspection, construction, repair or reconstruction of the above improvements without incurring any legal obligation or liability therefore

The City shall have the absolute right to place any type of driving surface within the Easement, as deemed necessary by the City

The owners of the adjacent property agree and shall not in any way block, restrict or impede access and egress to or from the Easement, and /or in any way block, restrict or impede full use of the real property within the Easement by the City for the above described purposes. No building, wall, rockery, fence, trees, or structure of any kind shall be erected or planted, nor shall any fill material be placed within the boundaries of the Easement, without the express written consent of the City No excavation shall be made within three feet of said facilities and the surface level of the ground within the

Ordinance No. 6564
ROW Vacation V4-14
June 9, 2015
Page 3 of 6

Easement shall be maintained at the elevation as currently existing.

The Easement shall be a covenant running with the adjacent property parcels and burden said real estate, and shall be binding on the successors, heirs and assigns of all parties hereto

B It is provided, however, that the Easement may be modified to accommodate a removal, relocation and siting of the affected utility facilities if the City and the property owners on whose property the utility facilities are located agree to the removal, relocations and siting being paid by said property owners and with the removal, relocation and siting being done in conformity with applicable standards.

C Payment to the City of Auburn, shall be made by the owner or owners of property adjacent thereto, i.e. the applicants for the vacation, in the total amount of Four Thousand Seven Hundred (\$4,700 00) dollars for the full appraised value of the right-of-way, which has been right-of-way for more than twenty-five (25) years.

D This vacation shall be effective upon completion of said provisions in paragraphs A, B and C within one-hundred and eighty (180) days of the date hereof, and that this Ordinance shall be in full force and effect five (5) days after publication is required by law If the above described provisions are not completed within the time period provided above, this Ordinance shall be null and void

Section 2. Constitutionality or Invalidity. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the

Ordinance No 6564
ROW Vacation V4-14
June 9, 2015
Page 4 of 6

Ordinance or the application of the provisions to other persons or circumstances shall not be affected

Section 3. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

Section 4 Effective Date. This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law

Section 5. Recordation. The City Clerk is directed to record this Ordinance with the office of the King County Auditor

FIRST READING, 08/03/2015

SECOND READING: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:


Daniel B. Heid,
City Attorney

PUBLISHED: _____

Ordinance No 6564
ROW Vacation V4-14
June 9, 2015
Page 5 of 6

EXHIBIT 'A'
RIGHT OF WAY VACATION
DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 11 OF WEST AUBURN FIVE ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 12, IN KING COUNTY, WASHINGTON; THENCE NORTH 88°58'52" EAST, ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 39.41 FEET; THENCE SOUTH 01°01'08" EAST, 30.00 FEET TO THE **POINT OF BEGINNING**, BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY, FROM WHICH THE RADIUS POINT BEARS SOUTH 42°25'43" EAST A DISTANCE OF 20.00 FEET; THENCE ALONG SAID CURVE NORTHEASTERLY 14.45 FEET THROUGH A CENTRAL ANGLE OF 41°24'35" TO A POINT 25.00 FEET SOUTH OF AFORESAID NORTH LINE AS MEASURED PERPENDICULARLY; THENCE NORTH 88°58'52" EAST, PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 341.73 FEET, MORE OR LESS TO THE WEST LINE OF THE EASTERLY 260 FEET OF AFORESAID TRACT 11; THENCE SOUTH 00°02'35" EAST, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET TO A POINT 30.00 FEET SOUTH OF AFORESAID NORTH LINE AS MEASURED PERPENDICULARLY AND BEING A POINT ON THE SOUTH LINE OF THAT PORTION OF AFORESAID TRACT 11 CONVEYED TO KING COUNTY FOR ROAD PURPOSES BY DEED RECORDED UNDER KING COUNTY RECORDING NUMBER 3376319; THENCE DEPARTING SAID WEST LINE, SOUTH 88°58'52" WEST, PARALLEL WITH AFORESAID NORTH LINE, A DISTANCE OF 354.86 FEET TO THE **POINT OF BEGINNING**.



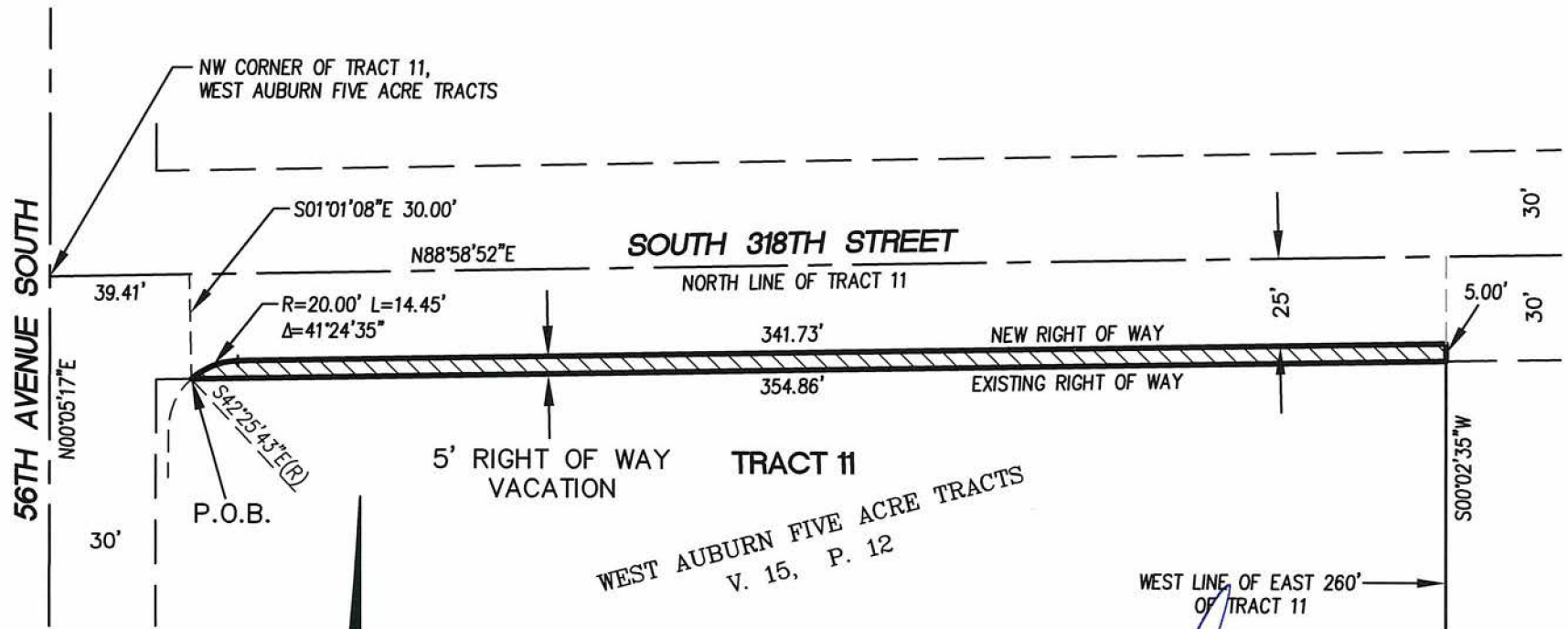
KENNETH W. SWINDAMAN, P.L.S.
WASHINGTON STATE REGISTRATION NO. 34130

2601 South 35th Street, Suite 200, Tacoma, Washington 98409
(253) 473-4494 Fax: (253) 473-0599



EXHIBIT 'B'
RIGHT OF WAY VACATION

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11,
TOWNSHIP 21 NORTH, RANGE 4 EAST, W.M., CITY OF AUBURN, KING COUNTY, WASHINGTON



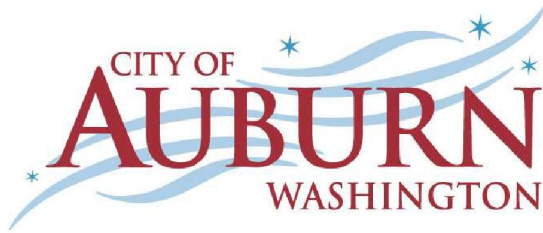
RIGHT OF WAY VACATION

APEX JOB NO: 32426	DATE: 08/04/2014
DRAWN BY: SJN	CHECKED BY: KWS
DWG: 32426_ROW-VACATION	SCALE: 1"=50'



Apex
Engineering PLLC

2601 South 35th, Suite 200
Tacoma, Washington 98409-7479
(253) 473-4494 FAX: (253) 473-0599
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RIGHT-OF-WAY VACATION STAFF REPORT

Right-of-Way (ROW) Vacation Number V4-14

Applicant: Hastings 10, LLC

Property Location: Right-of-Way located at the south side of South 318th Street, east of 56th Avenue South.

Description of right-of-way:

This ROW proposed for vacation consists of the south five feet and the east 354.86 feet of South 318th Street, east of 56th Avenue South. The proposed ROW is adjacent to Parcel 926280-0055 on the south side and City right-of-way on the west, north and east sides. The adjacent parcel is owned by the applicant. The proposed area of ROW for vacation is approximately 1,774(+/-) square feet.

The ROW was Quit Claim deeded to King County for street purposes on March 28, 1944. The ROW was annexed into the City of Auburn on January 1, 2008.

See Exhibits "A" and "B" for legal description and survey.

Proposal:

The Applicant proposes that the City vacate the above described right-of-way so that they can include the area in development of the adjoining parcel.

Applicable Policies & Regulations:

- RCW's applicable to this situation - meets requirements of RCW 35.79.
- MUTCD standards - not affected by this proposal.
- City Code or Ordinances - meets requirements of ACC 12.48.
- Comprehensive Plan Policy - not affected.
- City Zoning Code - not affected.

Public Benefit:

- The vacated area may be subject to property taxes.
- The street vacation decreases the Right-of-Way maintenance obligation of the City.

Discussion:

The vacation application was circulated to Puget Sound Energy (PSE), Comcast, CenturyLink, Lakehaven Utility District and City staff.

1. PSE – Comments and clarification of the location of existing facilities in S 318th Street were requested from PSE several times but they have failed to respond with additional information. It appears that PSE's existing facilities are well outside the proposed vacation area and there should be no reason that they can not maintain their facilities from the street without the need for easements. Due to the location of the facilities and PSE's failure to respond with additional information it has been determined that easements over the proposed vacation area are not needed and will not be reserved for PSE facilities.
2. Comcast – Comcast has facilities attached to the PSE poles near the proposed area of vacation but as long as the poles are not impacted by the vacation they do not require an easement.
3. CenturyLink – CenturyLink's existing facilities are located on the north side of S 318th Street and do not require an easement in the proposed vacation area.
4. Lakehaven Utility District – Lakehaven has an existing 6" water main in this segment of S 318th Street that is approximately 7+/- feet north of the ROW centerline. No easement is required in the vacation area as

there is more than sufficient room to stay on the north side of the ROW centerline should work need to be done on the 6" line in S 318th Street.

5. Water – No comments on Auburn Water. This area is served by Lakehaven Utility District.
6. Sewer – Sewer does not need an easement reserved on the proposed vacation area.
7. Storm – Please retain a public drainage easement over the vacation area due to the presence of roadside ditches.
8. Transportation – No comments.
9. Planning – No comments.
10. Fire – No comments
11. Police – No comments.
12. Streets – No comments.
13. Construction –No comments.
14. Innovation and Technology – No comments

Assessed Value:

ACC 12.48 states "The city council may require as a condition of the ordinance that the city be compensated for the vacated right-of-way in an amount which does not exceed one-half the value of the right-of-way so vacated, except in the event the subject property or portions thereof were acquired at public expense or have been part of a dedicated public right-of-way for 25 years or more, compensation may be required in an amount equal to the full value of the right-of-way being vacated. The city engineer shall estimate the value of the right-of-way to be vacated based on the assessed values of comparable properties in the vicinity. If the value of the right-of-way is determined by the city engineer to be greater than \$2,000.00, the applicant will be required to provide the city with an appraisal by an MAI appraiser approved by the city engineer, at the expense of the applicant. The city reserves the right to have a second appraisal performed at the city's expense."

RCW 35.79.030 states the vacation "shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated. If the street or alley has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property or portions thereof were acquired at public expense, the city or town may require the owners of the property abutting the street or alley to compensate the city or town in an amount that does not exceed the full appraised value of the area vacated."

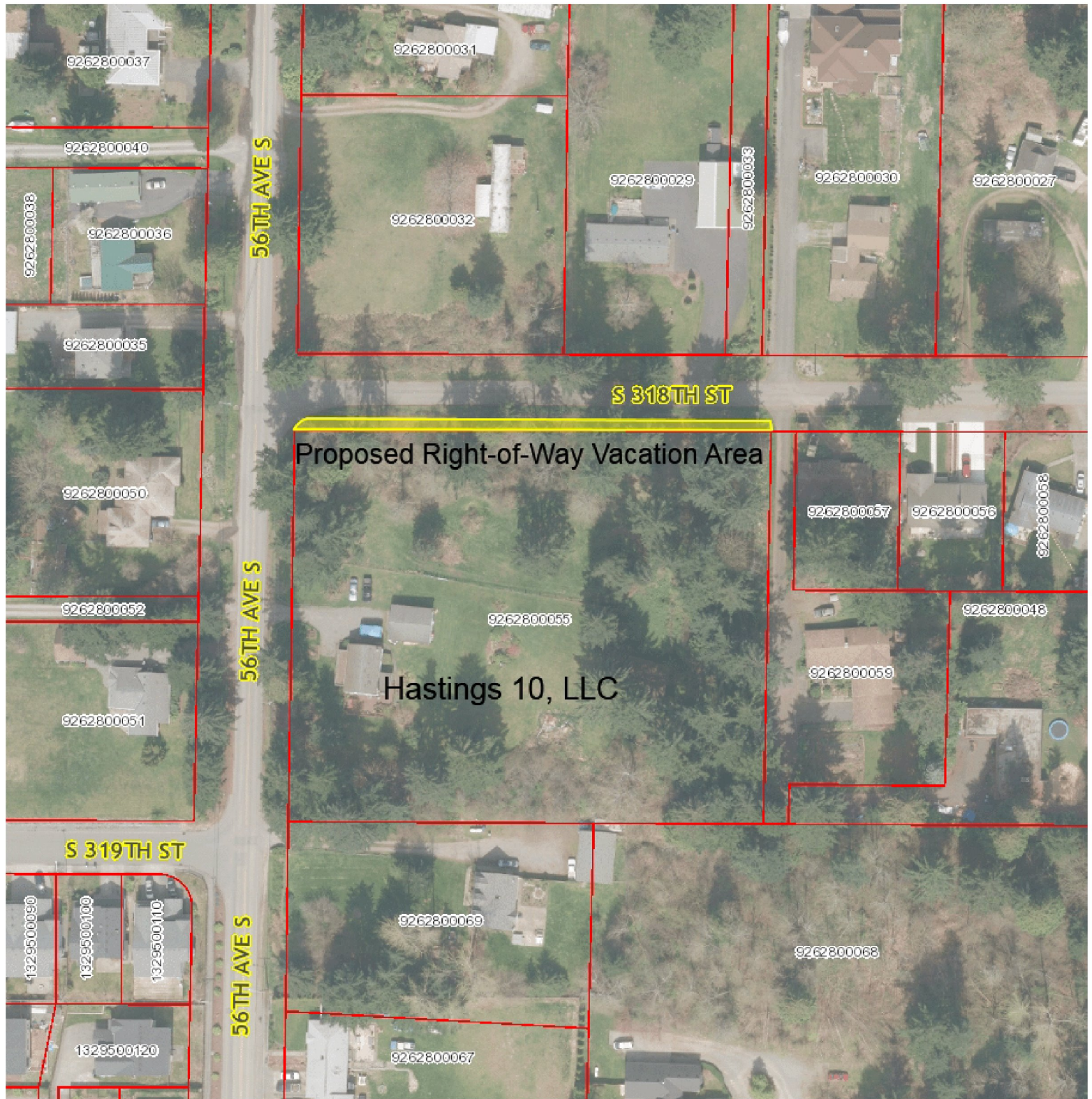
The value of the right-of-way was determined to be greater than \$2,000.00 and an appraisal, by an MAI appraiser, of the subject right-of-way was required to be submitted by the applicant. The appraisal was reviewed and found to be acceptable by the City Engineer. The appraisal values the right-of-way in an "as is" condition at \$4,700.00. The right-of-way has been right-of-way for more than 25 years and was acquired through Quit Claim deeded to King County on March 28, 1944 and annexed into the City of Auburn on January 1, 2008.

Recommendation:

Staff recommends that the street vacation be granted subject to the following conditions:

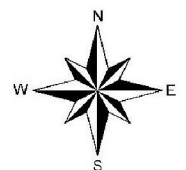
1. A public utility/drainage easement shall be reserved for City of Auburn stormwater facilities along the entire length and width of the vacated ROW.
2. That compensation for the value of the right-of-way be required in the full amount of the appraised value of \$4,700.00 since the right-of-way has been right-of-way for more than 25 years.

Right-of-Way Vacation #V4-14 Vicinity Map



Printed Date: 6/11/2015
Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6565, Second Reading

Date:

October 8, 2015

Department:

Community Development & Public Works

Attachments:

[Ordinance No. 6565](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6565.

Background Summary:

On a somewhat routine basis City Code Enforcement receives inquiries and/or complaints regarding people who are living within a Recreational Vehicle (RV) in a residential neighborhood. A typical scenario is that an RV has been placed within a residential neighborhood where the occupant of a single family residence has allowed an RV to be parked on their property and occupied by another family, friend, or renters to reside within the unit for an extended period of time.

While Auburn City Code provides definitions, permitting requirements and development regulations for RV parks it does not provide guidance on how RV living should be regulated outside of RV parks. Most cities establish regulations that describe the permitting requirements, circumstances, and durations under which living within an RV is allowed.

Staff presented initial draft code amendments to the Planning Commission on June 2, 2015 and to City Council during Study Session on June 8, 2015. Planning Commissioners and Councilmembers provided feedback and recommendations to the staff recommendation. Staff brought a modified draft back to the Planning Commission on July 7, 2015 and to a public hearing on September 9, 2015. Staff's initial recommendation precluded the use of an RV as a dwelling unit in all instances outside of an RV park except upon issuance of a Temporary Use Permit during the construction of a permanent single family residence. Planning Commissioners and City Council suggested that provisions should be included that allow an RV to be placed and used on a residential property that already has a single family home for a limited duration. Staff incorporated a provision that creates a no fee, registration program to be implemented that allows for an RV to be temporarily placed on a

residential property for up to 90 calendar days with an allowance for a single 90 day extension.

Reviewed by Council Committees:

Other: Planning Commission, Legal, and CD

Councilmember:

Staff: Snyder

Meeting Date: October 19, 2015

Item Number: ORD.C

ORDINANCE NO. 6 5 6 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.04.330, 18.07.020, 18.46A.050 AND 18.46A.070 OF THE AUBURN CITY CODE RELATING TO RECREATIONAL VEHICLES AS DWELLING UNITS

WHEREAS, City of Auburn code enforcement officers routinely receive inquiries and complaints regarding people who were residing in recreational vehicles not located in recreational vehicle parks; and

WHEREAS, insofar as the use of recreational vehicles for dwelling purposes when not supported by city utility services and not located in areas that accommodate the residential use creates concerns for traffic, safety and health conditions; and

WHEREAS, other than when the use of a recreational vehicle for dwelling purposes is a temporary use associated with the construction of a permanent dwelling unit on the same site, it is appropriate to promote the location of recreational vehicles when used as dwelling units in recreational vehicle parks where suitable facilities and amenities are available; and

WHEREAS, insofar as the city code does not currently address this issue, it is appropriate to amend pertinent sections to address the use of recreational vehicles as dwelling units; and

WHEREAS, on September 9, 2015, the City of Auburn Planning Commission held a public hearing to hear comments regarding recreational vehicles as dwelling units, and following the public hearing and the receipt of comments and discussion related thereto, the Planning Commission moved to forward to the City Council its

recommendations regarding recreational vehicles as dwelling units, set forth herein below.

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

Section 1. AMENDMENT TO CITY CODE. That Section 18.04.330 of the City Code be, and the same is hereby amended to read as follows:

18.04.330 Dwelling.

“Dwelling” means a building designed exclusively for residential purposes for occupancy by a person, family, or unrelated group with one or more rooms for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, including single-family, two-family, multiple-family dwellings, and townhouse dwellings but not including recreational vehicles, or hotels or motel units without kitchens (Ord. 6477 § 3, 2013; Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

Section 2 AMENDMENT TO CITY CODE. That Section 18.07.020 of the City Code be, and the same is hereby amended to read as follows:

18.07.020 Uses.

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of	X	X	A	P	P	P	X

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)							
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets ¹	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ³	A ³	A ³	A ³	A ³	P	P
<u>Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles</u>	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ¹	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar	P	P	P	P	P	P	P

¹ An owner occupant that rents to more than two persons but no more than four persons is required to obtain a City of Auburn Rental Housing Business License and shall meet the standards of the International Property Maintenance Code.

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
outdoor recreation uses only accessory to residential or park uses							
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ³	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A'	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C'	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing*	P	X	X	X	X	X	X
Public and private stables*	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ^s	C ^s	C ^s	C ^s	C ^s	C ^s	C ^s

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.
2. Please see the supplemental development standards for animals in ACC 18.31.220.
3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.
4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
6. Administrative use permit not required when approved as part of a subdivision or binding site plan.
7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.

(Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Section 3 AMENDMENT TO CITY CODE. That Section 18.46A.050 of the City Code be, and the same is hereby amended to read as follows:

18.46A.050 Exemptions (Temporary Use Permits) .

The following activities are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:

A. Garage sales and yard sales; provided, that the following are complied with:

1. Sales last no longer than three days;

2. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of no more than three contiguous properties of the participants;

3. Signs shall comply with Chapter 18.56 ACC (Signs), as applicable, and must be removed within 24 hours of completion of the sale;

B. City-sponsored events and activities;

C. Uses regulated or exempted by Chapter 18.60 ACC (Home Occupations);

D. Fireworks stands operating under a permit issued by the city of Auburn and the fire marshal's office;

E. The placement of uses and structures in response to a proclamation of civil emergency pursuant to ACC 2.75.070 to provide emergency services to individual citizens or property owners or businesses;

F. City improvement projects pursuant to ACC 18.02.040(E);

G. Temporary offices, construction staging, equipment storage and other similar activities on a site upon which public buildings or structures are being constructed, remodeled or otherwise modified.

H. On a residential property that already has a permitted single family residence, the use of one (1) recreational vehicle for temporary living when not associated with active construction of a single family dwelling shall be allowed for not more than ninety (90) calendar days in any calendar year, provided that the director may grant extensions utilizing the provisions of 18.46A.100.B for up to an additional ninety (90) days. Use of one (1) recreational vehicle on a property with a single family residence for more than ninety (90) calendar days in any calendar year, plus an additional period of up to ninety (90) days if extended by the director, shall be considered prima facie evidence of being detrimental to the neighborhood. Recreational vehicles that are utilized for temporary living shall be registered with the city of Auburn, without fee, prior to starting in order to monitor compliance with the ninety (90) day limitation(s). (Ord. 6268 § 2, 2009.)

Section 4 AMENDMENT TO CITY CODE. That Section 18.46A.070 of the

City Code be, and the same is hereby amended to read as follows:

18.46A.070 General and specific temporary use permits.

A. General Type I Temporary Use Permits. In accordance with ACC 18.46A.030, the planning director or designee may approve the following general Type I temporary uses and structures:

1. For all zoning districts:

a. Temporary use of land to conduct nonprofit events of up to six calendar days or less, where the events are of a kind not typically used by the sponsor at the location or site of the event;

b. Temporary parking facilities for private uses for four weeks or less per year;

c. Temporary fencing for public or private uses for four weeks or less per year;

d. Temporary use of privately owned property for temporary offices, construction trailers, materials storage, equipment storage or vehicle parking essential to and only in conjunction with the construction or building of public buildings, structures, road, or utility improvements.

2. For residential zoning districts:

a. Temporary modular sales and leasing offices for on-site residential development properties;

b. Placement of tents, canopies, or membrane structures for zero to two weeks per year that meet setbacks of the underlying zone;

c. Placement of portable moving and storage containers for no greater than three weeks per year;

d. On-site temporary caretaker trailers for private or nonprofit residential construction;

e. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for private or nonprofit residential construction;

f. Special events such as a community block party, neighborhood parade or similar event involving multiple properties and causing temporary impacts to public rights-of-way or potential increased need for public services.

g. Living within a recreational vehicle as a temporary dwelling unit on property when a building permit to construct a permanent single family residential dwelling unit has been issued and construction activity remains active.

3. For nonresidential zoning districts:

a. Commercial carnivals, circuses and shows;

b. Temporary sales and leasing offices for on-site commercial or industrial development properties;

c. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;

d. On-site temporary caretaker trailers for commercial, industrial or institutional construction sites;

e. Temporary changes of uses and associated temporary structures for four weeks or less per year;

f. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for no more than two hours per day;

g. Placement of commercial storage containers for no more than three weeks per year;

h. Special events such as a weekend sales event or outdoor concert causing temporary impacts to public rights-of-way or potential increased need for public services;

i. Holiday-related seasonal sales lots along with their associated temporary structures subject to compliance with the following:

i. Applicant demonstrates written proof of property owner permission for use of the subject property;

ii. Adequate off-street parking is provided;

- iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;
- iv. The use will not obstruct pedestrian access on public rights-of-way;
- v. Signage shall comply with the city's signage regulations;
- vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;
- vii. Adequate provisions for trash disposal and sanitary facilities are provided.
- j. Agricultural seasonal sale of produce subject to compliance with the following:
 - i. Demonstrates written proof of property owner permission for use of the subject property;
 - ii. Adequate off-street parking is provided;
 - iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;
 - iv. The use will not obstruct pedestrian access on public rights-of-way;
 - v. Signage shall comply with the city's signage regulations;
 - vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;
 - vii. Adequate provisions for trash disposal and sanitary facilities are provided.
- B. General Type II Temporary Use Permits. In accordance with ACC 18.46A.030, the planning director or designee may approve the following general Type II temporary uses and structures:
 - 1. For all zoning districts:
 - a. Temporary use of land in order to conduct a nonprofit event for seven calendar days or more in any such event;
 - b. Temporary storage of buildings and structures not permanently affixed or constructed or otherwise permanently situated on a property;
 - c. Temporary parking facilities for private uses for greater than four weeks per year;
 - d. Temporary fencing for public or private uses for greater than four weeks per year.
 - 2. For residential zoning districts:
 - a. Placement of tents, canopies, or membrane structures for greater than two weeks per year that meet setbacks of the underlying zone;
 - b. Placement of personal use storage containers for greater than three weeks but no more than 12 weeks per year;
 - c. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for residential construction;
 - d. Temporary use of the following equipment on private property essential to and only in conjunction with the construction or building by the city, another public agency or a private party of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:
 - i. Portable asphalt or concrete mixing plants;
 - ii. Portable concrete batching plants;

- iii. Portable rock crushing plants;
- iv. Accessory equipment essential to the use of the aforementioned plants.

3. For nonresidential zoning districts:

a. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;

b. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for more than two hours per day;

c. Temporary changes of uses and associated temporary structures for more than four weeks per year;

d. Temporary trailer or prefabricated building. The planning director or designee may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial zoned property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

i. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;

ii. The temporary structure is in conformance with all applicable building and fire codes;

iii. The property to be used for a temporary structure shall already be developed;

iv. There exists adequate and safe ingress and egress when combined with the other uses of the property;

v. There exists adequate sight distance;

vi. There exists adequate parking for the customers or users of the temporary use in conformance with the city's parking standards, as applicable;

vii. The use will pose no hazard to pedestrians in the area of the use;

viii. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses in accordance with the provisions of ACC 18.31.180;

ix. The use can adequately be served by sewer or septic system and water, if applicable; and

x. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee.

C. Specific Type I Temporary Use Permit – Temporary Gravel Parking Facilities.

1. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type I temporary use permit for a temporary gravel parking facility that serves municipal purposes. The planning director or designee may issue a temporary use permit for a period up to 12 months if the planning

director or designee finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

a. The use will not result in significant drainage or other adverse impacts;

b. The gravel parking area is not required for the purposes of meeting the current minimum off-street parking requirements.

2. The planning director or designee may grant additional extensions to the initial 12-month validity period if he/she finds that such extension is warranted and that the temporary use is still in compliance with all applicable approval criteria.

D. Specific Type I Temporary Use Permit – Site Specific Unforeseen/Emergency Situations.

1. In accordance with ACC 18.46A.030, the planning director or designee may approve, approve with conditions or deny a request for approval of an unforeseen/emergency situation(s) for a residential, commercial, industrial or institutional building if the planning director or designee finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

a. The need for the use is the direct result of a casualty loss resulting from damage or destruction by the elements, including but not limited to earthquake or fire or windstorm or flood, or by human cause of a structure or facility previously occupied on the premises for which the permit is sought;

b. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property;

c. There exists adequate off-street or shared parking for the temporary use;

d. The use will pose no hazard to pedestrians in the area of the use;

e. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, pursuant to ACC 18.31.180 and 18.46A.090;

f. The use can be adequately served by sewer or septic system and water, if applicable;

g. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee.

E. Specific Type II Temporary Use Permit – Transitional Uses.

1. Existing agricultural and associated uses, which are not permitted outright, may continue provided there are no new structures built in excess of 2,000 square feet, or the use is expanded five acres or less, unless a temporary use permit is issued. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type II temporary use permit if he/she finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

a. The use must be compatible or sufficient mitigating measures available to make it compatible with adjacent permitted uses;

b. The use cannot be a detriment to adjacent permitted uses;

c. The use will not result in significant adverse impacts to the area.

2. The planning director or designee may establish a longer validity period than that specified in ACC 18.46A.100 for a temporary use permit for the transitional uses specified herein.

3. Upon encroachment of permitted uses into the area authorized for a transitional use under a temporary use permit, the planning director or designee may review the temporary use permit to determine if such use is no longer compatible with the permitted uses and should be abated.

F. Specific Type II Temporary Use Permit – Homeless Encampment. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type II temporary and revocable use permit for a homeless encampment subject to the following criteria and requirements:

1. Procedural Approval.

a. The sponsoring agency shall notify the city of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment for the homeless encampment and at least 14 days before submittal of the temporary use permit. The advance notification shall contain the following information:

- i. The date the homeless encampment will encamp;
- ii. The length of the encampment;
- iii. The maximum number of residents proposed; and
- iv. The host location.

b. The sponsoring agency shall conduct at least one public informational meeting within, or as close to, the neighborhood where the proposed homeless encampment will be located, a minimum of two weeks prior to the submittal of the temporary use permit application. The time and location of the meeting shall be agreed upon between the city and sponsoring agency. All property owners within 1,000 feet of the proposed homeless encampment shall be notified at least 14 days in advance of the meeting by the sponsoring agency. Proof of mailing shall be provided to the director of planning and development.

c. The temporary use permit application shall be accompanied by a hold harmless agreement whereby the host agency and sponsoring agency agree to indemnify the city of Auburn for, and hold it harmless from, all damages that may result from the operation of the homeless encampment by such permit grantee and shall pay all damages for which the permit grantee or the city of Auburn shall be held liable as the result of injuries suffered by any person, association or corporation by reason of the operation of the homeless encampment; provided, that in case any claim is filed with the city of Auburn or any suit or action is instituted against said city by reason of any such damage or injury, the city council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.

2. Site Criteria.

a. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.

b. The property must be sufficient in size to accommodate tents and necessary on-site facilities, including, but not limited to, the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines;

ii. Hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles;

iv. Food tent and security tent.

c. The host and sponsoring agencies shall provide an adequate water source to the homeless encampment, as approved by the provider as appropriate or other water service.

d. No homeless encampment shall be located within a critical area or its buffer as defined under Chapter 16.10 ACC.

e. No permanent structures will be constructed for the homeless encampment.

f. No more than 100 residents shall be allowed. The city may further limit the number of residents as site conditions dictate.

g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on site with another use, it shall be demonstrated that the homeless encampment parking will not create a shortage of code-required on-site parking for the other uses on the property.

h. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

i. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the city.

j. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.

k. The sponsoring agency shall be responsible for the cleanup of the homeless encampment site within seven calendar days of the encampment's termination.

3. Security.

a. An operations and security plan for the homeless encampment shall be submitted and approved by the city.

b. The host agency shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application.

c. All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.

d. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay.

e. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.

f. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Pierce County or King County sheriff's office or relevant local police department.

i. If said warrant and sex offender checks reveal either: (A) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the sponsoring agency will reject the subject of the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

ii. The sponsoring agency shall immediately contact the Auburn police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant, is due to the individual being a sex offender required to register and/or if, in the opinion of the on-duty executive committee member or the on-duty security staff, the rejected/ejected person is a potential threat to the community.

g. The sponsoring agency shall self-police and self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

h. The sponsoring agency will appoint an executive committee member to serve on-duty at all times to serve as a point of contact for city of Auburn police and will orient the police as to how the security operates. The names of the on-duty executive committee members will be posted daily in the security tent. The city shall provide contact numbers of nonemergency personnel, which shall be posted at the security tent.

4. Timing.

a. The maximum continuous duration of a homeless encampment shall be 90 days. Citywide, the total maximum number of days homeless encampments may operate in the city shall not exceed 180 days in any 24-month period (e.g., two homeless encampments each operating 90 days (maximum 180 days total) may be allowed in a 24-month period).

b. No more than one homeless encampment may be located in the city at any time.

5. Health and Safety.

a. All temporary structures within the homeless encampment shall conform to all building codes.

b. The homeless encampment shall conform to the following fire requirements:

i. Material used as roof covering and walls shall be of flame retardant material.

ii. There shall be no open fires for cooking or heating.

iii. No heating appliances within the individual tents are allowed unless the appliance is designed and licensed for that purpose.

iv. No cooking appliances other than microwave appliances are allowed.

v. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department.

vi. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department.

vii. Adequate separation between tents and other structures shall be maintained as determined by the fire department.

viii. Electrical service shall be in accordance with recognized and accepted practice; electrical cords are not to be strung together and any cords used must be approved for exterior use.

c. The sponsoring and host agencies shall permit inspections by Auburn staff and the King County health department at reasonable times without prior notice for compliance with the conditions of this permit.

6. Termination. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the city learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the temporary use permit may be immediately terminated. (Ord. 6287 § 2, 2010; Ord. 6268 § 2, 2009.)

Section 4. IMPLEMENTATION. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. 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 thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. EFFECTIVE DATE. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

FIRST READING: _____

SECOND READING: _____

PASSED: _____

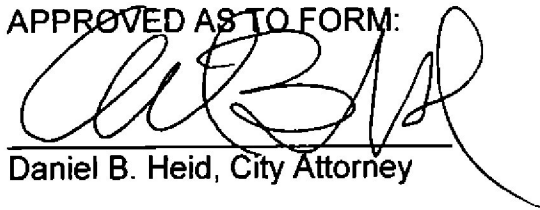
APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6572, Second Reading

Date:

October 8, 2015

Department:

CD & PW

Attachments:

[Ordinance 6572](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Ordinance No. 6572.

Background Summary:

Chapter 2.33 (Municipal Airport Advisory Board) establishes this advisory board to the City Council and Mayor to advise on identified issues pertaining to the Auburn Municipal Airport. Staff is recommending two amendments to Chapter 2.33. The first recommended amendment is to Section 2.33.020 (Appointment-Terms) and would remove the current language specifying that no board member have business interests at the airport other than the standard hangar or tie-down rental. Because the Airport Advisory Board is an advisory body only with no independent decision-making authority, this limitation on membership is unnecessary. Please note that the City Attorney has confirmed that this language is not necessary. The second recommended amendment is to Section 2.33.040 (Meetings of Airport Advisory Committee) would remove the requirement for monthly meetings and replace with a required quarterly meeting or as needed. This recommended change in the Board's meeting schedule will help make more efficient use of Board members' volunteer time and make more efficient use of City staff and contractor resources while insuring that there is adequate Board input. In addition, the reference to airport advisory committee was deleted and replaced with Municipal Airport Advisory Board.

The Airport Advisory Board reviewed these recommended amendments to Chapter 2.33 at its regular September 16, 2015 meeting and concurred on non-motion action with these recommended amendments.

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

Snyder

Meeting Date:

October 19, 2015

Item Number:

ORD.D

ORDINANCE NO. 6 5 7 2

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON, AMENDING CHAPTER 2.33
OF THE AUBURN CITY CODE RELATING TO THE
MUNICIPAL AIRPORT ADVISORY BOARD**

WHEREAS, the Auburn Municipal Airport Advisory Board was previously established by Auburn City Council action; and

WHEREAS, changes to Chapter 2.33 of the Auburn City Code were identified by City staff to broaden membership opportunities and promote efficient use of time by volunteer Board members; and

WHEREAS, the Airport Advisory Board reviewed the amendments to Chapter 2.33 at its regular September 16, 2015 meeting and concurred on non-motion action with these amendments;

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

Section 1 AMENDMENT TO CITY CODE. That Chapter 2.33 of the City Code be, and the same is hereby amended to read as follows.

**Chapter 2.33
MUNICIPAL AIRPORT ADVISORY BOARD¹**

Sections.

- 2.33.010 Creation.
- 2.33.020 Appointment – Terms.
- 2.33.030 Jurisdiction.
- 2.33.040 Meetings of Municipal Airport Advisory Board ~~airport advisory committee~~

2.33.010 Creation.

There is created a board, which shall be known as the Auburn Municipal Airport advisory board, which shall consist of five members, who shall serve without remuneration, from a list provided by the mayor to be appointed by confirmation of a majority of the members of the city council, from time to time, the first members thereof to be appointed within a reasonable time after the ordinance codified in this chapter becomes effective. (Ord. 5924 § 1, 2005, Ord. 2820 § 1, 1974)

2.33.020 Appointment – Terms.

Immediately upon appointment, the members designated to act on the board shall assemble for organization, and for convenience of business transactions shall elect a chairman and secretary whose duties shall be the duties indicated by such designation. The term of office for the board members shall be set up to five years from the date of appointment; provided, that the term of office for any board members appointed or reappointed after December 1, 2004, shall be set up to three years from the date of appointment or reappointment. The city council shall be empowered to originally appoint one member for one year, one member for two years, one member for three years, one member for four years and one member for five years. All appointees will serve until successors are appointed and qualified. Members of the board shall be subject to removal in accordance with the provisions of Chapter 2.30 ACC as it currently exists or as it may be amended hereafter ~~No board member shall have business interests at the airport other than the standard hangar or tie-down rental.~~ If the Board considers an issue that relates to a board member's business interest at the airport, the Board member shall disclose the fact and nature of the business interest prior to the taking of any vote bearing upon said interest.

-(Ord. 5924 § 1, 2005, Ord 5879 § 1, 2004, Ord. 5803 § 3, 2003; Ord 2820 § 2, 1974)

2.33.030 Jurisdiction.

The board when organized shall have jurisdiction to advise the city council and/or its committees regarding the following incidents involving the operation of the Auburn Municipal Airport:

A. Regarding construction, enlargement, improvement, maintenance, equipment and operation of the Auburn Municipal Airport facilities,

B. Regarding adoption and amendment of all need for rules and regulations for the government and use of the Auburn Municipal Airport facilities,

C Regarding leasing or assignment to private parties, municipal or state governments or the national government, or departments of any of the same, for the operation or use of any space, area, improvements or equipment of the Auburn Municipal Airport;

D Regarding the determination of charges or rentals for the use of any properties owned or under the control of the Auburn Municipal Airport and regarding the charges for any services or accommodations and the terms and conditions under which such parties may be using it;

E. Regarding the securing and enforcement of liens as provided by law for liens and enforcements thereof; regarding the repairs of or improvements or storage or care of any personal property to enforce the payment of any such charges,

F Regarding the exercise of all powers necessarily incidental to the exercising of the general and public powers granted in this chapter; and also regarding the exercise of all powers granted to the city by the laws of the state regarding the operation of municipal airports,

G *Repealed by Ord. 5924*

H. Promote and foster the development of the Auburn Municipal Airport for the benefit of the citizens of the city;

I Develop comprehensive and long-range plans for airport development and financing;

J Maintain liaison with other governmental bodies regarding municipal airport operations and financing. (Ord. 5924 § 1, 2005, Ord 2820 § 3, 1974)

2.33.040 Meetings of Municipal Airport Advisory Board ~~airport advisory committee.~~

The Board shall meet at least one time per quarter or as needed to perform the duties of the Board and to fulfill the role of being an advisory body to the City Council. ~~The airport advisory committee shall meet once per month at such time as the chairman thereof shall select.~~ (Ord. 5924 § 1, 2005, Ord 2820 § 4, 1974)

¹ For airport regulations, see Ch 12.56 ACC.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be 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 thereof to any person or circumstance shall 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 shall take effect and be in force five days from and after its passage, approval and publication as provided by law

FIRST READING OCT - 5 2015
SECOND READING _____
PASSED· _____
APPROVED· _____

NANCY BACKUS, MAYOR

ATTEST

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____