CITY OF AUBURN WASHINGTON	**City Council Study Session PWCD SFA** **September 12, 2022 - 5:30 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. PUBLIC PARTICIPATION

A. Public Participation

The Auburn City Council Study Session Meeting scheduled for Monday, September 12, 2022 at 5:30 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: 253 215 8782
Toll Free: 877 853 5257
Zoom: https://us06web.zoom.us/j/89600853593

B. Roll Call

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Q2 2022 Financial Update (Thomas) (20 Minutes)

Financial Report through June 2022

B. Resolution No. 5679 (Council) (15 Minutes)

A Resolution of the City Council of the City of Auburn affirming its support of comprehensive reproductive healthcare, including abortion, and marriage equality; and its support of protections through Washington State and Federal Legislative action

C. Resolution No. 5682 (Backus/Comeau/Tate) (15 Minutes)

A Resolution authorizing the Mayor to sign a Memorandum of Understanding (MOU) and related documents to enable the City to receive an allocated share of funds from the Washington Distributor Settlement

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Capital Projects Status Report and Feature Project (Gaub) (15 Minutes)

B. Ordinance No. 6884 (Tate) (15 Minutes)

An Ordinance relating to the regulation of fences and retaining walls, and amending sections 18.04.370, 18.04.372, 18.04.374, 18.31.020, and creating sections 18.04.371, 18.04.373, 18.04.376, 18.31.025 of the Auburn City Code

C. Ordinance No. 6885 (Tate) (15 Minutes)

An Ordinance relating to the Elimination of the Environmental Park Zone and Business Park District by amending Chapter 18.36, and sections 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 and 3.60.036 of the Auburn City Code

V. 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.

CITY OF AUBURN WASHINGTON

AGENDA BILL APPROVAL FORM

Agenda Subject: Q2 2022 Financial Update (Thomas) (20 Minutes)		**Date:** September 7, 2022
Department: Finance	**Attachments:** Financial Report Through June 2022 Monthly Sales Tax Report	**Budget Impact:** Current Budget: $0 Proposed Revision: $0 Revised Budget: $0

Administrative Recommendation:

For discussion only.

Background for Motion:

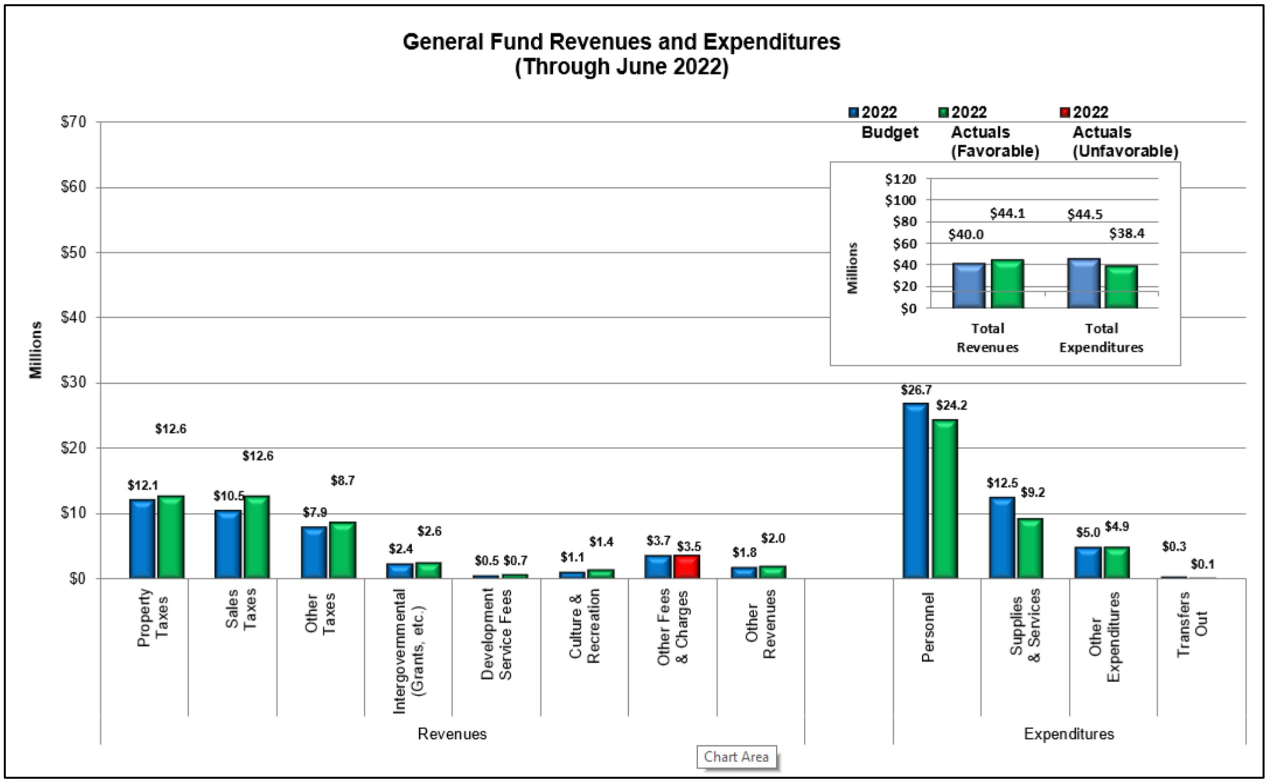
Background Summary:

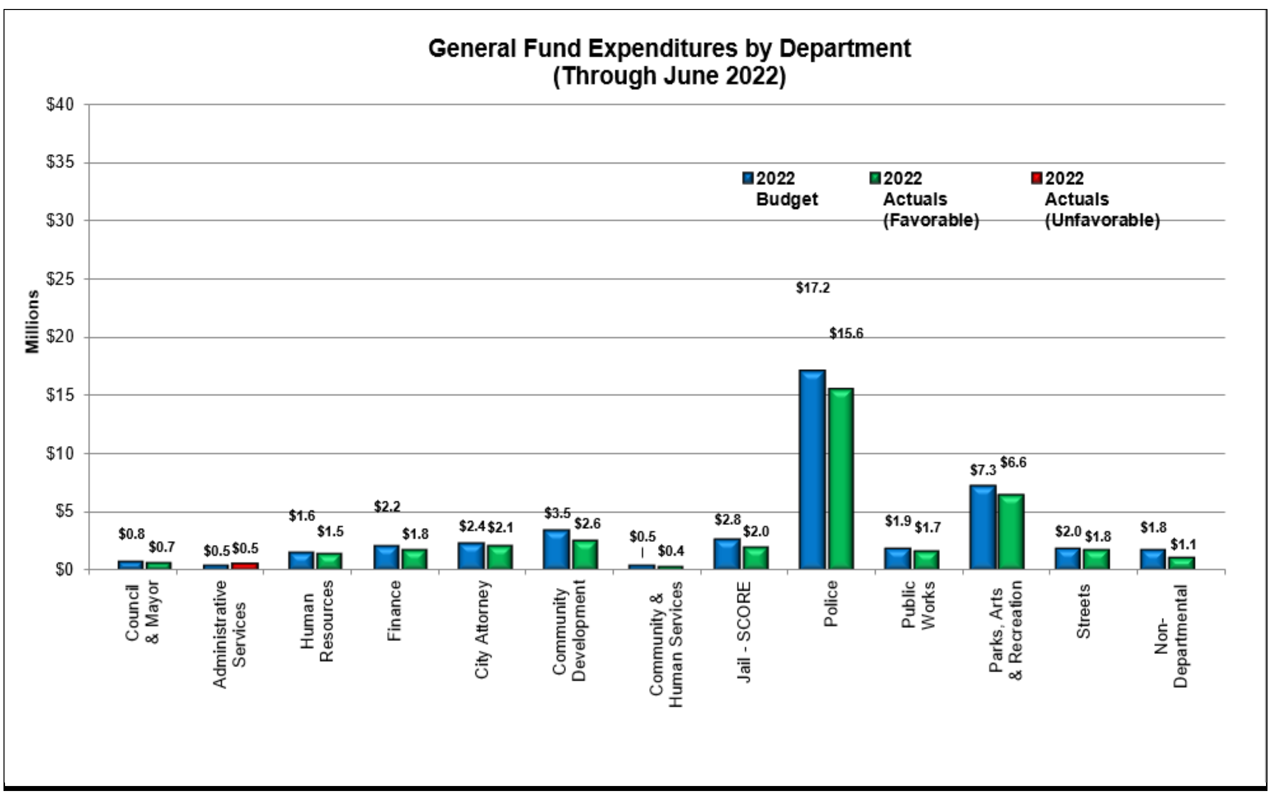
The financial report summarizes the general state of Citywide financial affairs and highlights significant items or trends that the City Council should be aware of. The attachment provides year-to-date financial activity through June 30,2022, based on financial data available as of August 31, 2022. Sales tax information represents tax collected through June 2022, reflecting business activity through April 2022.

Reviewed by Council Committees:

Councilmember:	Baggett	**Staff:**	Thomas
Meeting Date:	September 12, 2022	Item Number:	

General Fund Summary





General Fund Summary of Sources and Uses	**2022 Annual Budget**	**2022 YTD Budget**	**2022 YTD Actual**	**2021 YTD Actual**	**2022 YTD Budget vs. Actual Favorable (Unfavorable) Amount**	**Percentage**
Operating Revenues						
Property Tax	$ 23,198,400	$ 12,128,000	$ 12,627,152	$ 12,212,669	$ 499,152	4.1 %
Retail Sales Tax	20,294,400	9,354,300	11,066,712	10,277,635	1,712,412	18.3 %
Affordable Housing Sales Tax Credit	129,900	64,950	52,582	59,038	(12,368)	(19.0) %
Sales Tax - Pierce County Parks	101,700	47,700	65,285	62,073	17,585	36.9 %
Criminal Justice Sales Tax	2,135,000	1,015,500	1,428,451	1,209,358	412,951	40.7 %
Brokered Natural Gas Tax	131,300	80,700	110,090	91,230	29,390	36.4 %
City Utilities Tax	6,779,000	3,202,900	3,295,916	2,974,962	93,016	2.9 %
Business & Occupation Tax	500,000	125,000	568,689	-	443,689	355.0 %
Admissions Tax	400,000	217,700	126,745	39,724	(90,955)	(41.8) %
Electric Tax	3,760,400	1,880,200	2,144,208	1,979,127	264,008	14.0 %
Natural Gas Tax	1,122,500	764,300	809,712	709,535	45,412	5.9 %
Cable Franchise Fee	850,600	425,300	456,739	456,138	31,439	7.4 %
Cable Utility Tax	969,600	484,800	483,230	481,359	(1,570)	(0.3) %
Cable Franchise Fee - Capital	60,000	30,000	26,723	31,363	(3,277)	(10.9) %
Telephone Tax	704,200	354,400	284,515	372,126	(69,885)	(19.7) %
Solid Waste Tax (external)	-	-	28,897	109,922	28,897	N/A
Leasehold Excise Tax	210,000	185,000	209,022	199,047	24,022	13.0 %
Gambling Excise Tax	342,100	173,246	130,037	15,897	(43,209)	(24.9) %
Taxes sub-total	**$ 61,689,100**	**$ 30,533,996**	**$ 33,914,706**	**$ 31,281,201**	**$ 3,380,710**	**11.1 %**
Business License Fees	$ 393,100	$ 130,800	$ 106,628	$ 124,247	$ (24,172)	(18.5) %
Building Permits	1,000,900	385,400	477,106	725,180	91,706	23.8 %
Other Licenses & Permits	870,300	439,200	566,471	716,721	127,271	29.0 %
Intergovernmental (Grants, etc.)	6,063,420	2,866,763	2,600,936	3,050,448	(265,827)	(9.3) %
Charges for Services:						
General Government Services	3,646,350	1,823,175	1,728,339	1,663,296	(94,836)	(5.2) %
Public Safety	988,200	494,100	439,528	689,130	(54,572)	(11.0) %
Development Services Fees	1,041,900	539,400	681,920	790,126	142,520	26.4 %
Culture and Recreation	2,375,680	1,132,327	1,413,393	1,218,933	281,066	24.8 %
Fines and Penalties	731,400	398,800	183,627	330,762	(215,173)	(54.0) %
Fees/Charges/Fines sub-total	**$ 17,111,250**	**$ 8,209,965**	**$ 8,197,950**	**$ 9,308,844**	**$ (12,016)**	**(0.1) %**
Interest and Investment Earnings	$ 91,200	$ 45,600	$ 156,679	$ 2,412	$ 111,079	243.6 %
Rents and Leases	1,003,000	536,200	537,347	407,597	1,147	0.2 %
Contributions and Donations	28,400	14,200	7,654	1,973	(6,546)	(46.1) %
Other Miscellaneous	223,800	131,050	365,020	136,764	233,970	178.5 %
Transfers In	4,167,900	959,000	818,861	162,000	(140,139)	(14.6) %
Insurance Recoveries - Capital & Operating	225,000	112,500	90,659	43,431	(21,841)	(19.4) %
Other Revenues sub-total	**$ 5,739,300**	**$ 1,798,550**	**$ 1,976,220**	**$ 754,178**	**$ 177,670**	**9.9 %**
Total Operating Revenues	**$ 84,539,650**	**$ 40,542,511**	**$ 44,088,876**	**$ 41,344,222**	**$ 3,546,364**	**8.7 %**
Operating Expenditures						
Council & Mayor	$ 1,713,091	$ 847,500	$ 745,006	$ 549,433	$ 102,494	12.1 %
Administration	1,155,166	478,200	531,229	814,249	(53,029)	(11.1) %
Human Resources	2,139,183	1,070,500	1,028,574	877,198	41,926	3.9 %
Municipal Court & Probation	3,163,945	541,073	428,751	452,887	112,322	20.8 %
Finance	4,226,313	2,200,400	1,773,579	814,249	426,821	19.4 %
City Attorney	5,498,018	2,425,600	2,099,947	1,595,729	325,653	13.4 %
Community Development	7,245,384	3,493,300	2,571,651	2,359,130	921,649	26.4 %
Community & Human Services (Comm Devel)	1,411,128	493,500	404,651	330,064	88,849	18.0 %
Jail - SCORE	5,523,800	2,761,800	2,023,815	2,282,550	737,985	26.7 %
Police	34,178,050	17,205,400	15,581,950	14,366,325	1,623,450	9.4 %
Public Works	3,801,285	1,935,600	1,734,678	1,720,035	200,922	10.4 %
Parks, Arts & Recreation	15,366,550	7,267,900	6,562,370	5,378,311	705,530	9.7 %
Streets	4,034,054	1,959,900	1,815,652	1,854,084	144,248	7.4 %
Non-Departmental	3,731,720	1,790,342	1,147,090	1,033,325	643,251	35.9 %
Total Operating Expenditures	**$ 93,187,686**	**$ 44,471,014**	**$ 38,448,944**	**$ 34,427,570**	**$ 6,022,070**	**13.5 %**

Executive Summary

This report provides an overview of the City's overall financial position for the fiscal period ending June 30, 2022, reflecting financial data available as of August 31, 2022.

General Fund:

General Fund revenues have generally exceeded budget expectations and largely recovered from the impact of the COVID-19 mitigation measures. During 2021, various restrictions were implemented at the state and local level in terms of occupancy limits, vaccination requirements, and mask mandates, all of which are thought to have either directly or indirectly affected the local economy.

In late March of 2021, both King and Pierce counties advanced to Phase III of the state's Healthy Washington Roadmap to Recovery plan. Phase III allowed businesses to have indoor dining occupancy up to 50%; retail, fitness and competitive sports at 50% occupancy; and indoor entertainment venues were allowed to reopen with restrictions. At the end of June, Washington state reopened under the Washington Ready plan. Industry sectors previously covered by the Roadmap to Recovery or the Safe Start plan (with limited exceptions) were allowed to return to usual capacity and operations. Throughout the third quarter of 2021, businesses were able to resume normal operations, and some businesses continued to have modified hours and/or capacity restrictions. Effective in October 2021, all restaurants in King County were to require indoor dining patrons to show proof of vaccination. The indoor mask mandate also continued throughout Q4-2021. In the state's reopening plan, the state moved towards a county-based system and away from the regional system. In this new plan, the assessment of counties will be conducted on an individual basis. In March 2022, the mask mandate was lifted in many indoor public settings. As a result, collections on numerous culture and recreation revenues are slowly returning to pre-pandemic amounts.

Overall, General Fund revenues collected through Q2-2022 totaled $44.1 million as compared to a year-to-date budget of $40.0 million, and were $4.0 million, or 10.0% above budget expectations.

Notable variances to the 2022 budget include:

- Retail Sales Tax: The sales tax report through Q2-2022 (which is provided as an attachment to this report) reflects amounts remitted to the City of Auburn based on sales from November 2021 through April 2022. Collections up to June 2022 totaled $11.1 million, a 6.8% increase from last year. The increase resulted from multiple categories, particularly manufacturing, in which The Boeing Company had a 488% increase from April 2021 compared to April 2022. **[*pages 6-7*]**

- In 2021, City Council increased the City utility tax rate from 7.0% to 10.0%. 1.0% of utility tax revenue continues to support the Arterial Street Preservation Fund, while this change increased General Fund tax revenues for Water, Sewer, Storm and Solid Waste services from the previous 6.0% to 9.0%. City utility tax revenues through Q2-2022 were $93,016 favorable to budget and $994,498 higher than what was collected through Q2-2021. **[*pages 8-10*]**

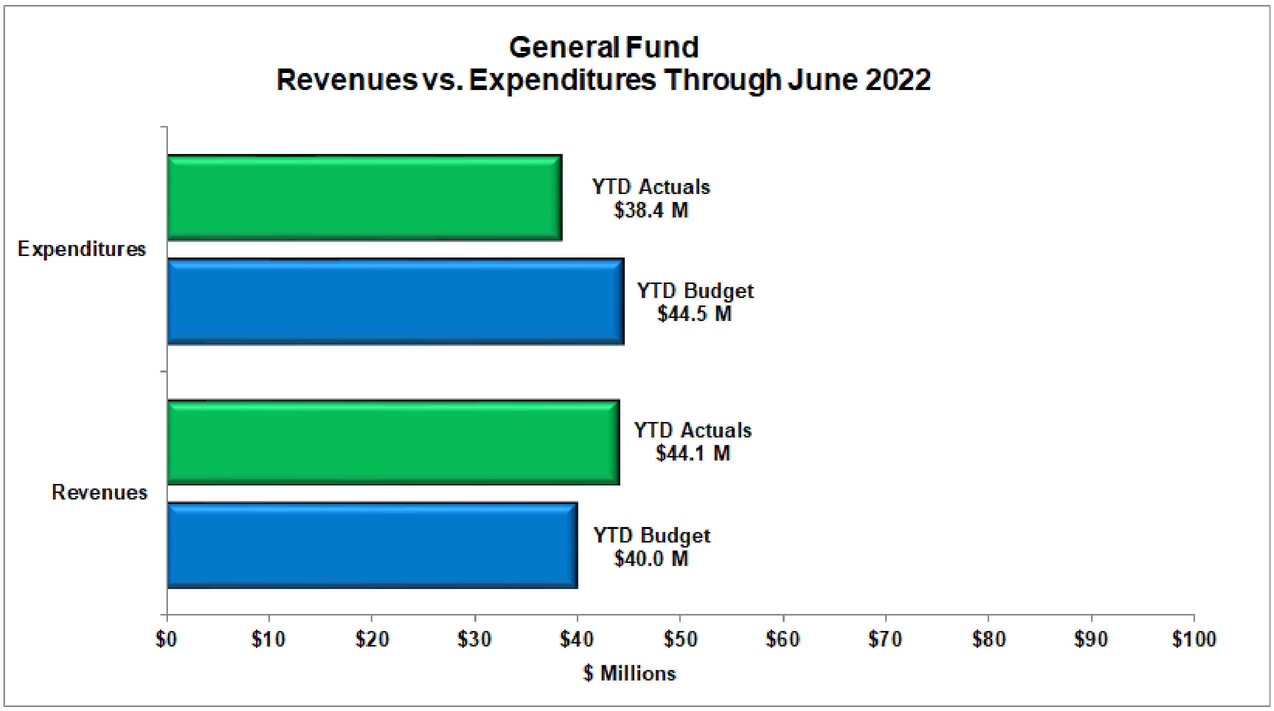
- Building permit revenues collected through Q2-2022 totaled $477,000, which was 92,000 favorable to the year-to-date budget. A contributor to this variance was the permitting of Divine Court, a 7-story multi-use building on Main Street. **[*page 13*]**

- Intergovernmental revenues collected through Q2-2022 totaled $2.6 million and were $266,000 unfavorable to budget. Lower revenues collected from Federal and State grants negatively impact the overall variance. **[*page 13-14*]**

- Culture and Recreation revenues collected through Q2-2022 totaled $1.4 million and were $281,000 higher than budget expectations. This variance was primarily due to higher than anticipated revenues received for green fees at Auburn Golf Course and recreational classes. Where 50% of the favorable variance results from the Auburn Golf Course and 26% consists of recreational classes. **[*page 16-17*]**

General Fund expenditures through Q2-2022 totaled $38.4 million compared to a budget of $44.5 million, representing a $6.0 million favorable variance to budget. Almost all departments operated within their budgets through the second quarter of 2022.

Of this favorable variance to budget, 55% of that is comprised of underspends in supplies and professional services, while 40% was due to underspends in personnel costs.



Enterprise Funds:

The City's enterprise funds account for operations with revenues primarily provided from user fees, charges or contracts for services.

The **Water Fund** ended Q2-2022 with operating income of about $1.5 million, which was approximately $225,000 above the same period last year due to decrease in expenditures from Q2-2021. This decrease was driven by lower debt service interest. Revenues were higher in rents, leases, concessions, and charges for service. **[page 21-22]**

The **Sewer Fund** had operating income of $706,000 versus $509,000 in the same period last year. Increased consumption revenues were offset by higher expenditures, similar to the Water Fund. **[page 22]**

Through June 2022 the **Stormwater Fund** had operating income of $1.3 million compared to $1.1 million in the same period in 2021; the increase in revenues from charges for storm service more than offset the increased expenditures due to higher interfund utility taxes. **[page 22]**

Internal Service Funds:

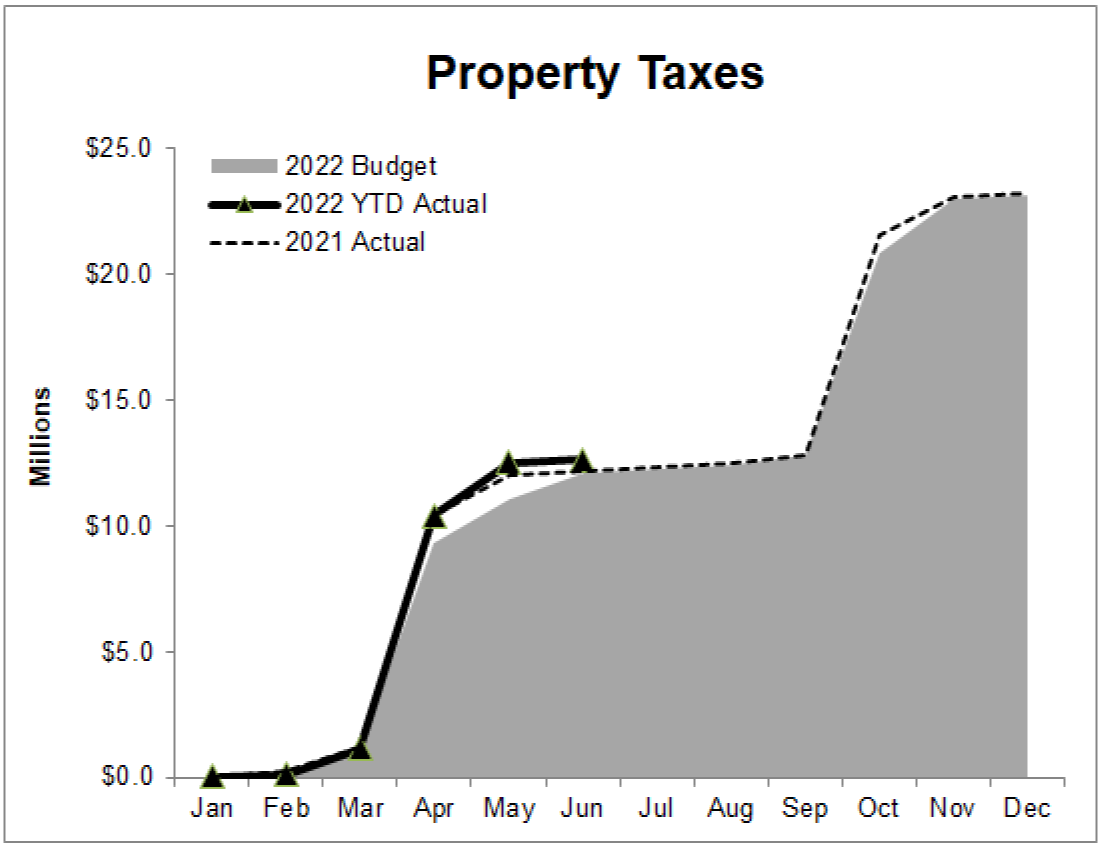
Internal service funds provide services to other City departments and include functions such as Insurance, Worker's Compensation, Facilities, Innovation & Technology, and Equipment Rental. No significant variances were reported in these funds during Q2-2022. **[page 22]**

General Fund

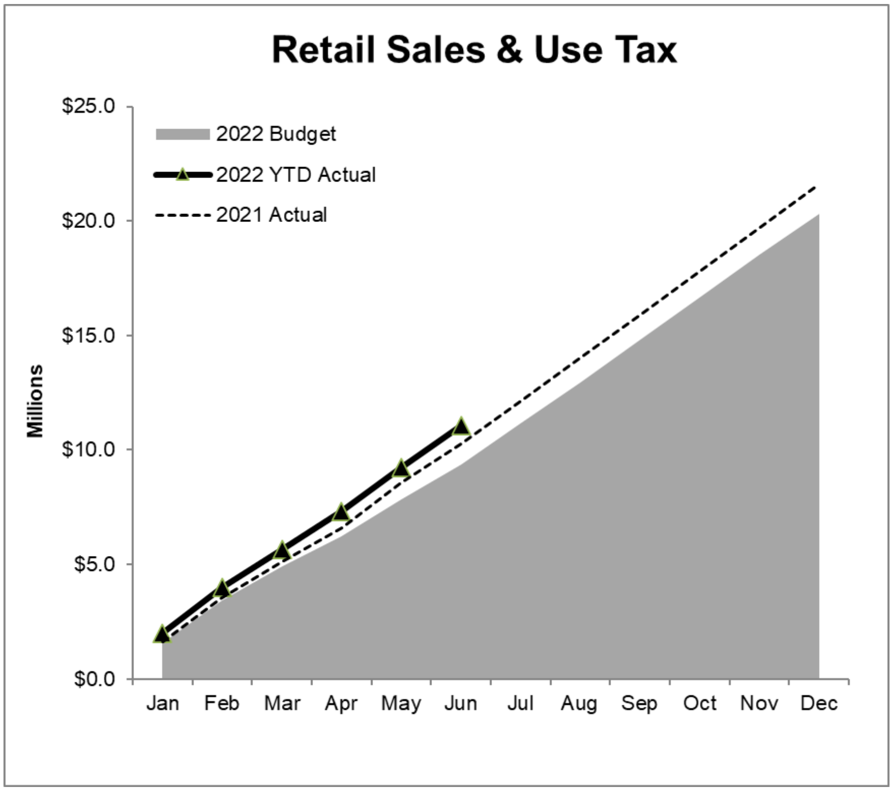
Revenues

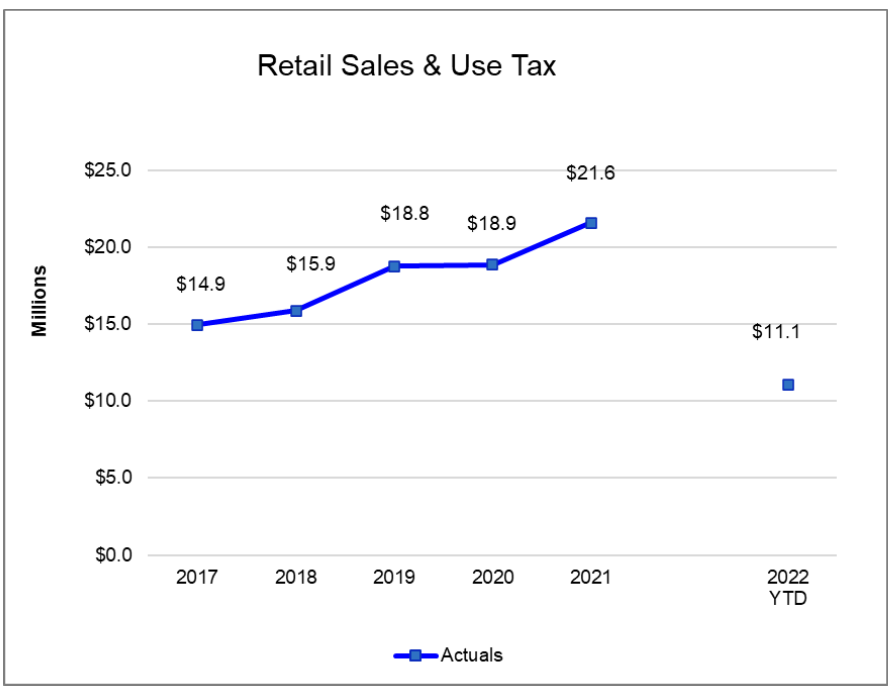
The combined total of property, sales/use, utility, gambling, and admissions taxes provides over 70% of all resources supporting general governmental activities. The following section provides additional information on these sources.

Property Tax collections in the second quarter totaled $11.5 million as compared to a second quarter budget of $11.1 million. Year-to-date collections total $12.6 million versus a budget of $12.1 million resulting in ~$500k above budget expectations. As depicted in the graphic below, the majority of property taxes are collected during the months of April and October, coinciding with the due dates for the County property tax billings.



Retail Sales Tax collections through Q2-2022 totaled $11 million, representing taxes remitted to the City of Auburn based on sales from November 2021 through April 2022. Despite the COVID-19 pandemic, 2021 sales tax revenues were higher than the prior five years – and, in fact, 2021 sales tax collections were the highest on record for the City of Auburn. Sales tax revenues in the second quarter of 2022 exceed those from the second quarter of 2021, with increases in most categories, and in particular manufacturing and services. Sales tax on construction revenues are the notable exception, which saw a 6.5% decrease from Q2-2021. Overall, retail sales tax revenues are up $789,000 or 7.7% from the same period last year.


Retail Sales & Use Tax
$25.0
$20.0
$15.0
$10.0
$5.0
$0.0
Millions
2022 Budget
2022 YTD Actual
2021 Actual
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

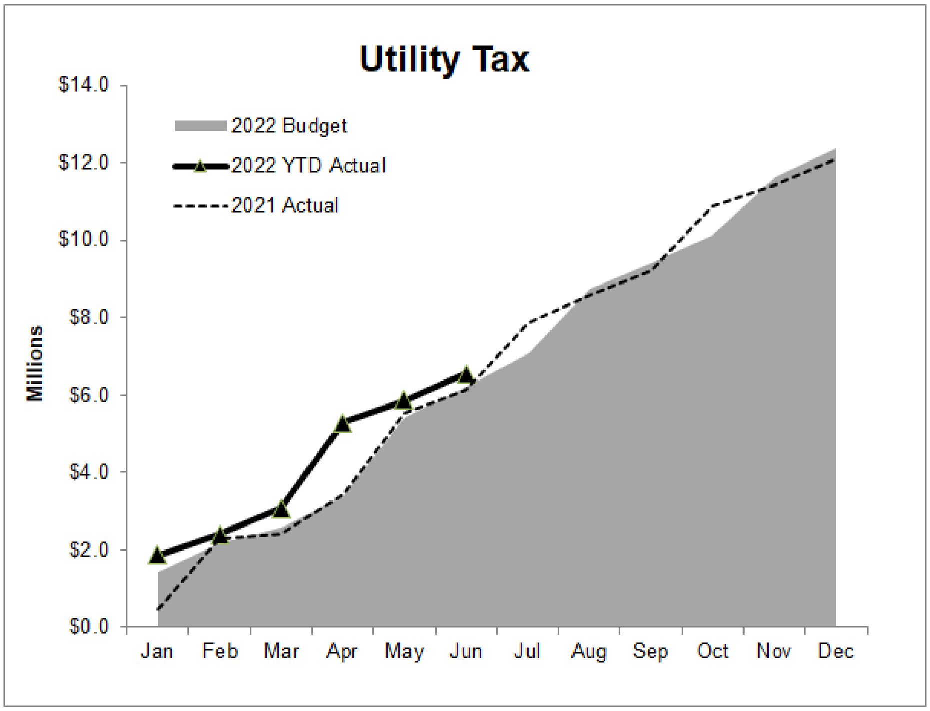

Retail Sales & Use Tax
$25.0
$20.0
$15.0
$10.0
$5.0
$0.0
Millions
$14.9
$15.9
$18.8
$18.9
$21.6
$11.1
2017
2018
2019
2020
2021
2022 YTD
Actuals

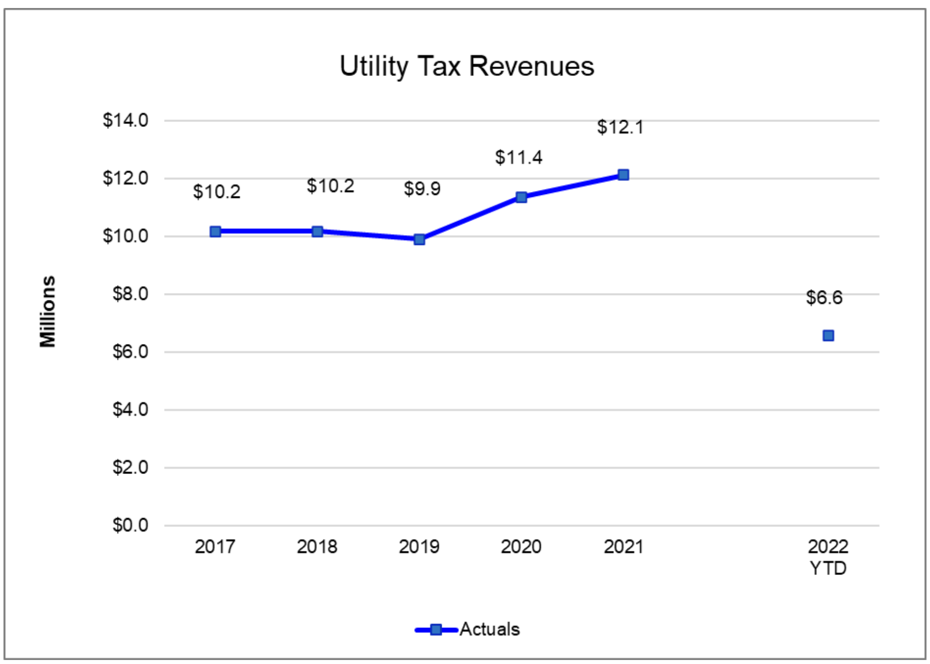
Note: *The increase in sales tax revenue from 2018 to 2019 was primarily due to a policy change whereby sales tax on construction revenue is retained in the General Fund; previously, a portion was transferred to street funds. Of the year-over-year increase in sales tax revenue depicted in the graphic above from 2018 to 2019, $2.2 million of the $2.9 million increase was due to this policy change.*

The following table breaks out the City's retail sales taxes by major business sector.

Comparison of Retail Sales Tax Collections by Group Through June 2022				
	2021	2022	Change from 2021	
Component Group	YTD Actual	YTD Actual	Amount	Percentage
Construction	$ 1,386,613	$ 1,372,433	$ (14,180)	(1.0) %
Manufacturing	176,838	484,023	307,185	173.7 %
Transportation & Warehousing	181,775	136,358	(45,417)	(25.0) %
Wholesale Trade	682,475	725,599	43,124	6.3 %
Automotive	2,186,225	2,281,327	95,102	4.4 %
Retail Trade	3,180,701	3,277,070	96,369	3.0 %
Services	2,314,579	2,615,432	300,853	13.0 %
Miscellaneous	168,429	174,471	6,042	3.6 %
YTD Total	$ 10,277,635	$ 11,066,712	$ 789,077	7.7 %

Utility Taxes consist of interfund taxes on City utilities (Water, Sewer, Storm and Solid Waste) and taxes on external utilities (Electric, Natural Gas, Telephone and Solid Waste). As noted on page 3 of this report, Council increased the City utility tax rate from 7.0% to 10.0% effective in 2021. While 1.0% of this tax revenue continues to support the Arterial Street Preservation Fund, this change increased General Fund tax revenue for Water, Sewer, Storm and Solid Waste services from the previous 6.0% to 9.0%. Overall, City utility tax revenues collected through June 2022 were $417,600 more than what was collected through June 2021.

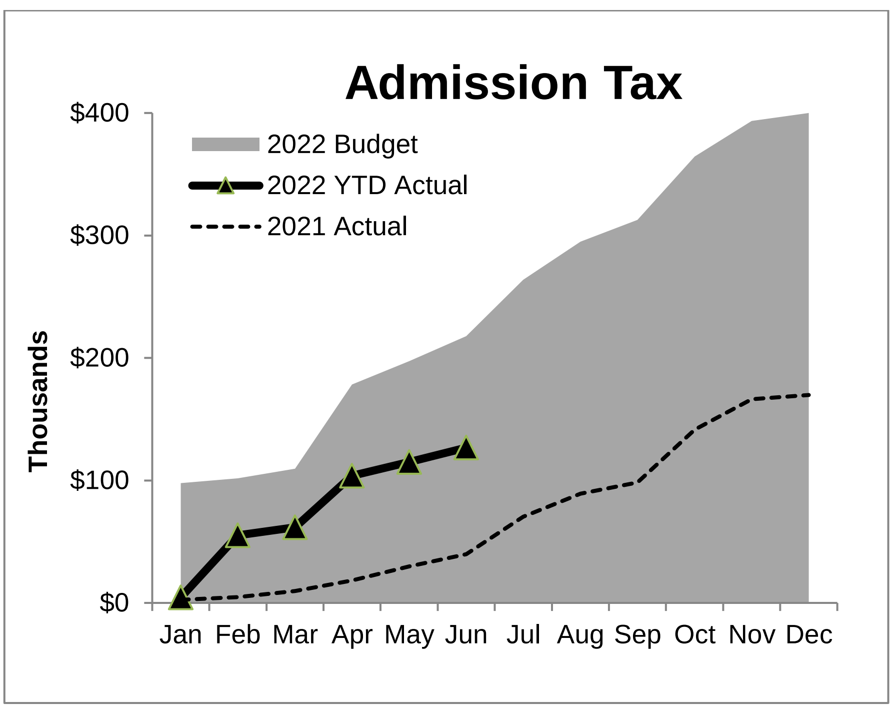

Utility Tax
Millions
$14.0
$12.0
$10.0
$8.0
$6.0
$4.0
$2.0
$0.0
2022 Budget
2022 YTD Actual
2021 Actual
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec


Utility Tax Revenues
Millions
$14.0
$12.0
$10.0
$8.0
$6.0
$4.0
$2.0
$0.0
$10.2
$10.2
$9.9
$11.4
$12.1
$6.6
2017
2018
2019
2020
2021
2022 YTD
Actuals

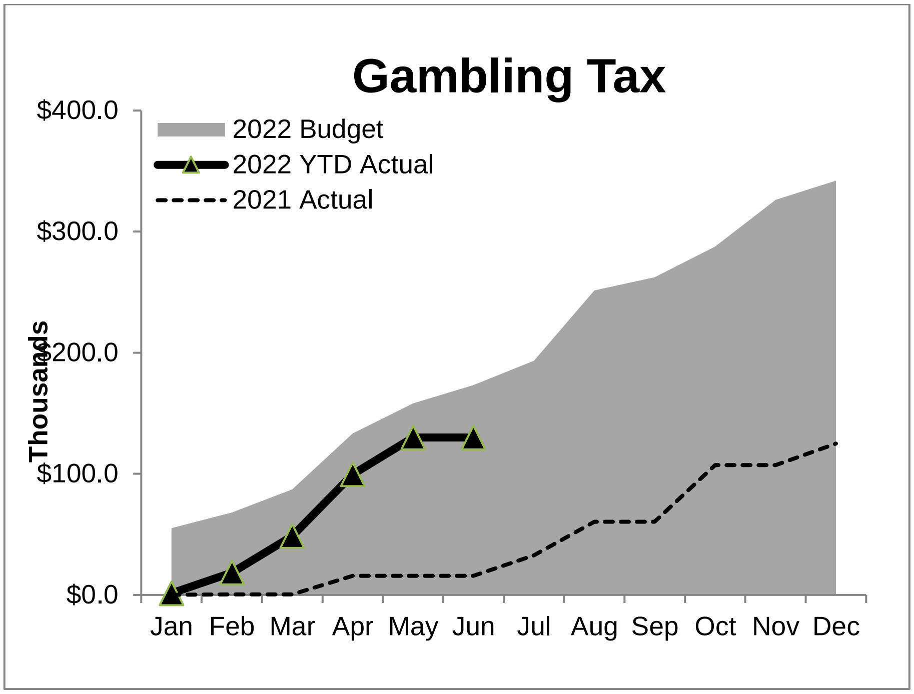
The table below demonstrates the various utility tax revenues and show actual revenues compared to budget.

Utility Tax by Type Through June 2022							
	2021	2022	2022	2022 vs. 2021 Actual		2022 vs. Budget	
Utility Tax Type	**YTD Actual**	**YTD Budget**	**YTD Actual**	**Amount**	**Percentage**	**Amount**	**Percentage**
City Interfund Utility Taxes	$ 2,974,962	$ 3,202,900	$ 3,295,916	$ 320,954	10.8 %	$ 93,016	2.9 %
Electric	1,979,127	1,880,200	2,144,208	165,081	8.3 %	264,008	14.0 %
Natural Gas	709,535	764,300	809,712	100,178	14.1 %	45,412	5.9 %
Telephone	372,126	354,400	284,515	(87,610)	(23.5) %	(69,885)	(19.7) %
Solid Waste (external)	109,922	0	28,897	(81,026)	(73.7) %	28,897	
YTD Total	$ 6,145,671	$ 6,201,800	$ 6,563,248	$ 417,577	6.8 %	$ 361,448	5.8 %

An **Admission Tax** of 5.0% is placed on charges for general admission, season tickets, cover charges, etc. Although admission tax revenues of $127,000 collected through June 2022 were significantly higher than Q2-2021; this is due in part to COVID-19 restrictions, whereby some entertainment businesses did not reopen until the second quarter of 2021. The primary remitter of admission tax to the City of Auburn is the Auburn Regal Cinema at the Outlet Collection mall, contributing roughly 75% of these revenues between 2018-2020. However, in both 2021 and year-to-date in 2022, Regal Cinema’s contributions have dropped by half from their pre-pandemic levels. As a result, admission tax revenues are unfavorable to budget by roughly $91,000.

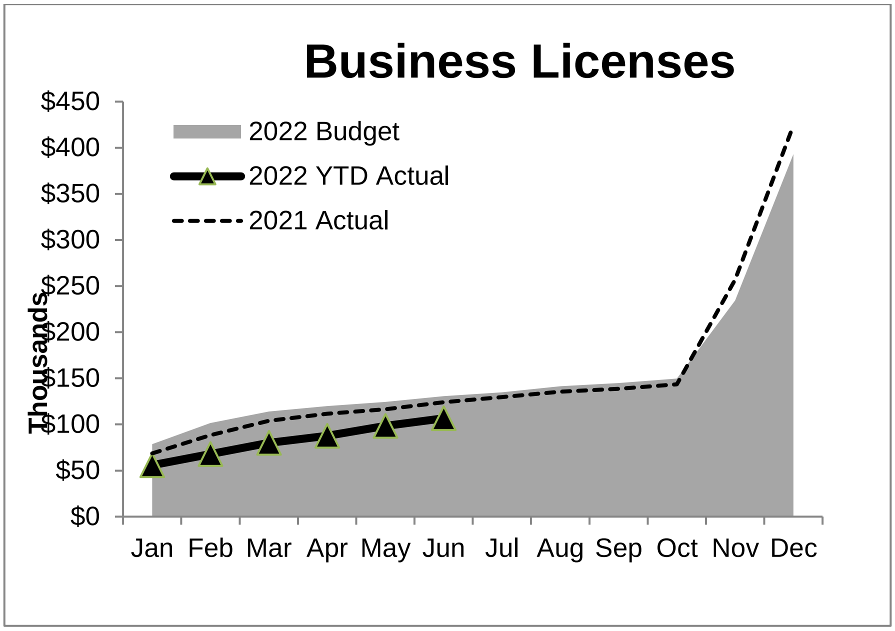


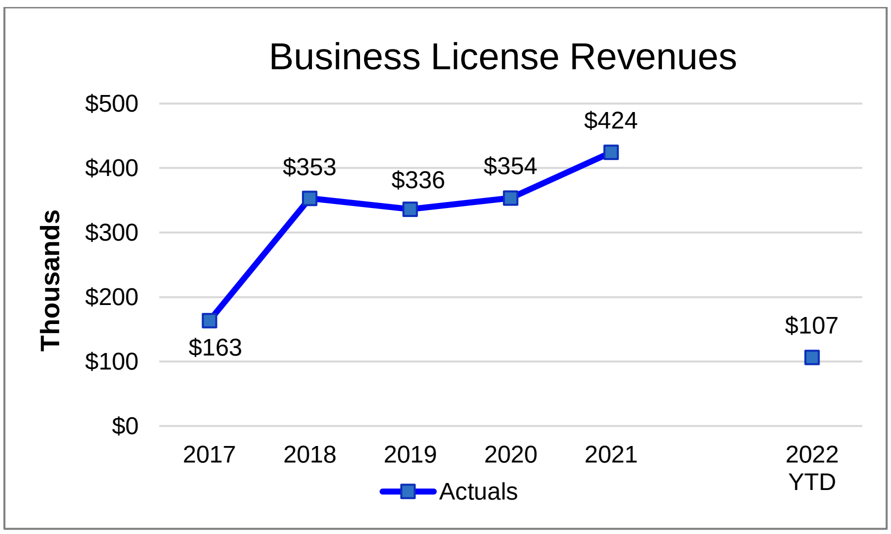
Gambling Tax applies to all card games, punch board games, pull tabs, bingo games, raffles and amusement games played within City limits. Due to COVID-19 occupancy limitations, some of these establishments did not reopen for business until the latter part of Q1-2021 and many opened at a reduced capacity. While capacity limitations were lifted at the end of Q2-2021, the effects on these entertainment style activities continue to be evident due to reduced receipts compared to normal levels.



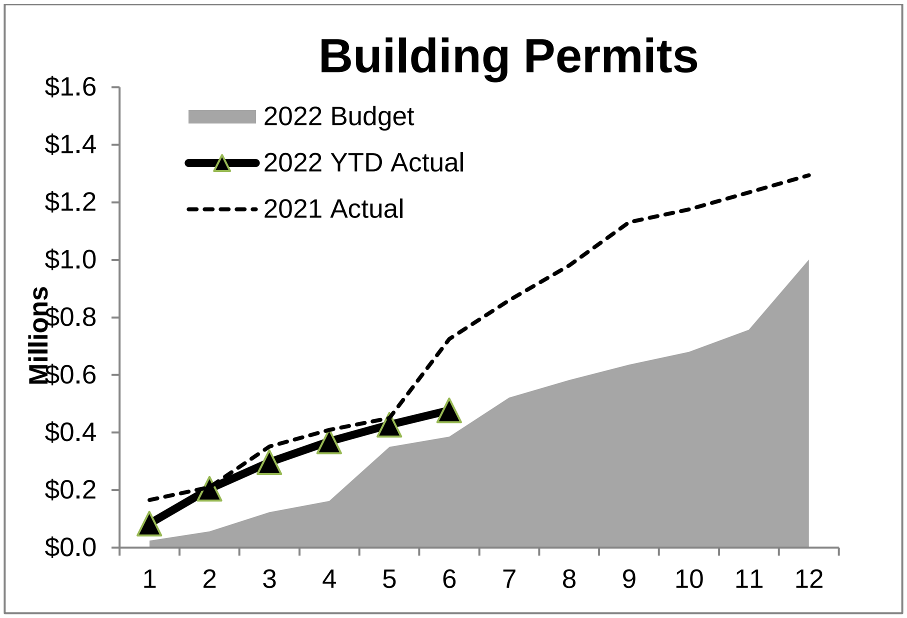
Licenses and Permits include business licenses, building permits, plumbing, electric and other licenses and permit fees. Building permit fees and business licenses make up approximately 70% of the annual budgeted revenue in this category.

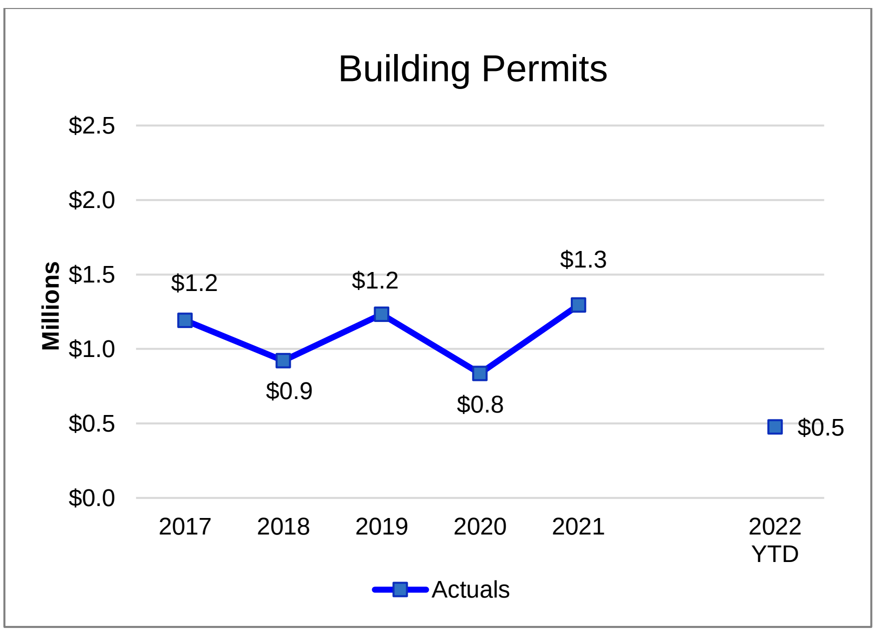
The City charges an annual fee of $103 for a **Business License** for each business that is located within the City. The City typically sends out the renewals for the following year around December of each year. Therefore, most of these revenues are collected in December for the following year or in January in the current year. Business license revenues collected through Q2-2022 totaled $107,000, lower than the projected revenues of $124,000. Compared to 2021 totals, YTD 2022 is unfavorable by $17,600.


Business Licenses
$450
$400
$350
$300
$250
$200
$150
$100
$50
$0
Thousands
2022 Budget
2022 YTD Actual
2021 Actual
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec


Business License Revenues
$500
$400
$300
$200
$100
$0
Thousands
$163
$353
$336
$354
$424
$107
2017 2018 2019 2020 2021 2022 YTD
Actuals

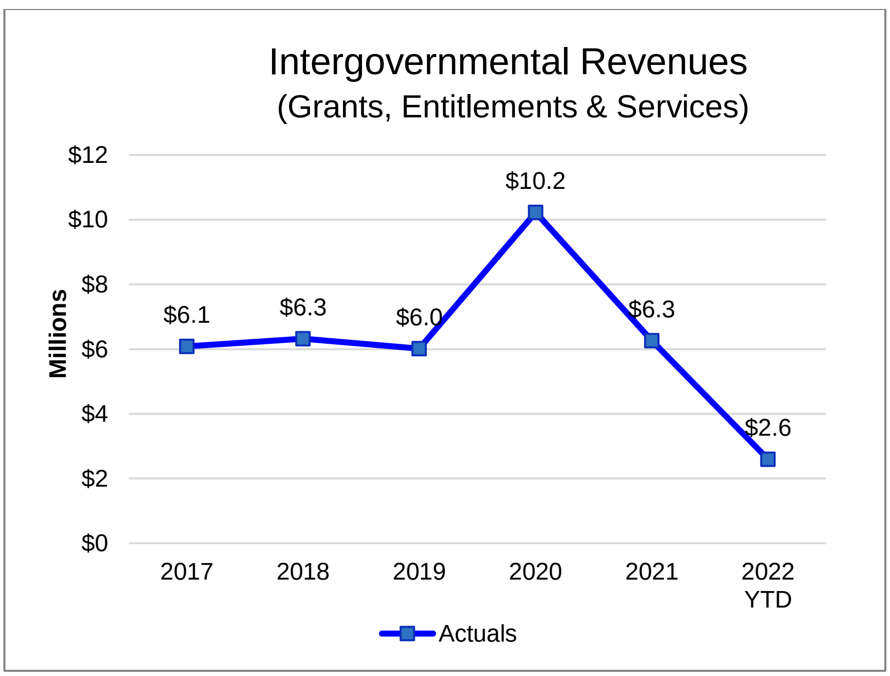
Building Permit revenues collected through June 2022 totaled $477,000. While this is approximately $248,000 lower than 2021 collections year-to-date, revenues were $92,000 favorable to budget. Among the contributing factors for this favorable variance was the permitting of a seven-story mixed-use building on Main Street known as Divine Court.





Intergovernmental revenues include grants and stimulus monies (direct and indirect federal, state and local), revenue from the Muckleshoot Indian Tribe (MIT) compact as well as state shared revenues. Collections through Q2-2022 totaled $2.6 million and were $234,000 favorable to budget expectations. Much of this favorable variance is still due to the unbudgeted receipt of $250,000 for Streamlined Sales Tax mitigation monies collected in March. However, state and interlocal grant collections have been minimal YTD impacting the YTD actual vs. budget variance.

Revenue	2021 YTD Actual	2022 YTD Budget	2022 YTD Actual	2022 vs. 2021 Actual Amount	2022 vs. 2021 Actual % Change	2022 vs. Budget Amount	2022 vs. Budget % Change
Intergovernmental Revenues (Grants, Entitlements & Services) Through June 2022							
Federal Grants	$ 27,924	$ 26,175	$ 2,120	$ (25,804)	(92.4) %	$ (24,055)	93.2 %
State Grants	108,581	235,100	-	(108,581)	(100.0) %	(235,100)	216.5 %
Interlocal Grants	63,567	183,300	73,895	10,328	16.2 %	(109,405)	(1059.3) %
Muckleshoot Casino Services	385,997	485,650	385,997	-	0.0 %	(99,653)	
One-Time Allocation (SB 5092)	-	-	-	-		-	
State Shared Revenues:							
Streamlined Sales Tax	1,000,158	500,000	500,079	(500,079)	(50.0) %	79	(0.0) %
Motor Vehicle Fuel Tax	498,377	505,000	557,085	58,708	11.8 %	52,085	88.7 %
Criminal Justice - High Crime	113,625	108,200	136,636	23,011	20.3 %	28,436	123.6 %
Criminal Justice - Population	13,036	13,000	14,665	1,628	12.5 %	1,665	102.2 %
Criminal Justice - Special Prog.	46,536	48,000	52,121	5,585	12.0 %	4,121	73.8 %
Marijuana Excise Tax	82,009	93,650	111,497	29,487	36.0 %	17,847	60.5 %
State DUI	6,434	6,000	7,364	930	14.5 %	1,364	146.6 %
Fire Insurance Tax	98,371	88,400	104,661	6,289	6.4 %	16,261	258.5 %
Liquor Excise	282,049	249,288	313,219	31,170	11.1 %	63,931	205.1 %
Liquor Profit	323,785	325,000	341,600	17,815	5.5 %	16,600	93.2 %
Total State Shared:	2,464,380	1,936,538	2,138,925	(325,454)	(13.2) %	202,387	(62.2) %
YTD Total	$ 3,050,448	$ 2,866,763	$ 2,600,936	$ (449,512)	(14.7) %	$ (265,827)	(9.3) %



Note that 2020 revenue was higher than normal due to the receipt of $3.8 million in federal CARES grant money from the Department of Treasury.

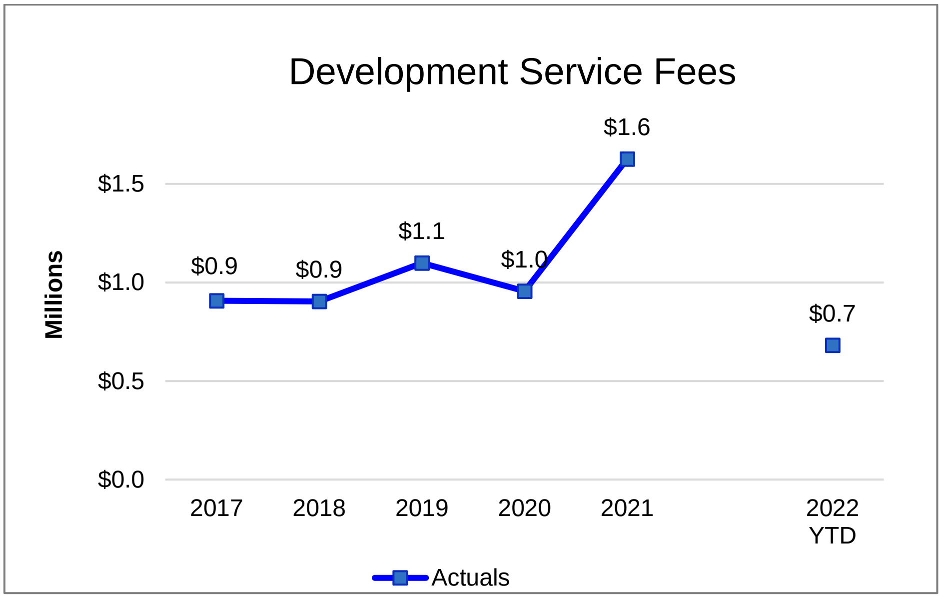
Charges for Services consist of general governmental service charges, public safety charges, development service fees, and culture and recreation fees. Total charges for services collected through June 2022 totaled $4.3 million and was $274,000, or 6.9%, more than expected to date.

Charges for Services by Type Through June 2022							
	2021	2022	2022	2022 vs. 2021 Actual		2022 vs. Budget	
Revenue	YTD Actual	YTD Budget	YTD Actual	Amount	Percentage	Amount	Percentage
General Government	$ 1,663,296	$ 1,823,175	$ 1,728,339	$ 65,044	3.9 %	$ (94,836)	(5.2) %
Public Safety	689,130	494,100	439,528	(249,602)	(36.2) %	(54,572)	(11.0) %
Development Services	790,126	539,400	681,920	(108,205)	(13.7) %	142,520	26.4 %
Culture & Recreation	1,218,933	1,132,327	1,413,393	194,460	16.0 %	281,066	24.8 %
YTD Total	$ 4,361,484	$ 3,989,002	$ 4,263,180	$ (98,304)	(2.3) %	$ 274,178	6.9 %

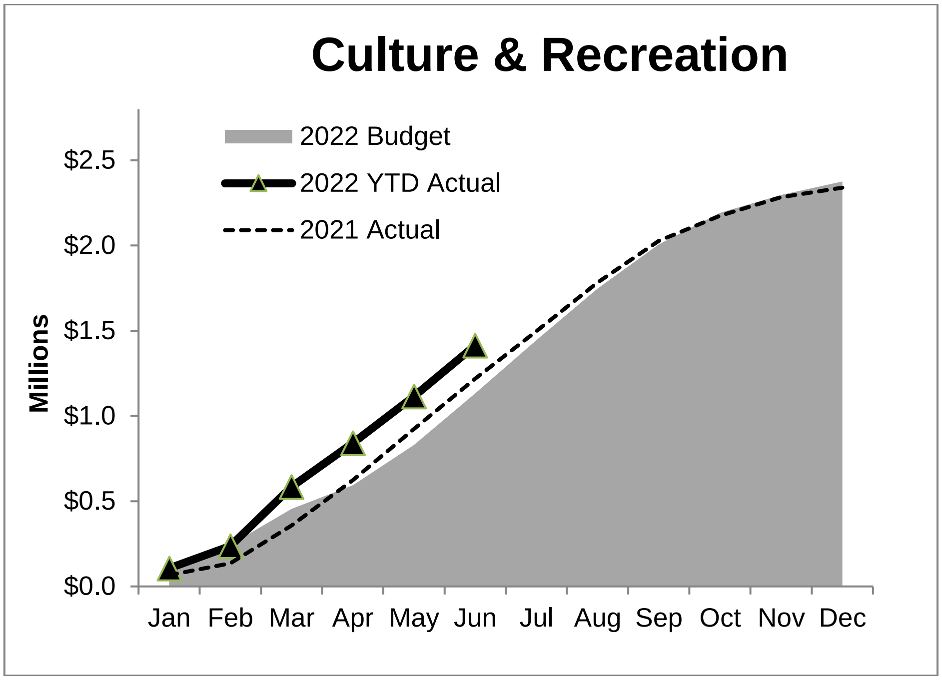
The General Government revenue category primarily includes the interfund assessment for the salary and benefit costs for support departments (Finance, Human Resources and Legal). Salary and benefit costs for these departments are charged to the respective General Fund home department and a portion of those costs are recouped from other funds via interfund charges. General Government revenues also include fees for passport services, reimbursement from cities participating in the South King Housing and Homelessness Partners (SKHHP), as well as transportation projects. The slight unfavorable variance of $95,000 to budget is due to the timing of SKHHP revenues, which are received on a reimbursement basis.

Public safety revenues mainly consist of revenues for law enforcement services, which are extra duty security services whereby police officers are contracted for, and reimbursement is made by the hiring agency. This category also includes reimbursements from the Muckleshoot Indian Tribe (MIT) for a full-time dedicated police officer and associated expenditures as well as monies collected from the Auburn School District for services rendered. Public safety revenues collected in the second quarter of 2022 totaled $439,500 and were $55,500 unfavorable to budget primarily due to lower than anticipated need for extra duty security services.

Development services fee collections consist primarily of plan check fees, facility extension charges, and zoning and subdivision fees. Through Q2-2022, development service fees collected totaled $682,000 and were $142,500 favorable to budget expectations. Major contributors to this variance were FAC linear charges (fees assessed on projects that require extension of public facilities) as well as zoning and subdivision fees; where pre-application and preliminary plat fees were higher than expected.



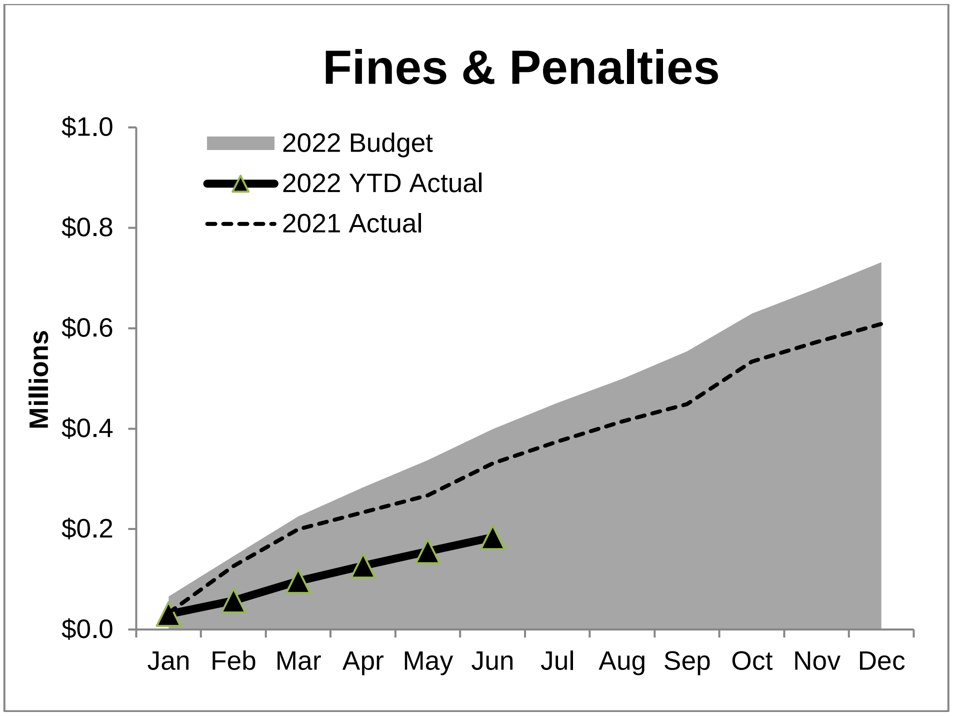
Most of the culture and recreation revenues are derived from greens fees and pro shop sales at the Auburn Golf Course, recreational classes, ticket sales at the Auburn Avenue Theater, senior programs, and special events. Overall, culture and recreation revenues exceeded budget by $281,000, or 24.8%. Nearly 75% of year-to-date revenues have come from greens fees at the Auburn Golf Course and recreation classes. While greens fee revenues have decreased $65,500 or -8.4% from the same period last year, recreation class revenues have increased by $106,000 or 134.4% and special events increased by $67,000 or 758.8%. This is primarily attributable to COVID-19 restrictions in place during Q1-2021 that have since been eased or removed.

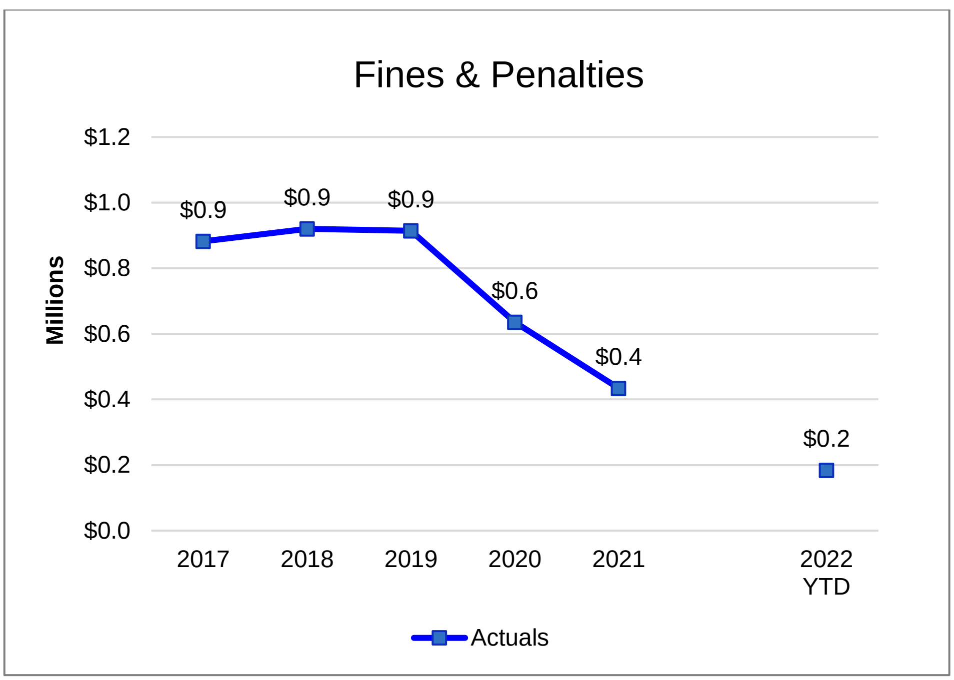


Fines & Penalties include civil penalties (such as code compliance fines), parking and traffic infraction penalties, criminal fines (including criminal traffic, criminal non-traffic and other criminal offenses) as well as non-court fines such as false alarm fines. Total revenues collected through June 2022 totaled $183,600 as compared to a budget of $398,800 and were 54.0% below budget expectations primarily due to lower-than-budgeted collections in civil infraction penalties (typically consisting of traffic infractions).

Fines & Penalties by Type
Through June 2022

Month	2021 YTD Actual	2022 YTD Budget	2022 YTD Actual	2022 vs. 2021 Actual Amount	2022 vs. 2021 Actual Percentage	2022 vs. Budget Amount	2022 vs. Budget Percentage
Civil Penalties	$ 19,338	$ 12,700	$ 3,937	$ (15,402)	(79.6) %	$ (8,763)	(69.0) %
Civil Infraction Penalties	121,003	240,100	63,633	(57,370)	(47.4) %	(176,467)	(73.5) %
Redflex Photo Enforcement	2,020	-	531	(1,488)	(73.7) %	531	N/A %
Parking Infractions	26,966	55,000	44,383	17,417	64.6 %	(10,617)	(19.3) %
Criminal Traffic Misdemeanor	19,964	19,600	18,708	(1,255)	(6.3) %	(892)	(4.5) %
Criminal Non-Traffic Fines	9,816	15,100	18,179	8,362	85.2 %	3,079	20.4 %
Criminal Costs	14,340	6,300	14,601	261	1.8 %	8,301	131.8 %
Non-Court Fines & Penalties	36,729	50,000	19,655	(17,073)	(46.5) %	(30,345)	(60.7) %
YTD Total	$ 250,177	$ 398,800	$ 183,627	$ (66,549)	(26.6) %	$ (215,173)	(54.0) %

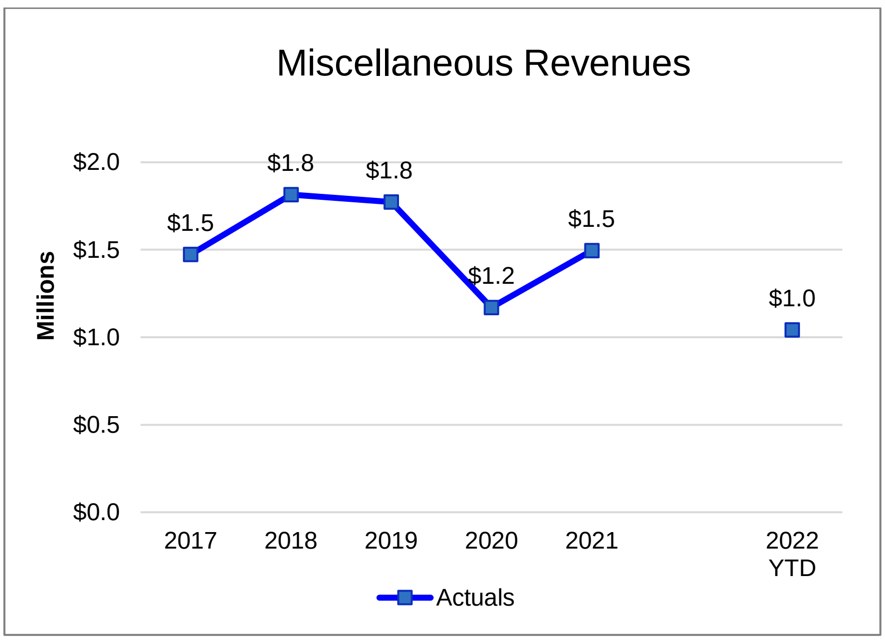

Fines & Penalties
$1.0
$0.8
$0.6
$0.4
$0.2
$0.0
Millions
2022 Budget
2022 YTD Actual
2021 Actual
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec


Fines & Penalties
$1.2
$1.0
$0.8
$0.6
$0.4
$0.2
$0.0
Millions
$0.9
$0.9
$0.9
$0.6
$0.4
$0.2
2017 2018 2019 2020 2021 2022 YTD
Actuals

Miscellaneous Revenues consist of investment earnings, income from facility rentals, revenue collected for golf cart rentals at the Auburn Golf Course, contributions and donations, and other income including the quarterly purchasing card (P-card) rebate monies.

Miscellaneous Revenues by Type Through June 2022							
	2021	2022	2022	2022 vs. 2021 Actual		2022 vs. Budget	
Month	YTD Actual	YTD Budget	YTD Actual	Amount	Percentage	Amount	Percentage
Interest & Investments	$ 2,412	$ 45,600	$ 156,679	$ 154,267	6396.2 %	$ 111,079	243.6 %
Rents & Leases	407,597	536,200	537,347	129,750	31.8 %	1,147	0.2 %
Contributions & Donations	1,973	14,200	7,654	5,680	287.8 %	(6,546)	(46.1) %
Other Miscellaneous Revenue	136,764	131,050	365,020	228,256	166.9 %	233,970	178.5 %
YTD Total	$ 548,746	$ 727,050	$ 1,066,699	$ 517,953	94.4 %	$ 339,649	46.7 %

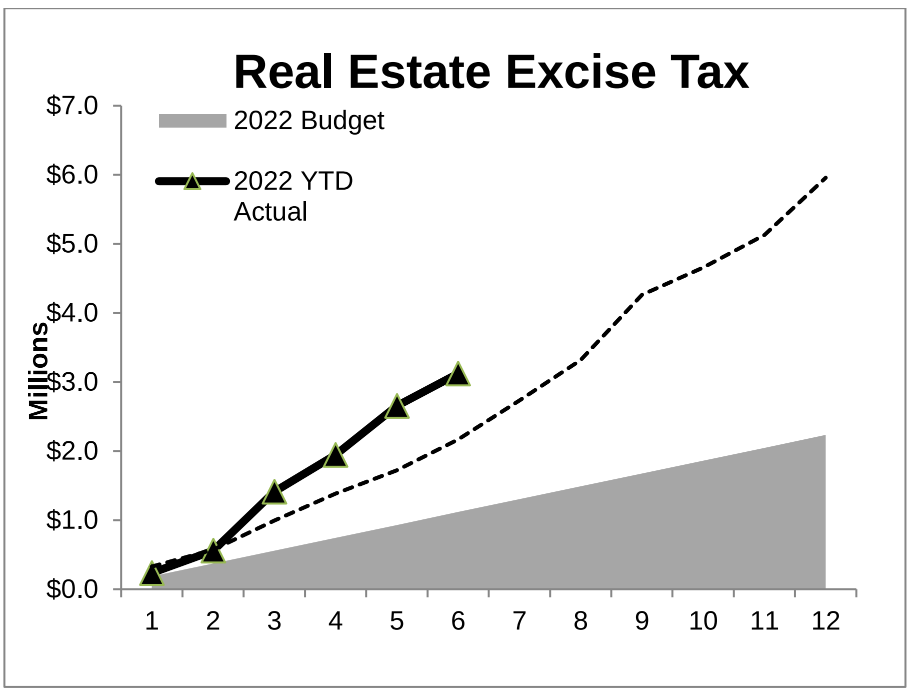
Revenues collected YTD 2022 in this category totals $1.07 million and were $340,000 favorable to budget. The majority of the favorable variance to budget was in the other miscellaneous revenue category, largely due to the sale of fixed assets with respect to a fire utility easement. Also contributing to the favorable variance were higher than average pre-payments for facility rentals in the interest & investments category.

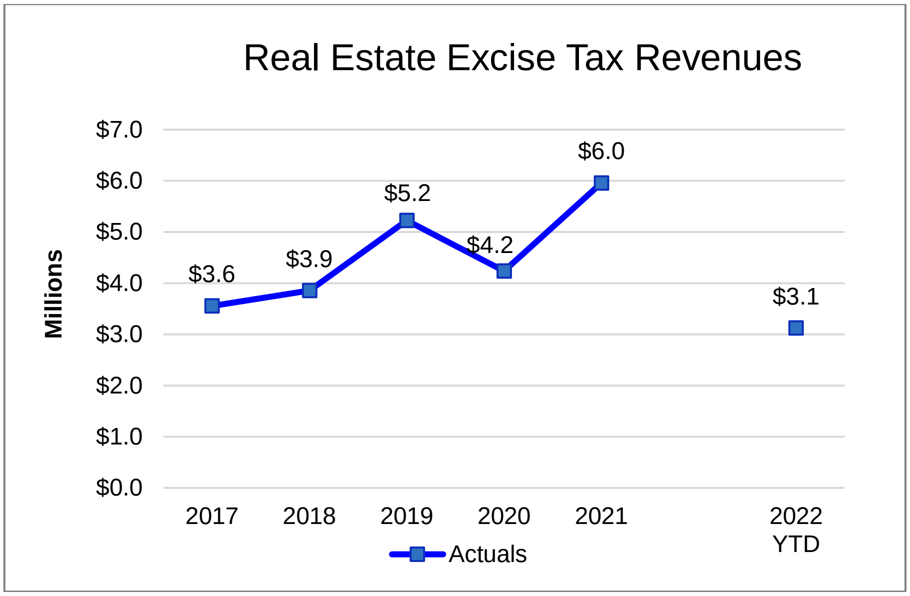


Real Estate Excise Tax (REET) revenues are taxes on the sale of both commercial properties and single-family residences. These collections are receipted into the Capital Improvement Projects Fund and used for governmental capital projects. REET revenues collected year-to-date in 2022 total $3.1 million, which is $2.0 million or 64.2% favorable to budget expectations. This strong performance continues on the heels of 2021, which saw the highest REET revenue collections on record for the City of Auburn. This increase YTD 2022 is attributable to the continued growth of the real estate market and increase of property values. A notable contributor to the large favorable variance is the LogistiCenter property in Auburn.

Real Estate Excise Tax Revenues
Through June 2022

Month	2021 YTD Actual	2022 YTD Budget	2022 YTD Actual	2022 vs. 2021 Actual Amount	2022 vs. 2021 Actual Percentage	2022 vs. Budget Amount	2022 vs. Budget Percentage
1	328,140	$ 186,200	235,988	(92,152)	(28.1) %	49,788	21.1 %
2	244,189	186,200	320,851	76,661	31.4 %	134,651	42.0 %
3	423,532	186,200	855,713	432,182	102.0 %	669,513	78.2 %
4	385,966	186,200	530,857	144,891	37.5 %	344,657	64.9 %
5	339,074	186,200	710,134	371,060	109.4 %	523,934	73.8 %
6	447,063	186,200	479,225	32,162	7.2 %	293,025	61.1 %
7	563,422	186,200					
8	585,227	186,200					
9	946,209	186,200					
10	393,570	186,200					
11	474,992	186,200					
12	825,919	186,500					
YTD Total	2,167,965	1,117,200	3,132,769	964,804	44.5%	2,015,569	64.3%





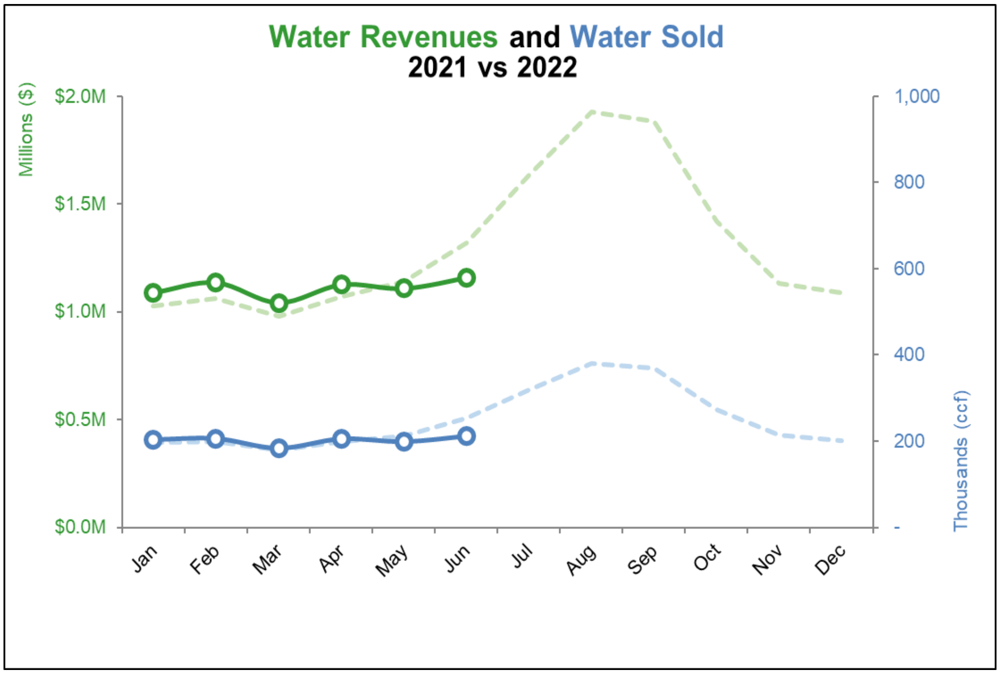
Utility Enterprise Funds

Utility activities are divided between operating funds and capital sub-funds. Operating funds house all the operating costs along with debt service and financing obligations. Capital funds show costs associated with capital acquisition and construction. Both the operating and capital funds have a working capital balance. This approach isolates those funds available for capital and cash flow needs for daily operations, and project managers will know exactly how much working capital is available for current and planned projects.

Through June 2022, the **Water Utility** had operating income of $1.5 million (operating revenues less operating expenditures), approximately $225,000 above the same period as last year. Water Fund operating revenues were $165,000 or 2.5% higher than Q2-2021; the majority of this variance was due to stronger performance in water sales revenue, which was offset by lower interest earnings. Operating expenditures decreased by $60,000 mainly due to decreased in debt service interest payments. This decrease was partially offset by increased City utility tax expenditures.

Billable water consumption through June 2022 totaled 1,210,141 hundred cubic feet (ccf), a decrease of 29,600 ccf (2.4%) over Q2-2021. The largest driver of this decrease were single family and duplex, and irrigation, while commercial saw an increase over last year.

There is also a trend of decreased year-over-year consumption on a *per account* basis due largely to conservation efforts and appliance efficiency improvements, which are anticipated in the Utilities Comprehensive Plan.



Through June 2022, the **Sewer Utility** finished with operating income of $706,000 as compared to $509,000 through June 2021. Operating revenues were up $357,000 or 8.2% from the same period last year due to stronger performance in charges for City sewer service. Operating expenses were up $161,000 mainly due to increased City interfund utility tax payments, as well as increased personnel and interfund service costs.

In the second quarter of 2022, the **Stormwater Utility** had operating income of $1.3 million compared with $1.1 million in the same period last year. Operating revenues were up $250,000 compared to Q2-2021 due to charges for City storm service. As most Stormwater Utility charges are based on a flat rate, there are not typically significant fluctuations in this revenue.

Operating expenditures in the Stormwater Utility were up $80,000 compared to the second quarter of last year. This increase was mainly due to higher interfund utility tax payments.

Internal Service Funds

Operating expenditures within the **Insurance** Fund represent the premium cost pool that will be allocated monthly to other City funds over the course of the year. As a result, the expenditure balance gradually diminishes each month throughout the year.

No significant variances are reported in the **Workers' Compensation, Facilities, Innovation & Technology**, or **Equipment Rental** Funds.

Contact Information

This report is prepared by the Finance Department. Additional financial information can also be viewed at our website: http://www.auburnwa.gov/. For any questions about this report please contact Jamie Thomas at jdthomas@auburnwa.gov.

SALES TAX SUMMARY
JUNE 2022 SALES TAX DISTRIBUTIONS (FOR APRIL 2022 RETAIL ACTIVITY)

NAICS	CONSTRUCTION	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
236	Construction of Buildings	1,822,597	921,180	743,625	-19.3%
237	Heavy and Civil Construction	204,312	98,712	88,653	-10.2%
238	Specialty Trade Contractors	1,007,202	447,472	540,155	20.7%
	TOTAL CONSTRUCTION	$ 3,034,111	$ 1,467,364	$ 1,372,433	*-6.5%*
	Overall Change from Previous Year			*$ (94,931)*	

NAICS	MANUFACTURING	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
311	Food Manufacturing	10,030	4,529	8,322	83.8%
312	Beverage and Tobacco Products	14,270	6,880	6,985	1.5%
313	Textile Mills	728	415	449	8.1%
314	Textile Product Mills	2,905	1,509	1,873	24.1%
315	Apparel Manufacturing	1,759	962	560	-41.7%
316	Leather and Allied Products	612	237	320	35.2%
321	Wood Product Manufacturing	21,166	7,057	16,494	133.7%
322	Paper Manufacturing	5,379	2,083	2,888	38.7%
323	Printing and Related Support	53,224	20,189	48,979	142.6%
324	Petroleum and Coal Products	15	5	5	6.2%
325	Chemical Manufacturing	14,340	5,071	6,549	29.1%
326	Plastics and Rubber Products	7,555	3,807	4,439	16.6%
327	Nonmetallic Mineral Products	18,959	8,551	8,520	-0.4%
331	Primary Metal Manufacturing	8,894	8,348	567	-93.2%
332	Fabricated Metal Product Manuf	38,660	14,789	23,665	60.0%
333	Machinery Manufacturing	17,222	9,789	10,059	2.8%
334	Computer and Electronic Product	15,944	10,008	19,168	91.5%
335	Electric Equipment, Appliances	1,074	592	2,432	311.0%
336	Transportation Equipment Man	219,977	50,688	289,292 c	470.7%
337	Furniture and Related Products	14,021	6,990	8,074	15.5%
339	Miscellaneous Manufacturing	34,746	14,341	24,383	70.0%
	TOTAL MANUFACTURING	$ 501,480	$ 176,838	$ 484,023	*173.7%*
	Overall Change from Previous Year			*$ 307,185*	

NAICS	TRANSPORTATION AND WAREHOUSING	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
481	Air Transportation	0	0	0	N/A
482	Rail Transportation	21,189	8,150	11,110	36.3%
483	Water Transportation	0	0	0	N/A
484	Truck Transportation	30,906	12,799	15,664	22.4%
485	Transit and Ground Passengers	2	0	114	N/A
488	Transportation Support	46,167	23,185	25,854	11.5%
491	Postal Service	736	405	410	1.3%
492	Couriers and Messengers	265,381	131,485	78,027	-40.7%
493	Warehousing and Storage	8,727	5,750	5,179	-9.9%
	TOTAL TRANSPORTATION	$ 373,108	$ 181,775	$ 136,358	*-25.0%*
	Overall Change from Previous Year			*$ (45,417)*	

NAICS	WHOLESALE TRADE	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
423	Wholesale Trade, Durable Goods	1,066,703	522,795	558,076 b	6.7%
424	Wholesale Trade, Nondurable	337,782	148,581	156,899	5.6%
425	Wholesale Electronic Markets	19,109	11,099	10,624	-4.3%
	TOTAL WHOLESALE	$ 1,423,595	$ 682,475	$ 725,599	*6.3%*
				$ 43,124	

NAICS	AUTOMOTIVE	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
441	Motor Vehicle and Parts Dealer	4,296,210	2,062,292	2,149,310	4.2%
447	Gasoline Stations	259,015	123,933	132,017	6.5%
	TOTAL AUTOMOTIVE	$ 4,555,224	$ 2,186,225	$ 2,281,327	*4.4%*
	Overall Change from Previous Year			*$ 95,102*	

NAICS	RETAIL TRADE	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
442	Furniture and Home Furnishings	290,161	142,223	122,821	-13.6%
443	Electronics and Appliances	343,833	161,230	190,052	17.9%
444	Building Material and Garden	802,678	377,933	369,628	-2.2%
445	Food and Beverage Stores	487,109	228,770	266,301	16.4%
446	Health and Personal Care Store	391,338	195,648	207,623	6.1%
448	Clothing and Accessories	1,122,519	541,691	561,704	3.7%
451	Sporting Goods, Hobby, Books	334,027	162,191	177,415	9.4%
452	General Merchandise Stores	916,949	476,664	463,044	-2.9%
453	Miscellaneous Store Retailers	1,493,818	741,050	780,751	5.4%
454	Nonstore Retailers	279,532	153,302	137,732	-10.2%
	TOTAL RETAIL TRADE	$ 6,461,966	$ 3,180,701	$ 3,277,070	*3.0%*
	Overall Change from Previous Year			*$ 96,369*	

NAICS	SERVICES	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
51*	Information	759,640	377,003	419,158	11.2%
52*	Finance and Insurance	157,662	79,057	83,003	5.0%
53*	Real Estate, Rental, Leasing	448,984	225,469	226,274	0.4%
541	Professional, Scientific, Tech	481,644 a	211,650	272,389	28.7%
551	Company Management	48	19	80	318.1%
56*	Admin. Supp., Remed Svcs	792,428	406,876	386,403	-5.0%
611	Educational Services	44,374	18,529	22,554	21.7%
62*	Health Care Social Assistance	99,456	54,247	66,781	23.1%
71*	Arts and Entertainment	74,095	19,617	35,208	79.5%
72*	Accommodation and Food Svcs	1,429,205	623,271	715,407	14.8%
81*	Other Services	632,779	297,358	387,180 d	30.2%
92*	Public Administration	3,918	1,483	996	-32.8%
	TOTAL SERVICES	$ 4,924,232	$ 2,314,579	$ 2,615,432	*13.0%*
	Overall Change from Previous Year			*$ 300,853*	

NAICS	MISCELLANEOUS	2021 Annual Total (Nov '20-Oct '21)	2021 YTD (Nov '20-Apr '21)	2022 YTD (Nov '21-Apr '22)	YTD % Diff
000	Unknown	0	0	0	N/A
111-115	Agriculture, Forestry, Fishing	7,443	4,488	5,105	13.7%
211-221	Mining & Utilities	37,007	16,447	8,684	-47.2%
999	Unclassifiable Establishments	365,056	147,494	160,683	8.9%
	TOTAL SERVICES	$ 409,506	$ 168,429	$ 174,471	*3.6%*
	Overall Change from Previous Year			*$ 6,042*	

GRAND TOTAL		$ 21,683,222	$ 10,358,386	$ 11,066,712	
	Overall Change from Previous Year			*$ 708,326*	*6.8%*

Total June 2022 Sales Tax Distributions	**$ 1,838,207**
Percent Change from June 2021	**1.3%**
Comparisons:	
June 2021	**$ 1,815,220**
June 2020	**$ 1,315,118**

Includes Adjustments in excess of +/- $10,000.

a. WA State Department of Revenue adjustment to sales tax returns for July 2021 Reporting (adjustment: $42,412).
b. WA State Department of Revenue adjustment to sales tax returns for January 2022 Reporting (adjustment: -$23,324).
c. WA State Department of Revenue adjustment to sales tax returns for January 2022 Reporting (adjustment: $223,728).
d. WA State Department of Revenue adjustment to sales tax returns for February 2022 Reporting (adjustment: $15,861).
e. WA State Department of Revenue adjustment to sales tax returns for May 2022 Reporting (adjustment: $15,726).

AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5679 (Council) (15 Minutes)

Date:
September 1, 2022

Department:
Council

Attachments:
Resolution No. 5679

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

Administrative Recommendation:

Background for Motion:

Background Summary:

Reviewed by Council Committees:

Councilmember: Jeyaraj
Staff: Council
Meeting Date: September 12, 2022
Item Number:

RESOLUTION NO. 5679

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AFFIRMING ITS SUPPORT OF COMPREHENSIVE REPRODUCTIVE HEALTHCARE, INCLUDING ABORTION, AND MARRIAGE EQUALITY; AND ITS SUPPORT OF PROTECTIONS THROUGH WASHINGTON STATE AND FEDERAL LEGISLATIVE ACTION

WHEREAS, in 1970, Washington State voters approved Referendum 20, which legalized abortion in Washington State; and

WHEREAS, on January 22, 1973, the U.S. Supreme Court ruled in Roe v. Wade that unduly restrictive state regulation of abortion is unconstitutional. The Court held that a set of Texas statutes criminalizing abortion in most instances violated a woman's constitutional right of privacy, which it found to be implicit in the liberty guarantee of the Due Process Clause of the Fourteenth Amendment, "…nor shall any state deprive any person of life, liberty, or property, without due process of law"; and

WHEREAS, in 1991, Washington State voter approved Initiative I-120, which declared a woman's right to choose physician-performed abortion prior to fetal viability and further expanded and protected access to reproductive healthcare in Washington State in the event Roe v. Wade were to be overturned; and

WHEREAS, on June 26, 2015, the U.S. Supreme Court ruled in Obergefell v. Hodges that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, comprehensive abortion care is included in the list of essential health care services published by the World Health Organization in 2020; and according to the

World Health Organization, "[l]ack of access to safe, affordable, timely and respectful abortion healthcare, and the stigma associated with abortion, pose risks to women's physical and mental well-being throughout the life-course. Inaccessibility of quality abortion healthcare risks violating a range of human rights of women and girls, including the right to life; the right to the highest attainable standard of physical and mental health; the right to benefit from scientific progress and its realization; the right to decide freely and responsibly on the number, spacing and timing of children; and the right to be free from torture, cruel, inhuman and degrading treatment and punishment;" and

WHEREAS, on June 9, 2022, Washington Engrossed House Bill 1851 went into effect, which states: "Although the abortion rights movement has historically centered on women in our advocacy, that must no longer be the case; and it is critical that we recognize that transgender, nonbinary, and gender expansive people also require abortion healthcare. Washington's law should reflect the most inclusive understanding of who needs reproductive healthcare and be updated with gender neutral language"; and

WHEREAS, on June 24, 2022, the Supreme Court of the United States struck down Roe v. Wade, holding that the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment do not apply to an individual's right to safe and legal abortions; and

WHEREAS, the U.S. Supreme Court's current interpretation of the 14th Amendment is also a threat to marriage equality; and

WHEREAS, Governor Jay Inslee has stated he continued to support an amendment to protect an individual's right to safe and legal abortion in the Washington State Constitution; and

WHEREAS, the City Council believes this new U.S. Supreme Court decision overturning Roe v. Wade may disproportionately impact people of color, people with disabilities, and those with low incomes, among others; and

WHEREAS, the City values and supports LGBTQIA+ community members and employees, and has demonstrated this through such actions as celebrating Pride Month in Auburn; and

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

Section 1. The City Council of the City of Auburn affirms its support of an individual's right to comprehensive, safe, and accessible reproductive healthcare, including abortion, and marriage equality.

Section 2. The City Council of the City of Auburn expresses its support of amendments to the Washington State and United States Constitutions to codify an individual's right to comprehensive, safe, and accessible reproductive healthcare, including abortion, and marriage equality.

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

Section 4. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed: ______________________

CITY OF AUBURN

____
NANCY BACKUS, MAYOR

ATTEST:

____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

____
Kendra Comeau, City Attorney

AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5682 (Backus/Comeau/Tate) (15 Minutes)

Date:
September 6, 2022

Department:
Mayor/Legal/Community Development

Attachments:
Resolution No. 5682
Participation Form
Allocation Agreement
MOU

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

Administrative Recommendation:

For discussion only.

Background for Motion:

Background Summary:

In 2019, the State of Washington and other local litigants filed a lawsuit against several opioid distributors (King County Superior Court case #19-2-06975-9KNT), alleging that actions and practices of the distributors have contributed to the opioid crisis currently facing the State and numerous Washington localities. The State and the distributors have settled the lawsuit for the total sum of $430,249,769.02. The settlement is known as the "Washington Distributor Settlement." The settlement terms allocate approximately half of the settlement amount to Washington cities under a 17 year payment agreement that starts after December 1, 2022. Cities must use funds received from the settlement to treat and prevent opioid addiction.

For the settlement agreement to become effective, the 37 counties that participated directly in the lawsuit and at least 90% of all Washington cities with populations of at least 10,000 must participate. Participating in the settlement requires the City to sign a participation form, an allocation agreement, and a memorandum of understanding. Together, these documents establish a formula and framework for the distribution of settlement funds to cities, and set forth the permissible uses of settlement funds. Signing these documents and participating in the settlement will bring much needed opioid treatment and prevention funds to the City. City staff recommends adoption.

Reviewed by Council Committees:

Councilmember: Mulenga
Staff: Backus/Comeau/Tate
Meeting Date: September 12, 2022
Item Number:

RESOLUTION NO. <u>5682</u>

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING (MOU) AND RELATED DOCUMENTS TO ENABLE THE CITY TO RECEIVE AN ALLOCATED SHARE OF FUNDS FROM THE WASHINGTON DISTRIBUTOR SETTLEMENT

WHEREAS, in 2019, the State of Washington and other local litigants filed a lawsuit against several opioid distributors (King County Superior Court case #19-2-06975-9KNT), alleging that actions and practices of the distributors have contributed to the opioid crisis currently facing the State and numerous Washington localities;

WHEREAS, the State and the distributors have settled the lawsuit for the total sum of $430,249,769.02. The settlement is known as the "Washington Distributor Settlement";

WHEREAS, the settlement terms allocate approximately ½ of the settlement total to Washington cities under a 17 year payment agreement that starts after December 1, 2022. Cities must use funds received from the settlement to treat and prevent opioid addiction;

WHEREAS, for the settlement agreement to become effective, the 37 counties that participated directly in the lawsuit and at least 90% of all Washington cities with populations of at least 10,000 must participate;

WHEREAS, participating in the settlement requires the City to do the following:

- sign a participation form (attached to this Resolution as Exhibit A), where the City indicates its willingness to participate in the settlement (the City must complete this step on or before September 23, 2022 to be eligible for settlement funds);

- sign an allocation agreement (attached to this Resolution as Exhibit B), where the City agrees to the settlement terms and releases any potential claims it has related to the lawsuit; and

- enter a memorandum of understanding (MOU) (attached to this Resolution as Exhibit C) with other Washington local governments providing that the settlement funds allocated to cities are first divided into "allocation regions" by county, then distributed to the cities through an opioid abatement council formed by the region's participating jurisdictions (Auburn's geography entitles it allocations within King and Pierce Counties);

and

WHEREAS, in light of the devastating effects of the opioid crisis on the City and the surrounding region, and the need for additional funding to support opioid treatment and prevention, the City desires to perform the above steps and to participate in the Washington Distributor Settlement.

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

Section 1. On behalf of the City of Auburn, the Mayor is authorized to sign the participation form, allocation agreement and memorandum of understanding attached as Exhibits A, B, and C to this Resolution, enabling the City's participation in the Washington Distributor Settlement

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

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

Dated and Signed this _____ day of _________, 2022.

CITY OF AUBURN

____

NANCY BACKUS
MAYOR

ATTEST:

____

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

____

Kendra Comeau, City Attorney

Exhibit F

<u>Subdivision Settlement Participation Form</u>

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated May 2, 2022 ("*Distributors Washington Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Distributors Washington Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributors Washington Settlement, including the Distributor Global Settlement Agreement dated July 21, 2021 ("*Global Settlement*") attached to the Distributors Washington Settlement as Exhibit H, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributors Washington Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of October 1, 2022 and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.

4. The Governmental Entity agrees to the terms of the Distributors Washington Settlement pertaining to Subdivisions as defined therein.

5. By agreeing to the terms of the Distributors Washington Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after December 1, 2022.

6. The Governmental Entity agrees to use any monies it receives through the Distributors Washington Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the Washington Consent Judgment Court for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributors Washington Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in the Distributors Washington Settlement.

8. The Governmental Entity has the right to enforce the Distributors Washington Settlement as provided therein.

9. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributors Washington Settlement, including, but not limited to, all provisions of Section XI of the Global Settlement, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributors Washington Settlement are intended by the Agreement Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributors Washington Settlement shall be a complete bar to any Released Claim.

10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributors Washington Settlement.

11. In connection with the releases provided for in the Distributors Washington Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the date the Distributors Washington Settlement becomes effective pursuant to Section II.B of the Distributors Washington Settlement, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributors Washington Settlement.

12. Nothing herein is intended to modify in any way the terms of the Distributors Washington Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is worded differently from Exhibit F to the Distributors Washington Settlement or interpreted differently from the Distributors Washington Settlement in any respect, the Distributors Washington Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

Signature: ______________________________

Name: _________________________________

Title: __________________________________

Date: __________________________________

ALLOCATION AGREEMENT GOVERNING THE ALLOCATION OF FUNDS PAID BY THE SETTLING OPIOID DISTRIBUTORS IN WASHINGTON STATE

AUGUST 8, 2022

This Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State (the "Allocation Agreement") governs the distribution of funds obtained from AmerisourceBergen Corporation, Cardinal Health, Inc., and McKesson Corporation (the "Settling Distributors") in connection with its resolution of any and all claims by the State of Washington and the counties, cities, and towns in Washington State ("Local Governments") against the Settling Distributors (the "Distributors Settlement"). The Distributors Settlement including any amendments are attached hereto as Exhibit 1.

1. This Allocation Agreement is intended to be a State-Subdivision Agreement as defined in Section I.VVV of the Global Settlement (the "Global Settlement"), which is Exhibit H of the Distributors Settlement. This Allocation Agreement shall be interpreted to be consistent with the requirements of a State-Subdivision Agreement in the Global Settlement.

2. This Allocation Agreement shall become effective only if all of the following occur:

   A. All Litigating Subdivisions in Washington and 90% of Non-Litigating Primary Subdivisions in Washington as the terms are used in Section II.C.1 of the Distributors Settlement must execute and return the Subdivision Settlement Participation Form, Exhibit F of the Distributors Settlement (the "Participation Form") by **September 23, 2022**. This form is also attached hereto as Exhibit 2.

   B. The Consent Judgment and Stipulation of Dismissal with Prejudice, Exhibit G of the Distributors Settlement, is filed and approved by the Court.

   C. The number of Local Governments that execute and return this Allocation Agreement satisfies the participation requirements for a State-Subdivision Agreement as specified in Exhibit O of the Global Settlement.

3. *Requirements to become a Participating Local Government*. To become a Participating Local Government that can participate in this Allocation Agreement, a Local Government must do all of the following:

   A. The Local Government must execute and return this Allocation Agreement.

   B. The Local Government must release their claims against the Settling Distributors and agree to by bound by the terms of the Distributors Settlement by timely executing and returning the Participation Form. This form is attached hereto as Exhibit 2.

C. Litigating Subdivisions must dismiss the Settling Distributors with prejudice from their lawsuits. The Litigating Subdivisions are listed on Exhibit B of the Distributors Settlement.

D. The Local Government must execute and return the One Washington Memorandum of Understanding Between Washington Municipalities ("MOU") agreed to by the Participating Local Governments in Washington State, which is attached hereto as Exhibit 3. As specified in Paragraph 10.A of this Allocation Agreement, the Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only.

A Local Government that meets all of the conditions in this paragraph shall be deemed a "Participating Local Government." Alternatively, if the requirements of Paragraphs 2(A), 2(B), and 2(C) of this Allocation Agreement are satisfied and this Allocation Agreement becomes effective, then all Local Governments that comply with Paragraph 3(B) of this Allocation Agreement shall be deemed a "Participating Local Government."

4. This Allocation Agreement applies to the Washington Abatement Amount as defined in Section IV.A of the Distributors Settlement. The maximum possible Washington Abatement Amount for the Distributors Settlement is $430,249,769.02. As specified in the Global Settlement, the Washington Abatement Amount varies dependent on the percentage of Primary Subdivisions that choose to become Participating Local Governments and whether there are any Later Litigating Subdivisions as defined in Section I.EE of the Global Settlement.

5. This Allocation Agreement does not apply to the Washington Fees and Costs as defined in Section V of the Distributors Settlement. After satisfying its obligations to its outside counsel for attorneys' fees and costs, the State estimates that it will receive approximately $46 million for its own attorneys' fees and costs pursuant to Section V.B.1 of the Distributors Settlement. The State shall utilize any and all amounts it receives for its own attorneys' fees and costs pursuant to Section V.B.1 of the Distributors Settlement to provide statewide programs and services for Opioid Remediation as defined in Section I.SS of the Global Settlement.

6. While this Allocation Agreement does not apply to the Washington Fees and Costs as defined in Section V of the Distributors Settlement, Section V.B.2 of the Distributors Settlement estimates that the Settling Distributors shall pay $10,920,914.70 to Participating Litigating Subdivisions' attorneys for fees and costs. The actual amount may be greater or less. This Allocation Agreement and the MOU are a State Back-Stop Agreement. The total contingent fees an attorney receives from the Contingency Fee Fund pursuant to Section II. D in Exhibit R the Global Settlement, the MOU, and this Allocation Agreement combined cannot exceed 15% of the portion of the LG Share paid to the Litigating Local Government that retained that firm (i.e., if City X filed suit with outside counsel

on a contingency fee contract and City X receives $1,000,000 from the Distributors Settlement, then the maximum that the firm can receive is $150,000 for fees.)

7. No portion of the Washington Fees and Costs as defined in Section V of the Distributors Settlement and/or the State Share as defined in Paragraph 8.A of this Allocation Agreement shall be used to fund the Government Fee Fund ("GFF") referred to in Paragraph 10 of this Allocation Agreement and Section D of the MOU, or in any other way to fund any Participating Local Government's attorneys' fees, costs, or common benefit tax other than the aforementioned payment by the Settling Distributors to Participating Litigating Subdivisions' attorneys for fees and costs in Section V.B.2 of the Distributors Settlement.

8. The Washington Abatement Amount shall and must be used by the State and Participating Local Governments for Opioid Remediation as defined in Section I.SS of the Global Settlement, except as allowed by Section V of the Global Settlement. Exhibit 4 is a non-exhaustive list of expenditures that qualify as Opioid Remediation. Further, the Washington Abatement Amount shall and must be used by the State and Participating Local Governments as provided for in the Distributors Settlement.

9. The State and the Participating Local Governments agree to divide the Washington Abatement Amount as follows:

   A. Fifty percent (50%) to the State of Washington ("State Share").

   B. Fifty percent (50%) to the Participating Local Governments ("LG Share").

10. The LG Share shall be distributed pursuant to the MOU attached hereto as Exhibit 3 as amended and modified in this Allocation Agreement.

11. For purposes of this Allocation Agreement only, the MOU is modified as follows and any contrary provisions in the MOU are struck:

   A. The MOU is amended to add new Section E.6, which provides as follows:

> A Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only. If a Local Governments executes the MOU for purposes of this Allocation Agreement only, then the MOU will only bind such Local Government and be effective with respect to this Allocation Agreement and the Distributors Settlement, and not any other Settlement as that term is defined in Section A.14 of the MOU. To execute the MOU for purposes of this Allocation Agreement only, the Local Government may either (a) check the applicable box on its signature page of this Allocation Agreement that is returned or (b) add language below its signature lines in the MOU that is returned indicating that the Local Government is executing or has

executed the MOU only for purposes of the Allocation Agreement Governing the Allocation of Funds Paid by the Settling Opioid Distributors in Washington State.

B. Exhibit A of the MOU is replaced by Exhibit E of the Global Settlement, which is attached as Exhibit 4 to this Agreement.

C. The definition of "Litigating Local Governments" in Section A.4 of the MOU shall mean Local Governments that filed suit against one or more of the Settling Defendants prior to May 3, 2022. The Litigating Local Governments are listed on Exhibit B of the Distributors Settlement, and are referred to as Litigating Subdivisions in the Distributors Settlement.

D. The definition of "National Settlement Agreement" in Section A.6 of the MOU shall mean the Global Settlement.

E. The definition of "Settlement" in Section A.14 of the MOU shall mean the Distributors Settlement.

F. The MOU is amended to add new Section C.4.g.vii, which provides as follows:

> "If a Participating Local Government receiving a direct payment (a) uses Opioid Funds other than as provided for in the Distributors Settlement, (b) does not comply with conditions for receiving direct payments under the MOU, or (c) does not promptly submit necessary reporting and compliance information to its Regional Opioid Abatement Counsel ("Regional OAC") as defined at Section C.4.h of the MOU, then the Regional OAC may suspend direct payments to the Participating Local Government after notice, an opportunity to cure, and sufficient due process. If direct payments to Participating Local Government are suspended, the payments shall be treated as if the Participating Local Government is foregoing their allocation of Opioid Funds pursuant to Section C.4.d and C.4.j.iii of the MOU. In the event of a suspension, the Regional OAC shall give prompt notice to the suspended Participating Local Government and the Settlement Fund Administrator specifying the reasons for the suspension, the process for reinstatement, the factors that will be considered for reinstatement, and the due process that will be provided. A suspended Participating Local Government may apply to the Regional OAC to be reinstated for direct payments no earlier than five years after the suspension."

G. Consistent with how attorney fee funds for outside counsel for Participating Local Subdivisions are being administered in most states across the country, the Government Fee Fund ("GFF") set forth in the

MOU shall be overseen by the MDL Fee Panel (David R. Cohen, Randi S. Ellis and Hon. David R. Herndon (ret.)). The Fee Panel will preside over allocation and disbursement of attorney's fees in a manner consistent with the *Motion to Appoint the Fee Panel to Allocate and Disburse Attorney's Fees Provided for in State Back-Stop Agreements* and the *Order Appointing the Fee Panel to Allocate and Disburse Attorney's Fees Provided for in State Back-Stop Agreements*, Case No. 1:17-md-02804-DAP Doc #: 4543 (June 17, 2022).

H. The GFF set forth in the MOU shall be funded by the LG Share of the Washington Abatement Amount only. To the extent the common benefit tax is not already payable by the Settling Distributors as contemplated by Section D.8 of the MOU, the GFF shall be used to pay Litigating Local Government contingency fee agreements and any common benefit tax referred to in Section D of the MOU, which shall be paid on a pro rata basis to eligible law firms as determined by the Fee Panel.

I. To fund the GFF, fifteen percent (15%) of the LG Share shall be deposited in the GFF from each LG Share settlement payment until the Litigating Subdivisions contingency fee agreements and common benefit tax (if any) referred to in Section D of the MOU are satisfied. Under no circumstances will any Non-Litigating Primary Subdivision or Litigating Local Government be required to contribute to the GFF more than 15% of the portion of the LG Share allocated to such Non-Litigating Primary Subdivision or Litigating Local Government. In addition, under no circumstances will any portion of the LG Share allocated to a Litigating Local Government be used to pay the contingency fees or litigation expenses of counsel for some other Litigating Local Government.

J. The maximum amount of any Litigating Local Government contingency fee agreement (from the Contingency Fee Fund pursuant to Section II. D in Exhibit R the Global Settlement) payable to a law firm permitted for compensation shall be fifteen percent (15%) of the portion of the LG Share paid to the Litigating Local Government that retained that firm (i.e., if City X filed suit with outside counsel on a contingency fee contract and City X receives $1,000,000 from the Distributors Settlement, then the maximum that the firm can receive is $150,000 for fees.) The firms also shall be paid documented expenses due under their contingency fee agreements that have been paid by the law firm attributable to that Litigating Local Government. Consistent with the Distributors Settlement and Exhibit R of the Global Settlement, amounts due to Participating Litigating Subdivisions' attorneys under this Allocation Agreement shall not impact (i) costs paid by the subdivisions to their attorneys pursuant to a State Back-Stop agreement, (ii) fees paid to subdivision attorneys from the Common Benefit Fund for common benefit work performed by the attorneys pursuant to Section II.C of Exhibit R of the Global Settlement, or (iii) costs paid to subdivision attorneys from the MDL Expense Fund for expenses incurred by the attorneys pursuant to Section II.E of the Global Settlement.

K. Under no circumstances may counsel receive more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government. To the extent a law firm was retained by a Litigating Local Government on a contingency fee agreement that provides for compensation at a rate that is less than fifteen percent (15%) of that Litigating Local Government's recovery, the maximum amount payable to that law firm referred to in Section D.3 of the MOU shall be the percentage set forth in that contingency fee agreement.

L. For the avoidance of doubt, both payments from the GFF and the payment to the Participating Litigating Local Governments' attorneys for fees and costs referred to in Paragraph 6 of this Allocation Agreement and Section V.B.2 Distributors Settlement shall be included when calculating whether the aforementioned fifteen percent (15%) maximum percentage (or less if the provisions of Paragraph 10.K of this Allocation Agreement apply) of any Litigating Local Government contingency fee agreement referred to above has been met.

M. To the extent there are any excess funds in the GFF, the Fee Panel and the Settlement Administrator shall facilitate the return of those funds to the Participating Local Governments as provided for in Section D.6 of the MOU.

12. In connection with the execution and administration of this Allocation Agreement, the State and the Participating Local Governments agree to abide by the Public Records Act, RCW 42.56 *eq seq.*

13. All Participating Local Governments, Regional OACs, and the State shall maintain all non-transitory records related to this Allocation Agreement as well as the receipt and expenditure of the funds from the Distributors Settlement for no less than five (5) years.

14. If any party to this Allocation Agreement believes that a Participating Local Government, Regional OAC, the State, an entity, or individual involved in the receipt, distribution, or administration of the funds from the Distributors Settlement has violated any applicable ethics codes or rules, a complaint shall be lodged with the appropriate forum for handling such matters, with a copy of the complaint promptly sent to the Washington Attorney General, Complex Litigation Division, Division Chief, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104.

15. To the extent (i) a region utilizes a pre-existing regional body to establish its Opioid Abatement Council pursuant to the Section 4.h of the MOU, and (ii) that

pre-existing regional body is subject to the requirements of the Community Behavioral Health Services Act, RCW 71.24 *et seq.*, the State and the Participating Local Governments agree that the Opioid Funds paid by the Settling Distributors are subject to the requirements of the MOU and this Allocation Agreement.

16. Upon request by the Settling Distributors, the Participating Local Governments must comply with the Tax Cooperation and Reporting provisions of the Distributors Settlement and the Global Settlement.

17. Venue for any legal action related to this Allocation Agreement (separate and apart from the MOU, the Distributors Settlement, or the Global Settlement) shall be in King County, Washington.

18. Each party represents that all procedures necessary to authorize such party's execution of this Allocation Agreement have been performed and that such person signing for such party has been authorized to execute this Allocation Agreement.

FOR THE STATE OF WASHINGTON:

ROBERT W. FERGUSON
Attorney General

____
JEFFREY G. RUPERT
Division Chief

Date: ______________________________

FOR THE PARTICIPATING LOCAL GOVERNMENT:

Name of Participating Local Government: ____

Authorized signature: ____

Name: ____

Title: ____

Date: ____

A Local Government may elect in its discretion to execute the MOU for purposes of this Allocation Agreement only by checking this box (see Paragraph 10.A of this Allocation Agreement):

☐ Local Government is executing the MOU in the form attached hereto as Exhibit 3, but which is further amended and modified as set forth in this Allocation Agreement, <u>only for purposes of this Allocation Agreement</u>.

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. "Allocation Regions" are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.

2. "Approved Purpose(s)" shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.

3. "Effective Date" shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.

4. "Litigating Local Government(s)" shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. “Trustee” shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The “Washington State Accountable Communities of Health” or “ACH” shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the “County Total” line item in Exhibit B. In the event any county does not participate in this MOU, that county’s percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, Lewis, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

i. Developing a methodology for obtaining proposals for use of Opioid Funds.

ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.

iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.

iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.

v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.

vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.

iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:

(i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
(ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
(iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.

iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.

v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.

vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.

vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq*. Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq*.

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund ("GFF") shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the "Opioid Fee and Expense Committee") consisting of one representative of the following law firms: (a) Keller Rohrback L.LP.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments' private counsel's representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit "tax" imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP ("Common Benefit Tax"). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments' private counsel's representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act, C.R.S. §§ 24-71.3-101, *et seq*. The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of ___________________, 2022 by:

____

Name & Title ___________________________________

On behalf of ____________________________________

EXHIBIT A

O P I O I D   A B A T E M E N T   S T R A T E G I E S

PART ONE: TREATMENT

A. <u>TREAT OPIOID USE DISORDER (OUD)</u>

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:

    a. Medication-Assisted Treatment (MAT);

    b. Abstinence-based treatment;

    c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;

    d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or

    e. Evidence-informed residential services programs, as noted below.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.

5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.

6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.

8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. <u>SUPPORT PEOPLE IN TREATMENT AND RECOVERY</u>

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.

2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.

4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.

9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.

10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

C. <u>CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)</u>

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.

7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.

8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.

10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.

11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

12. Develop and support best practices on addressing OUD in the workplace.

13. Support assistance programs for health care providers with OUD.

14. Engage non-profits and the faith community as a system to support outreach for treatment.

15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:

    a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

    b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

    c. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

    d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;

    e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;

    f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or

    g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.

4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.

6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. <u>PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS</u>

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

   a. Increase the number of prescribers using PDMPs;

   b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or

   c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.

6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:

   a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Corrective advertising or affirmative public education campaigns based on evidence.

2. Public education relating to drug disposal.

3. Drug take-back disposal or destruction programs.

4. Fund community anti-drug coalitions that engage in drug prevention efforts.

5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

6. Engage non-profits and faith-based communities as systems to support prevention.

7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.

2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.

4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.

2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.

2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

EXHIBIT B

County	Local Government	% Allocation
Adams County		
	Adams County	0.1638732475%
	Hatton	
	Lind	
	Othello	
	Ritzville	
	Washtucna	
	County Total:	0.1638732475%
Asotin County		
	Asotin County	0.4694498386%
	Asotin	
	Clarkston	
	County Total:	0.4694498386%
Benton County		
	Benton County	1.4848831892%
	Benton City	
	Kennewick	0.5415650564%
	Prosser	
	Richland	0.4756779517%
	West Richland	0.0459360490%
	County Total:	2.5480622463%
Chelan County		
	Chelan County	0.7434914485%
	Cashmere	
	Chelan	
	Entiat	
	Leavenworth	
	Wenatchee	0.2968333494%
	County Total:	1.0403247979%
Clallam County		
	Clallam County	1.3076983401%
	Forks	
	Port Angeles	0.4598370527%
	Sequim	
	County Total:	1.7675353928%

EXHIBIT B

County	Local Government	% Allocation
Clark County		
	Clark County	4.5149775326%
	Battle Ground	0.1384729857%
	Camas	0.2691592724%
	La Center	
	Ridgefield	
	Vancouver	1.7306605325%
	Washougal	0.1279328220%
	Woodland***	
	Yacolt	
	County Total:	6.7812031452%
Columbia County		
	Columbia County	0.0561699537%
	Dayton	
	Starbuck	
	County Total:	0.0561699537%
Cowlitz County		
	Cowlitz County	1.7226945990%
	Castle Rock	
	Kalama	
	Kelso	0.1331145270%
	Longview	0.6162736905%
	Woodland***	
	County Total:	2.4720828165%
Douglas County		
	Douglas County	0.3932175175%
	Bridgeport	
	Coulee Dam***	
	East Wenatchee	0.0799810865%
	Mansfield	
	Rock Island	
	Waterville	
	County Total:	0.4731986040%
Ferry County		
	Ferry County	0.1153487994%
	Republic	
	County Total:	0.1153487994%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Franklin County		
	Franklin County	0.3361237144%
	Connell	
	Kahlotus	
	Mesa	
	Pasco	0.4278056066%
	County Total:	0.7639293210%
Garfield County		
	Garfield County	0.0321982209%
	Pomeroy	
	County Total:	0.0321982209%
Grant County		
	Grant County	0.9932572167%
	Coulee City	
	Coulee Dam***	
	Electric City	
	Ephrata	
	George	
	Grand Coulee	
	Hartline	
	Krupp	
	Mattawa	
	Moses Lake	0.2078293909%
	Quincy	
	Royal City	
	Soap Lake	
	Warden	
	Wilson Creek	
	County Total:	1.2010866076%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Grays Harbor County		
	Grays Harbor County	0.9992429138%
	Aberdeen	0.2491525333%
	Cosmopolis	
	Elma	
	Hoquiam	
	McCleary	
	Montesano	
	Oakville	
	Ocean Shores	
	Westport	
	County Total:	1.2483954471%
Island County		
	Island County	0.6820422610%
	Coupeville	
	Langley	
	Oak Harbor	0.2511550431%
	County Total:	0.9331973041%
Jefferson County		
	Jefferson County	0.4417137380%
	Port Townsend	
	County Total:	0.4417137380%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
King County		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Kitsap County		
	Kitsap County	2.6294133668%
	Bainbridge Island	0.1364686014%
	Bremerton	0.6193374389%
	Port Orchard	0.1009497162%
	Poulsbo	0.0773748246%
	County Total:	3.5635439479%
Kittitas County		
	Kittitas County	0.3855704683%
	Cle Elum	
	Ellensburg	0.0955824915%
	Kittitas	
	Roslyn	
	South Cle Elum	
	County Total:	0.4811529598%
Klickitat County		
	Klickitat County	0.2211673457%
	Bingen	
	Goldendale	
	White Salmon	
	County Total:	0.2211673457%
Lewis County		
	Lewis County	1.0777377479%
	Centralia	0.1909990353%
	Chehalis	
	Morton	
	Mossyrock	
	Napavine	
	Pe Ell	
	Toledo	
	Vader	
	Winlock	
	County Total:	1.2687367832%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Lincoln County		
	Lincoln County	0.1712669645%
	Almira	
	Creston	
	Davenport	
	Harrington	
	Odessa	
	Reardan	
	Sprague	
	Wilbur	
	County Total:	0.1712669645%
Mason County		
	Mason County	0.8089918012%
	Shelton	0.1239179888%
	County Total:	0.9329097900%
Okanogan County		
	Okanogan County	0.6145043345%
	Brewster	
	Conconully	
	Coulee Dam***	
	Elmer City	
	Nespelem	
	Okanogan	
	Omak	
	Oroville	
	Pateros	
	Riverside	
	Tonasket	
	Twisp	
	Winthrop	
	County Total:	0.6145043345%
Pacific County		
	Pacific County	0.4895416466%
	Ilwaco	
	Long Beach	
	Raymond	
	South Bend	
	County Total:	0.4895416466%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Pend Oreille County		
	Pend Oreille County	0.2566374940%
	Cusick	
	Ione	
	Metaline	
	Metaline Falls	
	Newport	
	County Total:	0.2566374940%
Pierce County		
	Pierce County	7.2310164020%
	Auburn***	0.0628522112%
	Bonney Lake	0.1190773864%
	Buckley	
	Carbonado	
	DuPont	
	Eatonville	
	Edgewood	0.0048016791%
	Enumclaw***	0.0000000000%
	Fife	0.1955185481%
	Fircrest	
	Gig Harbor	0.0859963345%
	Lakewood	0.5253640894%
	Milton***	
	Orting	
	Pacific***	
	Puyallup	0.3845704814%
	Roy	
	Ruston	
	South Prairie	
	Steilacoom	
	Sumner	0.1083157569%
	Tacoma	3.2816374617%
	University Place	0.0353733363%
	Wilkeson	
	County Total:	12.0345236870%
San Juan County		
	San Juan County	0.2101495171%
	Friday Harbor	
	County Total:	0.2101495171%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Skagit County		
	Skagit County	1.0526023961%
	Anacortes	0.1774962906%
	Burlington	0.1146861661%
	Concrete	
	Hamilton	
	La Conner	
	Lyman	
	Mount Vernon	0.2801063665%
	Sedro-Woolley	0.0661146351%
	County Total:	1.6910058544%
Skamania County		
	Skamania County	0.1631931925%
	North Bonneville	
	Stevenson	
	County Total:	0.1631931925%
Snohomish County		
	Snohomish County	6.9054415622%
	Arlington	0.2620524080%
	Bothell***	0.2654558588%
	Brier	
	Darrington	
	Edmonds	0.3058936009%
	Everett	1.9258363241%
	Gold Bar	
	Granite Falls	
	Index	
	Lake Stevens	0.1385202891%
	Lynnwood	0.7704629214%
	Marysville	0.3945067827%
	Mill Creek	0.1227939546%
	Monroe	0.1771621898%
	Mountlake Terrace	0.2108935805%
	Mukilteo	0.2561790702%
	Snohomish	0.0861097964%
	Stanwood	
	Sultan	
	Woodway	
	County Total:	11.8213083387%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Spokane County		
	Spokane County	5.5623859292%
	Airway Heights	
	Cheney	0.1238454349%
	Deer Park	
	Fairfield	
	Latah	
	Liberty Lake	0.0389636519%
	Medical Lake	
	Millwood	
	Rockford	
	Spangle	
	Spokane	3.0872078287%
	Spokane Valley	0.0684217500%
	Waverly	
	County Total:	8.8808245947%
Stevens County		
	Stevens County	0.7479240179%
	Chewelah	
	Colville	
	Kettle Falls	
	Marcus	
	Northport	
	Springdale	
	County Total:	0.7479240179%
Thurston County		
	Thurston County	2.3258492094%
	Bucoda	
	Lacey	0.2348627221%
	Olympia	0.6039423385%
	Rainier	
	Tenino	
	Tumwater	0.2065982350%
	Yelm	
	County Total:	3.3712525050%
Wahkiakum County		
	Wahkiakum County	0.0596582197%
	Cathlamet	
	County Total:	0.0596582197%

EXHIBIT B

County	Local Government	% Allocation
Walla Walla County		
	Walla Walla County	0.5543870294%
	College Place	
	Prescott	
	Waitsburg	
	Walla Walla	0.3140768654%
	County Total:	0.8684638948%
Whatcom County		
	Whatcom County	1.3452637306%
	Bellingham	0.8978614577%
	Blaine	
	Everson	
	Ferndale	0.0646101891%
	Lynden	0.0827115612%
	Nooksack	
	Sumas	
	County Total:	2.3904469386%
Whitman County		
	Whitman County	0.2626805837%
	Albion	
	Colfax	
	Colton	
	Endicott	
	Farmington	
	Garfield	
	LaCrosse	
	Lamont	
	Malden	
	Oakesdale	
	Palouse	
	Pullman	0.2214837491%
	Rosalia	
	St. John	
	Tekoa	
	Uniontown	
	County Total:	0.4841643328%

*** - Local Government appears in multiple counties

EXHIBIT B

County	Local Government	% Allocation
Yakima County		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%

*** - Local Government appears in multiple counties

Exhibit C

KING COUNTY REGIONAL AGREEMENT

King County intends to explore coordination with its cities and towns to facilitate a Regional Agreement for Opioid Fund allocation. Should some cities and towns choose not to participate in a Regional Agreement, this shall not preclude coordinated allocation for programs and services between the County and those cities and towns who elect to pursue a Regional Agreement. As contemplated in C.5 of the MOU, any Regional Agreement shall comply with the terms of the MOU and any Settlement. If no Regional Agreement is achieved, the default methodology for allocation in C.4 of the MOU shall apply.

AGENDA BILL APPROVAL FORM

Agenda Subject:
Capital Projects Status Report and Feature Project (Gaub) (15 Minutes)

Date:
September 1, 2022

Department:
Public Works

Attachments:
Capital Projects Status Report

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

Administrative Recommendation:

For discussion only.

Background for Motion:

Background Summary:

The purpose of this discussion is to inform the Council and Public of the overall status of the City's Capital Project program managed by the Engineering Services Division and to present the 2022 third quarter feature capital projects, the Auburn Way South Southside Sidewalk project (Project No. CP2129) and the Riverwalk Drive SE Non-Motorized Improvements project (Project No. CP2121). These Projects will construct sidewalks to fill sidewalk gaps on the south side of SR164 from 17th Street SE to Muckleshoot Plaza and on the east side of Riverwalk Drive SE between SR164 and Howard Road SE. Construction of these projects is anticipated to start in late Spring or early Summer of 2023.

The Capital Project Group of Engineering Services is currently managing 39 projects, totaling approximately $71 million in total project costs. Of these projects, 20 are in design and 19 are under construction.

Reviewed by Council Committees:

Councilmember: Stearns
Staff: Gaub
Meeting Date: September 12, 2022
Item Number:

Capital Project Status Report

Public Works Department - Engineering General Services Division

Construction Projects

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP1916	**Academy Pump Station 1 Replacement** This project demolishes and replaces Pump Station 1, repurposes Pump Station 2 into a storage facility, replaces backup power systems at the site, and replaces/installs underground water main to the facility.	$4,352,479	QTR 2 (APR-JUN) 21	QTR 3 (JUL-SEP) 22	Jeffrey Bender	The construction contract has been suspended for the coordination of power service from PSE. It is anticipated that the work will resume in September 2022. Coordination with PSE for new power service is underway.	Carollo	McClure & Sons, Inc.
CP1927	**Auburn Way N and 1st Street NE Signal Replacement** This project will replace the existing traffic signal at Auburn Way North and 1st Street NE with a new traffic signal per the City of Auburn standards and the Downtown standards. The project also includes adding left turn pocket on 1st Street NE and flashing yellow arrows in all four directions.	$1,606,514	QTR 3 (JUL-SEP) 21	QTR 3 (JUL-SEP) 22	Aleksey Koshman	The contract has been suspended awaiting Puget Sound Energy to install the new power service for the new traffic signal. It is anticipated that construction will continue in September 2022.	N/A	RW Scott Construction

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP1922	**Lead Service Line Replacement Project** The purpose of this project is to provide improvements to the City's water distribution system, and avoid any potential public health issues associated with existing lead gooseneck service line infrastructure. The project will replace approximately 7,100 linear feet of water main, approximately 190 water services, potentially reconstruct 13 street segments and upgrade associated drainage, curb & gutter, curb ramps; as well as grind and overlay 4 street segments.	$7,697,532	QTR 4 (OCT-DEC) 21	QTR 3 (JUL-SEP) 22	Matt Larson	Substantial completion was granted on August 10, 2022. The contractor is completing punchlist items.	MurraySmith	Pivetta Brothers Construction

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2003	**2nd Street SE Preservation Project** This project will reconstruct the pavement on 2nd Street SE between A Street SE and Auburn Way S. The project will also replace 450 feet of sewer main, construct new curb ramps, install new LED Street lighting, replace curb & gutter as needed, and upgrade drainage infrastructure as needed.	$1,401,927 (Includes State Grant Funds)	QTR 2 (APR-JUN) 22	QTR 4 (OCT-DEC) 22	Seth Wickstrom	2nd St SE from A Street SE to Auburn Way South is open to local traffic. It is anticipated that 2nd Street will be completely open to all traffic in mid-September. Joint utility trench work and new sidewalk work are ongoing.	N/A	Ceccanti, Inc.

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2010	**2021 Sewer Repair and Replacement Project** This project plans to replace a total of approximately 2585 LF of 8"-10" diameter sewer line at 9 separate sites and construct 10 spot repairs.	$2,400,000	QTR 2 (APR-JUN) 21	QTR 3 (JUL-SEP) 22	Matt Larson	Contractor is currently working at Site #12 (Alley between 3rd St SW and 4th St SW) and Site #2 (N Street NE).	N/A	Nordvind Company

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2017	**2021 Storm Renewal and Replacement Project** The purpose of this project is to repair and replace storm system infrastructure throughout the City, at eight different locations. Improvements will eliminate known drainage issues and reduce maintenance efforts.	$1,100,000	QTR 3 (JUL-SEP) 21	QTR 3 (JUL-SEP) 22	Matt Larson	The contractor has completed installation of the inline check valve at Site #7. The project has been suspended for the procurement of the fencing materials associated with Site #8. It is anticipated that the work will resume and be completed in September 2022.	N/A	Northwest Cascade
CP2019	**2021 Local Street Reconstruction and Preservation** This project will design and construct the following improvements: Site #1 (G St SE from E Main to 4th St SE) - Full depth pavement re-build; replace water main incl. water services; upgrade storm drainage system as needed; and upgrade curb ramps to meet ADA. Site #2 (Riverwalk/Forest Ridge) - Grind and overlay the roadway; replace water main incl. water services; upgrade storm drainage system on 24th Ave/St. SE; and upgrade curb ramps to meet ADA.	$5,660,000	QTR 2 (APR-JUN) 21	QTR 3 (JUL-SEP) 22	Kim Truong	Contractor is working on punchlist items, which is anticipated to be completed by the middle of September.	Jacobs Engineering	Tucci & Sons
CP2007	**Lea Hill Rd Bridge Deck Preservation** The project will grind and overlay the Lea Hill bridge deck in an effort to extend the overall service life of the bridge.	$980,642 (Includes Federal Grant Funds)	QTR 1 (JAN-MAR) 22	QTR 2 (APR-JUN) 22	Kim Truong	Work at this site was completed on May 20, 2022. This project is combined with CP2006 for construction.	KPFF	Combined Construction

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2006	**3rd Street SW Bridge Decks Preservation** The project will seal and overlay the 3rd Street SW bridge decks in an effort to extend the overall service life of the bridges.	$588,935 (Includes Federal Grant Funds)	QTR 1 (JAN-MAR) 22	QTR 3 (JUL-SEP) 22	Kim Truong	The City is performing a final inspection to determine if the bridge deck seal coat is acceptable and preparing a final punchlist for project completion. This project is combined with CP2007 for construction.	KPFF	Combined Construction
CP2102	**4th Street SE Preservation** This Project will replace pavement and utilities on 4th Street SE from Auburn Way South to L Street SE. The project will also include replacement of City utilities, removal of sidewalk obstructions, replacement of sidewalk and curb ramps as needed to address ADA requirements, street lighting, and other improvements.	$5,970,835	QTR 1 (JAN-MAR) 22	QTR 4 (OCT-DEC) 22	Jeffrey Bender	The contractor is currently working between F Street SE and M Street SE. 4th St SE from F St SE to M St SE is closed to through traffic until October 2022. The contactor is currently working on installing the new sewer main and service. Access to residences and businesses is maintained during the closure.	HDR	Reed Excavating and Trucking
CP2112	**High Friction Surface Treatment** The project will install high friction surface treatment (HFST) at six different curved roadway segments throughout the City. The HFST involves the application of fine/rough aggregate to the pavement using a polymer binder to increase pavement friction. The higher pavement friction helps motorists maintain better control in both dry and wet driving conditions.	$734,200 (Includes Federal Grant Funds)	QTR 3 (JUL-SEP) 22	QTR 4 (OCT-DEC) 22	Aleksey Koshman	The construction contract is currently in suspension to allow the new asphalt pavement to cure prior to installing high friction surface treatment.	N/A	American Civil Constructors West Coast

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2119	**Arterial Pedestrian and Bike Safety Project** This project will improve pedestrian safety and accessibility by replacing curbs ramps to meet ADA, installing Rectangular Rapid Flashing Beacon, infill gaps in the sidewalk and storm improvements.	$340,000 (Includes State Grant Funds)	QTR 2 (APR-JUN) 22	QTR 4 (OCT-DEC) 22	Aleksey Koshman	The construction contract has been suspended for procurement of long lead items. Construction is set to resume on November 14, 2022.	N/A	CCT Construction
CP2115	**Deduct Meter Replacement, Phase 3** This project will replace the remaining deduct meters (approximately 68) within the City limits, including replacing related piping and restoration.	$729,154	QTR 1 (JAN-MAR) 22	QTR 3 (JUL-SEP) 22	Jeffrey Bender	Construction activities are underway. The contractor has completed the installation of services at all sites. Restoration at various sites is underway.	N/A	Nordvind Company
CP2118	**North Airport Stormwater Improvements Phase 2** Eliminate an existing surface pond at the Auburn Municipal Airport. Removing this pond will eliminate the existing bird netting and vegetation management issues.	$1,670,000	QTR 3 (JUL-SEP) 22	QTR 4 (OCT-DEC) 22	Seth Wickstrom	Notice to proceed with construction was issued on August 22, 2022. Contractor is currently importing material to fill-in the existing storm pond.	PACE	Hcon Incorporated
CP2120	**Auburn Way Pavement Patching** The Auburn Way Pavement Patch project will grind and overlay asphalt to meet the City of Auburn standards at locations where previous temporary patching has been completed by the City water department.	$150,000	QTR 1 (JAN-MAR) 22	QTR 3 (JUL-SEP) 22	Jeffrey Bender	This project has been combined with CP2115. See CP2115 for recent progress.	N/A	Nordvind Company

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP1612	**Auburn Arts & Culture Center - Fire Suppression Connection** This project will supply water to the fire suppression system that will be constructed as part of the Auburn Arts and Culture Center Renovation project. A supply line will be extended from the 8” water main under the west bound lanes of 1st Street NE to the Fire Department Connection near the NW corner of the Arts and Culture Center building, located at 20 Auburn Ave.	$262,220	QTR 3 (JUL-SEP) 22	QTR 3 (JUL-SEP) 22	Matt Larson	Contractor is currently installing the fire suppression line. This work requires a full closure of 1st Street NE between Auburn Ave and B Street NE. It is anticipated that 1st Street NE will be opened to traffic in mid-September.	N/A	Nordvind Company
CP2131	**2022 Sidewalk and ADA Improvements** The purpose of this project is to improve pedestrian accessibility and safety throughout the City. The project includes numerous sites throughout the City where curb ramps are missing or need to be improved, where sidewalks are in need of repair or improvement, and where pedestrian crosswalk improvements are desired.	$335,000 (Includes Federal Grant Funds)	QTR 2 (APR-JUN) 22	QTR 3 (JUL-SEP) 22	Kim Truong	The concrete work has been completed at Site 1-6, and 8-9. Contractor is currently working at Site 7.	N/A	Reign City Services
MS2115	**2022 Channelization Project** This project will restore thermoplastic pavement markings (i.e. crosswalks, stop lines, arrows and legends) and refresh paint striping at various locations across the City.	$370,000	QTR 3 (JUL-SEP) 22	QTR 3 (JUL-SEP) 22	Aleksey Koshman	Processing final pay.	N/A	Specialized Pavement Marking

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2208	**124th Ave SE Improvements** The project will install two school zone signs with flashing beacons on 124th Ave SE near the intersection of SE 290th Pl to Mountain View High School. Curbing and signage will also be installed to restrict left turns from the Mountain View Hight School driveway to southbound 124th Ave SE. This project is a collaboration with the Auburn School District.	$167,000	QTR 3 (JUL-SEP) 22	QTR 3 (JUL-SEP) 22	Kim Truong	Contractor is currently working on striping and installing traffic signs. Construction is anticipated to be completed by Sept. 2nd.	N/A	Transportation Systems

Design Projects

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP1603	**Coal Creek Springs Transmission Main Repair** The project will construct a second, parallel transmission pipeline over the White River suspended from a new pedestrian bridge, inspect the existing steel transmission main for possible leaks and repair the leaks, if any.	$4,593,520	QTR 4 (OCT-DEC) 22	QTR 3 (JUL-SEP) 23	Seth Wickstrom	Hydraulic Project Approval is approved by the State Department of Fish and Wildlife. Design team is finalizing the shoreline, floodplain, building, grading and storm permits applications.	Jacobs	TBD
CP1622	**Auburn Way South Improvements - Hemlock St SE to Poplar St SE** Roadway widening to create a five-lane cross section with two general purpose travel lanes in each direction, and a two-way center left-turn lane. A new roundabout is proposed near the Noble Court intersection to support access to Chinook Elementary School. Additionally, curb and gutter, 10 foot sidewalks, illumination, transit stop improvements, storm water improvements, water main extension, and access management (where feasible) with accommodation for U-turns are proposed.	$12,197,900 (Includes Federal Grant Funds)	QTR 1 (JAN-MAR) 24	QTR 3 (JUL-SEP) 25	Jeffrey Bender	Consultant design team has completed the 60% design submittal on August 19, 2022 which is currently under review.	Parametrix	TBD
CP2207	**10th St NW/A Street NW Intersection Improvements** The project will construct a new traffic signal at the intersection in place of the existing stop control on the 10th Street NW approach.	$1,000,000	QTR 1 (JAN-MAR) 23	QTR 4 (OCT-DEC) 23	Jeffrey Bender	Design is underway.	N/A	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2121	**Riverwalk Drive SE Non-Motorized Improvements** In partnership with the MIT the project will complete the sidewalk gap along the east side of Riverwalk Drive SE between Auburn Way S and Howard Road SE. The project also include lighting and storm improvements and an RRFB at Howard Road.	$1,872,000 (Includes State Grant Funds)	QTR 1 (JAN-MAR) 23	QTR 3 (JUL-SEP) 23	Aleksey Koshman	60% design review is complete and the consultant design team is working toward 90% design submittal which is anticipated to completed in mid-October 2022.	HDR	TBD
CP2211	**49th Street NE (Auburn Way N to D Street NE)** The project will complete the buildout of 49th Street NE between Auburn Way N and D Street NE to complete the roadway cross section. The project will widen the roadway, where required, to provide a complete three lane section matching the existing cross section to the east of D Street NE.	$1,027,000	QTR 1 (JAN-MAR) 24	QTR 4 (OCT-DEC) 24	Matt Larson	Design is underway.	N/A	TBD
CP2018	**S. 330th St and 46th Place S Storm Improvements** Relocate existing storm system located on private property, into approximately 350 linear feet of new 24-inch storm pipe within the public right-of-way. Improvements will include replacing existing outfall structure and connections of private drainage pipes.	$379,000	TBD		Matt Larson	SEPA process is complete. Nationwide Permit application to US Army Corps has been submitted. Preparing final documents needed for WDFW Hydraulic Project Approval (HPA).	N/A	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2009	**Rainier Ridge Pump Station** This project will replace the Rainier Ridge Sewer Pump Station and its associated force main (approximately 725 ft).	$3,415,000	TBD	TBD	Jeffrey Bender	The preliminary proposed alternative has been identified. Further investigation is underway to vet the feasibility of the preliminary proposed alternative.	Kennedy Jenks	TBD
CP2022	**Garden Avenue Realignment** The project will create a new east/west connection between Garden Ave (102nd Ave SE) and 104th Ave SE and remove the existing Garden Ave connection to 8th St NE and replace it with a permanent cul-de-sac. The project will also demolish an existing building and acquire the ROW needed for the roadway. Utility improvements include storm drainage needed to support the roadway surface; approx. 1500 ft of new/replaced watermain; and approx. 220 ft of sewer line.	$1,383,000	QTR 1 (JAN-MAR) 23	QTR 4 (OCT-DEC) 23	Kim Truong	City design team is currently working on the 60% design submittal, which is anticipated to be completed in September 2022. ROW acquisition is underway and running concurrently with design.	N/A	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2021	**Well 4 Facility Improvements** The project included a comprehensive investigation and evaluation of the well operation. The consultant design team has already determined that the soft starter settings needed to be adjusted for the generator to function as designed and a new VFD or generator are not needed. The team has also determined which aging mechanical and electrical components need to be replaced. The remaining scope of this project includes the replacement of these aging mechanical and electrical components.	$1,094,139	QTR 4 (OCT-DEC) 23	QTR 2 (APR-JUN) 24	Jeffrey Bender	Consultant design team working on the 30% submittal package which is expected to be complete in September 2022.	Carollo	TBD
CP2110	**Regional Growth Center Access Improvements** The project would improve the 3rd Street NE/4th Street NE intersections with Auburn Ave and Auburn Way N. The project will improve non-motorized access and traffic operations and circulation. The project adds the northbound left-turn movements and a northbound/southbound crosswalk at 3rd St/Auburn Ave, and removes the split phase operations at 4th St/Auburn Way N.	$2,295,000	QTR 1 (JAN-MAR) 23	QTR 4 (OCT-DEC) 23	Seth Wickstrom	Consultant design team working on the 90% design submittal package which is expected to be complete in October 2022. Consultant scope and fee negotiations are underway for the right-of-way acquisition phase of the project.	TranspoGroup	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2107	**PW M&O Facility Improvements Phase 1** This project will enclose the existing 8 bay fleet covered parking area by installing full height mechanically operated doors. This project will also expand the existing PW M&O main building for a new Central Stores. The existing building will be reconfigured to increase the fleet maintenance area. To accommodate the addition, an existing 8" watermain will need to be relocated and upsized (12") to improve fire flow to the building.	$910,000	QTR 2 (APR-JUN) 23	QTR 4 (OCT-DEC) 23	Matt Larson	The project team has performed a value engineering analysis and has chosen the preferred design alternative to established the final scope of work. The consultant design team is preparing a scope and fee for the chosen scope.	Page & Beard Architects	TBD
CP2116	**R Street SE/29th Street SE Intersection Improvement** The project will make intersection improvements at 29th St SE and R St SE and add a second southbound lane, to address level of service deficiencies. The project will include underground utility work, as well as preservation of the project limits, and installation of street lighting.	$7,910,000	QTR 1 (JAN-MAR) 24	QTR 4 (OCT-DEC) 24	Matt Larson	Design is underway.	HDR	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2117	**A Street SW Loop** The project will construct a new one-way (eastbound) roadway connection between A Street SW/S Division Street and A Street SE. The new intersection with A Street SE will allow an unsignalized right-turn movement onto southbound A Street SE, providing an alternative to the intersection of 3rd Street SE and A Street SE, which does not meet adopted LOS standards.	$1,932,000 (Includes Federal Grant Funds)	QTR 3 (JUL-SEP) 23	QTR 3 (JUL-SEP) 24	Matt Larson	Consultant design team completed the 90% design submittal on July 26, 2022 which is currently under review. Right of Way acquisition is occuring concurently with the design.	Otak	TBD
CP2129	**Auburn Way S (SR 164) Southside Sidewalk** Construct approximately 1,700 feet of new sidewalk along the south side of Auburn Way S between Howard Road and the existing sidewalk that begins to the west of the intersection with Muckleshoot Plaza. The project will also install a rectangular rapid flashing beacon (RRFB) where Auburn Way S intersects Howard Rd (near Frugal's Restaurant).	$845,000 (Includes State Grant Funds)	QTR 1 (JAN-MAR) 23	QTR 4 (OCT-DEC) 23	Seth Wickstrom	City staff is reviewing the 60% design submittal which is anticipated to be complete on September 12, 2022.	N/A	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2123	**C Street SW Preservation** This Project will grind and overlay C Street SW between W Main Street and the GSA signal (approximately 2,000 feet to the south of 15th Street SW). As part of the project, non-ADA compliant curb ramps and pedestrian push buttons will be upgraded, and c-curbing and vehicle detection loops will be replaced as needed. There are also, water, storm and sewer improvements along a portion of C St SW.	$2,946,544 (Includes Federal Grant Funds)	QTR 1 (JAN-MAR) 24	QTR 3 (JUL-SEP) 24	Kim Truong	The City design team is working toward the 60% design submittal which is anticipated to be completed in September 2022. The start of construction has been changed to the first quarter of 2024 due to grant obligation requirements.	N/A	TBD
CP2201	**Airport T-Hangar Upgrades** Remove and replace the electric role up canvas doors on the J Hangar row at the Auburn Municipal Airport. Enclose at least 1 row of the 4 existing “open” hangars (E through H Hangar rows) by installing partition walls and manual sliding doors. One additional row of the 4 existing “open” hangars rows will also be enclosed if the budget allows.	$1,000,000	QTR 4 (OCT-DEC) 22	QTR 1 (JAN-MAR) 23	Seth Wickstrom	Consultant working on initial facilities condition assessment and door design options.	KPFF	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2137	**Frontage Road Culvert Repair, Phase 2** This project will be completed in 2 phases. Phase 1 will remove the curb, gutter, sidewalk, reinforced concrete support structure, fencing and remove the obstruction. Phase 2 will restore the roadway, install a large rock headwall to support the east edge of the road to prevent sloughing into the channel, install a concrete barrier in place of the fence, relocate the existing catch basin to the north at the south end of the existing driveway and stabilize the west shoulder of the road.	$50,000	QTR 3 (JUL-SEP) 22	QTR 3 (JUL-SEP) 22	Jeffrey Bender	Design is complete and this project will be solicited for quotes in early Spetember 2022.	KPFF	TBD
CP2210	**M Street NE Widening (Main St to 4th St NE)** The project will widen M Street NE to a 4/5 lane section between Main Street and 4th Street NE. The project will also replace the signal at Main/M Street. There are also Water, Sewer, and Storm Drainage improvements proposed with the project.	$4,806,000	QTR 1 (JAN-MAR) 24	QTR 4 (OCT-DEC) 24	Kim Truong	City staff is drafting the Request for Proposals to select a design consultant.	TBD	TBD

Project Number	Project Name & Description	Current Budget	Construction Start	Construction Finish	Project Manager	Recent Progress	Design Consultant	Contractor
CP2125	**D Street SE and 23rd Street SE Storm Improvements Project** The purpose of this project is to eliminate localized flooding and make better use of available capacity in the 21st St SE Regional Infiltration Storm Pond by extending and connecting existing storm drainage infrastructure in the area south of 21st St SE at D Street SE and at K Street SE.	$5,295,000	QTR 2 (APR-JUN) 23	QTR 4 (OCT-DEC) 23	Jeffrey Bender	Design is underway	MurraySmith with KPG	TBD
CP2213	**Runway and Taxiway Improvements and RSA Grading** Rehabilitate the runway and taxiway pavement, upgrade taxiway lighting to LED, update lights on the side of the runway that provide guidance to pilots during decent, extend the safety area at the south end of the runway by regrading a small portion of the King County Park & Ride, and survey of existing facilities for the Airport Geographic Information System (AGIS) phase.	$4,055,550	QTR 2 (APR-JUN) 23	QTR 3 (JUL-SEP) 23	Seth Wickstrom	AGIS survey is anticipated to take place in September 2022. The consultant design team is working on the 60% design submittal which is anticipated to be completed in October 2022. An FAA grant has been awarded for the AGIS phase. FAA and WSDOT grants has been awarded for the design phase.	Century West	TBD

AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6884 (Tate) (15 Minutes)

Date:
September 6, 2022

Department:
Community Development

Attachments:
Ordinance No. 6884
Exhibit 1 – Fence and Retaining Wall Text Amendment

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

Administrative Recommendation:

For discussion only.

Background for Motion:

Background Summary:

Fence standards have existed in the Zoning Code since the earliest Zoning Code was adopted in 1987 (under Ordinance (Ord.) Number (No.) 4229). The fence standards have not been revised for several years so it was appropriate to review these provisions for possible revision. The last update to the fence standards occurred in 2012 (under Ord. No. 6419) and 2013 (under Ord. No. 6461). The proposed code changes included in this ordinance clarify the fence standards, respond to issues of implementation, and harmonize the standards with other code text, and are based on staffs' continuing implementation of the fence standards.

No specific retaining wall standards exist in the Zoning Code. Standards related to retaining walls and exist in the International Building Code (the IBC) and International Residential Code (IRC). The IBC and IRC provide standards related to the construction, design, and placement of a retaining wall and permitting requirements. For the purposes of consistency and clarity, staff has proposed retaining wall standards for the Zoning Code that are consistent with the IBC.

Reviewed by Council Committees:

Councilmember: Stearns
Staff: Tate
Meeting Date: September 12, 2022
Item Number:

ORDINANCE NO. 6884

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE REGULATION OF FENCES AND RETAINING WALLS, AND AMENDING SECTIONS 18.04.370, 18.04.372, 18.04.374, 18.31.020, AND CREATING SECTIONS 18.04.371, 18.04.373, 18.04.376, 18.31.025 OF THE AUBURN CITY CODE

WHEREAS, the current Auburn code regulating fences within the city is ACC 18.31.020; and

WHEREAS, the fence standards contained in ACC 18.31.020 have not been revised for several years so it was appropriate to review these provisions for possible revision; and

WHEREAS, the proposed code changes included in this ordinance clarify the fence standards, respond to issues raised upon implementation of the standards, and harmonize the standards with other code text; and

WHEREAS, no specific retaining wall standards currently exist in the Zoning Code but the city has identified a need to adopt ones to regulate the construction, design and placement of retaining walls; and

WHEREAS, the International Building Code (the IBC) and the International Residential Code (IRC) contain requirements related to the construction, design, placement and permitting of retaining walls; and

WHEREAS, for the purposes of consistency and clarity, the retaining wall standards contained in this ordinance are consistent with the IBC and IRC requirements; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce, which performed a 60-day agency review. The state agency comment period expired on August 12, 2022 and the City did not receive any agency comments; and

WHEREAS, the proposed code language was reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on July 5, 2022, and the City observed a fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed code language and considered the effect of the changes on public and private property owners at its June 7, 2022 meeting, held a public meeting on July 19, 2022, and afterwards adopted a recommendation of approval to the City Council.

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

Section 1. **Amendment to City Code.** Sections 18.04.370, 18.04.371, 18.04.372, 18.04.373, 18.04.374, 18.04.376, 18.31.020, and 18.31.025 of the Auburn City Code are amended to read as shown in Exhibit 1.

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:

____
Kendra Comeau, City Attorney

Published: _____________________

Chapter 18.04 DEFINITIONS

18.04.370 Fence.

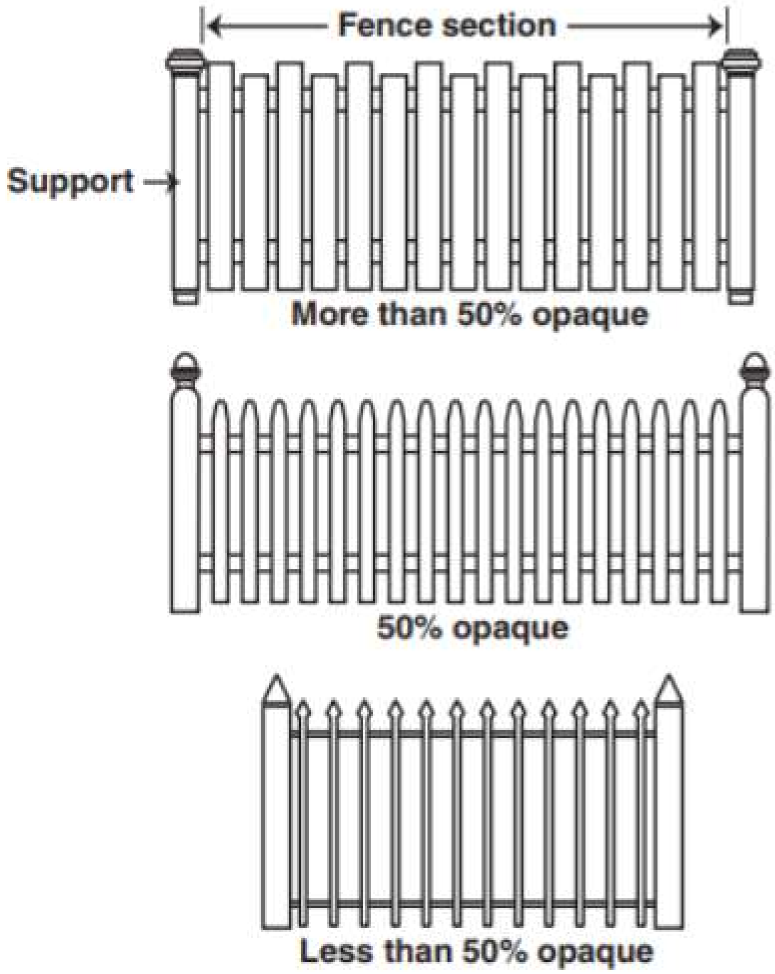
“Fence” means a masonry wall or a barrier generally composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space, functional areas, or separating parcels of land. The term “fence” does not include retaining walls or rockeries when a separate structure. The term also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

18.04.371 Fence, opacity.

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

Figure 18.04.371 Fence Opacity

Opacity (the degree to which light or views are blocked) is measured perpendicular to the fence for each fence section between supports.



18.04.372 Fence, screened.

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

18.04.373 Fence, visibility.

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

18.04.374 Fence, 100 percent sight-obscuring.

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

18.04.376 Retaining Wall.

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

Chapter 18.31 SUPPLEMENTAL DEVELOPMENT STANDARDS

18.31.020 Fences.

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

B~~A~~. *Fence Height Regulations.* The minimum or maximum height requirements as stipulated throughout this chapter shall be considered to be met if the height of the fence is within six percent of the height required. The height of the fence shall be determined from the existing, established grade on the property to the highest point of the fence.

1. Notwithstanding any other provisions regarding fence height, the height of any portion of a fence may not reduce the sight distances established by the Engineering Design Standards for vehicular and non-motorized transportation facilities.

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

3. Building permits are required for fences exceeding 84 inches in height.

4. The addition of lattice, trellis, and other similar features of a fence shall count towards the overall height and opaqueness of a fence.

5. If a fence sits upon or is elevated by a retaining wall, the height of the fence is measured from the base of the retaining wall. Building permits may be required for fences erected on retaining walls.

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

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

i. Front setback[1]: 42 inches; provided, that fences constructed of chain link, wrought iron or similar materials that provides visibility, as defined herein, may be 72 inches in height;

ii. Side setback: 72 inches;

iii. Rear setback: 72 inches;

iv. Street side setback: 72 inches.

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

~~3. If the fence includes a gate or similar feature, a vehicle refuge area shall be provided within the driveway to avoid blocking the street. The vehicle refuge area shall have a length that is sufficient for a waiting vehicle and not block the street.~~

~~B. Special Height Restrictions.~~

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

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

1 The front setback for residential zones pertains to the front setback for a single family residence per 18.07.030(E)(1).

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

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

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

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

E~~D~~. ~~*Fences and Associated Landscaping.*~~

1. When landscaping is required along the property line and the property line abuts the right-of-way, the fence shall be placed interior to the required landscaping. The fence may not ~~shall be set back a minimum of five feet if the fence abuts a street right-of-way, so as to~~

~~not~~ obscure such landscaping unless authorized through the land use or architectural and site design review process.

2. At other property lines, the landscaping shall be located to serve the greatest public benefit.

3. Fencing shall be placed such that it does not damage existing landscaping.

F~~E~~. *Access and Obstructions.* ~~*– Generally Prohibited.*~~

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

2. Any fence located within a front yard setback that features a locking gate or similar security device, that cannot be opened from the exterior, shall provide emergency access in a manner acceptable to the fire marshal.

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

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

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

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

G.~~F~~ Other than in the P-1, M-1, or M-2 zones, no fence may include the use of barbed wire, including concertina, razor, or similar wire; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of, and in addition to, the height of a 84~~72~~-inch fence in the above zones, provided it does not extend more than 12 inches ~~one additional foot~~ in height.

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

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

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

   a. *Electrification.*

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

      ii. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the ~~in paragraph 22.108 and depicted in Figure 102 of~~ International Electrotechnical Commission (IEC) ~~S~~standards ~~No. 60335-2-76.~~

   b. *Perimeter Non-Electric ~~Permit~~Fence or Wall.* No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than ~~six feet.~~72 inches.

c. *Location.* Electric fences shall only be permitted ~~on~~ around ~~any nonresidential~~ outdoor storage areas. Electric fences and ~~the~~ perimeter fenceing ~~is~~are allowed in the setback areas provided the applicable requirements of this section are met.

d. *Height.* Electric fences shall not exceed 10 feet in height.

e. *Warning Signs.* Electric fences shall be clearly identified with warning signs that read "Warning – Electric Fence" at intervals of 50 feet or less ~~than 60 feet~~. Signs shall also contain imagery or symbols of or similar to the International Organization for Standardization (ISO) warning symbol for electric hazard -to alert individuals that ~~that allows non-English speaking individuals to understand that~~ the fence is electrically charged~~,~~ (e.g. lightning bolts).

f. ~~The permitting process for e~~Electric fences shall be governed and regulated in accordance with the regulations for ~~burglar~~ alarm permits contained in Chapter 9.30 ACC~~under city code~~.

g. Electric fences and gates must also meet all applicable International Fire Code standards.

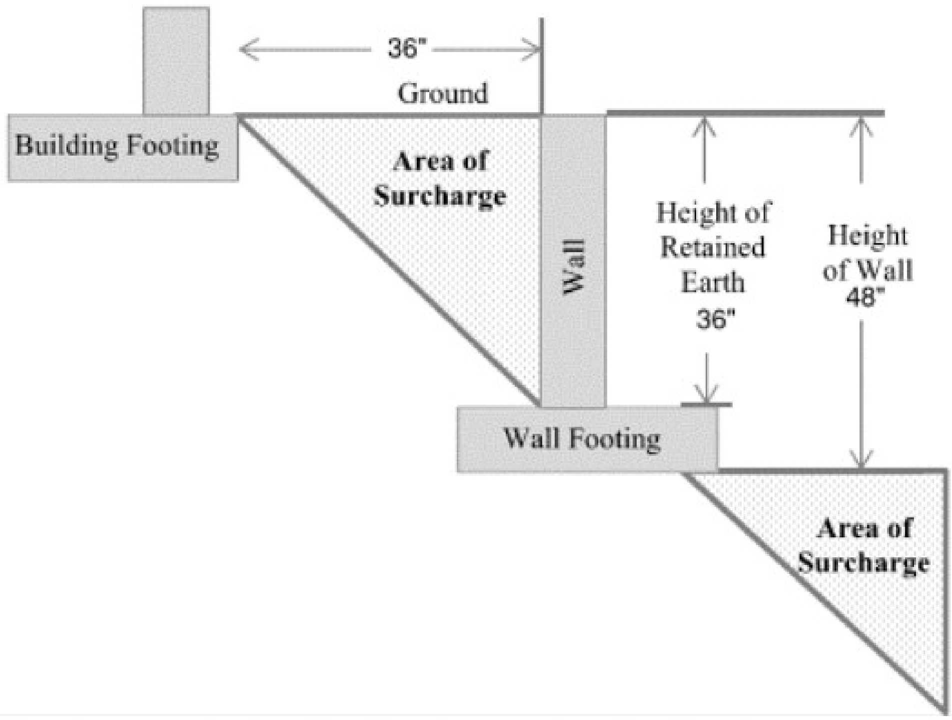
~~H. Any fence located within a front setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.~~

18.31.025 Retaining Walls

A. *Retaining Wall General Regulations.*

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

Figure 18.21.025(A)



2. Notwithstanding any other provisions regarding retaining wall height, the height of any portion of a retaining wall may not reduce sight distance established by the Engineering Design Standards for vehicular and non-motorized facilities.

3. Any grading work shall be in compliance with Chapter 15.74 ACC.

4. All portions of retaining walls, including sub-surface elements such as footings, anchors, and cantilevers, shall not encroach or be located within the right-of-way or public utility easements unless explicitly permitted by the City Engineer and/or by the easement language.

5. The requirements of this chapter do not apply to retaining walls in rights-of-way.

6. Additional requirements apply to retaining walls that provide support to rights-of-way as specified in the Engineering Design Standards.

7. Retaining walls designed as part of an approved preliminary plat, and located prior to recordation of the final plat, are not subject to the setback area requirements contained in this section.

B. *Residential Lots.*

1. Retaining walls are not permitted in the required setback areas, unless meeting one of the following criteria. The height of a wall shall be measured from the bottom of a footing to the top of the wall.

   a. Retaining walls that are under 48 inches and constructed in accordance with the IRC, whether supporting a surcharge or not, are allowed in all setback areas, as regulated per each zone.

   b. Retaining walls over 48 and under 84 inches and constructed in accordance with the IRC, whether supporting a surcharge or not, are allowed in all setback areas except the front and street-side setback, as regulated per each zone.

   c. Retaining walls over 84 inches, constructed in accordance with the IRC, whether supporting a surcharge or not, are not allowed in the setback areas, as regulated per each zone.

2. Retaining walls visible from the right-of-way or adjacent property must be composed of rock, textured or patterned concrete, masonry, composite, or other products that complements the existing residential or neighborhood character. Products such as "ecology blocks" or plain smooth concrete are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.

C. *Nonresidential Lots/Tracts.*

1. Retaining walls visible from the right-of-way or adjacent property shall be composed of rock, textured, or patterned colored concrete, masonry, or composite. Products such as "ecology blocks" are not permitted. Materials other than those listed may be used with approval from the Planning Director or designee.

2. For retaining walls over 48 inches in height or supporting a surcharge, the area between the right-of-way and the retaining wall shall be landscaped and maintained per Chapter 18.50 ACC.

3. Terraces created between retaining walls shall be permanently landscaped and revegetated pursuant to a mitigation or landscape plan developed by a qualified professional.

4. Notwithstanding the requirements contained in this section, retaining walls may still require a building permit if trees or other landscape features will potentially impact (e.g., tree roots) or impose a surcharge on the wall.

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

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6885 (Tate) (15 Minutes)		**Date:** September 6, 2022
Department: Community Development	**Attachments:** Ordinance No. 6885 Exhibit A – EP and BP Zone Text Amendment	**Budget Impact:** Current Budget: $0 Proposed Revision: $0 Revised Budget: $0

Administrative Recommendation:

For discussion only.

Background for Motion:

Background Summary:

Staff is recommending removal of the EP, Environmental Park Zone and BP, Business Park District, from Title 18 and Title 3. This will entail removing all references of the two zoning districts from the City's enumerated ordinances (codes).

The BP zone was adopted in 1987 under Ordinance (Ord.) Number (No.) 4229. This ordinance repealed the previous Zoning Ordinance and created a new codified Zoning Ordinance, in which new zoning districts, including the BP zone, were added to the title. Per Auburn City Code (ACC) 18.36.010, the purpose of the BP zone is to: "…Respond to modern trends in business park development by providing a suitable area for industrial, professional office, service, and commercial uses within a planned, well managed site with high quality development standards."

Approximately six parcels, collectively known as the "Opus Park 167 Service District", located at the southwest corner of 15th St. SW and O St. SW, were rezoned to BP zone in 1997 under Ordinance No 4962. In 2001, under Ordinance No. 5607, the uses for the BP zone were amended to allow for more uses and encourage more development. The "Opus Park 167 Service District" was completed in 2002. However, in 2006, under Ordinance No. 6067, the parcels constituting the Opus Park 167 Service District were rezoned to C-3, Heavy Commercial from BP during an annual amendment cycle. This effectively made the BP zone no longer a mapped zoning district.

The Environmental Park Zone, or EP zone, was adopted in 2006 under Ordinance No. 6037. The EP zone was intended to create a zone with appropriate uses near the Auburn Environmental Park (located between W Main St. to the south, Interurban Trail to the east, 15th St. NW to the north, and W Valley Hwy to the west). Under this ordinance, approximately 75 parcels, in proximity to the Auburn Environmental Park (AEP), were rezoned from M-1, Light Industrial and R2, Single Family Residential District to the EP zone. Per ACC 18.23.020(H) the purpose of the EP zone is to: "Allow uses in proximity to the Auburn Environmental Park (AEP) that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and "green" technologies including energy conservation, engineering, water quality and similar uses."

It is difficult to ascertain which, if any, parcels were developed under the EP zoning designation. Per City permit records, it appears that most of the parcels that were zoned EP were developed prior to being rezoned to EP. In 2017, under Ordinance No. 6660, the 75 parcels were rezoned M-1, Light Industrial due to little private sector investment into the privately owned properties. Under Ordinance No. 6691, the City-owned parcels formerly zoned EP and associated with the AEP were rezoned to Open Space, effectively making the EP zone no longer a mapped zoning district.

Reviewed by Council Committees:

Councilmember:	Stearns	**Staff:**	Tate
Meeting Date:	September 12, 2022	Item Number:	

ORDINANCE NO. 6885

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE ELIMINATION OF THE ENVIRONMENTAL PARK ZONE AND BUSINESS PARK DISTRICT BY AMENDING CHAPTER 18.36, AND SECTIONS 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 AND 3.60.036 OF THE AUBURN CITY CODE

WHEREAS, the Business Park ("BP") zone was adopted in 1987 by Ordinance No. 4229 as a contract zone that could be applied to any site upon approved of the City; and

WHEREAS, in 1997 approximately six parcels collectively known as the "Opus Park 167 Service District", located at the southwest corner of 15th St. SW and O St. SW, were rezoned by Ordinance No. 4962 to be a Business Park zone; and

WHEREAS, in 2001 Ordinance No. 5607 expanded the uses for the Business Park zone to allow for more uses and to encourage more development; and

WHEREAS, in 2006 Ordinance No. 6067 rezoned the parcels constituting the Opus Park 167 Service District to C-3, Heavy Commercial, effectively making the Business Park zone no longer a mapped zoning district; and

WHEREAS, the Environmental Park Zone ("EP zone"), was adopted in 2006 by Ordinance No. 6037 and approximately 75 parcels in proximity to the Auburn Environmental Park (AEP) were rezoned from M-1, Light Industrial, and R2, Single Family Residential District, to the Environmental Park zone; and

WHEREAS, in 2017 Ordinance No. 6660 rezoned the 75 parcels M-1, Light Industrial due to little private sector investment into the privately owned properties; and

WHEREAS, in 2018 Ordinance No. 6691 rezoned the City-owned parcels associated with the AEP from the Environmental Park to Open Space, effectively making the EP zone no longer a mapped zoning district; and

WHEREAS, the Business Park and Environmental Park zoning districts were removed from the Comprehensive Plan in 2015 as part of the GMA-related update to the Comprehensive Plan and therefore neither zone implements any of the comprehensive plan land use designations; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce, which performed a 60-day agency review. The state agency comment period expired on August 12, 2022 and the City did not receive any agency comments; and

WHEREAS, the text amendment was reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on July 5, 2022, and the City observed a fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed text amendment and considered the effect of the changes on public and private property owners at its June 7, 2022 meeting; and

WHEREAS, on July 19, 2022 the Planning Commission held a public hearing, after receiving no public comment letters regarding the proposed amendments, and afterwards forwarded a recommendation for approval to the City Council.

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

Section 1. **Amendment to City Code.** Chapter 18.36, and Sections 18.02.070, 18.23.020, 18.23.030, 18.23.040, 18.23.060, 18.31.100, 18.47.020, 18.50.040, 18.54.080, 18.55.030, 18.57.020, 18.57.030, 18.57.035, 18.64.020 of Title 18 and Section 3.60.036 of Title 3 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 3. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _______________

PASSED: ____________________

APPROVED: _________________

____
NANCY BACKUS, MAYOR

ATTEST:

____
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

____
Kendra Comeau, City Attorney

Published: ____________________

Title 18
ZONING

Chapters:

Chapter 18.02

GENERAL PROVISIONS

18.02.070 Establishment of zones.

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

1. RC, residential conservancy zone (one dwelling unit per four acres);

2. R-1, residential zone (one dwelling unit per acre);

3. R-5, residential zone (five dwelling units per acre);

4. R-7, residential zone (seven dwelling units per acre);

5. R-10, residential zone (10 dwelling units per acre);

6. R-16, residential zone (16 dwelling units per acre);

7. R-20, residential zone (20 dwelling units per acre);

8. RMHC, manufactured/mobile home community zone;

9. RO, residential office zone, and RO-H, residential office-hospital zone;

10. C-N, neighborhood shopping zone;

11. C-1, light commercial zone;

12. C-2, central business zone;

13. C-3, heavy commercial zone;

14. C-4, mixed-use commercial zone;

15~~4~~. M-1, light industrial zone;

16~~5~~. M-2, heavy industrial zone;

~~16. BP, business park zone;~~

17. LF, airport landing field zone;

18. P-1, public use zone;

19. UNC, unclassified use zone;

20. I, institutional use zone;

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

~~22~~21. DUC, downtown urban center zone;

~~23~~22. OS, open space zone.

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

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

Chapter 18.23
COMMERCIAL AND INDUSTRIAL ZONES

Sections:

18.23.010 Purpose.

This chapter lists the land uses that may be allowed within the commercial and industrial zones established by ACC 18.02.070 (Establishment of zones), determines the type of land use approval required for each use, and provides basic and additional development standards for sites, buildings, and associated improvements. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.020 Intent of commercial and industrial zones.

A. *General.* This section describes the intent for each of the city's commercial and industrial zones. These intent statements are to be used to guide the interpretation of the regulations associated with each zone. The planning director is authorized to make interpretations of these regulations based on their analysis of them together with clear and objective reasons for such interpretation.

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

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

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

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

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

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

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

~~H. *EP, Environmental Park Zone.* The environmental park district is intended to allow uses in proximity to the Auburn Environmental Park that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and "green" technologies including energy conservation, engineering, water quality and similar uses. Other uses complementary to and supporting these uses are also allowed. Incorporation of sustainable design and green building practices will be a primary aspect of this zone. The construction of leadership in energy and environmental design (LEED) and built green certified buildings is encouraged and built green will be required for multiple-family dwellings. The city recognizes that much of the property in this zone was developed under earlier standards, so the goals of the district will be realized over a period of time as properties are redeveloped.~~

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

While other uses may be sited within this zone, permits for such uses should not be issued if such uses will discourage use of adjacent sites for heavy industry, interrupt the continuity of industrial sites, or produce traffic in conflict with the industrial uses. (Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

18.23.030 Uses.

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

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

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

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

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

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

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									**P – Permitted** **C – Conditional** **A – Administrative** **X – Prohibited**
LAND USE	**Zoning Designation**								**Standards for Specific Land Uses**
	C-N	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**~~EP~~**	**M-2**	
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	~~X~~	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	~~X~~	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	~~P~~	P	
Catering service	P	P	P	P	A	P	~~A~~	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	P	P	P	P	~~P~~	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	P	~~P~~	P	
Equipment rental and leasing	X	X	X	P	X	P	~~X~~	P	
Kennel, animal boarding	X	X	X	A	X	A	~~X~~	A	ACC 18.57.040(C)
Government facilities; this excludes offices and related uses that are permitted outright	A	A	A	A	A	A	~~A~~	A	
Hospital	X	P	P	P	X	P	~~X~~	P	
Lodging – Hotel or motel	X	P	P	P	P	A	~~P~~	A	
Medical – Dental clinic	P	P	P	P	P	P	~~X~~	X	
Mortuary, funeral home, crematorium	A	P	X	P	X	P	~~X~~	X	
Personal service shops	P	P	P	P	P	P	~~X~~	X	
Pharmacies	P	P	P	P	P	X	~~X~~	X	
Print and copy shop	P	P	P	P	P	P	~~X~~	X	
Printing and publishing (of books, newspaper and other printed matter)	X	A	P	P	P	P	~~P~~	P	
Professional offices	P	P	P	P	P	P	~~P~~	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	**Zoning Designation**								**Standards for Specific Land Uses**
	C-N	**C-1**	**C-2**	**C-3**	**C-4**	**M-1**	**~~EP~~**	**M-2**	
Repair service – Equipment, appliances	X	A	P	P	P	P	~~X~~	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	~~X~~	X	
Youth community support facility	X	P	X	X	X	X	~~X~~	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	~~X~~	P	
Broadcasting studio	X	P	X	P	X	P	~~X~~	P	
Heliport	X	X	X	C	X	C	~~X~~	C	
Motor freight terminal[1]	X	X	X	X	X	X	~~X~~	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	~~P~~	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	~~P~~	X	
Towing storage yard	X	X	X	X	X	A	~~X~~	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	~~A~~	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*	*	*	~~*~~	*	*See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC 18.04.912(H))	P	P	P	P	P	P	~~P~~	P	
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	P	~~P~~	P	
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	~~X~~	P	ACC 18.57.050(A)

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

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

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

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

18.23.040 Development standards.

A. Hereafter, no use shall be conducted and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Tables 18.23.040A (C-N, C-1, C-2, C-3, and C-4 Zone Development Standards) and 18.23.040B (M-1~~, EP~~ and M-2 Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter 18.70 ACC.

Table 18.23.040A. C-N, C-1, C-2, C-3, and C-4 Zone Development Standards

Development Standard	**Requirement by Zone**				
	C-N Neighborhood Shopping Center	**C-1 Light Commercial**	**C-2 Central Business**	**C-3 Heavy Commercial**	**C-4 Mixed-Use Commercial**
Minimum lot area	2 acres	None	None	None	None[1]
Minimum lot width, depth	None	None	None	None	None
Maximum lot coverage	55 percent	None	None	None	None
Minimum setbacks	*Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these setback standards.*				
Front	50 ft	20 ft	None	20 ft	20 ft
Side – Interior	None[2]	None[2]	None	None[2]	None[2]
Side – Street	50 ft	15 ft	None	15 ft	15 ft
Rear	None[2]	None[2]	None	None[2]	None[2]
Height limit	*Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.*				
Maximum height	30 ft	45 ft[3]	ACC 18.23.050	75 ft	75 ft
Additional development standards	None	None	ACC 18.23.050	None	None
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed-Use Commercial
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1 Residential uses: no minimum lot size; provided, that residential density does not exceed 20 units per gross acre (this includes privately owned open space tracts but excludes dedicated public roads).

2 A 25-foot setback is required when adjacent to a residential zone.

3 Buildings within the Auburn north business area, as established by Resolution No. 2283, may exceed 45 feet if one additional foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet in height.

Table 18.23.040B. M-1~~, EP~~ and M-2 Zone Development Standards

Development Standard	Requirement by Zone		
	M-1 Light Industrial	~~EP Environmental Park~~	M-2 Heavy Industrial
Minimum lot area	None	~~None~~	None
Minimum lot width, depth	None	~~None~~	None
Maximum lot coverage	None	~~35 percent~~	None
Minimum setbacks	*Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these standards.*		
Front	20 ft	~~20 ft~~	30 ft
Side – Interior	None[1]	~~15 ft~~	None[1]
Side – Corner	20 ft	~~20 ft~~	30 ft
Rear	None[1]	~~20 ft~~[1]	None[1]
Height limit	*Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.*		
Maximum height	45 ft[2]	~~35 ft~~	45 ft[2]
Additional development standards	None	~~ACC 18.23.060~~	None

Development Standard	Requirement by Zone		
	M-1 Light Industrial	~~EP~~ ~~Environmental Park~~	M-2 Heavy Industrial
Fences and hedges	See Chapter 18.31 ACC		
Landscaping	See Chapter 18.50 ACC		
Parking	See Chapter 18.52 ACC		
Signs	See Chapter 18.56 ACC		
Lighting	See Chapter 18.55 ACC		
Nonconforming structures, land and uses	See Chapter 18.54 ACC		

Notes:

1 A 25-foot setback is required when adjacent to a residential zone.

2 Buildings may exceed 45 feet if one foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet.

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

18.23.050 Additional development standards for C-2, central business zone.

A. *Maximum Building Height.*

1. The maximum height of that portion of a building that abuts a street(s) shall be no higher than the right-of-way width of the abutting street(s). Building height may increase; provided, that the building is stepped back one foot (from the abutting street right(s)-of-way) for each foot of increased building height.

2. If the building abuts more than one street and the abutting streets have different right-of-way widths, then the height of the building allowed at any street frontage shall be the average of the abutting street right-of-way widths.

3. The following rooftop features may extend up to 15 feet above the maximum height limit: stair towers, elevator penthouses, and screened mechanical equipment.

B. Minimum setbacks: none required, see subsection D of this section for specific building orientation requirements.

C. Fences shall be decorative and relate architecturally to the associated building. Acceptable materials are brick, wood, stone, metal, or textured concrete. Typical galvanized wire mesh (chain link), barbed wire or razor wire are not permitted. For further information see Chapter 18.31 ACC.

The provisions of this section shall not apply to temporary fences required during construction projects permitted by the city.

D. *Building Orientation Requirements.* The following requirements apply to the construction of all new buildings or structures:

1. Existing buildings or structures, including facades, that do not have setbacks or otherwise cannot comply are exempt from these requirements regardless of the amount of improvements made to the building, structure or facade as long as any alteration does not make the existing facade more nonconforming.

2. Existing buildings, structures, or facades that are set back and within 20 feet of a street shall comply to the fullest extent possible as determined by the planning director, with the following requirements when any cumulative structural improvements are made that exceed 50 percent of the assessed value of the existing building, structure, or facade.

3. Any addition to an existing building, regardless of value, that will be within 20 feet of a street shall also comply to the fullest extent possible, as determined by the planning director, with the following requirements.

a. For each lineal foot of frontage a building has on a street, there shall be provided an area(s) for pedestrian amenities at the rate of one square foot of ground area for each lineal foot of building frontage. Pedestrian amenities shall consist of such features as landscaping, benches, entryways with accents such as brick pavers, artwork, or a combination of these or similar features. The pedestrian amenities shall be located on the property between the street right-of-way and the building. The planning director shall approve the amount and type of the pedestrian amenities.

b. For buildings that have a street frontage that exceeds 50 feet, then at least 25 percent of the building's frontage shall be immediately adjacent to the street right-of-way.

c. For buildings that have a street frontage that is less than 25 feet, then no pedestrian amenities will be required and the building may be located at the property line. There shall, however, be provided a landing in front of each door that opens to a street that is large enough such that no part of any door will encroach into the street right-of-way when the door is being opened or closed.

d. For buildings that provide additional setbacks, except as restricted by subsection (D)(3)(b) of this section, the area between the street right-of-way and the building shall only contain pedestrian amenities.

e. If a building has more than two street frontages, then at least two of the frontages shall comply with subsections (D)(3)(b) and (g) of this section and contain pedestrian amenities between the building and the street right-of-way. Any remaining frontages shall either have pedestrian amenities, windows, murals, flat surfaced artwork or other similar architectural features that would avoid large blank walls.

f. For new buildings that will infill between two other existing buildings, the new building shall be set back no further than either of the adjacent buildings unless additional setback is required to comply with subsection (D)(3)(a) of this section. The proposed setback shall be reviewed by the planning director to ensure the setback will maintain building continuity along the street.

g. Buildings shall have windows that encompass at least 60 percent of the first floor facade and at least 40 percent of the facade of each additional floor. At least 50 percent of the area of the first floor windows of nonresidential buildings shall provide visibility to the inside of the building. This subsection shall only apply to the facades of new buildings with street frontage and shall not lessen the requirements of the Uniform Building or Fire Codes.

h. The building's principal pedestrian entrance shall be oriented to the street. If the building is at a corner, either street or alley, then the principal pedestrian entrance shall be at the corner unless a better architectural design is attained at another location and approved by the planning director.

i. Buildings that are at the intersection of either two streets or a street and an alley shall provide for a sight distance triangular setback as required by Chapter 18.31 ACC. These triangular areas may contain pedestrian amenities that satisfy the requirements of subsection (D)(3)(a) of this section.

j. A site plan shall be prepared by the proponent which addresses compliance with the requirements as outlined in subsections (D)(3)(a) through (i) of this section. The site plan shall be approved by the planning director prior to the submittal of any building permit.

k. For the sole purposes of this subsection D the term "street" shall include the right-of-way of private and public streets. The term shall also include pedestrian walkways, encumbered by an easement or similar means, that are used by the general public to travel from one property to another.

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

1. Set back from the roof edge to obscure visibility from below;

2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;

3. Equipment enclosure or sight-obscuring fencing or landscaping;

4. Overhead trellis or roof to obscure visibility from above.

Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure.

F. Stair towers and elevator penthouses shall be designed to be architecturally integrated into the principal structure. This may include using the same building materials, repeating common building forms, colors or elements, or incorporating the roof and wall of the stair tower or elevator penthouse into the upper wall of the structure. (Ord. 6433 § 26, 2012.)

18.23.060 Additional development standards for the C-N, C-1, C-2, C-3, C-4, and M-1 zones.~~EP, environmental park zone.~~

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

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

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

1. Set back from the roof edge to obscure visibility from below;

2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;

3. Equipment enclosure or sight-obscuring fencing or landscaping;

4. Overhead trellis or roof to obscure visibility from above.

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

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

18.31.100 Wireless communications facilities siting standards.

The following siting standards are intended to guide the location and development of wireless communications facilities (WCF as defined by ACC 18.04.912(W)) on properties regulated under this title. The siting of small wireless facilities shall also be in accordance with ACC 18.31.110:

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

	Type of Permit Required		
Zone	**Permitted Outright**	**Administrative Use Permit**	**Conditional Use Permit**
All Zones	1-D	1-D[1]	1-D[2]
RO, RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C
C-3, C-4	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1~~, EP~~	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A[3]
I	1-A	1-B	1-C
LF	1-A	1-B	1-C

1 Allowance for the WCF to extend to a height of 20 percent of the supporting structure.

2 Allowance for the WCF to extend to a height of 30 percent of the supporting structure.

3 The maximum height allowed, including antennas, is 45 feet.

~~Chapter 18.36~~
~~BP BUSINESS PARK DISTRICT~~

~~Sections:~~

~~18.36.010 Intent.~~

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

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

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

~~18.36.020 Process.~~

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

~~A. *Conceptual Approval.*~~

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

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

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

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

~~B. *Site Plan Approval.*~~

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

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

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

~~18.36.030 Permitted uses.~~

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

~~18.36.040 Application.~~

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

~~1. Standard rezone application;~~

~~2. List of uses;~~

~~3. Covenants and restrictions;~~

~~4. A site plan to illustrate the following:~~

~~a. Vicinity map,~~

~~b. Boundaries and dimensions of proposed park,~~

~~c. Acreage of park,~~

~~d. Layout of interior streets,~~

~~e. Adjacent public streets,~~

~~f. Easements, existing, and if known, proposed,~~

~~g. Location and size of all existing utilities,~~

~~h. General location of uses,~~

~~i. Existing ownership pattern,~~

~~j. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director.~~

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

~~1. The ordinance and contract of the conceptual approval;~~

~~2. A site plan which shall illustrate the following:~~

~~a. Vicinity map,~~

~~b. Boundaries and dimensions of park,~~

~~c. If partial approval, illustrate the proposal within the boundaries of the park,~~

~~d. Illustrate previous site plan approvals that may have occurred within the park,~~

~~e. Acreage of proposal,~~

~~f. Layout of interior streets,~~

~~g. Adjacent public streets,~~

~~h. Easements, existing and proposed,~~

~~i. Location and size of all existing and proposed utilities,~~

~~j. Typical street cross section,~~

~~k. Location of uses,~~

~~l. Location of buildings and structures, both existing and proposed, including setbacks,~~

~~m. Location and layout of off-street parking, loading and unloading areas,~~

~~n. Location of walls and fences, indication of their height and materials,~~

~~o. Location of any storage areas or refuse containers,~~

~~p. Location and size of signs,~~

~~q. Landscaping plan,~~

~~r. Indication of height of buildings,~~

~~s. Proposed architectural treatment of large expanse of walls,~~

~~t. Any covenants not previously approved,~~

~~u. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible and seven copies of the site plan shall be submitted at the time of application. An alternative scale may be approved by the planning director. (Ord. 4229 § 2, 1987.)~~

~~18.36.050 Development standards.~~

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

~~A. Minimum area to be developed as a business park: 10 acres;~~

~~B. Minimum lot area: none required;~~

~~C. Minimum lot width: none required;~~

~~D. Minimum lot depth: none required;~~

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

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

~~G. Minimum Yard Setbacks.~~

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

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

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

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

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

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

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

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

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

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

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

~~1. Gas pumps,~~

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

~~3. Horticulture activities,~~

~~4. Play areas for daycare,~~

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

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

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

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

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

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

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

~~H. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting~~

~~18.36.070 Time limit.~~

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

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

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

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

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

Chapter 18.47

ELECTRIC VEHICLE INFRASTRUCTURE

18.47.020 Permitted locations.

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

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

Development Standards:

1 Level 1 and Level 2 charging only.

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

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

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

5 Only “electric vehicle charging stations – restricted” as defined in ACC 18.04.354.

Chapter 18.50

LANDSCAPING AND SCREENING

18.50.040 Landscape development standards.

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

1. *Perimeter Areas.* All areas that abut a street or residential property shall be landscaped in compliance with this chapter, except where occupied by a primary building, walk or driveway. Minimum landscape areas are listed in Tables 18.50.040(A) and (B).

2. *Unused Areas.* All areas of a multifamily or nonresidential project site not intended for a specific use (including areas planned for future phases of a phased development) shall be landscaped with existing natural vegetation, native grasses or similar.

3. *Parking/Loading Areas.* Parking lots, and where loading areas are visible from a public street, shall be landscaped in compliance with this chapter.

4. *Outdoor Storage Areas, Recreational Vehicle Parking, and Refuse Areas.* All outdoor storage areas, recreational vehicle parking, and refuse areas, when visible from adjoining properties or public streets, shall be landscaped in compliance with this chapter.

5. Stormwater Low Impact Development (LID) Facilities. Areas of vegetation planted in storm water LID facilities (not permanently inundated or ponded areas) and for which there is a city-approved maintenance plan as prescribed in the city's Engineering Design Standards Manual shall count towards the minimum landscape coverage areas outlined in subsection B of this section.

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

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

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

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

Notes:

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

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

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

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

5 Refer to ACC 18.31.200, Architectural and site design review standards and regulations, for additional requirements.

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

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

Chapter 18.54

NONCONFORMING STRUCTURES, LAND AND USES

18.54.080 Amortization and abatement of outdoor storage.

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

Chapter 18.55

OUTDOOR LIGHTING

18.55.030 General requirements.

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

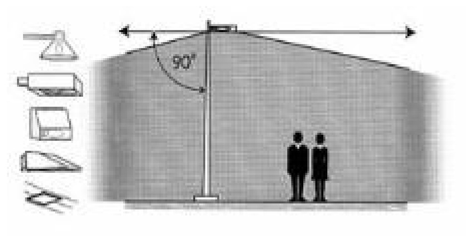


Figure 18.55.030. Examples of light fixtures with shielding on all sides

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

Table 18.55.030.

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

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

D. *Level of Illumination.*

1. Parking lots, driveways, and trash enclosures/areas shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light.

2. Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.

3. In order to minimize light spillage on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed one-tenth foot-candle.

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

F. *Periods of Illumination.*

1. All outdoor lighting systems shall be equipped with automatic switches conforming to the requirements of Section 1513.6.2 of the Washington Energy Code.

2. The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.

3. However, outdoor lights may remain on during the required off hours when:

a. Illuminating flags representing country, state, or other civic entity;

b. Functioning as security lighting (e.g., illuminating a pathway, building entry, etc.);

c. Associated with special events, etc. (Ord. 6390 § 1, 2011.)

Chapter 18.57

STANDARDS FOR SPECIFIC LAND USES

18.57.020 Industrial, manufacturing and processing, wholesaling.

A. *Outdoor Storage, Incidental to Principal Permitted Use on Property.*

1. *C-3 Zone.* Outdoor storage is subject to the following requirements:

a. Outdoor storage shall be limited to an area no greater than 10 percent of the lot.

b. Outdoor storage shall be located between the rear lot line and the extension of the front facade of the principal structure; provided also, that for corner lots no outdoor storage is allowed between a building and a side street lot line. For through lots, the location for outdoor storage shall be determined by the planning director.

c. Outdoor storage shall not be located in a required yard/setback area.

d. Outdoor storage shall not be permitted on undeveloped lots.

e. Outdoor storage shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of ACC 18.70.015(A)(2).

f. Outdoor storage areas shall be landscaped in accordance with ACC 18.50.040(C)(5).

g. Outdoor storage areas shall consist of a hard surface material of either gravel or paving.

h. Outdoor storage shall consist of supplies, materials, and/or equipment that are in working and usable condition.

i. Outdoor storage of unworkable and/or unusable equipment, supplies or materials is not permitted.

2. *M-1 Zone.* Outdoor storage is subject to the following requirements:

a. Outdoor storage shall be limited to an area no greater than 50 percent of the lot.

b. Meet requirements of subsections (A)(1)(b) through (i) of this section.

~~3. *EP Zone.* Outdoor storage is subject to the following requirements:~~

~~a. Outdoor storage shall be limited to an area no greater than 15 percent of the lot.~~

~~b. Meet requirements of subsections (A)(1)(b) through (i) of this section.~~

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

    a. Outdoor storage shall be landscaped in accordance with ACC 18.50.040(C)(5).

    b. Outdoor storage shall not be permitted on undeveloped lots.

    c. Outdoor storage shall be limited to 30 feet in height.

18.57.035 Retail.

A. *Building and Landscape Materials Sales.*

1. *All Zones Where Permitted.*

a. Landscape materials displayed outdoors are limited to plants, soils, gravel, and fertilizer. No soil mixing is allowed.

b. Stored materials other than landscape plant materials shall be completely screened by walls or buildings and shall not protrude above the height of the enclosing walls or buildings or be visible from a public right-of-way or adjacent residential zone or use and shall not be located in any of the required setbacks.

c. Stored building supplies and landscaping materials shall be limited to 15 feet in height. The planning director may authorize an increase in height, up to 50 percent, through an administrative variance, subject to the procedures of ACC 18.70.015(A)(2).

~~B. *Groceries, Specialty Food Stores.*~~

~~1. *EP Zone.*~~

~~a. Groceries and specialty food stores are limited to 20,000 square feet in size.~~

18.57.030 Mixed-use development.

A. *All Zones Where Permitted.*

1. Multiple-family dwellings shall only occur concurrent with or subsequent to the development and construction of the nonresidential components of the mixed-use development unless a different sequence is allowed in the following code sections.

2. *Vertical Mixed-Use.*

a. Mixed-use development comprised of a maximum of one building on a development site shall have a minimum of 50 percent of the ground floor comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under "Recreation, Education, and Public Assembly," "Retail," or "Services" in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall occupy a maximum of 50 percent of the ground floor space.

3. *Horizontal Mixed-Use.*

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

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

B. *C-2 Zone.*

1. Vertical mixed-use development is required.

2. All other requirements of subsection A of this section shall apply.

C. *C-3 Zone.*

1. One thousand two hundred square feet of lot area is required for each dwelling unit.

2. All other requirements of subsection A of this section shall apply.

D. *C-4 Zone.*

1. Vertical or horizontal mixed-use is allowed.

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

E. *M-1 Zone.*

1. Vertical mixed-use development is required.

2. Ground floor uses shall be comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under "Retail" or "Services" in Table 18.23.030. All other requirements of subsection A of this section shall apply.

~~F. *EP Zone.*~~

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

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

Chapter 18.64
ADMINISTRATIVE AND CONDITIONAL USE PERMITS

18.64.020 Process.

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

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

a. The mailing radius requirement of ACC 14.07.040(A) shall be increased to 500 feet; and

b. In addition to the methods of providing notice required by ACC 14.07.040, public notice shall be posted on the city's website.

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

a. Review the information in the record and render a decision pursuant to the procedural requirements of ACC Title 14; or

b. Within 10 days following the close of the public comment period, forward the application to the hearing examiner for a public hearing and final decision in accordance with Chapter 2.46 ACC if the planning director or designee determines that one or more of the following exists:

i. Public comments indicate a substantial degree of concern, controversy, or opposition to the proposal; or

ii. A public hearing is necessary to address issues of vague, conflicting, or inadequate information; or

iii. The application raises a sensitive or controversial public policy issue; or

iv. A public hearing might clarify issues involved in the permit decision.

c. When a public hearing before the hearing examiner is deemed necessary by the planning director or designee:

i. The city shall provide written notice to the applicant within 10 days following the closing of the public comment period that the application is being forwarded to the hearing examiner for public hearing and decision pursuant to the procedural requirements of this chapter. The notice shall specify the reason the application is being forwarded to the hearing examiner;

ii. Processing of the application shall not proceed until any supplemental permit review fees set forth in the city of Auburn fee schedule are received; and

iii. The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of the applicant notification by the city.

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

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

1. For proposals with multiple administrative use elements, a single administrative use permit application will be required; provided, that findings of fact pursuant to ACC 18.64.040 are made for each element.

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

Chapter 3.60

SALES OR USE TAX

3.60.036 Construction sales tax exemption.

A.

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

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

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

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

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

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

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

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

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

D. *Eligible Target Business Classes.*

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

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

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

c. Electronics and Appliances – Sales Tax Classification Code 44311;

d. Full Service Restaurants – Sales Tax Classification Code 722110;

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

f. Bowling Centers – Sales Tax Classification Code 713950;

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

h. Hotels – Sales Tax Classification Code 72110; and

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

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

E. *Application for Refund.*

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

a. Identification of the vendor/contractor;

b. North American Industry Classification System (NAICS) code under which the tax was reported;

c. Name and Unified Business Identifier (UBI) number of the vendor/contractor on the combined excise tax return filed with the state of Washington; and

d. Detailed information supporting the amounts reported under the state use and sales tax section of the above report for location codes 1702 and 2724.

2. A purchaser may not apply for a refund under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain all records provided to the city in making its claim.

3. The city shall determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the city. If the city verifies eligibility, it shall remit eligible taxes paid to the purchaser.

F. *Appeals.* Any applicant aggrieved by an action of the city concerning eligibility or computation of remittance under this section may file a written appeal to the city's hearing examiner in accordance with Chapter 2.46 ACC within 14 calendar days of receipt of the city's decision. The hearing examiner is specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be the final action of the city.