



PLANNING COMMISSION MEETING

September 9, 2015
AGENDA

I. CALL TO ORDER – 7:00 p.m., Council Chambers

II. ROLL CALL/ESTABLISHMENT OF QUORUM (Pledge of Allegiance)

III. APPROVAL OF MINUTES

A. July 7, 2015

IV. PUBLIC COMMENT

Comment from the audience on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Update on Planning and Development Department activities.

VI. PUBLIC HEARINGS

A. Code Amendment for Recreational Vehicles as Dwelling Units* (Tate)

Summary: Review Recreational Vehicles as Dwelling Units code updates to Auburn City Code 18.04.330, 18.07.020, 18.46A.050 AND 18.46A.070 before the Planning Commission.

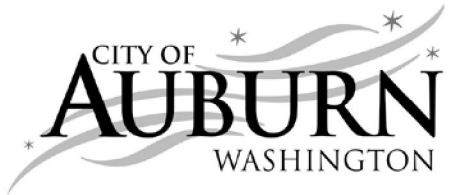
VII. OTHER BUSINESS

There are no other business items to go before the Planning Commission.

VIII. ADJOURNMENT

The City of Auburn Planning Commission is an eight member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



DRAFT
PLANNING COMMISSION

July 7, 2015

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 8:03 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

II. ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, and Commissioner Smith. Commissioner Baggett is excused.

Staff present included: Assistant Director of Community Development, Jeff Tate; City Attorney Dan Heid; Planning Services Manager Jeff Dixon, and Community Development Secretary Tina Kriss.

Members of the public present: No members of the public were present.

III. APPROVAL OF MINUTES

A. June 2, 2015

Commissioner Copple moved and Commissioner Smith seconded to approve the minutes from the June 2, 2015 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

IV. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hearing.

V. PLANNING DEPARTMENT REPORT

Assistant Director Tate reported that the Temporary Certificate of Occupancy has been issued for the Trek Apartments July 1, 2015. According to information supplied, approximately ¼ of the apartment spaces have been leased.

The Student Life and Trades buildings that have been under construction at Green River College Campus are almost complete.

VI. OTHER BUSINESS

A. 2015 Comprehensive Plan Annual Amendments

Planning Services Manager, Jeff Dixon, introduced and briefed the Commission on the annual 2015 Comprehensive Plan Amendments. The annual amendments consist of City-initiated amendments and also private-initiated text or map amendments. Private-initiated amendments are submitted through an application process in early June. The City received one private-initiated map amendment this year along. Last year the City received two private-initiated map amendments that

were incomplete upon submittal. After discussing the applications with the Applicant, The Applicant from last year agreed to postpone processing. If ready, it is now proposed all three private-initiated amendments would be processed this year. The "docket" of amendments is also proposed to include the city initiated amendments of the four school district annual capital facilities plans along with the city's own capital facilities plan. A schedule and additional detail will be subsequently provided.

B. Recreational Vehicles as Dwelling Units

Assistant Director Tate presented the staff report regarding proposed zoning code amendment regarding Recreational Vehicles (RV) as Dwelling Units. He explained that the concept of a code amendments on this topic were brought before City Council for discussion during the June 8, 2015 study session and the City Council generally concurred with the feedback of the Planning Commission at their June 2, 2015 meeting. That temporary RV living on a property with an existing single family residence may be appropriate subject to limitations. The draft code will need to specify the circumstances under which temporary use is allowed contrasted with not allowing on a permanent basis.

Assistant Director Tate reviewed the updated, draft code amendment that includes a new provision under the Temporary Use code Section outlined in Chapter 18.46A. The new provision would allow property owners to obtain a Type 1 Temporary Use Permit (land use approval) for a period not to exceed 90 days (consecutive days) to allow the placement and occupancy of a Recreational Vehicle on a property with an existing single family residence. A Type 1 Temporary Use Permit carries a fee of \$96.00. Proposed Ordinance No. 6565 was reviewed and staff explained what minor modifications would be added before it is brought back to the Planning Commission.

After discussing the fees for the permit, the Commission expressed that they would like to eliminate the fee for a Type 1 Temporary Use Permit for this specific purpose. Staff explained that in order to eliminate a fee, an amendment to the City's adopted fee schedule would have to take place requiring action by City Council to do so. The Planning Commission also expressed that they would like the option to have more than one extension of the temporary use permit.

The Commission and staff discussed the option of a ninety (90)-day extension and the language provided in the draft code on Page 7., section g.ii., "prima fascia evidence" and if that language was best suited for the permit. City Attorney Heid explained the purpose for the language in support of having an extension on the permit and the burden of proof for an extension.

The Commission pointed out that Page 9., Section 3.d. states that the length of time a Temporary trailer or prefabricated building will be used is the maximum needed to address the hardship but no longer than one year, unless otherwise extended by the planning director or designee, and that this seems to be unfair in light of a hardship for an individual living in a RV due to economic issues. Staff pointed out that it is extremely rare that the City receives a complaint on temporary trailers or prefabricated buildings on a commercially developed site but common to received complaints regarding RVs as a temporary living space on residentially-zoned property.

The Commission suggested the following proposed alternative language be added on Page 7, after Section g.ii.

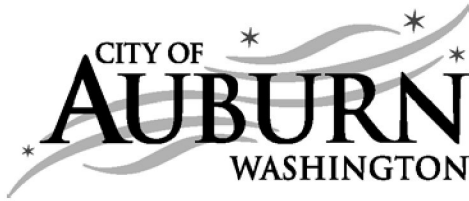
- Add item “g.iii.” - The number of occupants allowed to dwell in the Temporary RV dwelling unit shall not exceed the manufacturer’s Recreational Vehicle (RV) capacity rating and that any registration or permit issued would not exceed the maximum rating for occupancy.
- Add item “g.iv.” - The temporary dwelling unit being used as a temporary living space must be fully self-contained with plumbing, heating, electrical, fire extinguishers, smoke detection, and kitchen provisions for ecology, Health, Life and Safety standards.

After a discussion with staff on the cost of the permit, and the desire to ensure that ecology protection and Health, Life and Safety standards are ensured, the Commission recommended having more of a “registration” program instead of a “permit” program. This would allow staff to make contact with the occupant and provide information for services or assistance rather than having a Temporary Use Permit (land use permit). Staff will be working on this language to bring back to the Commission for consideration.

The next regularly scheduled meeting will be held August 5th, 2015. The September meeting will be modified in response to the holiday and held September 9, 2015.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:21 p.m.



MEMORANDUM

TO: Planning Commission

FROM: Jeff Tate, Assistant Director of Community Development

DATE: August 28, 2015

RE: Recreational Vehicles as Dwelling Units

Background

On June 2, 2015 staff presented draft code language to the Planning Commission pertaining to the use of Recreational Vehicles (RV) as dwelling units. The draft amendments would have had the effect of outlawing the use of RV's as dwelling units unless they were located in an approved RV park or as a temporary residence during the construction of a permanent primary single family residence.

Commissioner Smith questioned the prohibition and offered that it is appropriate to allow someone to live an RV on a family member or friend's property that already has a permanent single family residence. Commissioner Smith indicated that this might be someone's only option and that a prohibition may lead to forcing someone into homelessness. While there was no vote on this matter, it appeared as though the majority of Planning Commissioners were supportive of some limited allowance to accommodate this circumstance.

On June 8, 2015 staff presented the same draft code amendments to City Council during a study session discussion. Staff also relayed the general thoughts of Planning Commission that temporary RV living on a property with an existing single family residence may be appropriate subject to limitations. City Council generally concurred.

On July 7, 2015 staff presented a revised version of the draft amendments that incorporated provisions that allowed for a property owner to obtain a Temporary Use Permit for living within an RV for a limited duration. Planning Commission questioned the need and cost associated with a Temporary Use Permit and request staff to consider an alternative method of allowing, but limiting, living within an RV. In particular, Planning Commission encouraged a no fee permit or registration system.

Discussion

The attached updated draft code amendment includes a new provision allowing an RV to be placed on a property, and lived within, for a duration not to exceed 90 days provided that the property owner registers the RV with the City at no cost.

Attached for Planning Commission consideration is draft Ordinance No. 6565.

ORDINANCE NO. 6 5 6 5

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

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

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

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

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

WHEREAS, on June 2, 2015, the City of Auburn Planning Commission held a public hearing to hear comments regarding recreational vehicles as dwelling units, and following the public hearing and the receipt of comments and discussion related thereto, the Planning Commission moved to forward to the City Council its recommendations regarding recreational vehicles as dwelling units, set forth herein below.

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

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

18.04.330 Dwelling.

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

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

18.07.020 Uses.

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer	P	P	P	P	P	P	P

Table 18.07.020

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Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
residents)							
Keeping household pets ⁴	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
<u>Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ¹	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of	X	X	X	X	A	A	A

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

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

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Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC							
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	A	A	A	A	A	A
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ⁹	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per	C ⁷	X	X	X	X	X	X

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C =Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
calendar year							
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility	P	P	P	P	P	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

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Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
(see ACC 18.04.912(J))							
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵

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

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

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

18.46A.050 Exemptions (Temporary Use Permits) .

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

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

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

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

B. City-sponsored events and activities;

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

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

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

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

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

H. On a residential property that already has a permitted single family residence, the use of one (1) recreational vehicle for temporary living when not associated with active constuction of a single family dwelling shall be allowed for not more than ninety (90) calendar days in any calendar year. Use of one (1) recreational vehicle on a property with a single family residence for more than ninety (90) calendar days in any calendar year shall be considered prima facie evidence of being detrimental to the neighborhood. Recreational vehicles that are utilized for temporary living shall be registered with the City of Auburn, without fee, prior to starting in order to monitor compliance with the 90-day limitation.

Section 4 AMENDMENT TO CITY CODE. That Section 18.46A.070 of the City Code be, and the same is hereby amended to read as follows:

18.46A.070 General and specific temporary use permits.

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

1. For all zoning districts:

- a. Temporary use of land to conduct nonprofit events of up to six calendar days or less, where the events are of a kind not typically used by the sponsor at the location or site of the event;
 - b. Temporary parking facilities for private uses for four weeks or less per year;
 - c. Temporary fencing for public or private uses for four weeks or less per year;
 - d. Temporary use of privately owned property for temporary offices, construction trailers, materials storage, equipment storage or vehicle parking essential to and only in conjunction with the construction or building of public buildings, structures, road, or utility improvements.
2. For residential zoning districts:
- a. Temporary modular sales and leasing offices for on-site residential development properties;
 - b. Placement of tents, canopies, or membrane structures for zero to two weeks per year that meet setbacks of the underlying zone;
 - c. Placement of portable moving and storage containers for no greater than three weeks per year;
 - d. On-site temporary caretaker trailers for private or nonprofit residential construction;
 - e. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for private or nonprofit residential construction;
 - f. Special events such as a community block party, neighborhood parade or similar event involving multiple properties and causing temporary impacts to public rights-of-way or potential increased need for public services.
 - g. Living within a recreational vehicle as a temporary dwelling unit on property when a building permit to construct a permanent single family residential dwelling unit has been issued and construction activity remains active.
3. For nonresidential zoning districts:
- a. Commercial carnivals, circuses and shows;
 - b. Temporary sales and leasing offices for on-site commercial or industrial development properties;
 - c. On-site temporary construction trailers and offices and storage areas for construction materials and equipment for commercial, industrial or institutional construction;
 - d. On-site temporary caretaker trailers for commercial, industrial or institutional construction sites;
 - e. Temporary changes of uses and associated temporary structures for four weeks or less per year;
 - f. Temporary mobile sales for the sale of plants, flowers, books, crafts, produce, beverages, food, and other similar items in a single location for no more than two hours per day;
 - g. Placement of commercial storage containers for no more than three weeks per year;

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

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

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

ii. Adequate off-street parking is provided;

iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;

iv. The use will not obstruct pedestrian access on public rights-of-way;

v. Signage shall comply with the city's signage regulations;

vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;

vii. Adequate provisions for trash disposal and sanitary facilities are provided.

j. Agricultural seasonal sale of produce subject to compliance with the following:

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

ii. Adequate off-street parking is provided;

iii. The use will not interfere with adequate vision clearance, as governed by the city of Auburn engineering design standards, as amended;

iv. The use will not obstruct pedestrian access on public rights-of-way;

v. Signage shall comply with the city's signage regulations;

vi. Compliance to conditions required by the building official and fire marshal for minimum building, fire and life safety codes;

vii. Adequate provisions for trash disposal and sanitary facilities are provided.

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

1. For all zoning districts:

a. Temporary use of land in order to conduct a nonprofit event for seven calendar days or more in any such event;

b. Temporary storage of buildings and structures not permanently affixed or constructed or otherwise permanently situated on a property;

c. Temporary parking facilities for private uses for greater than four weeks per year;

d. Temporary fencing for public or private uses for greater than four weeks per year.

2. For residential zoning districts:

a. Placement of tents, canopies, or membrane structures for greater than two weeks per year that meet setbacks of the underlying zone;

b. Placement of personal use storage containers for greater than three weeks but no more than 12 weeks per year;

c. Off-site temporary construction trailers and offices and storage areas for construction materials and equipment for residential construction;

d. Temporary use of the following equipment on private property essential to and only in conjunction with the construction or building by the city, another public agency or a private party of a road, bridge, ramp, dock, and/or jetty in proximity to the approved construction site:

i. Portable asphalt or concrete mixing plants;

ii. Portable concrete batching plants;

iii. Portable rock crushing plants;

iv. Accessory equipment essential to the use of the aforementioned plants.

3. For nonresidential zoning districts:

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

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

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

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

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

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

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

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

v. There exists adequate sight distance;

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

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

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

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

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

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

1. In accordance with ACC 18.46A.030, the planning director or designee may issue a Type I temporary use permit for a temporary gravel parking facility that serves municipal purposes. The planning director or designee may issue a temporary use permit for a period up to 12 months if the planning director or designee finds it is consistent with the following criteria in addition to the approval criteria specified in ACC 18.46A.080:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Procedural Approval.

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

i. The date the homeless encampment will encamp;

ii. The length of the encampment;

iii. The maximum number of residents proposed; and

iv. The host location.

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

c. The temporary use permit application shall be accompanied by a hold harmless agreement whereby the host agency and sponsoring agency agree to indemnify the city of Auburn for, and hold it harmless from, all damages that may result from the operation of the homeless encampment by such permit grantee and shall pay all damages for which the permit grantee or the city of Auburn shall be held liable as the result of injuries suffered by any person,

association or corporation by reason of the operation of the homeless encampment; provided, that in case any claim is filed with the city of Auburn or any suit or action is instituted against said city by reason of any such damage or injury, the city council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.

2. Site Criteria.

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

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

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

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

iii. Refuse receptacles;

iv. Food tent and security tent.

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

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

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

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

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

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

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

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

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

3. Security.

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

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

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

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

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

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

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

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

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

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

4. Timing.

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

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

5. Health and Safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. SEVERABILITY. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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

FIRST READING: _____

SECOND READING: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____