City Council Meeting
September 16, 2024 - 7:00 PM
City Hall Council Chambers
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

II. LAND ACKNOWLEDGMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

III. PUBLIC PARTICIPATION

1. Public Participation

   The Auburn City Council Meeting scheduled for Monday September 16, 2024 at 7:00 p.m. will be held in person and virtually.

   Virtual Participation Link:

   To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

   https://www.youtube.com/user/watchauburn/live/?nomobile=1

   To listen to the meeting by phone or Zoom, please call the below number or click the link:

   Telephone: 253 205 0468
   Toll Free: 888 475 4499
   Zoom: https://us06web.zoom.us/j/83015969299

A. **Pledge of Allegiance**

IV. Roll Call

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Hispanic Heritage Month

Mayor Backus to proclaim September 2024 as "Hispanic Heritage Month" in the City of Auburn

VI. APPOINTMENTS

A. Junior City Council

City Council to approve the appointments of Phia So Chea, Erica Rios, and Joey Rush to Auburn Junior City Council for a two-year term expiring August 31, 2026

(RECOMMENDED ACTION: Move to approve the appointments of Phia So Chea, Erica Rios, and Joey Rush to Auburn Junior City Council, for a two-year term to expire August 31, 2026.)

VII. AGENDA MODIFICATIONS

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. **Audience Participation**

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

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

   Participants can submit written comments via mail, fax, or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.
   Please mail written comments to:
   City of Auburn
   Attn: Shawn Campbell, City Clerk
   25 W Main St
   Auburn, WA 98001

   Please fax written comments to:
   Attn: Shawn Campbell, City Clerk
   Fax number: 253-804-3116

   Email written comments to:
   publiccomment@auburnwa.gov

   If an individual requires an accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day of the scheduled meeting. Participants can request an accommodation to be able to provide remote oral comment by contacting the City Clerk's Office in person, by phone (253) 931-3039, or email to publiccomment@auburnwa.gov

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

IX. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baldwin)

X. 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 19, 2024, City Council Meeting

B. Minutes of the August 26, 2024, Special City Council Meeting

C. Minutes of the August 26, 2024, Study Session Meeting

D. Setting the date a for Public Hearing for T-Mobile West LLC Franchise Agreement (Gaub)

City Council to set the date for a Public Hearing for Franchise Agreement No. FRN23-0002 for T-Mobile West LLC

E. Claims Vouchers (Thomas)

Claims voucher list dated August 28, 2024 which includes voucher numbers 477222 through voucher 477372, in the amount of $2,659,823.75, eight electronic fund transfers in the amount of $2,451.34 and three wire transfers in the amount of $742,381.55

Claims voucher list dated September 11, 2024 which includes voucher numbers 477373 through voucher 477521, in the amount of $8,316,973.11, six electronic fund transfers in the amount of $1,312.21 and four wire transfers in the amount of $1,038,575.97

F. Payroll Voucher (Thomas)

Payroll check numbers 539607 through 539607 in the amount of $607,116.74, electronic deposit transmissions in the amount of $2,733,068.75, for a grand total of $3,340,185.49 for the period covering August 15, 2024 to August 28, 2024

Payroll check numbers 539609 through 539611 in the amount of $80,805.08, electronic deposit transmissions in the amount of $2,833,609.19, for a grand total of $2,914,414.27 for the period covering August 29, 2024 to September 11, 2024

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

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. ORDINANCES

A. Ordinance No. 6949 (Krum)

An Ordinance for a Site Specific Rezone of a portion of one parcel from R-10, Residential Zone - Ten Dwelling Units per Acre to R-20, Twenty Dwelling Units per Acre

(RECOMMENDED ACTION: Move to approve Ordinance No. 6949.)

B. Ordinance No. 6950 (Hay)

An Ordinance relating to Camping on City Property, amending Sections 2.22.210 and 9.50.030 of the Auburn City Code, and providing for severability and an effective date

(RECOMMENDED ACTION: Move to approve Ordinance No. 6950.)

C. Ordinance No. 6952 (Gaub)

An Ordinance relating to Water Main Extensions and Requirements for Private Fire Hydrant Installations and Maintenance Responsibilities, and amending Chapters 13.06 Water System Responsibility, 13.08 Water Main Extensions and Payment, and 13.16 Fire Hydrants of the Auburn City Code

(RECOMMENDED ACTION: Move to approve Ordinance No. 6952.)

D. Ordinance No. 6953 (Gaub)

An Ordinance amending conditions of Ordinance No. 6839 associated with Vacating Right-of-Way of a portion of West Main Street, East of Lund Road SW, within the City of Auburn, Washington

(RECOMMENDED ACTION: Move to approve Ordinance No. 6953.)

XIV. MAYOR AND COUNCILMEMBER REPORTS

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

A. **From the Council**

B. **From the Mayor**

XV. ADJOURNMENT

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

AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the August 19, 2024, City Council Meeting

Date:
September 9, 2024

Department:
City Council

Attachments:
August 19, 2024 Meeting Minutes

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

Administrative Recommendation:

Background for Motion:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: September 16, 2024

Item Number: CA.A

CITY OF AUBURN WASHINGTON	**City Council Meeting** **August 19, 2024 - 7:00 PM** **City Hall Council Chambers** **MINUTES** **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

Mayor Backus called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

II. LAND ACKNOWLEDGMENT

III. PUBLIC PARTICIPATION

1. Public Participation

The City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Backus led those in attendance in the Pledge of Allegiance.

IV. Roll Call

Councilmembers present: Hanan Amer, Kate Baldwin, Cheryl Rakes, Clinton Taylor, and Acting Deputy Mayor Yolanda Trout-Manuel. Deputy Mayor Larry Brown and Councilmember Tracy Taylor were excused.

Mayor Nancy Backus and the following staff members present included: Deputy City Attorney Paul Byrne, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Parks, Arts, and Recreation Daryl Faber, Director of Finance Jamie Thomas, Director of Community Development Jason Krum, Director of Human Services Kent Hay, Business Systems Analyst Jonathan Barbano, and Deputy City Clerk Hannah Scholl.

V. ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Constitution Week

Mayor Backus proclaimed August 18, 2024, through August 24, 2024, as "Constitution Week" in the City of Auburn.

Hilda Meryhew, member of the Daughters of the American Revolution, accepted the proclamation, thanked Mayor, and spoke about women's

voting rights.

B. International Overdose Awareness Day

Mayor Backus proclaimed August 31, 2024, as "International Overdose Awareness Day" in the City of Auburn.

Business Director Harry Franqui and Clinic Director Suzanne Laurel with HealthPoint, Clinical Supervisor Kalena Towle with We Care Daily Clinics, Mark Hampton Owner of Alcoholics & Addicts Helping Alcoholics & Addicts (AAHAA) Supportive Housing, and Michael Preston Owner of A Walk to Freedom Counseling accepted the proclamation. They all thanked Mayor, Councilmembers, and staff for their support.

Mayor expressed her appreciation for all the work they do.

VI. AGENDA MODIFICATIONS

There were no modifications to the agenda.

VII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings

1. Public Hearing for New Cingular Wireless PCS, LLC Franchise Agreement No. FRN24-0002 (Gaub)

   City Council to conduct Public Hearing to consider Franchise Agreement No. FRN24-0002 for New Cingular Wireless PCS, LLC

   Mayor Backus opened the Public Hearing at 7:12 p.m.

   No one came forward to speak.

   Mayor Backus closed the Public Hearing at 7:12 p.m.

B. Audience Participation

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

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

   Written Comment:

   Mark Celich Auburn, WA
   Mark provided comment regarding budgeting for more Police Officers.

In-Person Comments:

Cheryl Olson Auburn, WA
Cheryl expressed concerns regarding crime in the City of Auburn and budgeting for more Police Officers.

Diana Johnson Auburn, WA
Diana expressed concerns regarding gun violence in the City of Auburn and budgeting for more Police Officers.

Jim Brass Auburn, WA
Jim expressed concerns regarding gun violence in the City of Auburn and budgeting for more Police Officers.

Amanda Knott Auburn, WA
Amanda expressed concerns regarding youth gun violence and early childhood development.

Derek Bodine Auburn, WA
Derek expressed the need for budgeting for more Police Officers.

Betty Brown Auburn, WA
Betty expressed concerns regarding crime in the City of Auburn, safety of children, and budgeting for more Police Officers.

Virginia Haugen Auburn, WA
Virginia expressed gratitude to Hilda Meryhew, member of the Daughters of the American Revolution.

Mayor Backus thanked everyone for their comments and informed everyone the City is in the process of reviewing the Budget.

C. **Correspondence**

There was no correspondence for Council to review.

VIII. COUNCIL AD HOC COMMITTEE REPORTS

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

1. Finance Ad Hoc Committee (Chair Baldwin)

Councilmember Baldwin, Chair of the Finance Ad Hoc Committee, reported she and Councilmember Amer reviewed the claims and payroll vouchers described on the agenda this evening and recommended their approval.

IX. 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 5, 2024, City Council Meeting

B. Minutes of the August 12, 2024, Study Session Meeting

C. Claims Vouchers (Thomas)

Claims voucher list dated August 14, 2024 which includes voucher numbers 477023 through voucher 477217 and voucher numbers 477219 through voucher 477221, in the amount of $6,594,142.90, ten electronic fund transfers in the amount of $1,454.07 and five wire transfers in the amount of $944,937.55

D. Claims Voucher (Thomas)

Claims voucher list dated August 14, 2024 which includes voucher number 477218, in the amount of $2,500.00

E. Payroll Voucher (Thomas)

Payroll check numbers 539604 through 539606 in the amount of $81,651.54, electronic deposit transmissions in the amount of $2,928,720.01, for a grand total of $3,010,371.55 for the period covering August 1, 2024 to August 14, 2024

Acting Deputy Mayor Trout-Manuel moved and Councilmember Rakes seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 5-0

X. UNFINISHED BUSINESS

There was no unfinished business.

XI. NEW BUSINESS

There was no new business.

XII. ORDINANCES

A. Ordinance No. 6945 (Thomas)

An Ordinance amending the City's 2023-2024 Biennial Operating and Capital Budgets

Councilmember Baldwin moved and Councilmember Amer seconded to approve Ordinance No. 6945.

MOTION CARRIED UNANIMOUSLY. 5-0

XIII. RESOLUTIONS

A. Resolution No. 5780 (Krum)

A Resolution accepting the Planning Commission's recommendation on the Comprehensive Plan Land Use Element, Housing Element, Economic Development Element, Historic Preservation Element, and Climate Action Element for the purpose of providing support to draft Development Regulations that implement these Elements

Acting Deputy Mayor Trout-Manuel moved and Councilmember Amer seconded to adopt Resolution No. 5780.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Resolution No. 5781 (Hinman)

A Resolution authorizing the Mayor to enter into an Interlocal Agreement with Region 8 Education Service Center for membership in "The Interlocal Purchasing System ("TIPS") for the purpose of Cooperative Purchasing

Councilmember Rakes moved and Councilmember C. Taylor seconded to adopt Resolution No. 5781.

MOTION CARRIED UNANIMOUSLY. 5-0

XIV. MAYOR AND COUNCILMEMBER REPORTS

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

A. From the Council

Councilmember Baldwin reported she toured the Veterans Village in the City of Orting.

Councilmember C. Taylor reported he attended the Muckleshoot Tribe Council Meeting and the Ribbon Cutting event at Cedar Lanes Bike Park.

Acting Deputy Mayor Trout-Manuel reported she attended the Sound Cities Association (SCA) Regional Water Quality Committee meeting, Ribbon Cutting event at Cedar Lanes Bike Park, SCA Domestic Violence Task Force meeting, National League of Cities Hispanic Elected Local Officials (HELO) Board Meeting, Muckleshoot Tribe Council Meeting, and the Welcome Back to School event at Auburn High School.

B. From the Mayor

Mayor Backus reported she attended the Ribbon Cutting event at the Cedar Lanes Bike Pump Track, hosted Auburn's Sister City Japanese Exchange Students, Healthy Bite event, Celebration of Life for Former Algona Mayor Dave Hill, US Conference of Mayors Membership Group on Homelessness meeting to discuss the Martin v. Boise Decision, met with US Representative Kim Schrier to discuss Juvenile crime and budgeting for additional Police Officers, Muckleshoot Indian Tribe Council meeting, India Day Celebration event at Bellevue City Hall, Auburn High School's Class of 1974 50th Reunion, and a tour of the potential Recovery International (RI) Receiving Center in Federal Way.

XV. **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:55 p.m.

APPROVED this 16th day of September 2024.

_____	_____
NANCY BACKUS, MAYOR	Hannah Scholl, Deputy City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the August 26, 2024, Special City Council Meeting

Date:
September 9, 2024

Department:
City Council

Attachments:
August 26, 2024 Special Meeting Minutes

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

Administrative Recommendation:

Background for Motion:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: September 16, 2024

Item Number: CA.B

Special City Council Meeting
August 26, 2024 - 5:00 PM
City Hall Council Chambers
MINUTES

I. CALL TO ORDER

Mayor Backus called the meeting to order at 5:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

II. LAND ACKNOWLEDGEMENT

III. PUBLIC PARTICIPATION

1. Public Participation

The City Council Meeting was held in person and virtually.

A. Pledge of Allegiance

Mayor Backus led those in attendance in the Pledge of Allegiance.

IV. ROLL CALL

Councilmembers present: Acting Deputy Mayor Yolonda Trout-Manuel, Hanan Amer, Kate Baldwin, Cheryl Rakes, Clinton Taylor, and Tracy Taylor. Deputy Mayor Larry Brown was excused.

Mayor Nancy Backus and the following staff members present included: Deputy City Attorney Paul Byrne, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Right-of-Way Specialist Amber Olds, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

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.

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

No one came forward to speak.

VI. ORDINANCES

A. Ordinance No. 6946 (Gaub)

An Ordinance granting to New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, a Franchise for Small Wireless Facilities Telecommunications

Councilmember T. Taylor moved and Councilmember C. Taylor seconded to approve Ordinance No. 6946.

MOTION CARRIED UNANIMOUSLY. 6-0

VII. RESOLUTIONS

A. Resolution No. 5783 (Whalen)

A Resolution authorizing the Mayor to sign a fourth amendment to an agreement between the City of Auburn and Totem Logistics, INC. related to Garbage/Waste Cleanup Services

Councilmember Amer moved and Councilmember Rakes seconded to adopt Resolution No. 5783.

MOTION CARRIED UNANIMOUSLY. 6-0

VIII. EXECUTIVE SESSION

Mayor Backus adjourned into executive session at 5:04 p.m. per RCW 42.30.110(1)(i)(ii) and (iii) to discuss with legal counsel potential litigation that may be commenced against the City, and the legal risks of a proposed action when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency for 15 minutes. Mayor Backus, Councilmembers, Deputy City Attorney Byrne, Director of Public Works Gaub, and Specialist Olds were required to attend. She reconvened the meeting at 5:20 p.m.

IX. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:20 p.m.

APPROVED this 16th day of September 2024.

_____ _____

NANCY BACKUS, MAYOR Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:
Minutes of the August 26, 2024, Study Session Meeting

Date:
September 9, 2024

Department:
City Council

Attachments:
August 26, 2024 Meeting Minutes

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

Administrative Recommendation:

Background for Motion:

Background Summary:

Reviewed by Council Committees:

Councilmember:

Staff:

Meeting Date: September 16, 2024

Item Number: CA.C

CITY OF AUBURN WASHINGTON	**City Council Study Session Community Wellness Special Focus Area** **August 26, 2024 - 5:30 PM** **City Hall Council Chambers** **MINUTES** **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

Acting Deputy Mayor Trout-Manuel called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street in Auburn.

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers present: Acting Deputy Mayor Yolonda Trout-Manuel, Hanan Amer, Kate Baldwin, Cheryl Rakes, Clinton Taylor, and Tracy Taylor. Deputy Mayor Larry Brown was excused.

Mayor Nancy Backus and the following staff members present included: Deputy City Attorney Paul Byrne, Assistant Chief of Police Samuel Betz, Senior City Staff Attorney Taryn Jones, Director of Public Works Ingrid Gaub, Director of Finance Jamie Thomas, Director of Community Development Jason Krum, Director of Human Services Kent Hay, Storm Drainage Utility Engineer Tim Carlaw, Associate Storm Drainage Engineer Michael Murray, Senior Planner Dinah Reed, Utilities Engineering Manager Ryan Vondrak, Right-of-Way Specialist Amber Olds, Business Systems Analyst Chrissy Malave, and City Clerk Shawn Campbell.

III. AGENDA MODIFICATIONS

There were no modifications to the agenda.

IV. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There were no announcements, reports, or presentations.

V. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Comprehensive Storm Drainage Plan (Gaub) (60 Minutes)

Engineer Carlaw and Engineer Murray provided Council with an overview

of the 2024 Comprehensive Storm Drainage Plan including an explanation of the Comprehensive Plan progress and milestones, the ecology regulation requirements for the Storm Drainage Plan, Storm Drainage Utility Service area and infrastructure, updated Chapters in the 2024 Storm Drainage Comprehensive Plan, and the future steps for approval.

Council discussed updates to the reference materials, critical drainage reviews, additional requirements for increased population numbers, and the rate stabilization policy.

B. Ordinance No. 6949 (Krum) (10 Minutes)

An Ordinance for a Site Specific Rezone of a portion of one parcel from R-10, Residential Zone - Ten Dwelling Units per acre to R-20, Twenty Dwelling Units per acre

Planner Reed provided Council with an overview of Ordinance No. 6949 including the site of the proposed Rezone, the zoning around the proposed site, Rezone approval criteria, Hearing Examiner recommendations, and future Council action.

C. Ordinance No. 6952 (Gaub) (20 Minutes)

An Ordinance relating to Water Main Extensions and Requirements for Private Fire Hydrant Installations and Maintenance Responsibilities, and amending Chapters 13.06 Water System Responsibility, 13.08 Water Main Extensions and Payment, and 13.16 Fire Hydrants of the Auburn City Code

Manager Vondrak provided Council with an overview of Ordinance No. 6952 including the proposed timeline for the Code update, review of the need for water main upsizing, pipe velocities, private fire hydrants, and updated language in the Auburn City Code.

Council discussed private fire hydrants, and the frequency of updates to the Code.

D. Ordinance No. 6953 (Gaub) (10 Minutes)

An Ordinance amending Conditions of Ordinance No. 6839 associated with vacating Right-of-Way of a portion of West Main Street, East of Lund Road SW, within the City of Auburn, Washington

Specialist Olds provided Council with an overview of Ordinance No. 6953 including the location of the Right-of-Way vacation, requirements for the vacation, and a history of the vacation requirement extensions.

Acting Deputy Mayor Trout-Manuel recessed for 10 minutes at 7:14 pm. She reconvened the meeting at 7:24 pm.

E. Resolution No. 5782 (Council) (60 Minutes)

A Resolution amending the City Council Rules of Procedure

City Clerk Campbell led the Council through the Council Rules of Procedure Section by Section.

Council discussed proposed amendments to Sections 1 through 11. Council agreed to bring the Council Rules of Procedure back to the September 23, 2024, Study Session Meeting and if necessary the September 30, 2024, Study Session Meeting.

VI. COMMUNITY WELLNESS DISCUSSION ITEMS

A. Ordinance No. 6950 (Hay) (15 Minutes)

An Ordinance relating to camping on City property, amending Sections 2.22.210 and 9.50.030 of the Auburn City Code, and providing for severability and an effective date

This item was moved to Council Items for Discussion Item A.

Councilmember C. Taylor Chaired this portion of the meeting.

Director Hay provided Council with an overview of Ordinance No. 6950 including an update on the 9th Circuit Court of Appeals decision on the Martin v. Boise ruling, the City's current camping on public property Ordinance, substantial changes in the proposed Ordinance, and public safety and environmental concerns with camping on public lands.

Council discussed available shelters, penalties and fines, people refusing housing, number of people impacted by the changes, costs to the City for the changes, and homeless encampment cleanup costs.

VII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:08 p.m.

APPROVED this 16th day of September 2024.

_____ _____

LARRY BROWN, DEPUTY MAYOR Shawn Campbell, City Clerk

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AGENDA BILL APPROVAL FORM

Agenda Subject:
Setting the date a for Public Hearing for T-Mobile West LLC Franchise Agreement (Gaub)

Date:
August 16, 2024

Department:
Public Works

Attachments:
No Attachments Available

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

Administrative Recommendation:

City Council set the date of the Public Hearing for Franchise Agreement No. FRN23-0002 for T-Mobile West LLC for a Wireless Telecommunication Franchise as October 7, 2024, at 7:00 pm.

Background for Motion:

Background Summary:

Section 20.04.040 of the Auburn City Code requires the City to hold a Public Hearing before granting or denying a Franchise Agreement. Staff requests that the City Council set the date of the Public Hearing for Franchise Agreement No. FRN23-0002 for T-Mobile West LLC for a Wireless Telecommunication Franchise as October 7, 2024, at 7:00 pm.

Section 20.02.040 of the Auburn City Code requires a franchise for any utility or telecommunications carrier or operator to use public ways of the City and to provide service to persons or areas inside or outside of the City.

T-Mobile West LLC has applied for a new Franchise Agreement to continue to operate their existing wireless telecommunications facilities in the public ways within the City limits as their previous Franchise Agreement has recently expired. T-Mobile provides telecommunications services that includes but is not limited to wireless and data communications services. The proposed agreement is consistent with the City's standard Franchise Agreement language.

Reviewed by Council Committees:

Councilmember: Tracy Taylor
Staff: Ingrid Gaub
Meeting Date: September 16, 2024
Item Number: CA.D

AGENDA BILL APPROVAL FORM

Agenda Subject:
Claims Vouchers (Thomas)

Date:
September 10, 2024

Department:
Finance

Attachments:
No Attachments Available

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

Administrative Recommendation:

Approve Claim Vouchers.

Background for Motion:

Background Summary:

Claims voucher list dated August 28, 2024 which includes voucher numbers 477222 through voucher 477372, in the amount of $2,659,823.75, eight electronic fund transfers in the amount of $2,451.34 and three wire transfers in the amount of $742,381.55.

Claims voucher list dated September 11, 2024 which includes voucher numbers 477373 through voucher 477521, in the amount of $8,316,973.11, six electronic fund transfers in the amount of $1,312.21 and four wire transfers in the amount of $1,038,575.97.

Reviewed by Council Committees:

Councilmember: Kate Baldwin
Staff: Jamie Thomas
Meeting Date: September 16, 2024
Item Number: CA.E

AGENDA BILL APPROVAL FORM

Agenda Subject:
Payroll Voucher (Thomas)

Date:
September 10, 2024

Department:
Finance

Attachments:
No Attachments Available

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

Administrative Recommendation:

Approve Payroll Vouchers.

Background for Motion:

Background Summary:

Payroll check numbers 539607 through 539607 in the amount of $607,116.74, electronic deposit transmissions in the amount of $2,733,068.75, for a grand total of $3,340,185.49 for the period covering August 15, 2024 to August 28, 2024.

Payroll check numbers 539609 through 539611 in the amount of $80,805.08, electronic deposit transmissions in the amount of $2,833,609.19, for a grand total of $2,914,414.27 for the period covering August 29, 2024 to September 11, 2024.

Reviewed by Council Committees:

Councilmember: Kate Baldwin
Staff: Jamie Thomas
Meeting Date: September 16, 2024
Item Number: CA.F

AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6949 (Krum)

Date:
August 29, 2024

Department:
Community Development

Attachments:
Ordinance No. 6949
Exhibit A - Hearing Examiner Recommendation for Stonecreek Apartments Site-specific Rezone
Vicinity Map – Existing Zone / Proposed Rezone

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

Administrative Recommendation:

City Council to approve Ordinance No. 6949.

Background for Motion:

Ordinance No. 6949 changes the zoning map designation of a portion of King County Parcel No. 3339900507 from R-10 Residential – Ten Dwelling Units per Acre to R-20 Residential, Twenty Dwelling Units per Acre, in response to an application from the property owner.

Background Summary:

Staff presented Ordinance No. 6949 to City Council at the Study Session on August 26, 2024. City Council allowed the matter to move forward for Council Action.

Zoning map change (Rezone) of approximately 7,098 square foot (sf) of a split-zoned parcel totaling 21,090 sf from "R-10, Residential Zone – Ten Dwelling Units per Acre" to the "R-20, Residential Zone – Twenty Dwelling Units per Acre" owned by Balvir Singh and Jaspreet Kaur.

On July 17, 2024, the Hearing Examiner held a Public Hearing, and on August 1, 2024, issued a written recommendation to City Council that the Stonecreek Apartments site-specific rezone be adopted.

Reviewed by Council Committees:

Councilmember: Tracy Taylor **Staff:** Jason Krum

Meeting Date: September 16, 2024 Item Number: ORD.A

ORDINANCE NO. 6949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, FOR A SITE SPECIFIC REZONE OF A PORTION OF ONE PARCEL FROM R-10, RESIDENTIAL ZONE - TEN DWELLING UNITS PER ACRE TO R-20, TWENTY DWELLING UNITS PER ACRE

WHEREAS, a Boundary Line Adjustment (City File No. BLA21-0006) was applied for to combine the northern 90 feet of parcel no. 3339900495 with parcel no. 333990507, recorded on November 5, 2021 and resulting in a split-zoned single lot; and

WHEREAS, the split-zoned single lot had a portion zoned R-20, Twenty Dwelling Units per Acre and a portion R-10, Ten Dwelling Units per Acre; and

WHEREAS, Balvir Singh, Applicant and Property Owner, submitted a site-specific rezone application on July 11, 2023 for King County Parcel No. 3339900507; and

WHEREAS, the rezone will ensure that the zoning of the entire lot fully matches the intent of the Comprehensive Plan by eliminating the split zoning and expanding the R-20 zone to include the whole parcel; and

WHEREAS, the project is exempt from SEPA review in accordance with WAC 197-11-800(6)(c); and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of public hearing, the City of Auburn Hearing Examiner conducted a public hearing, heard public testimony, and took evidence and exhibits into consideration; and

WHEREAS, on August 1, 2024 the City of Auburn Hearing Examiner recommended approval of the site-specific rezone application, and made and entered Findings of Fact and Conclusions of Law based thereon in support of that

recommendation, as set forth in the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner attached hereto, marked as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the City Council concurs with the Findings of Fact and Conclusions of Law of the Hearing Examiner; and

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

Section 1. Adoption of the Hearing Examiner’s Findings of Fact and Conclusions of Law. The City Council adopts the Findings of Fact and Conclusions of Law based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council, as set forth in the “Findings of Fact, Conclusions of Law and Recommendation for the Stonecreek Apartments, City File Number REZ23-0005, dated August 1, 2024”, attached hereto, marked as Exhibit “A”.

Section 2. Approval. The City Council adopts and approves the request to change the zoning of a portion of King County Parcel No. 3339900507 from R-10, Residential – Ten Dwelling Units per Acre to R-20, Twenty Dwelling Units per Acre.

Section 3. Constitutionality or Invalidity. If any section, subsection clause or phase 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 5. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor's Division.

Section 6. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 7. 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.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

_____
NANCY BACKUS, MAYOR

ATTEST:

_____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

_____
Jason Whalen, City Attorney

Published: _____

Exhibit A

BEFORE THE HEARING EXAMINER FOR THE CITY OF AUBURN

Phil Olbrechts, Hearing Examiner

RE: Stonecreek Apartments Rezone REZ23-0005	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION.**

INTRODUCTION

Balvir Singh requests an upzone of a portion of his property located at 703 8th St. NE. from R-10 to R-20. It is recommended that the City Council approve the rezone.

The requested upzone is arguably legally mandated since the current R-10 zoning is inconsistent with the comprehensive plan use map designation of "multi-family." That map designation requires densities of 20-24 units per acre. The R-20 zoning classification meets this requirement, the current zoning R-10 does not.

Mr. Sing's property is currently split zoned with R-10 on one portion and R-20 on the other. The square footage of the entire parcel is 21,090 square feet. The proposal would rezone 7,098 square feet that is currently R-10 to R-20 so that the entirety of the parcel is R-20. If the rezone is approved, the applicant intends to construct a 10-unit apartment building on the site. Absent approval of the rezone, the current zoning would allow for an 8-unit building.

TESTIMONY

Ms. Diana Reed, Auburn City Planner, summarized the staff report. There was no other testimony.

EXHIBITS

Exhibits 1-7 listed at page 6 of the July 11, 2024 staff report were admitted into the record during the July 17, 2024 public hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. The applicant is Mr. Balvir Singh, 24827 16th Ave. S, Des Moines, WA 98198. The property owners are Mr. Singh and Jaspreet Kaur.

2. Hearing. The Hearing Examiner conducted a virtual and telephonic hearing on the application at 5:30 p.m. on July 17, 2024.

Substantive:

3. Site/Proposal Description. The applicant proposes a site-specific rezone located at 703 8th St. NE for a portion of King County Parcel No. 3339900507 which is split-zoned between R-20 Residential Zone - 20 Dwelling Units per acre (R-20) and R-10 Residential Zone - 10 Dwelling Units per acre (R-10). The square footage of the entire parcel is 21,090 square feet. The proposal will rezone 7,098 square feet that is currently R-10 to R-20 so that the entirety of the parcel is R-20.

The subject property is irregular in shape, with the western rectangular portion of the lot measuring at about 14,245 square feet and eastern rectangular portion of the lot at approximately 7,065 square feet. It is flat and has no critical areas. Both ingress, egress and utilities easements are available across the lot to the south (parcel no. 3339900495) to 8th St. NE, recorded under AFNS: 781205072, 881212073, 20010220000902 & 20030929002021 as shown on the Boundary Line Adjustment (BLA21-0006) (Exhibit 5). A Boundary Line Adjustment (File No. BLA21-0006) was applied for to combine the northern 90 feet of parcel no. 3339900495 with parcel no. 3339900507, recorded on 11/5/2021 and resulting in a split-zoned single lot. Although split-zoned after the BLA, the entirety of the property was previously designated Multi-Family in the Comprehensive Plan.

4. Characteristics of the Area. The subject property is situated in an area surrounded by both Multi-Family Residential and Single-Family Residential in the immediate vicinity.

5. Adverse Impacts. No adverse impacts are anticipated from the proposal. The proposal was reviewed by the City's Building, Traffic, Utilities Division, and the Valley Regional Fire Authority who did not express any concerns regarding the rezoning of the subject property. The proposal is exempt from SEPA environmental review in accordance with WAC 197-11-800(6)(c). Pertinent impacts are addressed as follows:

A. Traffic. The proposal will not generate adverse traffic impacts. Two comment letters were received from community members regarding traffic issues (Exhibit 6). Both letters expressed concern about the proposed effect that 10 new units would have on increased traffic on a portion of 8th St. NE that they assert already has numerous functional road and sidewalk related issues. Specifically, these concerns include observed high vehicle speeds and blockage of sidewalks by parked vehicles. These comments were reviewed and responded to on-point by City staff (Exhibit 6). Concerns regarding vehicle speeds are an enforcement issue and links for members of the public to initiate a complaint were provided by City staff. Common walkways blocked by vehicles were identified as a civil matter. In regard to increased traffic, staff has indicated in their report (Exhibit 1) that the City's traffic engineer reviewed the proposal and that the potential addition of 10 dwelling units at this location did not require the preparation of a Transportation Impact Assessment (TIA). Projects that do not require a TIA are considered to not generate adverse traffic impacts.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. ACC 18.68.030(A)(1) grants the Hearing Examiner with the authority to review and make a recommendation on rezone requests to the City Council.

Substantive:

2. Zoning Designation. The property is currently split zoned with 13,992 square feet located within a R-20 zoning district and the balance of the site (7,098 square feet) located with a R-10 zoning district.

3. Review Criteria. ACC 18.68.040 governs the criteria for review. Applicable criteria are quoted below in italics and applied through corresponding conclusions of law.

ACC 18.68.040: *There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:*

A. The rezone implements the policies of the comprehensive plan; or
B. The rezone is necessary due to substantial change in circumstances since the current zoning; and

4. Criterion Met. The criterion is met. The rezone implements the policies of the comprehensive plan by making the zoning of the property consistent with the comprehensive land use map designation. Changing the designation to R-20 would fully implement the Comprehensive Plan intent for the entire site and this criterion is met. No change of circumstance is required for approval of the rezone because the rezone implements the Comprehensive Plan.

The entirety of the parcel has a Comprehensive Plan designation of "Multi-Family". The Comprehensive Plan establishes density ranges for lands designated as Multi-Family as follows (emphasis added in **bold** text):

> *"This category shall be applied to those areas that are either now developed or are reserved for multiple family dwellings. Densities may range from **20 to 24 units per acre**. These communities are served by transit, have nonmotorized connections to surrounding amenities and services, or have access to on-site amenities."*

The rezone will ensure that the zoning of the entire site fully matches the intent of the Comprehensive Plan by eliminating the split zoning and expanding the R-20 zone to include the whole parcel. R-10 zoning (10 units per acre) is not an appropriate implementing zone for this site as it is below the Comprehensive Plan's specified density of 20-24 units per acre.

In addition to providing for required consistency with the City's comprehensive plan land use map, the proposal is also consistent with the following comprehensive plan policies:

> The City of Auburn Comprehensive Plan Land Use Element "Multiple-family Designation" general policies include:
>
> • LU-27: *Provide a variety of housing typologies to suit the needs of various potential residents.*
>
> The City of Auburn Comprehensive Plan Housing Element general policies include:
>
> • H-10: *Provide a land use plan and zoning that offers opportunities to achieve a variety of housing styles and densities for private and nonprofit housing providers.*
>
> • H-15: *Use innovative zoning provisions to encourage infill development of underutilized parcels in zones that have been identified in the Comprehensive Plan as areas where infill residential development should be encouraged. Certain development requirements for infill development may be relaxed, while requiring adherence to specific design requirements to ensure compatibility with the character of nearby existing residential*

structures.

The proposal is consistent with the policies quoted above because it provides for multi-family apartment housing.

C. The rezone bears a substantial relationship to the public health, safety, or welfare.

5. Criterion Met. The criterion is met. As determined in Finding of Fact No. 5, the proposal will not create any significant adverse impacts. As determined in Conclusion of Law No. 4, the proposal is necessary to implement the Comprehensive Plan. For these reasons, the proposal is found to furthers public health, safety and welfare.

RECOMMENDATION

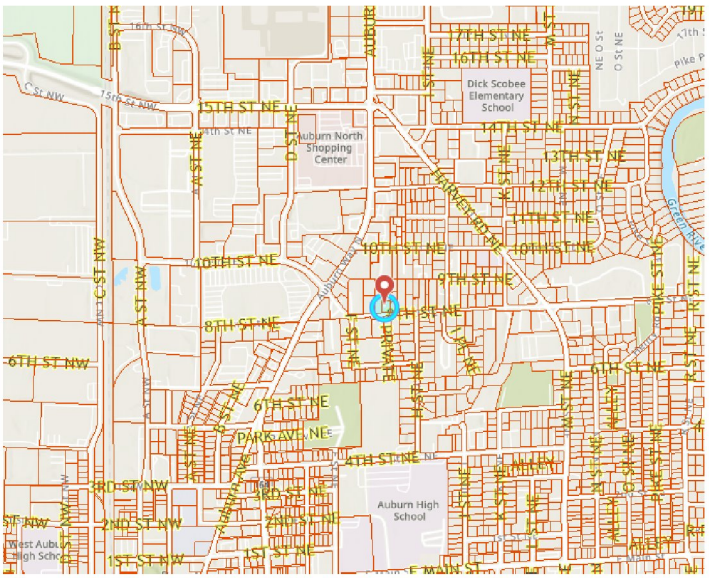
The Hearing Examiner recommends approval of REZ23-0005

Dated this 1st day of August, 2024.

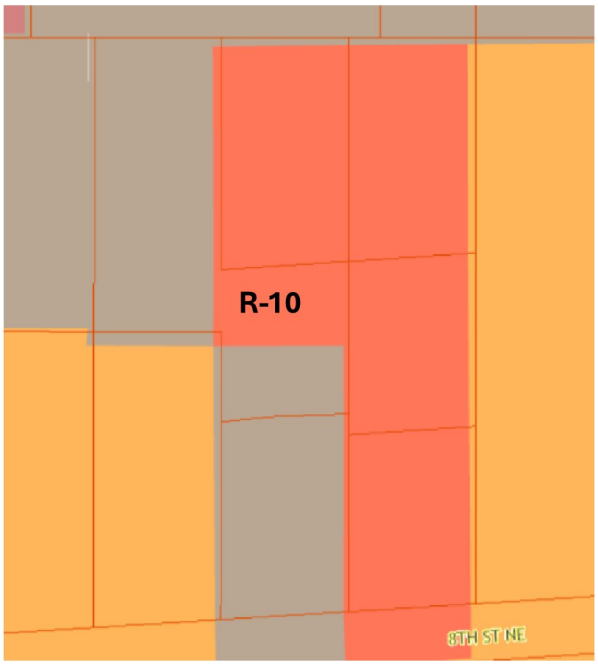
Phil Olbrechts

Phil Olbrechts,
City of Auburn Hearing Examiner

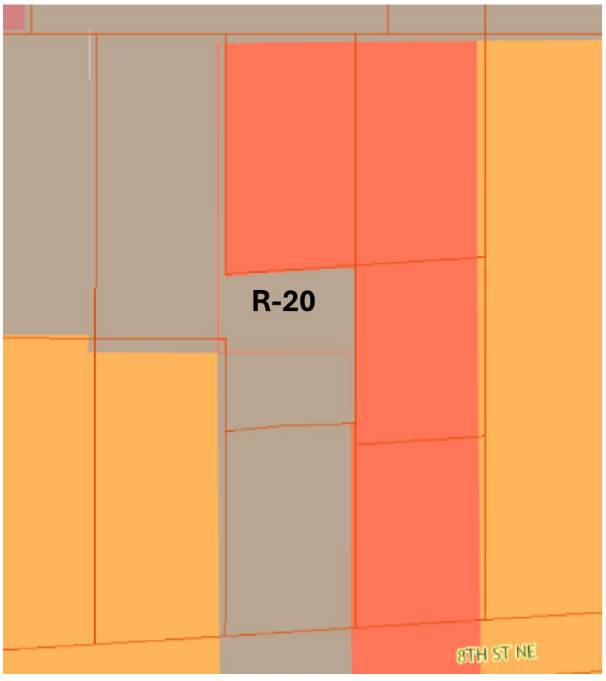
Vicinity Map



Existing Zoning Map



Proposed Rezone Map



AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6950 (Hay)

Date:
September 6, 2024

Department:
Human Services

Attachments:
Ordinance 6950
02 Proposed Ordinance Amendment

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

Administrative Recommendation:

City Council to approve Ordinance No. 6950.

Background for Motion:

City-owned properties and facilities are designed and maintained to serve specific purposes that benefit the community as a whole. Parks, recreational areas, and public buildings are intended for recreation, leisure, community events, and civic engagement. Preserving these spaces for their intended use ensures they remain accessible, safe, and enjoyable for all residents. The amendments in Ordinance No. 6950 are intended to reinforce these principles.

Background Summary:

This is a proposed amendment to the City's existing camping regulations in Sections 2.22.210 and 9.50.030 of the Auburn City Code. Ordinance No. 6950 restricts camping on City-owned property and facilities. This amendment is focused on protection of public health and safety and maintaining the intended use and integrity of the City's public spaces, ensuring they remain safe, clean, and accessible for all residents.

Unauthorized camping poses significant public health risks due to inadequate sanitation and can lead to environmental degradation, safety concerns, and a decline in the quality of life for the community. By more consistently implementing its camping regulations, the City can better protect its parks and facilities, promote equitable access for all citizens, and foster a more vibrant, welcoming community. This amendment also aligns with the City's commitment to addressing homelessness through targeted support services rather than permitting encampments in public spaces. City Council is urged to consider this amendment to uphold the safety, cleanliness, and intended use of our City-owned properties.

Reviewed by Council Committees:

Councilmember: Yolanda Trout-Manuel
Staff: Kent Hay
Meeting Date: September 16, 2024
Item Number: ORD.B

ORDINANCE NO. 6950

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO CAMPING ON CITY PROPERTY, AMENDING SECTIONS 2.22.210 AND 9.50.030 OF THE AUBURN CITY CODE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, homelessness is a significant problem in the City of Auburn, other cities in King County, and throughout the United States;

WHEREAS, the City of Auburn has established camping restrictions and requirements in Auburn City Code Sections 2.22.210 and 9.50.030; and

WHEREAS, fentanyl use is a public health crisis that led to more than 1,100 deaths in 2023 in King County alone; and

WHEREAS, the City of Auburn invests significant resources in parks and public spaces; and

WHEREAS, the City of Auburn has also worked to address issues related to homelessness in a variety of ways including, but not limited to, the following:

- Participating in the South King Housing and Homelessness Partners coalition, which coordinates servicers to the homeless in South King County and seeks funding for affordable housing projects;
- Funding the City's Department of Anti-Homelessness, which provides three outreach workers and one peer specialist and other important public services, and which refers approximately 160 people annually to temporary shelter;
- Partnering with the Auburn Food Bank to run a Day and Night Shelter for people living outside;
- Partnering with the King County District Court for operation of a Community

Court for quality-of-life crimes to reduce recidivism;

- Partnering with King County Homelessness Management Information System for housing people living outside;
- Providing and Clean and Sober Housing Program for individuals in treatment;
- Supporting Health through Housing Permanent Supportive Housing in Auburn;
- Funding the Auburn Community Resource Center at 2814 Auburn Way North, which is available to help anyone in the community in need of assistance with a wide variety of challenges; and
- Providing other services, including: ID assistance, health care, pre-paid ORCA public transportation cards, and mental health and chemical dependency treatment;

WHEREAS, the City of Auburn provides grant funding to non-profit organizations throughout the region to provide services and recourses; and

WHEREAS, despite expanding shelter capacity and providing the public services enumerated above, unsheltered populations in Auburn continue to grow; and

WHEREAS, based on the experience of cities throughout Washington State, encampments on publicly-owned property present significant public health and safety risks, and often result in garbage, human waste, drug paraphernalia, illegal drug sales and use, drug overdoses (including deaths), assaults, fires, and other crimes;

WHEREAS, over the last several years in the City of Auburn there have been dozens of scenarios where unauthorized camping has interfered with the intended use of

and/or resulted in damage to city-owned property; and

WHEREAS, City employees have experienced difficulty in removing unauthorized camping in a manner that protects the City-owned property for use by park users who have paid for or reserved a City facility; and

WHEREAS, City employees have experienced difficultly in removing unauthorized camping prior to damage occurring to city facilities and environmentally sensitive areas; and

WHEREAS, regulating and enforcing limits on public camping is an important and necessary public health and safety measure; and

WHEREAS, the United States and Washington State Supreme Courts have recognized the struggle of cities in this area and recently ruled that the United States and Washington Constitutions allow cities to protect publicly-owned spaces for their residents; and

WHEREAS, the City of Auburn has the authority to adopt laws to protect public safety to the extent such laws are not in conflict with State or Federal law; and

WHEREAS, the amendments to Auburn City Code Sections 2.22.210 and 9.50.030 as set forth in the attached Exhibit A are necessary for the protection of public health and safety, the protection of city-owned property, and to help ensure that city-owned properties and facilities are available and used for their intended purpose.

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

Section 1. Incorporation of Recitals. The recitals set forth above are hereby adopted and incorporated herein as if set forth in full.

Section 2. Amendment to Section 2.22.210 and Chapter 9.50 of the Auburn City Code: Section 2.22.210 and Chapter 9.50 of the Auburn City Code are hereby amended as set forth in Exhibit A, which is incorporated by this reference.

Section 3. Implementation of Ordinance. The Mayor and her designee(s) are authorized to take such further actions and implement those administrative procedures necessary to implement and/or carry out the directives of this Ordinance.

Section 4. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 5. Corrections by City Clerk. Upon approval of the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including the correction of clerical errors in the body of this ordinance or exhibit(s) thereto; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 6. Effective Date. This ordinance shall take effect and be in force five (5) days following its passage and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

_____

NANCY BACKUS, MAYOR

ATTEST:

_____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

_____
Jason Whalen, City Attorney

Published: _____

2.22.210 Tents and shelters

No person shall erect, maintain, use or occupy a tent or shelter in any city of Auburn park except as permitted under ACC Section 9.50.030(C) ~~unless there is an unobstructed view through such tent or shelter from at least two sides~~. ~~Violation of this section is a civil infraction punishable by a $250.00 fine.~~

9.50.030 Camping.

A. *Camping Prohibited.* It is unlawful for any person to camp, occupy camp facilities or use camp paraphernalia on city property, except as set forth in subsection C of this section.

B. *Storage of Camping Facilities and Paraphernalia ~~Items~~ Prohibited.* It is unlawful for any person to store camp facilities and camp paraphernalia on city property, except as otherwise provided by ordinance.

C. *Exceptions.* The prohibitions contained in subsections A and B of this section shall not apply if:

~~1.~~ ~~The person is engaged in activity prohibited by subsections A and B of this section because they are experiencing homelessness, and there is no overnight shelter available on the date that the prohibited activity occurs, provided that any tent or shelter shall provide a minimum one foot by one foot opening on at least one side of the tent or shelter that provides transparency into the tent or shelter; or~~

~~21.~~ The person is camping or using camp paraphernalia or camp facilities at a Game Farm Park Campground site after paying the required fees; or

~~3~~2. The person is camping or using camp paraphernalia or camp facilities as permitted under this subsection:

a. The director of the parks, arts, and recreation department may but shall not be required to permit persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks property as defined in Chapter 2.22 ACC and as

listed in the park inventory portion of the parks, recreation and open space plan, within the city's comprehensive plan.

b. The director of the parks, arts, and recreation department may approve a permit for camping on city park property if the director finds, based upon a permit application and information otherwise obtained, that:

i. Adequate sanitary facilities are provided and accessible at or near the camp site;

ii. Adequate trash receptacles and trash collection will be provided;

iii. The camping activity will not unreasonably disturb or interfere with the peace, comfort and repose of park users or adjacent or nearby private property owners;

iv. The camping activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance; ~~and~~

v. Any tent or shelter being used will provide an unobstructed view through such tent or shelter from at least two sides; and

vi. Allowing ~~T~~the camping is in the public interest.

c. The director of the parks, arts, and recreation department is authorized to promulgate rules and regulations regarding the implementation and enforcement of this chapter.

d. Seven days is the maximum period of time a permit may authorize camping on city property.

e. Any person denied a permit may appeal the denial to the hearing examiner in the manner described in Chapter 2.46 ACC and ACC 15.07.130 with the director of the parks, arts, and recreation department serving the role of the building or fire official in that code; or

~~4. The person is camping or trespassing on any city utility property identified in ACC Title 13, which shall be regulated by that title; or~~

~~5. The person is camping or trespassing on Auburn Municipal Airport properties or areas identified in Chapter 18.04 ACC, which shall be regulated pursuant to ACC 9.96.900 and/or Chapter 9A.52 RCW.~~

D. *Definitions.* For this section, the following shall apply:

~~1. "Available overnight shelter" means:~~

~~a. A public or private shelter located within the city of Auburn that offers overnight shelter to persons experiencing homelessness and confirms to a city employee that it has an available overnight space at no cost for that person; or~~

~~b. If no shelter described in subsection (D)(1)(a) of this section has available space, a shelter located within King or Pierce County that offers overnight shelter to persons experiencing homelessness and confirms to a city employee:~~

~~i. That it has an available overnight space at no cost for that person; and~~

~~ii. That it is accessible to the person by public transportation or vehicle for hire at no cost for that person.~~

~~c. An overnight shelter is available if an individual is prevented from using an otherwise available shelter space because of their past or present voluntary actions such as unlawful drug use or possession, criminal act(s), unruly behavior or willful violation of shelter rules or restrictions pertaining to such activity.~~

~~d. An overnight shelter is unavailable if:~~

~~i. An individual or family cannot use the shelter's available space because of shelter-imposed restrictions on its use (other than any restrictions the shelter has imposed pursuant to subsection (D)(1)(c) of this section); or~~

~~ii. A city employee, an individual or family attempts to secure a space at the shelter for the day and is denied due to lack of available space.~~

~~2~~1. "City property" as used in this section means all improved and unimproved real property owned or leased by the city of Auburn, and all city of Auburn easements, including but not limited to all portions of city parks, as defined in Chapter 2.22 ACC, city buildings,

rights-of-way, city parking lots, and city environmentally sensitive areas as defined in ACC 16.06.065. City property shall not include:

a. Religious organization property subject to RCW 35A.21.360;

b. City utilities or utility property identified in ACC Title 13; or

c. Airport property or areas identified in Chapter 18.04 ACC.

Camping or trespassing on any city utility property identified in ACC Title 13 shall be regulated by that title. Camping or trespassing on Auburn Municipal Airport properties or areas identified in Chapter 18.04 ACC shall be regulated pursuant to ACC 9.96.900 and/or Chapter 9A.52 RCW, as applicable.

~~3~~2. "Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, living accommodation, or dwelling, as evidenced by the storage of personal belongings in "camp facilities" or the use of "camp paraphernalia."

~~4~~3. "Camp facilities" include, but are not limited to, tents, tarps configured for shelter, huts, and temporary shelters. "Camp facilities" does not include shelters when used temporarily in a park for recreation or play, consistent with Chapter 2.22 ACC, during hours when the park is open to the public.

~~5~~4. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city-designated cooking facilities and similar equipment.

~~6~~5. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

E. *Penalties and Enforcement.*

1. A violation of this section is a misdemeanor punishable by 90 days in jail and/or a $1,000 fine.

2. When any police officer or city official has probable cause to believe that any person has violated this section, the officer or official may:

a. Order such person to immediately leave the property where the violation is occurring. Subject to subsection (C)(1) of this section, any person refusing to comply with such an order or returning to the property on the same calendar day as such an order is subject to prosecution for criminal trespass pursuant to Chapter 9A.52 RCW and/or ACC 9.96.900; and

b. Issue the person a written admonishment excluding them from the property where the violation is occurring for a period up to one year from the issue date. Subject to subsection (C)(1) of this section, persons who return to the property within the admonishment period are subject to prosecution for criminal trespass pursuant to RCW 9A.52 and/or ACC 9.96.900.

3. Admonishments issued under this section:

a. Are valid and effective whether or not the excluded person is charged, tried or convicted of any crime or infraction;

b. Are valid and effective even if the admonished person refuses a copy of the admonishment; provided, that the issuing city official reasonably notifies the admonished person of the admonishment period, place(s) of exclusion and appeal process under this section;

c. Are valid and effective for the admonishment period unless and until shortened or rescinded by an official ruling after appeal in this section;

d. May be based upon observations by city officials and/or police officers, or upon civilian reports that an official or officer could reasonably rely on in determining probable cause; and

e. Shall include a statement of the appeal rights in this section and a form for appealing the admonishment as provided by this section.

4. Persons receiving admonishments under this section may appeal the admonishment. Any such appeal must:

a. Be in writing, either on the form referenced in this section or in a writing including at least the person's name, the involved property location and the approximate admonishment date to enable processing of the appeal;

b. Be received by the city clerk or postmarked within 14 calendar days of the person's receiving the admonishment; and

c. Be under oath and include all facts that the excluded person believes supports a shortening or rescinding of the admonishment.

5. Admonishment appeals under this section involving city parks shall be processed according to ACC 2.22.240. Otherwise, the director of community development or designee shall review the appeal and issue a ruling upholding, rescinding or shortening the admonishment within 14 calendar days of receiving the appeal. The director or designee may consider the admonishment and any other relevant and trustworthy submitted written materials in deciding the appeal. The admonishment shall be upheld if supported by a preponderance of evidence. The ruling may be transmitted to the excluded person by mail, in person, electronically, or by any other method specified by the person or reasonably likely under the circumstances to give notice.

6. The appeal process in this section cannot be used to appeal any criminal penalties imposed by a court under this section or any other law.

AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6952 (Gaub)

Date:
August 19, 2024

Department:
Public Works

Attachments:
Ordinance No. 6952
Exhibit A

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

Administrative Recommendation:

City Council to approve Ordinance No. 6952.

Background for Motion:

The Engineering Design Standards included revisions to water main extensions and provide a Section pertaining to requirements for private fire hydrants and the water mains serving those fire hydrants. Ordinance No. 6952 amends portions of Chapters 13.06, 13.08, and 13.16 of Auburn City Code to be consistent with the published Engineering Design Standards and to clean up references in City Code to old standards no longer in use.

Background Summary:

Ordinance No. 6952 amends City Code related to water main extensions and private fire hydrants and the water mains serving the fire hydrants to be consistent with the Engineering Design Standards (EDS) as noted during the Council Study Session on January 22, 2024. The current EDS require amendments to portions of Chapters 13.06, 13.08, and 13.16 of Auburn City Code to remove details that are provided in the EDS and to provide for clean up of references in City Code to old standards no longer in use.

The Ordinance clarifies ownership and maintenance responsibilities of both public and private water main extensions, clarifies under what conditions the City may pay for oversizing water main extensions, clarifies fire hydrant installation and testing and inspection requirements, adds specific requirements, responsibilities, and restrictions for private fire hydrants, and includes additional provisions for violations of the fire hydrant regulations.

Reviewed by Council Committees:

Councilmember: Tracy Taylor **Staff:** Ingrid Gaub
Meeting Date: September 16, 2024 Item Number: ORD.C

ORDINANCE NO. 6952

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO WATER MAIN EXTENSIONS AND REQUIREMENTS FOR PRIVATE FIRE HYDRANT INSTALLATIONS AND MAINTENANCE RESPONSIBILITIES, AND AMENDING CHAPTERS 13.06 WATER SYSTEM RESPONSIBILITY, 13.08 WATER MAIN EXTENSIONS AND PAYMENT, AND 13.16 FIRE HYDRANTS OF THE AUBURN CITY CODE

WHEREAS, Title 13 of the Auburn City Code (ACC) establishes rules and regulations for the Water, Sewers, and Public Utilities, consistent with public health, safety, and welfare of the community; and

WHEREAS, revisions are needed to Chapter 13.06 of the ACC to be consistent with the City Engineering Design Standards to address maintenance requirements of both public and private water systems; and

WHEREAS, revisions are needed to Chapter 13.08 of the ACC to be consistent with the City Engineering Design Standards to address ownership and maintenance responsibilities of water main extensions; and

WHEREAS, revisions are needed to Chapter 13.16 of the ACC to be consistent with the City Engineering Design Standards to address ownership and maintenance responsibilities of both public and private fire hydrant installations.

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

Section 1. Amendment to City Code. Chapters 13.06, 13.08, and 13.16 of the Auburn City Code are amended to read as shown in Exhibit A.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

_____
NANCY BACKUS, MAYOR

ATTEST:

_____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

_____
Jason Whalen, City Attorney

Published: _____

13.06.027 Water system responsibility.

The city is responsible for maintenance of the public water system within public rights-of-way and easements up to and including water service meters unless otherwise provided by agreement, by auburn city code, or by state law. Owners of private water systems, including but not limited to fire protection and landscaping irrigation systems, are solely responsible for maintenance and operation of such private systems. Private water system owners must comply with the requirements of the Auburn Design and Construction standards as adopted in ACC 12.04 for operation, maintenance, and testing of private water distribution and fire systems.

~~The city shall be responsible for the maintenance and operation of the public water system within public rights-of-way and easements up to and including water service meters. The responsibility for the maintenance and operation of the non-public water supply system within private property shall be the property owner's.~~ (Ord. 5849 § 1, 2004.)

Chapter 13.08

WATER MAIN EXTENSIONS AND PAYMENT

Sections:

13.08.010	**~~Chapter purpose.~~Repealed.**
13.08.015	**Definitions.**
13.08.020	**Supervision and extent.**
13.08.030	**Main installation – Cost liability – Specifications.**
13.08.040	**Oversizing.**
13.08.050	**Repealed~~Fire hydrants – Required~~.**
13.08.060	***Repealed.***
13.08.065	**Fire hydrants – Installation on existing mains or relocation.**
13.08.070	***Repealed.***
13.08.080	***Repealed.***
13.08.090	***Repealed.***

For statutory provisions on contracts for water facilities between cities and property owners, see Ch. 35.91 RCW; for provisions making Ch. 35.91 RCW applicable to code cities, see RCW 35A.80.010.

13.08.010 Chapter purpose.

Repealed by Ord. 6952. ~~This chapter regulating the extension of and payment for water mains is for the purpose of uniformity in establishing extreme limits of water mains, and is to promote fairness among the abutting property owners on both sides of streets on which water mains are located and to avoid public harm or creation of nuisance situations. (Ord. 5850 § 1, 2004; Ord. 5212 § 1 (Exh. H), 1999; Ord. 4776 § 1, 1995; 1957 code § 10.10.010.)~~

13.08.015 Definities.

As used in this Chapter, ~~:~~ "City of Auburn design and construction standards" means the requirements adopted under Chapter 12.04 ACC for storm drainage, sanitary sewer, street, and water design and construction.

B. "Local improvement district" means a method of assessing benefiting properties in financing needed capital improvements through formation of special assessment districts. (Ord. 5850 § 1, 2004.)

13.08.020 Supervision and extent.

All extensions of persons or local improvement districts desiring to extend city water mains in the city's identified water service area boundary area must extend the same under the supervision of the city engineer. All extensions shall extend to and across the full width of the property served with water. No property shall be served with city water unless the water main is be extended in accordance with the City of Auburn design and construction standards. to the extreme boundary limit of the property line extending the full length of the front footage of the property. (Ord. 5850 § 1, 2004; Ord. 5212 § 1 (Exh. H), 1999; 1957 code § 10.10.020.)

13.08.030 Main installation – Cost liability – Specifications.

In all cases where When a property owner is are required to extend a water mains, the property owner to be served shall pay for the installation cost of the water mains. All water mains to be installed within the city's water service area shall be sized in accordance with the requirements of city's comprehensive water plan and the City of Auburn design and construction standards. When required by the City Engineer, a private property owner shall own and be responsible to maintain any water main and hydrants that are installed on the owner's property solely to provide it with fire protection. (Ord. 5850 § 1, 2004; Ord. 5212 § 1 (Exh. H), 1999; 1957 code § 10.10.030.)

13.08.040 Oversizing.

When the city deems it necessary to require a water main extension that is greater in size than that required by the City of Auburn design and construction standardsit is deemed necessary by the city to install major transmission lines larger than are required to serve adjacent properties for domestic, industrial or fire protection purposes, the city may , pursuant to a

written agreement between the city and the developer negotiated in advance to any work, compensate the developer for the difference in cost of the oversizing, if,

a) the city's purpose for requiring an oversized water main is to provide domestic, industrial, or fire protection water service to properties other than those being developed by the developer; and

b) the developer has executed a written payment agreement with the city prior to commencing any work; and

c) in the city's judgment the extension is economically feasible for the city.

The City Engineer shall determine the size of the oversized water main to serve the abutting property shall be determined by the city engineer by taking into consideration the length of line, potential land uses, and fire flow requirements. (Ord. 5850 § 1, 2004; Ord. 5212 § 1 (Exh. H), 1999; 1957 code § 10.10.040.)

13.08.050 Fire hydrants – Required.

Repealed by Ord 6952. All new water mains to be installed within the city's water service area shall include fire hydrants for adequate fire protection. Hydrants shall be installed in accordance with the city of Auburn design and construction standards. (Ord. 5850 § 1, 2004; Ord. 5212 § 1 (Exh. H), 1999; 1957 code § 10.10.050.)

13.08.060 Fire hydrants – Installation on existing mains.

Repealed by Ord. 5850.

13.08.065 Fire hydrants – Installation on existing mains or relocation.

A fire hydrant may be installed on an existing main, or be relocated, as approved by the city. When the city requires the relocation, installation, or extension of a water main, it shall include

installation of fire hydrants according to the provisions of ACC 13.16 and the City of Auburn design and construction standards.~~Hydrants shall be installed or relocated in accordance with the city of Auburn design and construction standards. A written permit is required to install or relocate a hydrant. A permit application and inspection fee shall be charged in accordance with the city of Auburn fee schedule.~~ (Ord. 5944 § 1, 2005.)

13.08.070 Payback agreement.

Repealed by Ord. 6512. **13.08.080 Connections on unassessed property – Charge – Generally.**

Repealed by Ord. 5850. **13.08.090 Connections on unassessed property – Charge – Payments – Nonpayment action.**

Chapter 13.16
FIRE HYDRANTS

Sections:

13.16.010 Repealed~~Chapter title~~.
13.16.020 Definitions.
13.16.030 ~~Required.~~Fire hydrant installation, inspection requirements.
13.16.050 ~~Flush-type hydrants prohibited~~Repealed.
13.16.060 Repealed.~~Installation requirements.~~
13.16.070 ~~Special requirements~~Repealed.Special requirements, responsibilities, and restrictions.
13.16.080 ~~Accessibility~~Repealed.
13.16.090 ~~Dead-end mains prohibited~~Repealed.
13.16.100 Fire flow requirements.
13.16.122 ~~Spacing between hydrants – Buildings more than 150 feet from right-of-way~~Repealed.
13.16.124 Repealed~~Spacing between hydrants – Commercial or industrial buildings~~.
13.16.126 Repealed~~Spacing between hydrants – Apartment buildings~~.
13.16.130 Penalty.

Prior legislation: Ords. 2882 and 2862.

13.16.010 Chapter title.

Repealed by Ord. 6952.

~~This chapter shall be known and may be cited as the "Auburn fire hydrant/access ordinance." (Ord. 3064 § 1, 1976.)~~

13.16.020 Definitions.

As used in this chapter:~~For the purpose of this chapter, the following words, terms, phrases and their derivations shall have the meaning given in this section, unless the context otherwise indicates. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory.~~

~~A. "APWA" means the American Public Works Association.~~

~~B. "AWWA" means the American Water Works Association.~~

~~C. "Fire chief" means the city fire chief or the fire marshal.~~

~~D. "Fire department" means the city fire department.~~

A~~E~~. "Fire flow" means the measure of ~~the~~ sustained available water flow ~~of available water~~ required for firefighting at ~~of~~ a specific building or structure within a specific area at 20 pounds per square inch residual pressure~~, and shall be corrected to the lowest gallonage available based on peak-period demands and seasonal demands~~.

B. "Public Fire hydrant" means a fire hydrant owned by the city or its designee, situated in public right-of-way or easement, and situated and maintained to provide water for firefighting purposes. Public fire hydrants are without restriction as to use for that purpose. The location of a public fire hydrant is such that it is accessible for immediate use of the fire authority at all times. Fire hydrants connected to public water mains are considered Public Fire Hydrants.

~~F. "Flush-type hydrant" means a hydrant installed entirely below grade.~~

C~~G~~. "Private Fire Hydrant" means a private fire hydrant situated and maintained to provide water for firefighting purposes. Private fire hydrants are with restrictions as to use for that purpose and the property owner retains ownership of the fire hydrant~~.~~. The location of private hydrants are~~may be~~ set entirely on private property and are accessible for immediate use of

the fire authority at all times.. ~~back from the right of way further than for public hydrants,~~ Fire hydrants connected to a private water main are "Private Fire Hydrants."

~~such that it is not readily accessible for immediate use by the fire authority for other than certain private property.~~

D. "Fire hydrant" means both private hydrants and public hydrants.

~~H. "Public hydrant" means a fire hydrant situated and maintained to provide water for firefighting purposes without restriction as to use for that purpose. The location is such that it is accessible for immediate use of the fire authority at all times.~~

~~I. "UBC" means the Uniform Building Code, including amendments, as adopted by the city.~~

~~J. "UL" means the Underwriters' Laboratories, Inc.~~

~~K. "Water authority" means the city water division of the department of public works or any other municipal or quasi-municipal entity distributing water to fire hydrants within the city.~~ (Ord. 4567 § 2 (Exh. A), 1992; Ord. 4377 § 2, 1990; Ord. 3064 § 1, 1976.)

13.16.030 ~~Required~~Fire hydrant installation, inspection requirements.

A. The city engineer may require, according to the Auburn engineering design and construction standards, the installation of fire hydrants when a new main is installed. ~~All new water mains to be installed within the city's water service area must~~ shall include fire hydrants meeting the standards required in this Chapter. ~~for adequate fire protection.~~

B. All fire hydrants installed or relocated in the city's identified water service boundary area shall be subject to testing and inspection by the city or its designee. All fire hydrants shall be installed in accordance with City of Auburn design and construction standards and applicable permits. Unless otherwise provided by agreement, installation of a hydrant requires payment of an application and inspection fee in the amount set by the City of Auburn fee schedule.

~~All buildings constructed within the city, except as noted below, shall be served by fire hydrants installed in accordance with the requirements of this chapter. In addition, presently existing fire~~

~~hydrants which do not conform with the requirements and standards of this chapter, when replaced shall be replaced with hydrants which do conform to the standards and requirements of this chapter. All fire hydrants shall be served by a municipal or quasi-municipal water system, or as otherwise approved by the fire chief. All hydrants shall be subject to testing, inspection, and approval by the fire department.~~

~~EXCEPTIONS:~~

~~A. New dwellings: Detached single-family dwellings constructed after the effective date of the ordinance codified in this section shall be exempt from the requirements for fire hydrants if all of the following conditions are met:~~

~~1. The dwelling is located on a lot zoned R-R (Rural Residential); and~~

~~2. The lot size is four acres or larger or is an existing platted lot as of the effective date of the ordinance codified in this section; and~~

~~3. The detached accessory buildings that are greater than 1,000 square feet in ground area must be separated from the family dwelling by 50 feet or more; and~~

~~4. The dwelling is protected by a residential sprinkler, smoke and heat detection system in accordance with city fire department administrative guidelines. The department may reference nationally recognized codes as may be necessary to carry out the directions and intent of this legislation;~~

~~5. No dwelling authorized under this exception shall be within 50 feet of another dwelling unit.~~

~~B. Accessory buildings: Accessory buildings to a single-family dwelling shall be exempt if one of the following conditions is present:~~

~~1. The accessory building is more than 50 feet from any dwelling; or~~

~~2. The accessory building is less than 1,000 square feet in size.~~

~~However, the fire chief may apply additional requirements or deny approval if they finds that unacceptable hazards may exist from the siting or construction of any such accessory building.~~

~~C. Existing buildings:~~

1. Additions, alterations or repairs: Additions, alterations or repairs may be made to any detached single-family dwelling regulated by this section which existed prior to the effective date of the ordinance codified in this section without requiring the dwelling to comply with the fire hydrant or sprinkler system provisions of this section, provided:

a. The cumulative addition, alteration or repair does not constitute more than a 50 percent increase in the building gross square foot area that existed prior to the effective date of the ordinance codified in this section.

2. Moved and replaced buildings:

a. Detached single-family dwellings moved onto locations regulated by this section, shall comply with the provisions of this section.

b. Detached single-family dwellings replaced as a result of damage or deterioration which affects more than 50 percent of the gross square foot of existing building area, as determined by the building and fire official, shall comply with the provisions of this section.

c. The chief may modify the zoning and acreage requirements as noted in subdivisions 1 and 2 of subsection A of this section, upon application in writing by the owner or their duly authorized representative if the proposed detached single-family dwelling to be constructed is to replace an existing more hazardous single-family dwelling.

D. Temporary buildings: Temporary buildings such as construction sheds and on-site living accommodations such as trailers, mobile homes, and campers intended for exclusive temporary use during periods of construction of permanent buildings may be located or erected on locations regulated by this section without complying with the fire hydrant and sprinkler system requirements if:

1. A temporary on-site permit is granted by the building and fire officials in accordance with the Auburn Municipal Code, Title 18, Zoning or ACC 15.14.020, Uniform Administration Code.

2. Temporary buildings are removed, vacated or modified to comply with the provisions of this section on or before the expiration of the temporary on-site permit. (Ord. 4226 § 1, 1987; Ord. 4057 § 2, 1985.)

13.16.050 Flush-type hydrants prohibited.

Repealed by Ord. 6952.

~~The installation of flush-type hydrants is prohibited unless approved by the fire chief. (Ord. 3064 § 1, 1976.)~~

13.16.060 Installation requirements.

Repealed by Ord. 6952.~~All fire hydrants shall be installed~~ ~~The installation of all fire hydrants shall be in accordance with~~ the cCity of Auburn engineering ddesign6onstr and cconstruction6onstruction sstandards. ~~sound engineering practices. In addition, the following requirements shall apply to all building construction projects:~~

~~A. Two copies of detailed plans or drawings accurately indicating the location of all valves and fire hydrants to be installed shall be submitted to the fire chief prior to the commencement of any construction.~~

~~B. All fire hydrants must be approved by the appropriate water authority prior to the installation.~~

~~C. All construction of the fire hydrant installation and its attendant water system connection shall conform to the design standards and specifications promulgated by the appropriate water authority.~~

~~D. Fire hydrant installations shall be adequately protected against vehicular damage, in accordance with standards and specifications promulgated by the appropriate water authority.~~

~~E. An auxiliary gate valve shall be installed at the main line tee to permit the repair and replacement of the hydrant without disruption of water service.~~

~~F. All hydrants shall stand plumb, be set to the finished grade with the lowest outlet of the hydrant no less than 18 inches above the grade, and have no less than 36 inches in diameter of clear area about the hydrant for the clearance of hydrant wrenches on both outlets and the control valve.~~

~~G. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire truck while pumping, all as determined by the fire chief.~~

~~H. The lead from the service main to the hydrant shall be no less than six inches in diameter. Any hydrant leads over 50 feet in length from water main to hydrant shall be no less than eight inches in diameter.~~

~~I. All hydrants newly installed in single-family residential areas shall be supplied by not less than eight-inch mains and shall be capable of delivering 1,000 gallons per minute fire flow over and above average maximum demands at the furthest point of installation. Dead-end mains over 50 feet in length which supply hydrants shall be at least eight inches in size.~~

~~J. All hydrants newly installed in commercial, industrial, multifamily residential areas and other similar areas shall be supplied by not less than eight-inch mains.~~

~~K. All hydrants shall have at least a five-inch minimum valve opening, "O" ring stem seal, two two-and-one-half-inch national standard thread hose nozzles, one steamer port per city fire department specifications and a six-inch mechanical joint shoe connection. In addition, all hydrants shall meet AWWA standards for public hydrants and shall be installed according to the specifications of the city fire department.~~

~~L. All pipe shall meet relevant AWWA standards.~~

~~M. The maximum distance between fire hydrants in single-family use district zones shall be 600 feet, measured as the fire vehicle lays its hose.~~

~~N. The maximum distance between fire hydrants in commercial, industrial, and apartment (including duplex) use district zones shall be 300 feet, measured as the fire vehicle lays its hose.~~

~~O. Lateral spacing of fire hydrants shall be approved by the fire chief and predicated on hydrants being located at street intersections.~~

~~P. The owner shall be responsible for notifying the appropriate water authority and the fire department in writing of the date the fire hydrant installation and its attendant water connection system will be available for use.~~

~~Q. All hydrants on private property shall be installed the same and meet all of the requirements as established for public hydrants.~~ ~~(Ord. 3064 § 1, 1976.)~~

13.16.070 Special requirements, responsibilities, and restrictions.

A. When required by the city engineer, the owner of private property shall own and be responsible to maintain any private fire hydrant or water main installed on that private property solely to provide it with fire protection.

B. Any such private fire hydrant and water main shall be installed in accordance with City of Auburn engineering design and construction standards, and a backflow device meeting the engineering design and construction standards shall be installed on any privately installed water mains for protection of the public water system.

C. The water supplied by private fire hydrants may only be used for fire hydrant maintenance activities or for fire protection. Any other private fire hydrant water use is prohibited, except as ACC 13.06.415 permits.

~~A. Buildings having required fire flows of less than 2,500 gallons per minute may have fire hydrants on one side of the building only.~~

~~B. When the required fire flow is over 2,500 gallons per minute, the fire hydrants shall be served by a main which loops around the building or complex of buildings and reconnects back to a distribution supply main.~~

~~C. The number of fire hydrants shall be determined on an average spacing of 300 feet in commercial or industrial areas, schools, and institutions, computed on an imaginary line parallel to and not less than 50 feet from the structure. All hydrants are to be accessible to fire department pumpers over paved or gravel roads capable of supporting such fire apparatus. The fire department shall determine the location of the hydrants based upon a determination of utility, topography, and building location. Hydrants shall be a minimum of 50 feet away from the buildings or structure; minor deviations may be granted by fire department approval of written requests.~~

~~D. Approved foam-type fire-extinguishing systems, or equivalent, shall be required in addition to fire hydrants in special hazardous installations such as oil refineries, chemical plants, and similar operations. Systems installed shall comply with NFPA No. 16 or the appropriate standard for the type of system. (Ord. 3064 § 1, 1976.)~~

13.16.080 Accessibility.

Repealed by Ord. 6952.

~~Hydrants shall not be obstructed by any structure or vegetation, or have visibility impaired within a distance of 150 feet in any direction of vehicular approach to the hydrant. (Ord. 3064 § 1, 1976.)~~

13.16.090 Dead-end mains prohibited.

Repealed by Ord. 6952.

~~Provisions shall be made wherever appropriate in any project for looping all dead-end or temporarily dead-end mains. Construction plans must be approved by the appropriate water~~

~~authority prior to the commencement of construction. Where it is not feasible at the time of approval and installation to loop a water system, in the opinion of the fire department, the loop requirement may be relaxed if the intent of the code is met and a stub is provided on the main for future expansion. (Ord. 3064 § 1, 1976.)~~

13.16.100 Fire flow requirements.

The fire flow requirements of a building, structure, storage pile or area of new development, redevelopment, or change in land use shall be the minimums established in the City of Auburn Engineering Design Standards. For purposes of this chapter, redevelopment shall be as defined in ACC 13.48.010. Building construction, alteration, addition, repair, or change of use may require additional fire flow whenever fire sprinkler systems are required based on building size, occupancy, and use in accordance with Chapter 15.36A ACC.

~~The fire flow requirements of a building, structure, storage pile or area shall be based on criteria established in Appendix III-A of the Uniform Fire Code, 1991 Edition, as amended and adopted in Chapter 15.36 ACC which is adopted by reference. (Ord. 4567 § 3 (Exh. B), 1992; Ord. 4377 § 3, 1990; Ord. 3064 § 1, 1976.)~~

13.16.122 Spacing between hydrants – Buildings more than 150 feet from right-of-way.

Repealed by Ord. 6952.

~~Spacing between hydrants serving portions of buildings more than 150 feet from the public right-of-way may be modified in accordance with the provisions below provided that the buildings which are required by the Uniform Building Code to be sprinkled shall not be allowed hydrant spacing increases; except, when that portion of a building is required to be sprinkled and that portion is minor and incidental to the primary occupancy which does not otherwise require sprinklers, hydrant spacing may be increased from 150 feet to 300 feet if the total building is sprinkled. (Ord. 3174 § 1(A), 1977.)~~

13.16.124 Spacing between hydrants – Commercial or industrial buildings.

Repealed by Ord. 6952.

~~Hydrants required to serve any commercial or industrial building or portion thereof which is more than 150 feet from a public right-of-way shall be increased to 300 feet; provided, that the building is fully sprinkled with an approved sprinkler system as specified in National Fire Protection Association Pamphlet No. 13. (Ord. 3174 § 1(B), 1977.)~~

13.16.126 Spacing between hydrants – Apartment buildings.

Repealed by Ord. 6952.

~~Hydrants required to serve any apartment buildings or portions thereof which are more than 150 feet from a public right-of-way shall be increased to 300 feet; provided, that the building is fully sprinkled with an approved sprinkling system as specified in National Fire Protection Association Pamphlet No. 13 and equipped with an approved automatic fire detection system as specified in National Fire Protection Association Pamphlet No. 72. (Ord. 3174 § 1(C), 1977.)~~

13.16.130 Penalty.

Any violation of this chapter ~~shall~~may be enforced pursuant to the provisions of Chapter 1.25 ACC. The provisions of that chapter are not the exclusive remedy and enforcement actions pursuant to the chapter shall not bar or otherwise limit the right of the city to seek all other remedies allowed under applicable law, or to seek and obtain judicial enforcement by means of specific performance, injunctive relief, mandate, or any other remedy at law or in equity. (Ord. 4502 § 10, 1991; Ord. 3064 § 1, 1976.)

AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6953 (Gaub)

Date:
August 22, 2024

Department:
Public Works

Attachments:
Ordinance No. 6953
Exhibit A
Vicinity Map

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

Administrative Recommendation:

City Council to approve Ordinance No. 6953.

Background for Motion:

This Ordinance amends Ordinance No. 6916, 6893, and 6839 modifying certain conditions associated with vacating Right-of-Way of a portion of West Main Street, east of Lund Road SW within the City of Auburn.

Background Summary:

The applicant, Ralph Pozzi has indicated to the City that they will be unable to complete conditions associated with Right-of-Way Vacation No. VAC21-0002 previously approved by City Council on December 20, 2021 under Ordinance No. 6839. The Vacation is for a portion of West Main Street, east of Lund Road SW.

Vacation Ordinance No. 6839 initially required the applicant to complete conditions associated with the vacation by December 20, 2022. The applicant was unable to complete all conditions by that time and requested an extension to September 20, 2023 which was approved by City Council under Ordinance No. 6893. The applicant was again unable to complete all conditions by September 20, 2023, and requested another extension to September 30, 2024, which was approved by City Council under Ordinance No. 6916.

The applicant contacted the City on August 2, 2024, and once again indicated that they would not be able to complete all conditions of the Vacation by the deadline of September 30, 2024. City Staff have reviewed the Right-of-Way and determined that it is still no longer necessary to meet the needs of the City and that the conditions of the Vacation which the applicant is unable to complete could be modified so that the Vacation can take effect. The applicant has agreed that they will be responsible for completing the conditions as modified to be completed after the Vacation takes effect. These conditions include obtaining permits, modifying storm infrastructure and constructing appropriate site improvements within the vacated Right-of-Way that becomes the applicants property including storm drainage, parking, lighting, and landscaping to meet City standards.

If adopted, Ordinance No. 6953 amends Ordinance No. 6916, 6893, and 6839 modifying the requirement for the applicant to complete certain conditions associated with Right-of-Way

Vacation No. VAC21-0002. A depiction of the vacation area is included with Ordinance No. 6916, Exhibit A and the Vicinity Map, in the packet.

Reviewed by Council Committees:

Councilmember:	Tracy Taylor	**Staff:**	Ingrid Gaub
Meeting Date:	September 16, 2024	Item Number:	ORD.D

ORDINANCE NO. 6953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, AMENDING CONDITIONS OF ORDINANCE NO. 6839 ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A PORTION OF WEST MAIN STREET, EAST OF LUND ROAD SW, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), approved Ordinance No. 6839 on December 20, 2021, vacating right-of-way located within a portion of West Main Street, east of Lund Road SW, within the City, subject to conditions outlined in that Ordinance; and,

WHEREAS, Section 1, Paragraph I of Ordinance No. 6839 required that all conditions of the vacation be completed by December 20, 2022 or the vacation and Ordinance would be null and void; and,

WHEREAS, pursuant to Auburn City Code (ACC) 12.48.090 and before the December 20, 2022 deadline in Ordinance No. 6839, the applicant requested additional time to complete the required conditions of Ordinance No. 6839. The City Council granted the request by passing Ordinance No. 6893, which amended Ordinance No. 6839 to extend its vacation condition deadline to September 20, 2023; and,

WHEREAS, by letter dated July 10, 2023, the applicant indicated they were not able to complete the vacation conditions in Section 1, paragraphs F and G of Ordinance No. 6839 by the amended September 20, 2023 deadline set by Ordinance No. 6893 and requested additional time to complete the conditions. The City Council granted the request by passing Ordinance No. 6916, which amended Ordinance No. 6839 and 6893 and provided a second extension of time to complete the vacation conditions in Section 1, paragraphs F and G of

Ordinance No. 6839 to September 30, 2024. A copy of Ordinance No. 6919 is attached as Exhibit A; and,

WHEREAS, by written correspondence dated August 2, 2024, the applicant has indicated that they will not be able to complete vacation conditions in Section 1, paragraphs F and G of Ordinance No. 6839 by the amended September 30, 2024 deadline set by Ordinance No. 6916; and,

WHEREAS, the applicant has agreed that they will be responsible for completing the conditions as stated in Section 1, paragraphs F and G of Ordinance No. 6839 after the right-of-way vacation takes effect if those conditions are modified in the vacation and the applicant has agreed to pursue completion of those conditions after the vacation takes effect to bring the vacated right-of-way that becomes that applicant's property into compliance with City codes and standards; and,

WHEREAS, the City has determined that it is in the public interest to amend the conditions of the vacation to modify the requirement to complete the vacation conditions in Section 1, paragraphs F and G of Ordinance No. 6839 and that the vacation of right-of-way of a portion of West Main Street, east of Lund Road SW as described in Ordinance No. 6839 become effective.

WHEREAS, the City Council has considered matters concerning the proposed vacation and approves the amendment to modify the requirement for the applicant to complete the requirements in Section 1, paragraphs F and G of Ordinance No. 6839 as conditions of the vacation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,

WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. **Amendment of City Ordinance.** Section 1, Paragraphs F and G of Ordinance No. 6839 are modified to be required following the vacation becoming effective and Paragraph I is amended to read as follows:

> This vacation shall be effective upon completion of the provisions in paragraph ~~F, G, and~~ H, above. The above described provisions of paragraph H must be completed by December 20, 2022~~, and the above provisions of paragraphs F and G must be completed by September 30, 2024,~~ or the vacation and this Ordinance will be null and void, and the provisions of paragraphs F and G must be completed by the vacation applicant following the vacation becoming effective.

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

Section 3. **Implementation.** The mayor is 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 together with Ordinance No. 6916, Ordinance No. 6893, and Ordinance No. 6839 with the office of the King County Auditor only upon completion of those conditions set forth in Ordinance No. 6839, at which time the vacation pursuant to Ordinance No. 6839 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

_____
NANCY BACKUS, MAYOR

ATTEST:

_____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

_____
Jason Whalen, City Attorney

Published: _____

Exhibit "A"

ORDINANCE NO. 6916

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, AMENDING ORD. NO. 6839 AND EXTENDING THE DEADLINE TO COMPLETE CONDITIONS ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A PORTION OF WEST MAIN STREET, EAST OF LUND ROAD SW, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), approved Ordinance No. 6839 on December 20, 2021, vacating right-of-way located within a portion of West Main Street, east of Lund Road SW, within the City, subject to conditions outlined in that Ordinance; and,

WHEREAS, Section 1, Paragraph I of Ordinance No. 6839 required that all conditions of the vacation be completed by December 20, 2022 or the vacation and Ordinance would be null and void; and,

WHEREAS, pursuant to Auburn City Code (ACC) 12.48.090 and before the December 20, 2022 deadline in Ordinance No. 6839, the applicant requested additional time to complete the required conditions of Ordinance No. 6839. The City Council granted the request by passing Ordinance No. 6893, which amended Ordinance No. 6839 to extend its vacation condition deadline to September 20, 2023. A copy of Ordinance no. 6893 is attached as Exhibit A to this Ordinance; and,

WHEREAS, by letter dated July 10, 2023, the applicant has indicated that due to unresolved permitting issues, they will not be able to complete the vacation conditions in Section 1, paragraphs F and G of Ordinance No. 6839 by the amended September 20, 2023 deadline set by Ordinance No. 6893. The applicant again requests additional time to

complete the conditions, and estimates completion by September 30, 2024; and,

WHEREAS, the City has determined that the applicant's request to have a second extension of time until September 30, 2024 to complete the conditions in Section 1, Paragraphs F and G of Ordinance No. 6839, is reasonable in light of the unresolved permitting issues, and that it is in the public interest to continue the deadline; and,

WHEREAS, the City Council has considered and approves the applicant's request for extension.

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

Section 1. **Amendment of City Ordinance.** Section 1, Paragraph I of Ordinance No. 6839 is amended to read as follows:

> This vacation shall be effective upon completion of the provisions in paragraph F, G, and H, above. The above described provisions of paragraph H must be completed by December 20, 2022, and the above provisions of paragraphs F and G must be completed by September 30, 2024, or the vacation and this Ordinance will 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 or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. **Implementation.** The mayor is 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 together with Ordinance No. 6893 and Ordinance No. 6839 with the office of the King County Auditor only upon completion of those conditions set forth in Ordinance No. 6839, at which time the vacation pursuant to Ordinance No. 6839 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: AUG 21 2023

PASSED: AUG 21 2023

APPROVED: AUG 21 2023

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Harry Boesche, Acting City Attorney

PUBLISHED: August 24th, 2023 in The Seattle Times

Exhibit A

ORDINANCE NO. 6893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, AMENDING DEADLINE TO COMPLETE CONDITIONS ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A PORTION OF WEST MAIN STREET, EAST OF LUND ROAD SW, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), approved Ordinance No. 6839 on December 20, 2021, a copy of which is attached as Exhibit A, vacating right-of-way located within a portion of West Main Street, east of Lund Road SW, within the City, subject to conditions outlined in Ordinance No. 6839; and,

WHEREAS, Section 1, Paragraph I of Ordinance No. 6839 required that all conditions of the vacation be completed by December 20, 2022 or the vacation and Ordinance will be null and void; and,

WHEREAS, the applicant has requested additional time to complete the conditions set forth in Section 1, Paragraphs F and G of Ordinance No. 6839; and,

WHEREAS, the City has determined that the applicant's request to have one extension of time until September 20, 2023 to complete the conditions in Section 1, Paragraphs F and G of Ordinance No. 6839, is reasonable in light of unforeseeable circumstances, and that it is in the public interest to continue the deadline; and,

WHEREAS, the City has determined that the deadline to complete all other conditions in Section 1 of Ordinance No. 6839 shall remain December 20, 2022; and,

WHERAS, the City Council has considered the request for extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,

WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

Section 1. **Extension.** The deadline for completing the right of way vacation conditions in Section 1, Paragraphs F and G of Ordinance No. 6839 is continued in a one-time extension to September 20, 2023. The applicant's deadline to complete all other conditions of the right of way vacation in Ordinance No. 6839 shall remain December 20, 2022.

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

Section 3. **Implementation.** The mayor is 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 together with Ordinance No. 6839 with the office of the King County Auditor only upon completion of those conditions set forth in Ordinance No. 6839, at which time the vacation pursuant to Ordinance No. 6839 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: DEC 0 5 2022

PASSED: DEC 0 5 2022

APPROVED: DEC 0 5 2022

NANCY BACKUS, MAYOR

ATTEST:

For: Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

PUBLISHED: _____

Exhibit "A"

ORDINANCE NO. 6839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF A PORTION OF WEST MAIN STREET, EAST OF LUND ROAD SW, WITHIN THE CITY OF AUBURN, WASHINGTON.

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

WHEREAS, as required by Chapter 12.48 of the Auburn City Code, 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 20th day of December, 2021, 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 a portion of West Main Street, east of Lund Road SW, located within the City of Auburn, Washington, legally described as follows:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF CITY OF AUBURN SHORT PLAT NUMBER SP-11-85, RECORDED JANUARY 08, 1986 UNDER RECORDING NUMBER 8601080790, IN KING COUNTY, WASHINGTON; THENCE NORTH 86°14'47" WEST ALONG THE NORTH

LINE OF SAID LOT 1 A DISTANCE OF 65.87 FEET;
THENCE SOUTH 03°45'13" WEST 3.00 FEET TO THE BEGINNING;
THENCE CONTINUING SOUTH 03°45'13" WEST 27.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADUIS POINT OF WHICH BEARS NORTH 03°45'13" EAST DISTANT 2260.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8°35'30" AN ARC LENGTH OF 338.89 FEET;
THENCE NORTH 77°39'17" WEST 31.05 FEET;
THENCE NORTH 86°14'47" WEST 30.07 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT THE RADIUS POINT OF WHICH BEARS SOUTH 80°54'28" EAST DISTANT 30.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 94°02'01" AN ARC LENGTH OF 49.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HABING A RADUIS OF 2233.00 FEET;
THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°22'20" AN ARC LENGTH OF 365.27 FEET TO THE POINT OF BEGINNING.

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

and as shown on the survey, a copy of which is attached, marked Exhibit "A" is vacated and the property lying in the right-of-way described, shall inure 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 of a perpetual Nonexclusive Easement under, over, through and across the vacated right-of-way as described above for the purpose of laying, maintaining, and installing future and existing water, sanitary sewer and storm water facilities and including a reservation in favor of the City of the right to grant easements for utilities over, under and on all portions of the vacated right-of-way as

described above.

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

The City shall have the absolute right to place any type of driving surface within said Easement Area deemed necessary by the City.

The owners of the adjacent properties agree and 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 Easement Area 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 said Easement Area, without the express written consent of the City. Except as required or approved by the City, no excavation shall be made within three feet of said facilities. The surface level of the ground within the Easement Area shall be maintained at the elevation as currently existing except areas that were previously graded and must be re-graded to satisfy conditions of this right-of-way vacation as set forth in paragraphs F and G.

This 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.

B. Under the terms of the reservation set out in Paragraph A above and in accordance with RCW 35.79.030, the City grants a private utility easement to Puget Sound Energy over, under, and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of electric and gas distribution facilities. The owners of the adjacent property shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantee's rights.

This 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.

C. In accordance with RCW 35.79.030, the City grants a private utility easement to CenturyLink over, under and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of wireline telecommunications facilities. The owners of the adjacent properties shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantee's rights.

This 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.

D. In accordance with RCW 35.79.030, the City grants a private utility easement to Comcast over, under and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of cable facilities. The owners of the adjacent properties shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantee's rights.

This 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.

E. It is provided, however that such reserved or granted utility and access easements as set out in Paragraphs A, B, C and D above may be modified to accommodate a removal, relocation and sitting of the affected utility lines if the Utility and the property owners on whose property the utility lines are located agree to the removal relocations and sitting being paid by said property owners and with the removal relocation and sitting being done in conformity with applicable standards.

F. The applicant shall move the existing fence to the current property line (as it exists prior to vacation) and obtain a Grading Permit to remove gravel and construct proper site improvements for storm drainage to storm inlet structures, parking, lighting and landscaping per City requirements and Engineering Design and Construction Standards.

G. The applicant shall obtain required permits and replace the domed storm inlet structures with a standard grate and shall install concrete aprons around all storm inlet structures per the City's Standard Details.

H. In accordance with RCW 35.79.0360 and ACC 12.48.085, compensation to the City of Auburn, shall be made by the owner or owners of property adjacent thereto in the total amount of Forty-five Thousand ($45,000.00) Dollars for the full appraised value of the right-of-way, which has been right-of-way for more than twenty-five (25) years and for which public funds were expended.

I. This vacation shall be effective upon completion of the provisions in paragraph F, G, and H, above. The above described provisions must be completed by December 20, 2022 or the vacation and this Ordinance will 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 or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. **Implementation.** The Mayor is 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 only upon completion of those provisions set forth in Section 1, Paragraphs F, G, and H, above, at which time the vacation pursuant to this Ordinance shall be effective under Auburn City Code 12.48.080.

INTRODUCED: DEC 2 0 2021

PASSED: DEC 2 0 2021

APPROVED: DEC 2 0 2021

Nancy Backus
NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Kendra Comeau
Kendra Comeau, City Attorney

PUBLISHED: _____

EXHIBIT A

PAGE 1

RIGHT OF WAY VACATION LEGAL DESCRIPTION

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

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

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

informed land survey

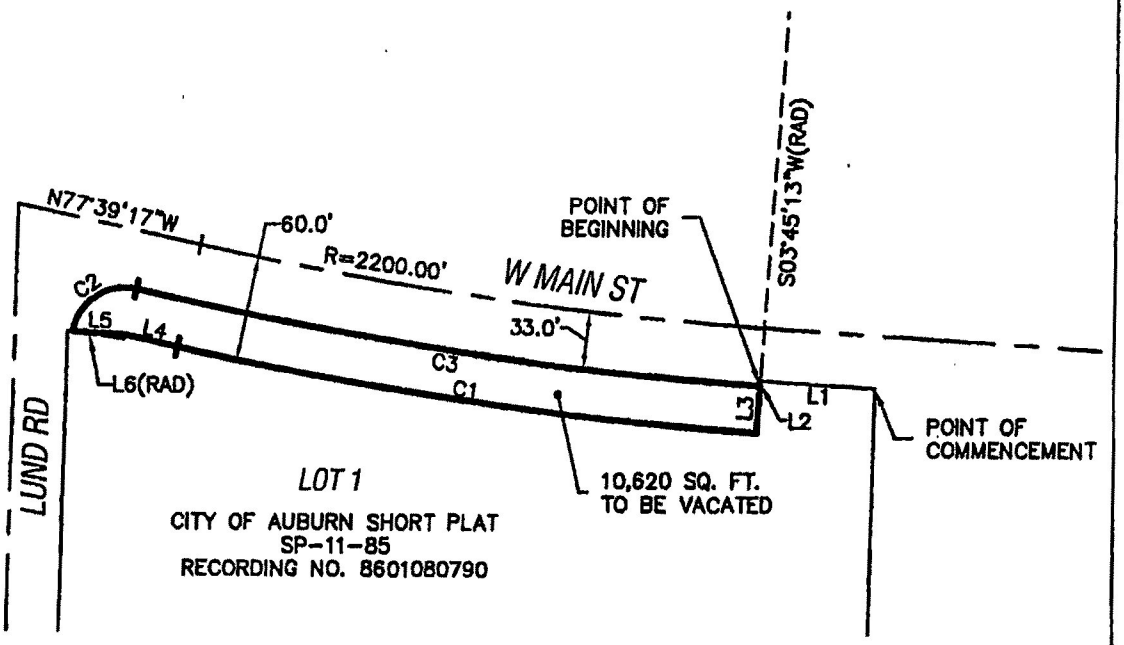
PO Box 5137
Tacoma, WA 98415-0137

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

LAND SURVEYING • MAPPING • CONSTRUCTION LAYOUT

EVAN M. WAHLSTROM
STATE OF WASHINGTON
44651
REGISTERED
PROFESSIONAL LAND SURVEYOR
10/5/21

EXHIBIT A
PAGE 2
RIGHT OF WAY VACATION DEPICTION



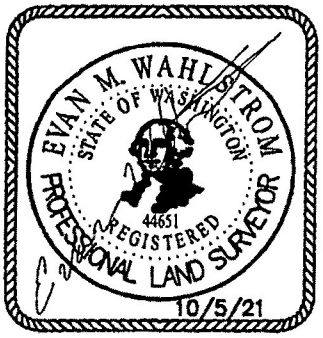
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE
C1	338.89'	2260.00'	8°35'30"
C2	49.24'	30.00'	94°02'01"
C3	365.27'	2233.00'	9°22'20"

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

GRAPHIC SCALE

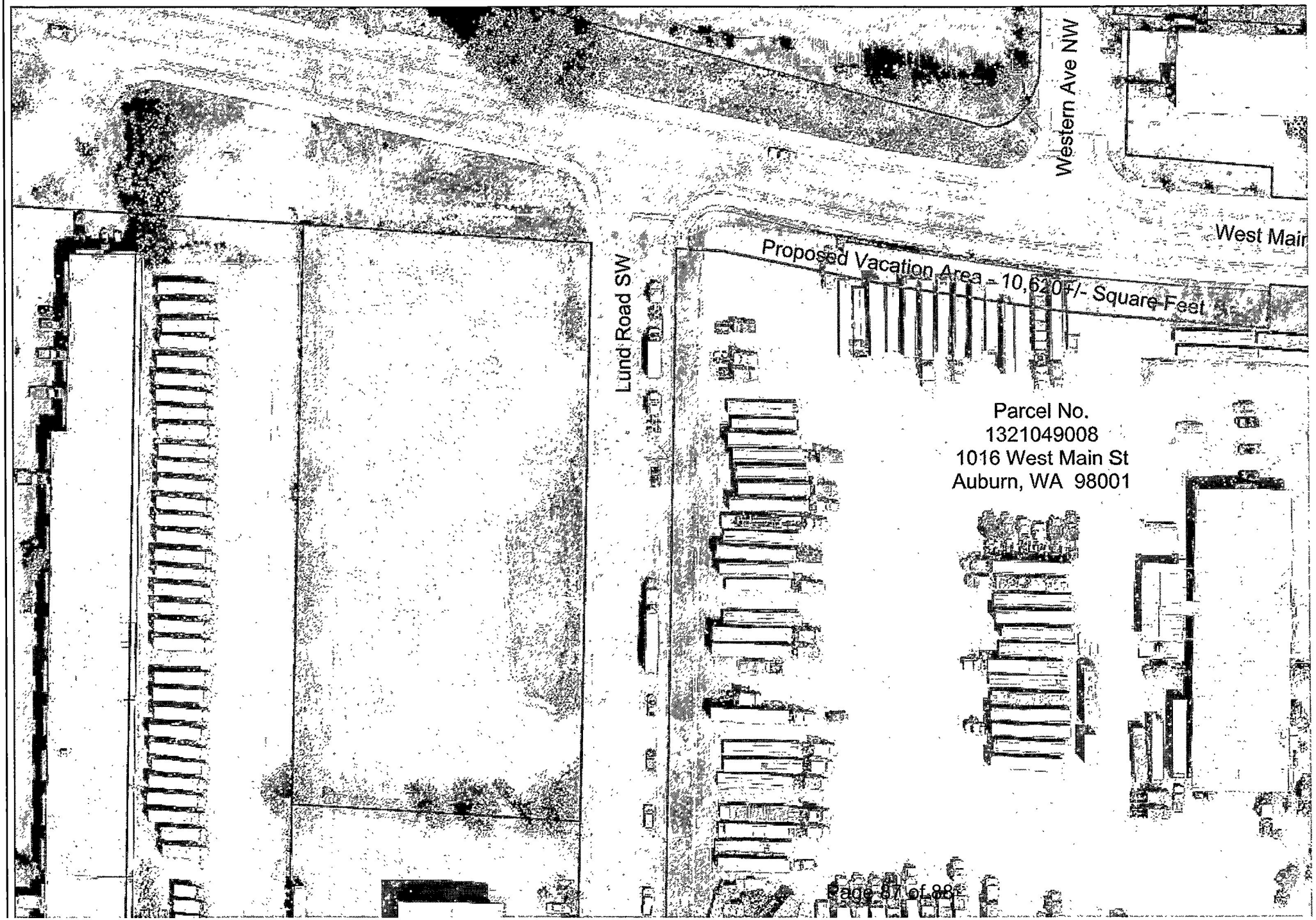
0 50 100 200

1" = 100 FEET



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

Vicinity Map - VAC21-0002



Vicinity Map - VAC21-0002

Printed Date: 10/7/2021
Map Created by City of Auburn eGIS
Imagery Date: May 2015



166.7 0 83.33 166.7 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1 in = 83.33 ft 1: 1,000

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.