



PLANNING COMMISSION MEETING

July 19, 2016
AGENDA

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

- A. ROLL CALL/ESTABLISHMENT OF QUORUM
- B. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

- A. June 21, 2016

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

- A. **Low Impact Development Code Update (ACC Title 13, 17, and 18)* (Howard)**
Summary: Review proposed Low Impact Development Code Updates.

V. OTHER BUSINESS

- A. **Domestic animals in residential zones* (Tate)**
Summary: Overview of City Council's decision to remand Ordinance No. 6600 back to the Planning Commission for further discussion and action on setbacks. Overview will include a summary of City Council's June 20, 2016 discussion and the options that are available to the Planning Commission.

VI. COMMUNITY DEVELOPMENT REPORT

Update on Planning and Development Department activities.

VII. 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.



June 21, 2016

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, Commissioner Stephens, Commissioner Shin, Commissioner Moutzouris, and Commissioner Smith.

Staff present included: City Attorney Dan Heid, Assistant Director of Community Development Jeff Tate, Assistant Director of Engineering/City Engineer Ingrid Gaub, Utilities Engineering Manager Lisa Tobin, Storm Drainage Engineer Tim Carlaw, Planning Services Manager Jeff Dixon, Utility Civil Engineer Shannon Howard, and Planning Administrative Assistant Tina Kriss.

Members of the public present: Jon Cheetham and Greg O'Farrell, of Kana B LLC/Lakeridge Paving and Mary Urback, their representative.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 17, 2016

Commissioner Copple moved and Commissioner Moutzouris seconded to approve the minutes from the May 17, 2016 meeting as written.

MOTION CARRIED UNANIMOUSLY. 8-0

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

A. CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment

Planning Services Manager Jeff Dixon provided a PowerPoint presentation of CPA15-0002, the Annual Comprehensive Plan Amendment request by Kana B, LLC to amend the map comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership from the current designation of "Light Commercial" to "Light Industrial" to facilitate a subsequent zoning change. The proposal consists of two parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps

Parkway East) within the SW ¼ of the SW ¼ Section 31, T21N, R5E, Parcel Nos. 3121059036 - 2.33 acres & 3121059033 – 1.32 acres

Staff reviewed the process for annual comprehensive plan amendments, the docket of items slated for change, the circumstances of the properties for the subject request, and the applicable criteria for changes as provided in ACC 14.22, "Comprehensive Plan", as they apply to the parcels identified in the proposed map amendment and reviewed the subject property on the City's updated 2015 Comprehensive Plan map.

He indicated Staff's recommendation is for the Planning Commission to recommend City Council approval of the request by Kana B, LLC (CPA15-0002) for a Comprehensive Plan Map Amendment to change the map designation of two parcels, Parcel Nos. 3121059036 – 2.33 acres & 3121059033 – 1.32 acres from "Light Commercial" to "Light Industrial".

Chair Roland opened the public hearing on the proposed amendments to CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment at 7:15 p.m.

Jon Cheetham of Kana B, LLC/Lakeridge Paving, 21102 Snag Island Drive, Lake Tapps, Washington

Mr. Cheetham stated he is a co-owner of Kana B LLC/Lakeridge Paving Company with Greg O'Farrell. Mr. Cheetham thanked staff for their work and the analysis provided for this project. Lakeridge Paving has been in business for over 48 years and has a history with the City of Auburn having assisted with the establishment and construction of Lake Tapps Parkway and also having dedicated property to the City in the Terrace View Townhomes/Lake Tapps Parkway. Lakeridge Paving is looking to move their paving company operation from the City of Covington to the location off A Street SE (East Valley Highway).

Mr. Cheetham explained that the properties surrounding the subject property are consistent with a Light-Industrial designation and the property is limited for commercial uses due to the size of the property and abutting hillside. The future plan for the site is to build an aesthetically pleasing business office on the parcels and to install landscaping and screening in excess of the requirements of Auburn's code. Mr. Cheetham stated Lakeridge Paving will be a welcome addition to the City of Auburn and appreciates the City working with Kana B LLC/Lakeridge Paving to implement a mutually beneficial future development to enhance the City's transportation infrastructure on A Street SE and the southerly entrance to the City.

Mr. Cheetham stated he believes the development improvements will be mutually beneficial to both the City and Lakeridge Paving.

With no other public present for public testimony, Chair Roland closed the public hearing at 7:18 p.m. on CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment. The Commission deliberated.

Commissioner Shin moved and Commissioner Copple seconded to recommend moving CPA15-0002, Annual Comprehensive Plan Amendment – Private Map Amendment to City Council for approval.

MOTION APPROVED. 8-0

V. OTHER BUSINESS

A. Low Impact Development Code Update (ACC Titles 13, 17, and 18)

Assistant Director Tate provided a brief introduction of the City staff that is part of the team working on the stormwater Low Impact Development Code Update. Storm Drainage Engineer Tim Carlaw explained that the City is required by State law to comply with and implement the Department of Ecology's (DOE) Western Washington Phase II Municipal Stormwater Permit (Permit). The current State-issued Permit, effective from 2013 to 2018, requires the City to "review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs)" by December 31, 2016. So far, the stormwater LID techniques have been voluntary.

Assistant Director Tate and Shannon Howard, Utilities Civil Engineer, provided a PowerPoint presentation introduction to Stormwater Low Impact Development approaches and principles.

The Commission and staff discussed the permit process, various techniques and concepts for site planning, and distributed examples of stormwater LID management practices. Staff reviewed the process for amending the various code sections and the anticipated schedule moving forward before the Planning Commission and ultimately City Council.

B. Staff presentation - Planning Commission Training

Planning Services Manager Jeff Dixon and Assistant Director Tate presented a training session for the Planning Commissioners. A review of the foundation of legal basis for planning was provided, including the constitutional (Federal) and statutory (Washington State Statutory) basis along with the Role of the Planning Commission to advise City Council, establish procedures, and the Commission's responsibilities in conducting hearings and making recommendations.

A brief overview of legal considerations such as the Open Public Meetings Act, Public Records Act, and the Appearance of Fairness Doctrine was also provided by staff.

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate described several of the current activities of the Department. On June 20, 2016 City Council approved Resolution No. 5235, which authorizes the City to expend funds to abate the litter, junk, weeds, and attractive nuisances in the City of Auburn and authorizing the City's cost thereof. Assistant Director Tate provided a PowerPoint presentation regarding the City's code enforcement abatement process under Resolution No. 5235.

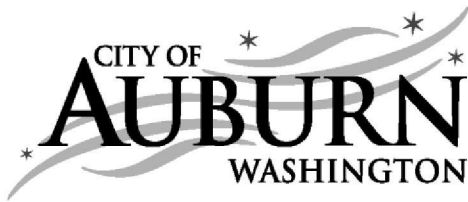
Ordinance No. 6601, Amendments to Title 15 adopting the 2015 International Building Code, Washington State Amendments, and local building code amendments were adopted by City Council on June 20, 2016. This was based on the Planning Commission's recommendation.

Assistant Director Tate reported that at the June 20, 2016 regular City Council meeting the Council remanded Ordinance No. 6600 back to the Planning Commission to continue additional discussion on the code relating to domestic fowl and yard setbacks applicable to enclosures housing fowl that were the subject of this zoning code amendment. Staff explained that this item was considered by the Council and after receiving additional input from members of the public, Council voted to remand this back to the Planning Commission for further discussion but without specific direction

Staff explained this item will be added to the future July 19, 2016 Planning Commission agenda.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:14 p.m.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Tim Carlaw, Storm Utility Engineer

DATE: July 19, 2016

RE: Low Impact Development Code Update (ACC Title 13, 17, and 18)

Purpose:

As the owner and operator of a regulated small municipal storm sewer system, the City of Auburn is required by State law to comply with and implement the Department of Ecology's (DOE) Western Washington Phase II Municipal Stormwater Permit (Permit). The current State-issued Permit, effective from 2013 to 2018, requires the City to "review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs)" by December 31, 2016. (Permit, S5.C.4.f.i) The State-issued Permit directs the City to complete this review and revision process in a manner that is consistent with Puget Sound Partnership's publication *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012).

Background:

Low Impact Development is a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes by emphasizing use of on-site natural features, site planning, and distributed stormwater management practices (BMPs) that are integrated into a project design. LID principles include reducing impervious area to reduce runoff volume, using the natural terrain of sites to promote infiltration, and other design concepts that reduce runoff. LID BMPs are on-site stormwater facilities like bioretention cells and permeable pavements that incorporate infiltrative stormwater management into the overall design to reduce runoff. During the June 21, 2016 Planning Commission meeting, City staff will present a Powerpoint overview of LID in order to provide more information of what LID is, what it looks like, and why it will now be a *required* stormwater management approach beginning on January 1, 2017 .

Regulatory Requirement:

The State-issued Permit requires the City to implement LID principles and BMPs in two ways:

1. By revising the Auburn City Code (ACC)
2. By adopting a Stormwater Management Manual (SWMM) that is equivalent to the DOE Stormwater Management Manual for Western Washington (SWMMWW)

The City's Storm Utility is requesting that the Planning Commission review and comment on the draft regulations in the first item that incorporate LID into the City's development and redevelopment requirements. The second item is a "how-to" technical document that provides details on how to determine the feasibility of incorporating LID into a specific site and the engineering details that pertain to various LID approaches that exist. This technical document is not a policy document nor is it codified in City Code in order to allow it to be modified quickly as technology changes and new ideas are developed. Maintenance of the technical document exists under the authority of the City Engineer. While staff would be happy to provide the technical document to Planning Commission, it is not being transmitted at this time because it does not include policies and/or regulations that are under the purview of the Planning Commission. It will, however, be included in the package of materials that will be considered by City Council together with the Planning Commission's recommendations for code amendment.

Code Revision Process:

An inter-disciplinary team from the Community Development and Public Works Department conducted the review process outlined in the *Integrating LID into Local Codes* document, and developed code changes to comply with the Permit. The intent of the code revisions contained in the attached documents is to eliminate code requirements that inhibit the use of LID principles and BMPs, provide control and oversight of maintenance responsibilities related to LID BMPs, and to require that LID BMPs be employed, where feasible, on new development and redevelopment projects in accordance with the DOE SWMMWW. The code changes summarized below and attached in full for your review are the minimum necessary for the City to maintain compliance with the Permit. **Minor additional code changes have been made since the Planning Commission meeting on June 14, 2016. Though no substantive changes were made, the code changes summarized below and attached should replace the materials provided at that meeting.**

Feasibility is a key component in implementing the new LID requirement. LID BMPs are dependent on the appropriate site conditions to function properly, such as the ability of water to infiltrate into the soil or safety considerations like slope stability and flooding risk. The code changes and the DOE SWMMWW provide a very detailed and methodical path for evaluating the feasibility of using LID, but if all of the BMPs are found to be infeasible, stormwater management can be addressed using traditional

methods. Infeasibility considerations include safety concerns and conditions that would cause failure. City staff can already use existing GIS data to identify areas within the City where we know that LID is not feasible. These areas will be identified on a map that is available to the public and our development customers so that they are relieved of the burden of having to proceed through the full feasibility analysis. For example, in areas of where groundwater is vulnerable to contamination LID approaches that encourage infiltration are likely inappropriate in order to ensure adequate groundwater protection. Infiltration on or near slopes is another example of site conditions that would make some LID facilities infeasible due to risks of slope failure.

Code Revision Recommendation Summary:

The code changes summarized below replace the summary provided at the June 14, 2016 Planning Commission meeting.

ACC 12.04 Public Works Construction

- Recommend revisions to **12.04.010 B(2)** to establish the 2014 Department of Ecology Stormwater Management Manual for Western Washington, and Supplemental Manual for use within the City of Auburn, as the City's Surface Water Management Manual (SWMM).

ACC 13.41 Utility Systems Development Charge

- Recommend that the System Development Charge (SDC) credit for the use of LID in **13.41.050 (B)** is eliminated. Current City Code provides a System Development Charge (SDC) credit of up to 70% to encourage the use of LID. Since consideration of LID is shifting from voluntary to mandatory beginning in 2017, this is no longer needed.
- Recommend removal of LID definition in **13.41.010 (E)**; the term is eliminated from this chapter with the revision above, and is defined adequately in other chapters.

ACC 13.48 Storm Drainage Utility

- Recommend revision of Purpose in **13.48.005** to better describe the goals of the Storm Utility, including: regulatory compliance; protection of property and surface water bodies; and provisions for maintenance, planning, collection of utility rates, and enforcement.
- Recommend revision and adding definitions in **13.48.010** relative to LID and the update of the City's SWMM.
- Recommend adding to **13.48.180** to provide authority to establish necessary recorded instrument that defines location of required storm BMPs and maintenance obligations.

- Recommend revisions to **13.48.225** to conform with updates to Ecology's Minimum Requirements and require the use of LID principles and BMPs per the DOE SWMMWW.
- Recommend revision to **13.48.230 B** to change "impervious" to "hard" surfaces to match new DOE definitions and requirements.
- Recommend adding section **13.48.425 Low Impact Development in Ground Water Protection Areas** to protect ground water sources of drinking water in Ground Water Protection Zones defined in ACC 16.10.080 by not allowing the use of LID infiltration facilities that collect runoff from pollution-generating surfaces without also including enhanced treatment .
- Recommend adding sections **13.48.245 Storm Drainage Permit, 13.48.XXX Permit – Application, 13.48.XXX Permit – Approval, and 13.48.XXX Permit - Revocation** to establish code requirements for storm drainage permits. This section is still under staff review and will be fully updated prior to the July 19th public hearing.

ACC 17.02 General Provisions

- Recommend revision of Purpose in **17.02.030** to incorporate consideration of LID principles into subdivision layouts.

ACC 17.09 Short Subdivisions

- Recommend revision of **17.09.050 D(2)** and **K** to include consideration of LID principles in storm drainage/site grading plans for short subdivisions and addition of requirement to notify individual property owners of location, responsibilities, and requirements related to LID stormwater management facilities.

ACC 17.10 Preliminary Subdivisions

- Recommend addition of **17.10.020 D(4e.i)** and **(4e.ii)** to require identification of location and maintenance responsibilities for proposed LID facilities in preliminary plat applications.
- Recommend addition of **17.10.070 H** to include consideration of LID principles in preliminary plat findings of fact.

ACC 17.12 Final Subdivisions

- Recommend addition of **17.12.010 D(17)** to require notification of individual property owners and/or associations of the location, responsibilities, and requirements associated with LID and stormwater management facilities in final plat documents.

ACC 17.26 Cluster Subdivisions

- Recommend revision of Purpose in **17.26.010** to include consideration of clustering as a LID technique.
- Recommend revision of **17.26.030 B** to allow flexibility in minimum lot size, width, and area to allow maximizing density when LID facilities are designated.
- Recommend revision of **17.26.030 D(5)** and **(6)** to restrict future variances to setbacks and lot coverage limits when cluster developments are approved, and eliminate restriction to lot width in cluster subdivisions.
- Recommend revision to **17.26.030 D(7a)**, **(7d)**, and **(7e)** to allow for LID facilities in existing common space requirements and the use of LID principles in open space layout.

ACC 18.50 Landscaping and Screening

- Recommend expanding Intent in **18.50.010** to include LID principle of using landscaping to disconnect impervious surfaces.
- Recommend expanding Applicability in **18.50.020** to specifically exclude single-family and duplex units on existing lots located within subdivisions.
- Recommend adding **18.50.040 A(5)** to allow LID facilities to be included in minimum landscaping requirements.
- Recommend revision to Notes for **Table 18.50.040(A)** to include preference for the LID design principles of preserving native coniferous vegetation and planting of native plant species.
- Recommend revision to **18.50.040 C(1)**, **(1a)**, and **(1c)** to include LID principles in Landscape Design.
- Recommend revision to **18.50.040 C(4)** to allow the use of bumper blocks in parking lot landscaping when used as part of a LID design.

Proposed Planning Commission Schedule:

- June 21 – overview of LID and review of staff-generated proposed City code changes; this meeting will provide an opportunity for Planning Commission to ask questions and raise issues that can be addressed and incorporated into the materials that are subject to the public hearing scheduled for the next meeting.
- July 19 – public hearing on proposed City code changes for LID
- August 16 – continue public hearing if needed Planning Commission deliberations; Planning Commission vote/decision

Exhibits:**Exhibit A – Draft City Code Amendments**

Please note that the attached proposed Code Amendments replace the documents provided at the June 14, 2016 Planning Commission meeting.

Chapter 12.04

PUBLIC WORKS CONSTRUCTION

Sections:

- 12.04.010 Adoption of engineering construction standards and engineering design standards.
- 12.04.020 Contracts – Conformance to engineering construction standards and engineering design standards.
- 12.04.030 Severability.
- 12.04.040 Engineering construction standards and engineering design standards – Copies filed.
- 12.04.050 Authorities for public infrastructure and right-of-way management.

12.04.010 Adoption of engineering construction standards and engineering design standards.

A. Adopted – Engineering Construction Standards. The engineering construction standards include the following documents and manuals which are herein referred to as the “engineering construction standards” and are adopted by reference:

1. The Standard Plans (M21-01) for Road, Bridge, and Municipal Construction prepared by the Washington State Department of Transportation, the latest publication and amendments thereto, as determined appropriate for city infrastructure by the city engineer and for conformance with adopted city engineering design standards.
2. The Standard Specifications for Road, Bridge and Municipal Construction, the latest (English) edition publication and amendments thereto as issued by the Washington State Department of Transportation as supplemented and amended through special provisions by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.
3. The City of Auburn Engineering Standard Details, a manual of specific plans or drawings developed and adopted by the city of Auburn department of public works which show frequently recurring components of work that have been standardized for repetitive use, as supplemented and amended by the city engineer for specific construction applications and for conformance with adopted city engineering design standards.

B. Adopted – Engineering Design Standards. The engineering design standards as approved, supplemented and amended by the city engineer for specific design applications and in consultation with the city council on policy issues or broad citywide implications shall include the following documents and manuals which are herein referred to as the “engineering design standards” and are adopted by reference:

1. A manual of specific engineering design requirements which shows frequently recurring public transportation and utility infrastructure standards.
2. The City of Auburn Surface Water Management Manual (SWMM) which is the 2014 Department of Ecology Stormwater Management Manual for Western Washington, 2008 City of Tacoma Surface Water Management Manual as amended and its Supplemental Manual –for use in the city of Auburn. The SWMM is a manual of specific requirements related to storm drainage management.

C. Adopted – Highway Access Management. Chapter 468-52 WAC, Highway Access Management – Access Control Classification System and Standards, and amendments thereto, with the exception of WAC 468-52-060 and 468-52-070, is adopted by reference with the following amendments:

1. All references to the “Department” shall be changed to “city of Auburn.”
2. All references to Chapter 468-51 WAC or sections thereof shall be changed to “City of Auburn Engineering Design Standards.” (Ord. 6532 § 14, 2014; Ord. 6283 § 1, 2009; Ord. 6258 § 1, 2009; Ord. 6157 § 1, 2008; Ord. 5042 § 1 (Exh. B), 1998.)

12.04.020 Contracts – Conformance to engineering construction standards and engineering design standards.

All public work construction contracts of the city, including but not limited to streets and sidewalks, storm water and sanitary sewer systems, and water systems, shall conform to the specifications adopted in ACC 12.04.010. Furthermore, all work within city public ways performed by others subject to Chapter 12.24 ACC, Construction Permits, shall conform to the same standards. (Ord. 6258 § 1, 2009; Ord. 5042 § 1 (Exh. B), 1998.)

12.04.030 Severability.

If any provision of this chapter or the engineering construction standards or engineering design standards adopted by reference in ACC 12.04.010 and effective from and after January 16, 1998, or their application to any person or circumstance is held invalid, the remainder of this chapter or its application of the provisions to other persons or circumstances shall not be affected. (Ord. 6258 § 1, 2009; Ord. 5042 § 1 (Exh. B), 1998.)

12.04.040 Engineering construction standards and engineering design standards – Copies filed.

Under the provisions of RCW 35A.12.140, the ordinance codified in this chapter shall be published as required by law, but the aforementioned engineering construction standards and engineering design standards adopted by reference in ACC 12.04.010 need not be published but shall be authenticated and recorded with the Auburn city clerk, and not less than one copy of each such standard documents in the form in which it was adopted shall forthwith be filed in the office of the Auburn city clerk for use and examination by the public. (Ord. 6258 § 1, 2009; Ord. 5042 § 1 (Exh. B), 1998.)

12.04.050 Authorities for public infrastructure and right-of-way management.

A. Develop and Publish City Engineering Standards. The city engineer or his/her designee shall develop, implement and publish engineering design standards manuals in accordance with ACC 12.04.010(B). The city engineer or his/her designee shall develop, implement and publish engineering construction standards manuals and establish engineering standard construction practices for regulation of all work within the public way by all persons to include, but not be limited to, franchise public/private utilities and entities possessing a right-of-way agreement and/or permit to assure the public's safety, welfare and interest is protected.

B. Survey Record Controls. The city engineer or his/her designee shall develop office procedures for establishing horizontal and vertical control registration of existing and future development within the urban growth areas of the city. Procedures will utilize both city and private development record drawings and survey efforts to continue to maintain an accurate current database for future reference. The city will provide the most current benchmark geodetic survey data to new developers and for city construction projects at the administrative cost of providing the service, and require in exchange, at no cost to the city, the developer and/or city project sponsors to provide equal quality record drawings in AutoCAD drawing file format at completion of the development and/or city project to update records reflecting survey controls of the new development and/or city infrastructure.

C. Subdivision Records. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all recorded plats and short plats.

D. Management of Record Drawings. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public transportation, water, sanitary sewer, and storm drainage infrastructure as defined in ACC 13.40.010.

E. Management of Right-of-Way and Easements. The city engineer or his/her designee shall develop office procedures for the safekeeping of record drawings of all public right-of-way, public access easements, city utility easements, cross drainage easements, and public facilities developed and dedicated to the city.

The acquisition of real property and relocation of inhabitants required for the completion of city projects shall be pursuant to ACC 2.03.030 and Chapter 3.10 ACC.

The city engineer may accept easements granted to the city as part of an approved development project or capital projects of the city for city utilities, drainage, slope protection, public access, and right-of-way, and may also accept public facility extensions that are not dedicated through plats and short plats. The city engineer may execute a release or partial release of any city utility, drainage, temporary road, or slope protection easements that are not needed or are no longer needed for city purposes. All other city-held easements shall be released only by city council action, and

public right-of-way easements shall be subject to the vacation provisions set forth in Chapter 12.48 ACC, and in accordance with Chapter 35.79 RCW. (Ord. 6532 § 15, 2014; Ord. 6312 § 1, 2010; Ord. 6265 § 2, 2009; Ord. 6258 § 1, 2009; Ord. 6013 § 1, 2006; Ord. 5042 § 1 (Exh. B), 1998.)

Chapter 13.41

UTILITY SYSTEMS DEVELOPMENT CHARGE

Sections:

- 13.41.010 Definitions.
- 13.41.020 Purpose.
- 13.41.030 Utility systems development charge imposed – Rates – Review.
- 13.41.040 Collection.
- 13.41.050 Credits.
- 13.41.060 Segregation and use of revenues.
- 13.41.070 Appeals.
- 13.41.080 Scope.

13.41.010 Definitions.

As used in this chapter, unless the context otherwise requires:

A. “Capacity facilities” includes but is not limited to:

1. Water system infrastructure including: water sources, treatment facilities, interties, pump stations, pressure reducing stations, standby generators, reservoirs, distribution, and transmission mains and appurtenances needed for distribution, fire protection and pressure.
2. Sanitary sewer system infrastructure including: lift stations, standby generators, force mains, conveyance lines and appurtenances needed to collect and transport sewage for treatment and disposal or to eliminate a storm and sanitary sewer cross connection.
3. Storm drainage system infrastructure including: pump stations, standby generators, storage facilities, water quality facilities, stream, creek or river improvements and conveyance lines needed to collect, transport and dispose of storm drainage, eliminate storm and sanitary sewer cross connections, eliminate storm and surface water flooding and water quality problems, and treatment and disposal facilities.

~~B. “Impervious surface,” for the purpose of calculating a system development charge and only as it pertains to this chapter, means a hard surface area that prevents the entry of water into the soil mantle. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, concrete or asphalt paving. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose of SDC fee calculation.~~

~~C. “Utility systems development charge” is a charge imposed on new customers, or existing customers revising use of their property, in recognition of the previous investment of the city and its customers in the utility systems.~~

~~“Parcel, non-single-family” means any parcel of developed land other than single-family or two-family (duplex) residential.~~

~~D. “Parcel, non-single-family” means any parcel of developed land other than single-family or two-family (duplex) residential.~~ “Utility systems development charge” is a charge imposed on new customers, or existing customers revising use of their property, in recognition of the previous investment of the city and its customers in the utility systems.

~~E. “Low impact development (LID)” means a storm water management and land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. Common LID designs include, but are not limited to, bioretention areas, vegetated rooftops, porous asphalt pavement and porous concrete as designed in accordance with the City of Auburn Surface Water Management Manual and 2005 Low Impact Technical Guidance Manual for Puget Sound published by the Puget Sound Action Team or most recent update. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 6283 § 2, 2009; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 2, 1980.)~~

13.41.020 Purpose.

The city council has determined that it is reasonable and in the public interest to enact and impose a utility systems development charge for the purpose of recovering a fair share of the costs of providing existing utility system infrastructure to serve new customers or revised uses of existing customers. The intent is to reimburse the city's utility for the cost of construction of available capacity sanitary sewer, water and storm drainage facilities from those properties, which as part of their development and use create direct or indirect needs for those facilities. The city council finds that the public would benefit from a logical long-range approach to the financing of necessary general facilities. Experience has demonstrated that the lack of such provision casts an unfair and unexpected burden on taxpayers and residences in the form of utility rates, taxes, bond interest costs and assessments when core, general or central facilities become inadequate, causing a crisis. Operating from crisis to crisis is wasteful, unsafe and not an acceptable method of operating local government; and debt financing should be minimized wherever possible.

13.41.030 Utility systems development charge imposed – Rates – Review.

A. A sanitary sewer and water utility systems development charge is imposed upon all lands inside the boundary of the city, and all lands outside the boundary of the city which utilize either sanitary sewer facilities or water facilities or both of the city, and a storm drainage utility systems development charge is imposed upon all lands in the city, except those lands exempted under this chapter, which fees and charges shall be as set forth on the city of Auburn fee schedule.

B. The utility systems development charge as set forth in the city fee schedule will be computed to consider the future and/or current value of the utility system's fixed assets, excluding contributions by developers, and outstanding bonded indebtedness, and will also consider an appropriate service unit.

C. The utility systems development charge imposed shall be reviewed annually by the city council and the charges may be revised to reflect changes in utility asset value, depreciation of the utility system fixed assets, bonded indebtedness, and the number of ERU, RCE or ESU customers served.

13.41.040 Collection.

The water, sanitary sewer and storm drainage utilities systems development charges are immediately due and payable upon obtaining a permit for connection to the city utility. Systems development charges for parcels that will utilize infiltration for storm water disposal are immediately due and payable upon obtaining a building permit to develop the parcel.

A. For residential development for new development, redevelopment or a change in use, and prior to issuance of a permit application, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city that requires payment of water, sanitary sewer and storm drainage development charges due and owing, less any credits awarded, by providing for automatic payment through escrow of these development charges due and owing to be paid no later than at time of closing of the sale of the unit or at final inspection or issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (A)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the

granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 13.41.070 shall not apply to determinations made pursuant to this section.

B. For nonresidential development composed of new development, redevelopment or a change in use and inclusive of commercial office and retail uses, light and heavy manufacturing uses, but excluding warehousing and distribution uses, and institutional development including but not limited to public and private schools and colleges and hospitals, and prior to the issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay water, sanitary sewer and storm drainage development charges due and owing, less any credits awarded, no later than prior to issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.

2. Any unpaid charges adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (B)(1) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.

3. The appeals process authorized in ACC 13.41.070 shall not apply to determinations made pursuant to this section.

13.41.050 Credits.

All system development charge credits shall be documented in writing as negotiated between the land developer and the city engineer.

A. If a developer provides a capacity facility that benefits other properties as identified within the appropriate utility comprehensive plan, a systems development charge credit may be granted under the provisions of this chapter.

~~B. If a developer of any non-single-family parcel development, as defined in ACC 13.41.010(D), provides low impact development (LID) facilities, as defined in ACC 13.41.010(E), to manage on-site storm water then a credit shall be granted of up to 70 percent of the total amount of the system development charge. The credit amount is equal to the ratio (expressed as a percentage) of the total impervious surface area managed by LID to the total area of impervious surface of the development. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 5, 1980.)~~

13.41.060 Segregation and use of revenues.

All funds derived from the utility systems development charge are to be segregated by appropriate approved accounting practices from all other funds of the city, and that portion of the utility systems development charge calculated and collected on account of a utility shall be used for no other purpose than replacement, major repair, installing, constructing, and extending capacity facilities of the utility.

13.41.070 Appeals.

Appeals of the public works director's determinations made pursuant to this chapter shall be filed with the public works department and shall be heard by the city's hearing examiner pursuant to Chapter 2.46 ACC. Determinations on appeals shall be based on whether the decision being appealed was consistent with applicable state law and city codes. The hearing examiner's determination shall be final unless appealed to the superior court of the county in which the property subject to the utility system development charges is located within the city of Auburn, in accordance with the procedures in RCW 34.05.510 through 34.05.598, and with the appeal being filed with the city clerk within 30 days after issuance of the decision of the hearing examiner.

13.41.080 Scope.

The utility systems development charge provided for in this chapter is separate from and in addition to any applicable tax, assessment charge, or other fee otherwise provided by law.

Chapter 13.48

STORM DRAINAGE UTILITY

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I. Establishment and Administration

13.48.005 Purpose.

~~The city has determined that a storm drainage utility and associated regulations will avoid the creation of public nuisances that would occur without such utility and regulations, and promote the public health, safety and general welfare of the citizens of Auburn. Public nuisances would consist of:~~

~~A. Water inundated property, both public and private;~~

~~B. Uncontrolled volume increase, rate, or contaminated load of runoff;~~

~~C. Degradation of existing water resources such as creeks, streams, rivers, ponds, lakes, groundwater, and other water bodies;~~

~~D. Degradation of water used for contact recreation, aquatic habitat, and aesthetic quality;~~

~~E. Jeopardy to the city's compliance with federal flood insurance programs;~~

~~F. Jeopardy to the city's compliance with the NPDES Western Washington Phase II Municipal Stormwater Permit. (Ord. 6251 § 1, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4776 § 1, 1995.)~~

The city has determined that a storm drainage utility and associated regulations is necessary to protect the public health, safety, and general welfare of the citizens of Auburn; promote sound development policies and construction procedures which respect and preserve the city's natural resources; and prevent the creation of public nuisances that would occur without such utility and regulations. The purpose of the storm drainage utility is to:

A. Maintain the city's compliance with the National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit; (Ord. 6251 § 1, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4776 § 1, 1995.)

B. Maintain the city's compliance with federal flood insurance programs;

C. Promote the integration of Low Impact Development policies, procedures, and BMPs into the city's stormwater infrastructure as appropriate;

D. Control and prevent the flooding of property, both public and private;

E. Manage uncontrolled volume increase, rate, or contaminated load of runoff;

F. Maintain and protect existing water resources such as creeks, streams, rivers, ponds, lakes, groundwater, and other water bodies;

G. Maintain and protect water used for contact recreation, aquatic habitat, and aesthetic quality.

H. Provide for the planning, security, design, construction, use, maintenance, repair and inspection of the storm and surface water system;

I. Protect the functions and values of critical areas as required under the State's Growth Management Act and Shoreline Management Act;

- J. Provide for enforcement of the provisions of this code, the engineering construction standards and the engineering design standards ~~engineering design and construction standards per ACC 12.04, and related city manuals and code provisions;~~
- K. Establish rates and charges that provide a method of payment of all or any part of the cost and expense of maintaining and operating stormwater control facilities;; all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving stormwater control facilities;; or all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

13.48.010 Definitions.

The following words when used in this chapter shall have the following meanings. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the city's surface water management manual; nontechnical words or phrases will be given their dictionary meaning.

- A. "Base rate" means the monthly charge for service from the storm drainage utility to recover costs incurred by the utility such as administrative, billing and collection.
- B. "Best management practices (BMPs)" means the schedules of activities, prohibitions of practices, maintenance procedures and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.
- C. "Charge in lieu of assessment" means a charge made by the city on property which has not previously participated in the cost of a public storm drainage line directly serving the property.
- D. "Connection" means the connection of all storm drainage disposal lines and flow from contributing surface area from all development on a property to a public or private storm drainage system.
- E. Detention" means the temporary storage of storm and surface water runoff with provisions for the controlled off-site surface release of the stored water.
- F. "Director" means the public works director of the city of Auburn or designee.
- G. "Emerging technology" means water quality treatment technologies that are currently being evaluated for performance.
- H. "Engineering construction standards and engineering design standards" ~~City of Auburn engineering design and construction standards~~ means the requirements adopted under Chapter 12.04 ACC for storm drainage, sanitary sewer, transportation, and water facility design and construction.
- C.—
- D.— "Detention" means the temporary storage of storm and surface water runoff with provisions for the controlled off-site surface release of the stored water.
- E.— "Director" means the public works director of the city of Auburn or designee.
- F.— "Emerging technology" means water quality treatment technologies that are currently being evaluated for performance.
- G.I. "Equivalent service unit (ESU)" means a configuration of development or impervious surfaces estimated to contribute an amount of runoff to the city's storm drainage system which is approximately equal to that created by the average single-family residential parcel. One ESU is equal to 2,600 square feet of impervious surface area or any portion thereof.
- J. "Hard Surface"s means an impervious surface, a permeable pavement, or a vegetated roof.
- H.K. "Illicit connection" means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.
- I.L. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
- J.M. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios,

driveways, parking lots, storage areas, standard portland cement concrete (PCC) or asphalt cement concrete (AC) paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

K-N. “Land disturbing activity” means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

L-O. “Low impact development (LID)” means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

M-P. “National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and in Washington State are administered by the Department of Ecology.

N-Q. “New development” means land disturbing activities, including Class IV – general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

Q-R. “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purpose and given a tax lot number by the appropriate county assessor for the county in which the parcel is sited.

P-S. “Parcel, developed” means any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface.

Q-T. “Parcel, non-single-family” means any parcel of developed land other than single-family or two-family (duplex) residential.

R-U. “Parcel, single-family residential” means any parcel of land having on it a single detached dwelling unit which is designed for occupancy by one family or a similar group of people.

S-V. “Parcel, two-family (duplex) residential” means any parcel of developed land having one duplex (two-family dwelling) per lot.

W. “Parcel, undeveloped” means any parcel which has not been altered from its natural state by grading or filling of the ground surface, or by construction of any improvements or impervious surfaces.

X. “Redevelopment” means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

T-Y. “Retention” means the storage of storm and surface water runoff with no provisions for off-site surface release of the stored water other than by evaporation ~~and~~ infiltration, and Low Impact Development strategies.

U. ~~“Redevelopment” means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.~~

V-Z. “Runoff” means water that travels across the land surfaces and discharges to water bodies either directly or through a collection and conveyance system. See also “Storm water.”

W-AA. “Source control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with storm water through physical separation of areas or careful management of

activities that are sources of pollutants. Source control BMPs can be divided into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering storm water. Operational source control BMPs are nonstructural practices that prevent or reduce pollutants from entering the storm water.

~~X.BB.~~ “Storm drainage facility” means any natural stream/creek or constructed component of Auburn’s storm drainage system or other storm drainage system.

~~Y.CC.~~ “Storm drainage system” means the total system of storm drainage facilities as described in ACC 13.48.030.

~~Z.DD.~~ “Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

~~AA.EE.~~ “SWMM” as referred to in this chapter means the City of Auburn Surface Water Management Manual which is the 2008 City of Tacoma Surface Water Management Manual as amended for use in the city of Auburn as adopted in ACC 12.04.

~~BB.FF.~~ “Utility” means the city storm drainage utility created by the ordinance codified in this chapter.

~~CC.GG.~~ “Watercourse” means a channel, either natural or manmade, in which a flow of water occurs, either continuously or intermittently.

~~DD.HH.~~ “Water quality treatment” means an engineered and approved facility to remove contaminants in the existing flow regime of storm water generated from a developed parcel pursuant to applicable design standards in place at the time of approval. (Ord. 6283 § 3, 2009; Ord. 6251 § 2, 2009; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5359 § 1, 2000; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 5146 § 1, 1998; Ord. 4492 § 4, 1991.)

13.48.020 Storm drainage utility created.

The city council creates and establishes for and on behalf of the citizens of the city a storm drainage utility, in accordance with and subject to the laws of the state including the establishment of rates and charges therefor. The city council further establishes that the storm drainage utility boundaries shall coincide with the legally established boundaries of the city’s corporate limits. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.030 Storm drainage system defined.

The city council declares that the “storm drainage system” shall be defined as follows: natural and manmade storm drainage facilities used for the conveyance and/or storage or water quality treatment of storm and surface water within the boundaries established in ACC 13.48.020 including, without limitation, all such properties, interests and rights acquired by adverse possession or by prescription. The definition also includes the conveyance or storage of storm and surface waters that flow through, under, or over lands, land forms, watercourses, sloughs, streams, ponds, rivers, lakes and wetlands, beginning at a point where storm or surface waters enter the city system and ending at a point where such storm or surface waters exit from the city’s storm and surface water system, and in width to the full extent of inundation caused by storm or flood conditions. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.040 Transfer of storm drainage system from street department to storm drainage utility.

The city council expressly finds that the value of the existing public storm drainage system, as defined in ACC 13.48.030, is equal to the value of release from primary responsibility of the street department, insofar as they relate to or concern storm or surface waters, and they are transferred to and subject to the administration of the utility created by the ordinance codified in this article, and, therefore, the street department is released from such primary responsibility. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.050 Utility administration authority.

The city’s storm drainage utility herein created shall be administered by the city public works department in such a manner as the city council shall provide. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.060 Authority to establish rates.

A. The city shall establish by ordinance rate classifications, service charges, inspection and permit fees, application and connection fees, and such other fees and charges necessary and sufficient in the opinion of the city council to pay for the following:

1. The costs associated with the development, adoption and implementation of a comprehensive storm drainage utility master plan;

2. The costs, including debt service and related financing expenses, of the construction and reconstruction of storm drainage and water quality facilities necessary and required for the management of storm and surface waters that benefit the service area but not presently in existence;
3. The operation, repair, maintenance, improvement, replacement and reconstruction of storm drainage facilities that benefit the service area which presently exists;
4. The purchase of a fee or lesser interest, including easements, in land which may be necessary for the storm drainage system in the service area including, but not limited to, land necessary for the installation and construction of storm drainage facilities and all other facilities which are reasonably required for proper and adequate management of storm waters for the benefit of the service area;
5. The costs of monitoring, inspection, enforcement, and administration of the utility including, but not limited to, water quality surveillance, private maintenance inspection, construction inspection, and other activities which are reasonably required for the proper and adequate implementation of the city's storm and surface water policies.

B. The fees and charges to be paid and collected pursuant hereto shall not be used for general or other governmental or proprietary purposes of the city except to pay for the equitable share of the costs of accounting, management, and government thereof incurred on behalf of the utility. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.070 Storm drainage utility fund.

The city council creates and establishes a special fund to be known and designated as the storm drainage utility fund. All utility service charges collected shall be deposited in this fund for the purpose of paying all or any part of the cost and expense for planning, administering, constructing, acquiring, maintaining, operating, and improving utility facilities. Moneys in this fund shall be assigned to a specific account within the utility as designated by the city council. The department of finance shall maintain a separate record of accounts showing the receipts and disbursements of each and every account assigned to this fund. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.080 Storm drainage utility system responsibility.

Repealed by Ord. 5853. (Ord. 5222 § 1 (Exh. C), 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

II. Rates and Charges

13.48.085 Liable property class of utility customers.

There is hereby created a class of utility customers where the customers receiving storm drainage utility services are receiving such services at property for which the city has the right to lien the property for nonpayment of utility services. The utility rates for such customers shall be as set forth in ACC 13.48.100. (Ord. 6439 § 13, 2012.)

13.48.090 System of charges.

Repealed by Ord. 5853. (Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.094 Nonliable property class of utility customers.

A. There is hereby created a class of utility customers where the customers receiving storm drainage utility services are receiving such services at property for which the city does not have the right to lien the property for nonpayment of utility services. The utility rates for such customers shall be as set forth in ACC 13.48.100; provided, that the city can also collect a utility services deposit as described as follows:

1. The dollar amount of four months of the current storm drainage utility rate per ESU; and
2. The sum of the current rate for three late fees, per city code.

B. For the purposes hereof, "nonliable property" means property which is owned or held by a governmental or nongovernmental entity in such a way that it is immune from utility lien collection efforts of the city.

C. This new class of utility customers shall include new customers – new applications for utility services on nonlienable property and existing and former customers of utility services on nonlienable property whose utility services have been terminated for nonpayment or whose accounts have been referred to collection or to other utility payment enforcement services or personnel for nonpayment of utility services. (Ord. 6439 § 14, 2012.)

13.48.096 Waiver of deposit for nonlienable property class of utility customers – Appeal.

A. In connection with the utility services deposit for the nonlienable property class of utility customers as described in ACC 13.48.094, the finance director is authorized to grant a full or partial waiver to said utility customer from the deposit requirement where special humanitarian or health circumstances exist with respect to said utility customer's receipt of utility services. The finance director shall have the sole discretion to grant such waivers, and determine if they shall be full or partial waivers, where such circumstances are found by the finance director to exist. If the waiver is granted, no deposit or only a reduced deposit shall be required.

B. If any person or entity has applied for a waiver of the deposit requirement and has been denied the requested waiver, such person or entity may appeal the decision denying the requested waiver by filing with the city clerk a notice of appeal, which notice of appeal must be received by the city clerk within 30 days of the decision denying the requested waiver. The appeal shall be based solely on whether special humanitarian or health circumstances exist with respect to the utility customer's receipt of utility services, and shall be heard by a panel of department directors of the city (excluding the finance director) appointed by the mayor. The decision of the panel of department directors shall be final, and no further appeals shall be allowed.

C. For the purposes hereof, the finance director and mayor shall utilize, as a guide in addressing requests for waivers, the criteria utilized in granting low income disabled citizen discounts and low income senior citizen discounts for utility customers of the city. (Ord. 6439 § 15, 2012.)

13.48.098 Regulations and requirements same for both classes of utility customers.

Other than the utility rates and deposits set forth in ACC 13.48.085 through 13.48.096, all other regulations and requirements in this chapter of the city code shall be the same for all classes of utility customers, unless the context of the provisions clearly indicates otherwise. (Ord. 6439 § 16, 2012.)

13.48.100 Rates.

The customer classes and rates below are based upon the cost of services provided by the storm utility.

A. Effective as of January 1, 2012, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$14.95 per month.
2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$9.80	\$12.54/ESU
NSF w/Detention	\$9.80	\$10.08/ESU
NSF w/Retention	\$9.80	\$6.23/ESU
NSF w/Water Quality Treatment	\$9.80	\$7.53/ESU
NSF w/Detention and Water Quality Treatment	\$9.80	\$5.69/ESU
NSF w/Retention and Water Quality Treatment	\$9.80	\$3.57/ESU

B. Effective as of June 1, 2012, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$16.13 per month.

2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$10.03	\$12.84/ESU
NSF w/Detention	\$10.03	\$10.32/ESU
NSF w/Retention	\$10.03	\$6.38/ESU
NSF w/Water Quality Treatment	\$10.03	\$7.71/ESU
NSF w/Detention and Water Quality Treatment	\$10.03	\$5.83/ESU
NSF w/Retention and Water Quality Treatment	\$10.03	\$3.65/ESU

C. Effective as of January 1, 2013, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$17.41 per month.

2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$10.83	\$13.85/ESU
NSF w/Detention	\$10.83	\$11.13/ESU
NSF w/Retention	\$10.83	\$6.88/ESU
NSF w/Water Quality Treatment	\$10.83	\$8.32/ESU
NSF w/Detention and Water Quality Treatment	\$10.83	\$6.29/ESU
NSF w/Retention and Water Quality Treatment	\$10.83	\$3.94/ESU

D. Effective as of January 1, 2014, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$18.78 per month.

2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$11.68	\$14.95/ESU
NSF w/Detention	\$11.68	\$12.01/ESU
NSF w/Retention	\$11.68	\$7.42/ESU
NSF w/Water Quality Treatment	\$11.68	\$8.98/ESU

Customer Classes	Base Rate Per Month	ESU Rate Per Month
NSF w/Detention and Water Quality Treatment	\$11.68	\$6.78/ESU
NSF w/Retention and Water Quality Treatment	\$11.68	\$4.25/ESU

E. Effective as of January 1, 2015, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$19.25 per month.
2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$11.97	\$15.32/ESU
NSF w/Detention	\$11.97	\$12.31/ESU
NSF w/Retention	\$11.97	\$7.61/ESU
NSF w/Water Quality Treatment	\$11.97	\$9.21/ESU
NSF w/Detention and Water Quality Treatment	\$11.97	\$6.95/ESU
NSF w/Retention and Water Quality Treatment	\$11.97	\$4.35/ESU

F. Effective as of January 1, 2016, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$19.73 per month.
2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$12.27	\$15.71/ESU
NSF w/Detention	\$12.27	\$12.62/ESU
NSF w/Retention	\$12.27	\$7.80/ESU
NSF w/Water Quality Treatment	\$12.27	\$9.44/ESU
NSF w/Detention and Water Quality Treatment	\$12.27	\$7.13/ESU
NSF w/Retention and Water Quality Treatment	\$12.27	\$4.46/ESU

G. Effective as of January 1, 2017, the monthly rates for storm drainage service shall be:

1. Single-Family Residential Parcels and Two-Family Residential Parcels. The single-family and two-family residential monthly charge shall be \$20.22 per month.
2. Non-Single-Family Parcels (NSF).

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$12.58	\$16.10/ESU
NSF w/Detention	\$12.58	\$12.93/ESU
NSF w/Retention	\$12.58	\$8.00/ESU
NSF w/Water Quality Treatment	\$12.58	\$9.67/ESU
NSF w/Detention and Water Quality Treatment	\$12.58	\$7.31/ESU
NSF w/Retention and Water Quality Treatment	\$12.58	\$4.57/ESU

The customer classes set forth in this section shall be applicable only if the qualifying on-site facilities have met applicable city standards upon installation, have received city approval of construction, and are in conformity with the applicable operations and maintenance standards. In the event that the city determines that the operation and maintenance standards are not being complied with, the customer class shall be determined to be that of non-single-family only, until operation and maintenance of said facilities meet city standards; whereupon, the customer being billed may reapply for system inspection, in writing, for reclassification to the previous class.

The monthly charge for non-single-family parcels shall be based upon the following formula:

$$\text{BASE CHARGE} + (\text{TNESU} * \text{RATE}) = \text{Storm Drainage}$$

Charge, where

TNESU = Total number of equivalent service units contained on the parcel.

An equivalent service unit has been determined to be 2,600 square feet of impervious surface, or any fraction thereof, as defined in ACC 13.48.110.

H. Developed Parcels. Only developed parcels containing impervious surfaces as defined in ACC 13.48.010 shall be charged.

I. Multiple Class Accounts. When a developed non-single-family parcel contains more than one customer class, the appropriate rate for each customer class will be calculated, and the aggregate total summed for billing. (Ord. 6401 § 3, 2012; Ord. 6286 § 3, 2010; Ord. 6204 § 2, 2008; Ord. 5876 § 3, 2004; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5504 § 1, 2001; Ord. 5360 § 1, 2000; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.110 Measurement of impervious area.

The city shall determine the number of square feet of impervious surface in all non-single-family parcels, excluding undeveloped parcels, and the total surface area of each such parcel of real property, using the amount of impervious surface provided by the applicant, the best available source data as obtained through the records of the appropriate county assessor for the county in which the parcel is sited, aerial photographic methods, or applicable engineering drawings. Within the limits of the source data, accuracy to two-tenths of an equivalent service unit will be made. Impervious surface created incidental to a lot line adjustment to separate an undeveloped parcel from a developed parcel and which results in impervious surface less than two-tenths of an equivalent service unit upon the undeveloped parcel shall not be subject to a storm drainage charge.

(Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.120 Billing and collection.

Storm drainage utility rates shall be billed on a monthly basis. Storm drainage charges shall start from the day water meter serving the property is installed by the city. In cases where the property does not receive water service from

the city of Auburn, storm drainage charges shall start from the day that the storm drainage permit is finalized by the city.

A. Order of Payment. Payments received for utility bills shall be applied towards the following bills in the order of priority shown:

1. Late charges;
2. Additional fees;
3. Storm;
4. Garbage;
5. Sewer;
6. Water.

B. Service Charges – Payment Delinquencies. Payment for storm drainage service charges shall be due and payable to the finance department office 15 days after the billing date appearing on the bill, and shall be delinquent as identified in

ACC 13.06.300. A late charge as listed in ACC 13.06.511 will be addressed if the account is delinquent.

C. Charges Constitute Lien. All storm drainage utility rates referred to in this article shall constitute a lien upon the property from which such charges are due, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien shall be in the manner provided by law. (Ord. 6100 § 1, 2007; Ord. 6034 § 4, 2006; Ord. 5853 § 1, 2004; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.130 Rate reduction.

The director of public works may reduce the normal storm drainage utility rate for a parcel of real property which has been incorrectly assessed as determined through the administrative review process described in ACC 13.48.150. Such parcel will be credited in the amount equal to the difference between the two assessments in accordance with written city policy. (Ord. 5853 § 1, 2004; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.140 Rate exemptions.

The city shall provide exemptions for the following parcels of real property:

A. All public rights-of-way that are owned and operated by the city, King or Pierce Counties or the Washington State Department of Transportation;

B. A parcel of real property that is undeveloped;

C. Common ownership tracts of land for the purposes of private access to single-family and two-family residential parcels. (Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.150 Administrative review.

A. Written Request. Any owner(s) who dispute the method and/or values used in the calculation of their storm drainage rates as billed by the city by authority of ACC 13.48.090 through 13.48.150 may request, in writing, a review of the rate by the director of public works. The disputed method and/or values used in the calculation of a storm drainage rate may be disputed only once. The written request for review should identify the property, describe all improvements, proposed improvements and state the basis for the request for the administrative review of the billing rates. The written request must be received by the public works director within 180 days of the account billing date of the disputed charge.

1. For the purpose of this section, the public works director's decision will be effective upon the date of mailing of the decision, postage prepaid to the address provided in the written request for review by the person(s) seeking administrative review.

2. Any owner(s) who is seeking administrative review of the storm drainage rate shall continue to pay the rate as billed by the city until a written decision is provided by the public works director. Upon the written decision by the public works director, any owner(s) who has been incorrectly charged will have their account adjusted accordingly. Adjustments to billings, if warranted, will cover billings occurring during the administrative review and billings that preceded the date of receipt of written request for review in accordance with written city policy.

B. Review. All decisions by the public works director will be provided, in writing, to the person(s) seeking review within 30 days of the public works director receiving the written request for review. The decision of the public works director will be based on sound engineering practices as they relate to storm and surface water drainage. The decision of the public works director shall be final and conclusive. (Ord. 5853 § 1, 2004; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

III. Regulations

13.48.160 Damage to system prohibited.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public storm drainage system. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.170 Trespassing prohibited.

It is unlawful for any person to trespass or be upon the lands and premises of the city, lawfully posted, upon which any public storm drainage facility is situated, unless duly authorized by the city. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.180 Inspection and compliance with storm drainage requirements.

A. The City shall have the authority to establish the necessary recorded instrument that identifies required storm best management practices, location, and maintenance obligations.

B. Duly authorized personnel of the city shall have free access to private property at hours subject to the provisions of ACC 1.20.010 for the purpose of inspecting private storm drainage systems, the manner in which they are being used, and the satisfactory compliance with the provisions of this article.

BC. Any property, where the existing storm drainage facilities were constructed per approved construction plans, found to be in nonconformance with such plans, shall be required to correct all such nonconformances as directed by the city. If, after proper notice, the property owner does not comply with set requirements as directed by the city, then the city shall have the authority to correct such nonconformances and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06.300.

CD. Inspections of storm water treatment and flow control facilities shall be performed by the city at a frequency to comply with the Western Washington Phase II Municipal Stormwater NPDES Permit.

DE. New residential developments that are part of a larger common plan of development or sale shall be inspected every six months during the period of heaviest house construction (i.e., one to two years following subdivision approval or until 50 percent of build-out is achieved) to identify maintenance needs and enforce compliance with the maintenance standards as needed. (Ord. 6283 § 4, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.190 Cross connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Any such connections, now existing or hereafter installed, are a nuisance and shall be abated immediately. If, after

proper notice, the property owner does not abate the connection(s) as directed by the city, then the city shall have the authority to abate such connection(s) and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06.300. (Ord. 6251 § 3, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.200 Trees or shrubs obstructing storm sewers prohibited.

It is unlawful to allow to grow any tree or shrub whose roots obstruct public or private storm drainage facilities. Wherever such plantings are shown to be obstructing public storm drainage facilities they shall be removed or otherwise remedied from obstructing said storm drainage facilities, at the expense of the property on which the planting grows. Such expense may become a lien on said property. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.210 Water quality.

A. Prohibited Discharges. It is unlawful for any individual, firm or corporation to discharge into the public storm drainage system directly or indirectly any liquid or solid foreign substances of biodegradable or other nature which may cause or tend to cause water pollution, including but not limited to the following items:

Petroleum products including but not limited to oil, gasoline, diesel fuel, grease, fuel oil and heating oil; trash and debris; pet wastes; chemicals; paints; paint chips; steam cleaning wastes; wastes from washing of fresh concrete for cleaning and/or finishing purposes or to expose aggregates; laundry wastes; soaps; pesticides, herbicides or fertilizers; sanitary sewage; heated water; chlorinated water or chlorine; degreasers and/or solvents; bark and other fibrous material; antifreeze or other automotive products; lawn clippings, leaves or branches; animal carcasses; silt, sand, dirt or rock; acids or alkalis; dyes (without prior permission of the drainage utility); construction materials or food waste.

The following categories of non-storm water discharges are prohibited unless the stated conditions are met:

1. Discharges from potable water sources including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit; pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units; and volumetrically and velocity controlled to prevent resuspension of sediments in the public storm drainage system, as determined by visual inspection.
2. Dechlorinated swimming pool discharges. Discharges shall be dechlorinated to a concentration of 0.1 ppm or less, as determined by colorimetric chlorine test kit; pH-adjusted to within the range of 6.5 to 8.5 pH units as determined by use of a calibrated pH meter or narrow range pH indicator paper with a resolution not greater than ± 0.5 standard units; and volumetrically and velocity controlled to prevent resuspension of sediments in the public storm drainage system, as determined by visual inspection.
3. Street washing at active construction sites. The entire area of street that is to be washed must be cleaned by sweeping before washing is permitted. Street wash water must be collected and be discharged back onto the construction site or otherwise be prevented from entering the public storm drainage system.
4. Other non-storm water discharges shall be in compliance with the requirements of a storm water pollution prevention plan reviewed by the city, which addresses control of such discharges.

B. Discharge of Pollutants – Liability for Expenses Incurred by the Utility. Any individual, firm or corporation responsible for pollutant discharge into the public storm drainage system who fails to immediately collect, remove, contain, or treat such materials as directed by the city shall be responsible for the necessary expenses incurred by the city in carrying out any pollutant abatement procedures, including the collection, removal, containment, treatment or disposal of such materials.

C. Permissible Discharges. Discharges from the sources listed below shall only be illicit discharges if the public works director determines that the type of discharge, whether singly or in combination with others, is a significant source of water pollution:

Natural uncontaminated groundwater; uncontaminated air conditioning condensation; natural springs; uncontaminated water from crawl space pumps; irrigation runoff from agricultural sources that is commingled with urban storm water; discharges in compliance with a NPDES permit; and discharges from approved footing drains and foundation drains.

D. Exemption. Discharges resulting directly from emergency firefighting activities, but not from activities such as the maintenance or cleaning of firefighting equipment, are exempt from regulation under this section. (Ord. 6283 § 5, 2009; Ord. 6251 § 4, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.220 Easements.

All public storm drainage systems shall be required to be located within a recorded public storm drainage easement or public right-of-way. An unobstructed ingress/egress maintenance easement shall be provided for access to the storm drainage facilities. The minimum width of the required drainage easement shall be adequate to encompass all facilities and include room for access and maintenance, as determined by the city. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.225 Drainage standards – Review and approval.

All development shall meet all applicable general and design requirements in accordance with the city of Auburn engineering design and construction standards and, for purposes of that portion of the standards set forth in the City of Auburn Surface Water Management Manual, the following provisions shall apply:

A. Pursuant to the Western Washington Phase II Municipal Stormwater NPDES Permit issued by the Department of Ecology, the city has implemented a storm water management program that requires the use of City of Auburn Surface Water Management Manual, hereinafter referred to as the “SWMM.”

B. The following activities that discharge to the storm drains, either directly or indirectly, are regulated through the storm water management program under this chapter:

1. Existing discharges and land uses that discharge to the storm drains, either directly or indirectly.
2. New development and redevelopment.
3. Storm water maintenance activities.

C. Requirements for Existing Discharges and Land Uses. If the city engineer determines that the discharges from an existing drainage control facility cause or contribute to an illicit discharge, a threat to public health and safety, or a violation of the city’s municipal storm water NPDES permit or this chapter, the city engineer shall require the responsible party to implement and maintain operational BMPs in accordance with Volume IV of the SWMM. If the city engineer determines that the discharges causing or contributing to the problem cannot be adequately addressed by operational BMPs, the city engineer may require the responsible party to undertake more stringent or additional BMPs, which may include structural BMPs or other actions necessary to cease causing or contributing to the problem or violation.

D. Minimum Requirements for New Development and Redevelopment. New development and redevelopment activities ~~that~~ are required to obtain city permits and shall comply with the following minimum requirements, in accordance with the city’s municipal storm water NPDES permit and in accordance with the thresholds and requirements in the SWMM:

1. Preparation of a Storm~~w~~-Water Site Plan. All projects shall prepare a storm-water site plan for review and approval by the city engineer or his/her designee that identifies and describes how all storm water generated from a development activity will be managed on site. Stormw-Water Site Plans shall be designed in accordance with Volume I, Chapter 3 of the SWMM. Exception: Existing single family and duplex lots are exempt from this requirement when all of the following criteria are met:

- a. The lot is located within a subdivision that was approved under stormwater regulations in effect between (INSERT DATE OF THE FORMATION OF THE STORM UTILITY) and December 31, 2016, and

b. The lot can connect to an existing centralized stormwater management system originally designed to collect stormwater generated from the entire lot (e.g. house, driveway, patios, yard, etc.).

2. Preparation of a Construction Storm Water Pollution Prevention Plan for Erosion and Sediment Control. This plan shall be designed to comply with the requirements and purposes of the SWMM, this section, any other applicable sections of ACC Titles 15, 16, 17 and 18 and any departmental guidelines promulgated by the city engineer. The plan shall be designed, submitted and implemented to address the following:

- a. Mark clearing limits;
- b. Establish construction access routes and controls;
- c. Control flow rates;
- d. Install sediment controls;
- e. Stabilize soils;
- f. Protect slopes;
- g. Protect storm drain inlets;
- h. Stabilize channels and outlets;
- i. Control pollutants;
- j. Control dewatering;
- k. Maintain BMPs; and
- l. Manage the project.

m. Protect LID BMPs

3. Source Control of Pollutants. Source control BMPs shall be selected, designed, applied and maintained in accordance with the SWMM and any departmental guidelines promulgated by the city engineer.

4. Preservation of Natural Drainage Systems. Natural discharges from the site shall be maintained, shall occur at the natural location to the maximum extent practicable, and must not cause a significant adverse impact downstream or down gradient.

5. On-Site Storm Water Management. Where appropriate, projects shall employ on-site storm water management BMPs to infiltrate, disperse, and retain storm water runoff on site to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts. The city ~~encourages~~ requires the use of low impact development (LID) principles and BMPs using the project thresholds, standards, and requirements presented in the SWMM to meet this minimum requirement. The city ~~may allow~~ shall require low impact development (LID) designed in accordance with the SWMM, ~~and 2005 Low Impact Technical Guidance Manual for Puget Sound published by the Puget Sound Action Team or most recent update. Approval of the city engineer is required for such BMPs.~~

6. Runoff Treatment. All projects that meet the thresholds for runoff treatment in Volume I of the SWMM shall provide water quality treatment in accordance with the SWMM. The use of emerging technologies for storm water treatment will be considered in accordance with Volume V of the SWMM.

7. Flow Control (Detention). All projects that meet the thresholds for flow control in Volume I of the SWMM shall provide flow control in accordance with the SWMM. Additionally, all projects shall address the need to provide water quality controls according to the design criteria as determined by the city engineer. The

requirement for storm water detention will also be determined by pipe capacity and storm water discharge location, as provided in the SWMM.

8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designed functions. Documentation shall be provided that identifies the methodology and data that supports these conclusions. The methodology shall be consistent with the most current accepted Washington State Department of Ecology standards. Wetland areas are also regulated by Chapter 16.10 ACC, Critical Areas.

9. Operations and Maintenance. An operation and maintenance (O&M) manual consistent with city engineering design and construction standards shall be provided for all proposed storm water facilities, and the BMPs and party (or parties) responsible for operation and maintenance shall be identified. A copy of the O&M manual shall be retained on site or within reasonable access to the site and shall be transferred with the property to the new owner.

10. Off-Site Analysis and Mitigation. All projects shall include an analysis of off-site water quality and quantity impacts resulting from the project and shall mitigate these impacts if necessary. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The city engineer may require that the analysis shall extend further if deemed necessary. The existing or potential impacts to be evaluated and mitigated under this section shall include, but are not limited to:

- a. Impacts on conveyance system capacity;
- b. Localized flooding;
- c. Aquatic habitat (wetlands) impacts;
- d. Erosion impacts, including landslide hazards;
- e. Stream bank and channel erosion; and
- f. Impacts to known water quality or erosion problems.

11. Geographic Specific Requirements. Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, wetlands protection, and operation and maintenance, and alternative requirements for flow control as a result of location, in accordance with Volume I of the SWMM. (Ord. 6283 § 6, 2009; Ord. 5853 § 1, 2004.)

13.48.226 Exceptions procedure.

A. Requests for deviation from the minimum requirements of ACC 13.48.225 may be made according to this section. A deviation may be requested to allow a modification, reduction or waiver of a requirement or to permit an alternative requirement. Any such request must be made in writing. Requests for a deviation must include the following information:

1. The current (pre-project) use of the site;
2. How application of the minimum requirement(s) restricts the proposed uses of the site compared to the restrictions that existed prior to the adoption of the minimum requirements;
3. The possible remaining uses of the site if the deviation were not granted;
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements;
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to the adoption of the minimum requirements; and
6. The feasibility for the owner to alter the project to apply the minimum requirements.

The city engineer shall approve or deny such requests in writing and shall only approve a deviation to the extent it is necessary. An applicant is not entitled to a deviation, whether or not criteria for approval of a deviation are met. The city engineer may require the applicant to submit a Washington State licensed engineer's report or analysis with a request for a deviation. As a condition of approving a deviation, the city engineer may impose new or additional requirements to offset or mitigate harm that may be caused by approving the deviation.

B. Equally Protective Deviations. The city engineer may approve a request for a deviation if determined that it is likely to be equally protective of public health, safety and welfare, the environment, and public and private property as the requirement from which a deviation is sought.

C. Other Deviations. The city engineer also may approve a request for a deviation where the criteria in subsection B of this section are not met or the city engineer cannot determine whether the criteria are met, if it is determined at his or her sole discretion that substantial reasons exist for approving the requested deviation and:

1. The deviation will not increase risk to the public health and welfare;
2. Will not be injurious to other properties in the vicinity and/or downstream;
3. Will not degrade the quality of waters of the state; and
4. The deviation is the least possible that could be granted to comply with the intent of the minimum requirements.

D. The approval of a deviation shall not be construed to be an approval of any violation of any other provisions of this chapter or approval of any violation of any other ordinance of the city nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for deviation shall not prevent the city engineer from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried out when in violation of this chapter, or any other ordinance of the city.

E. The following public notice requirements apply whenever a request for an exception to the minimum requirements contained in ACC 13.48.225 (request) is received by the city:

1. Public notice (notice) shall be made to inform the public about the contents of the request and the city engineer's decision to grant or deny it. Notice of the request and the decision to grant or deny the request may be combined.
2. The notice shall be published, at the requester's cost, in the city's newspaper of record and a local newspaper of general circulation within Auburn.
3. The notice shall include: (a) a brief description of the request; (b) a brief description of the city engineer's decision to grant the request and reasons supporting the decision, or a statement that the request is denied; (c) where the request can be reviewed; and (d) the name and contact information of a city employee who can answer questions regarding the request.
4. The city shall provide a hard copy of the city engineer's decision to grant or deny a request to the requester. The city engineer's decision to approve or deny a request shall include a reference to the procedures in city of Auburn engineering design standards for contesting such a decision. (Ord. 6283 § 7, 2009.)

13.48.230 Connections.

A. Required Connections. All non-single-family residential building permits shall be subject to a mandatory connection to a public storm drainage system where the development has the potential to negatively impact public or private property or receiving waters as determined by the city or whenever an existing public system is available adjacent to the site or where the public system is required to be constructed adjacent to the property as a condition of development.

B. Existing Connections. Properties that apply for a building permit to make an addition, alteration or repairs that have 2,000 square feet or more of new or new plus replaced ~~impervious~~ hard surfaces or land disturbing activity of

7,000 square feet or more must comply with the applicable Minimum Requirements for Redevelopment as given in Volume I of the SWMM. All redevelopment shall be required to comply with Minimum Requirement No. 2 (Construction Storm Water Pollution Prevention). All redevelopment that exceeds these thresholds shall be required to comply with additional Minimum Requirements as given in Volume I of the SWMM. (Ord. 6283 § 8, 2009; Ord. 6015 § 1, 2006; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.240 Connection procedures—Permit required, Storm Drainage Permit – Requirements

- A. ~~A.~~ It is unlawful for any person to construct or connect to a public or private storm drainage system without first obtaining a written permit to do so from the city.
- B. ~~B.~~ It is unlawful for any person to repair or replace either a private or public storm drainage system without first obtaining a written permit to do so from the city, unless such repair or replacement constitutes an emergency. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

- C. Storm drainage permit types and categories shall be determined administratively by the city. A storm drainage permit shall be required for the following activities:
 - a. Addition or replacement of hard surfaces;
 - b. Land disturbing activities;
 - c. Development and use of property that creates a direct or indirect need for storm drainage facilities;
 - d. Connection to any storm drainage system;
 - e. Modification of any storm drainage system;
 - f. Any activities within a critical area and associated buffers;
 - g. Any other activities as determined by the city engineer to have an impact on the storm drainage system.

13.48.245 Permit - Application

Any owner or authorized agent who intends to initiate a new development or redevelopment project involving the activities in ACC 13.48.240 shall first make an application to the city and obtain the required permit for the work. Applications shall be prepared by a licensed professional civil engineer and shall conform to the city's design standards and SWMM per Chapter 12.04. The city engineer shall have the authority to accept an application not prepared by a licensed professional civil engineer if the city engineer determines the scope of the project is such that a detailed set of plans is not required. An application for a storm drainage permit shall be applied for, and where possible, processed concurrently with any other necessary permits or approvals.

13.48.246 Permit – Approval

The city engineer shall have the authority to approve, modify, approve with conditions, or deny the permit in accordance with the intended purposes of ACC 13.48.005. The city engineer shall also have the authority to determine the time frame when the new development or redevelopment project shall commence, when the project is to be completed, designated haul routes, seasonal and weather restrictions, and hours of operation.

13.48.247 Permit – Revocation

Failure of the property owner and/or permittee to comply with any or all of the provisions of this chapter or any or all provisions of a storm drainage permit, including, but not limited to, the Stormwater Site Plan and the Operations and Maintenance Plan may cause the city engineer to revoke the permit. If the permit is revoked, all operations shall cease until such time that the noncompliance is corrected.

13.48.250 Permit – Term.

Applications for storm permits that have been issued but not completed shall be valid for 365 days. All permits issued under the provisions of this chapter shall be valid for a period of 365 days after the date of permit issuance. Permits may be extended by the city, in 180-day increments, if an extension is applied for prior to the expiration of the permit. If the time extension is not requested prior to the expiration of the permit, a new permit is required and an additional fee equal to one-half the original permit shall be charged. (Ord. 6283 § 9, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.260 Permits for additional work.

Repealed by Ord. 6283. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.270 Permit – Posting.

All storm drainage permits issued as provided by this chapter shall be posted in some conspicuous place at or near the work. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.280 Permit – Inspection notice.

Any person performing work under any permit pursuant to the provisions of this chapter shall notify the city's agent as listed on the permit when the work will be ready for inspection and shall specify in such notice the location of the premises. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.290 Construction inspection and approval.

A. The city may inspect sites before, during and after construction. Sites that have a high potential for sediment transport as determined through plan review shall be inspected prior to clearing and construction.

B. If the city, upon inspection of the project, finds that the work or material used is not in accordance with the provisions of this chapter, the city shall notify both the person performing the work and also the owner of the premises by written notice. Such notice shall be posted upon the premises and shall state the defects of the work and/or material found in such inspection. A copy of such notice shall be kept on file at the city.

C. Upon the satisfactory completion of work as designated on the permit in conformance with the provisions of this chapter, the city shall sign off the permit, provide the necessary calculations for billing, and forward to the finance department to initiate the storm drainage billing as designated in ACC 13.48.100. A copy of such permit shall remain on file with the city as a permanent record. (Ord. 6283 § 11, 2009; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.300 Restoration of public property.

Repealed by Ord. 5853. (Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.310 Work in city right-of-way.

All contractors performing work within the limits of any city right-of-way shall comply with Chapter 12.66 ACC. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.320 Excavation protection.

All excavations for storm drainage systems installation shall be properly safeguarded with lights and barricades according to adopted city standards so that the same will not be a menace to public safety. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.330 Permit – Fee schedule.

A. A storm drainage system permit fee to cover plan checking, inspection, record drawings and processing of permit information for new connections to the public storm drainage system shall be charged for all development including single-family residential.

B. A storm drainage system repair permit fee to cover inspection and processing of permit information shall be charged for repairs to private storm drainage systems.

C. The fees shall be as shown in the city of Auburn fee schedule. (Ord. 5853 § 1, 2004; Ord. 5819 § 5, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.340 Repair permit fee.

Repealed by Ord. 5853. (Ord. 5819 § 6, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.350 Connection fees – Charge in lieu of assessments.

Property that has not previously paid for storm drainage systems abutting their property may be connected to the abutting storm drainage system; provided, that all such property shall pay a charge in lieu of assessment. The city will determine the charge in lieu of assessment amount based on the property's proportional share of the calculated cost for the storm drainage system. Properties connecting to storm drainage systems constructed prior to 1987 will

not be required to pay a charge in lieu of assessment, unless required to do so under an existing agreement. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.360 Payback agreement.

Repealed by Ord. 5853. (Ord. 5212 § 1 (Exh. J), 1999; Ord. 4762 § 1, 1995; Ord. 4492 § 4, 1991.)

13.48.370 Storm drainage extensions – Adoption of design and construction standards.

Repealed by Ord. 5853. (Ord. 5212 § 1 (Exh. J), 1999; Ord. 5146 § 1, 1998; Ord. 4492 § 4, 1991.)

13.48.380 Public storm drainage improvements.

A. The city is authorized and directed to require reasonable off-site public storm drainage improvements necessitated by new development. Such mitigating improvements shall be made in addition to any other requirements of the city for on-site improvements.

B. All public storm drainage extensions shall be extended to and across the full width of the property to be served. No property shall be served with public storm sewers unless such storm sewer main is extended to the extreme boundary limit on the property line extending the full length of the front footage of the property. All storm system extensions shall be designed using sound engineering practices and sized in accordance with the comprehensive storm drainage plan to serve, to the extent possible, adjacent and upstream properties. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.390 Minimum facility size.

All public storm drainage pipe to be installed within the service area of the city's storm utility boundaries shall be sized in accordance with the city of Auburn design and construction standards. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 5146 § 1, 1998; Ord. 4492 § 4, 1991.)

13.48.400 Oversizing.

When it is deemed necessary by the city to install conveyance lines larger than are required to serve adjacent properties, the city may, pursuant to a written agreement between the city and the developer negotiated in advance to any work, compensate the developer for the difference in cost of the oversizing, if the extension is economically feasible for the city. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.410 Developer's public facility extension manual adopted.

Repealed by Ord. 5791. (Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.425 Low Impact Development in Ground Water Protection Areas

The city of Auburn has designated Ground Water Protection Areas (also known as "Zones") in conformance with the requirements of ACCChapter 16.10.080.F. -To protect ground water sources of supply, LID facilities that include infiltration of runoff from pollution-generating surfaces shall not be allowed without enhanced treatment within Ground Water Protection Zones 1 and 2.

13.48.420 Flood hazard areas – Floodplain development permits.

The city is authorized and directed to monitor and control all new development within flood hazard areas in conformance with the requirements of Chapter 15.68 ACC. A permit application shall be required for all such development within this area. The city shall either issue or deny such permit upon review of the application and shall have the authority to require all reasonable mitigating measures deemed necessary due to the development. The ~~fee cost~~ for the floodplain development permit application shall be as set in the city of Auburn fee schedule. (Ord. 6295 § 13, 2010; Ord. 5853 § 1, 2004; Ord. 5819 § 7, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.430 Record construction documents.

Upon completion of private storm drainage system construction the developer shall submit record construction documents to the city. The record construction documents shall be prepared in accordance with city requirements and shall accurately reflect all field design revisions made during the construction process. The city must review and approve the record construction documents prior to approving a private storm drainage system for operation. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.435 Inspection and maintenance easement and pollution prevention plan.

All permitted development projects shall require the execution, in accordance with city requirements, of a storm water pollution prevention plan and a standard inspection and maintenance easement agreement that provides for the city to enter the property for inspection of the site's private storm drainage facilities, and if the owner fails to maintain said system, to perform necessary maintenance. The agreement shall be prepared by the city and executed by the owner prior to the issuance of occupancy permits for the development. (Ord. 5853 § 1, 2004.)

13.48.440 Maintenance responsibility.

A. Private Maintenance Responsibility. The maintenance and operation of private storm drainage systems shall be the responsibility of the property owner. It shall be the responsibility of the developer to make arrangements with the occupants or owners of the subject property for assumption of operation and maintenance in a manner subject to the approval of the city or in accordance with the operations and maintenance program prepared for the property's storm drainage facilities. The city may inspect the facilities in order to ensure continued use of the facilities for the purposes for which they were built and in accordance with these arrangements. Failure to maintain the facilities in accordance with the maintenance standards listed in Volume I, Appendix D of the SWMM shall be considered a violation, enforceable in accordance with Chapter 1.25 ACC.

B. Public Maintenance Responsibility. The city shall be responsible for the maintenance and operation of all public storm drainage facilities located within the public easements and rights-of-way following the completion of a successful maintenance period and the acceptance of such facilities by the city. The maintenance shall be performed in accordance with the standards listed in Volume I, Appendix D of the SWMM. (Ord. 6283 § 12, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.450 Violation – Penalty.

Any violation of this chapter may be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4502 § 13, 1991; Ord. 4492 § 4, 1991.)

13.48.460 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.470 Applicability to governmental entities.

All municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this chapter when developing and/or improving land including, but not limited to, road building and widening, within the areas of the city. It is recognized that many other city, county, state, and federal permit conditions may apply to the proposed action and that compliance with the provisions of this chapter does not constitute compliance with such other requirements. (Ord. 5853 § 1, 2004.)

Chapter 17.02 GENERAL PROVISIONS

Sections:

- 17.02.010 Short title.
- 17.02.020 General authority.
- 17.02.030 Purpose.
- 17.02.040 Scope.
- 17.02.050 Exceptions.
- 17.02.060 Administration.
- 17.02.065 Application requirements.
- 17.02.070 Consent to access.
- 17.02.080 Enforcement.
- 17.02.090 Amendments.

17.02.010 Short title.

The ordinance codified in this title, together with any amendments hereto, shall be known as the “Auburn land division ordinance” and shall constitute Title 17 of the Auburn City Code and shall hereafter be referred to as “this title.”

17.02.020 General authority.

This title is adopted under the authority of Chapters 35A.01, 35A.58 and 58.17 RCW.

17.02.030 Purpose.

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

- A. Prevent the overcrowding of land;
- B. Promote safe and convenient travel by the public on streets and highways;
- C. Promote the effective use of land;
- D. Provide for adequate light and air;

E. Facilitate adequate provision for water, sewerage, storm drainage, parks and recreational areas, sites for schools and school grounds, and other public requirements;

F. Identify, preserve, and utilize native soils and/or vegetation for the purposes of reducing stormwater discharges, promoting groundwater infiltration, and implementing the use of stormwater low impact development techniques;

FG. Provide for proper ingress and egress;

GH. Provide for the expeditious review and approval of proposed land divisions which comply with this title, the Auburn zoning ordinance, other city plans, policies and land use controls, and Chapter 58.17 RCW;

HJ. Adequately provide for the housing and commercial needs of the citizens of the state and city;

IJ. Require uniform monumenting of land divisions and conveyance by accurate legal description;

JK. Implement the goals, objectives and policies of the Auburn comprehensive plan.

17.02.040 Scope.

Every division of land lying within the corporate limits of the city shall comply with the provisions of this title, except as provided by ACC 17.02.050, and shall also comply with the provisions of Chapter 58.17 RCW.

Wherever conflicts may arise between this title and Chapter 58.17 RCW, the latter shall prevail. It shall be the responsibility of the property owner, applicant and the city to ensure that a land division complies with this title and Chapter 58.17 RCW. No building permit or other development permit shall be issued for any lot, tract or parcel of land divided in violation of this title or Chapter 58.17 RCW unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby.

17.02.050 Exceptions.

The provisions of this title shall not apply to:

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Assessor's plats made in accordance with RCW 58.18.010.

17.02.060 Administration.

A. This title shall be administered by the director of the planning and development department, hereafter referred to as the planning department. All applications for land division approval under this title shall be submitted to the planning department. In cases where an environmental impact statement is required under the provisions of the State Environmental Policy Act (SEPA – Chapter 43.21C RCW), the planning department shall not be considered to be in receipt of an application, for the purpose of complying with time limitations established by this title, until the date of issuance of a final environmental impact statement.

B. Unless otherwise stated herein, all references to days are to be construed as calendar days.

17.02.065 Application requirements.

A. An application shall consist of all materials required by the applicable application submittal checklist, the applicable development regulations and shall, at a minimum, include the following:

1. A completed project permit application form signed by the property owner(s) and/or applicant;
2. A statement that the applicant attests by written oath to the accuracy and completeness of all information submitted for an application;
3. A statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property and such written consent is supplied with the application;
4. A legal description of the site;
5. Applicable filing fee(s), if any, as established in the current city of Auburn fee schedule and relevant deposit(s), if any, as permitted or required by other chapters or sections of the Auburn City Code;
6. Evidence of water and sewer availability:
 - a. Availability of water and sewer service inside the municipal limits of the city shall be confirmed by city staff;
 - b. Except for boundary line adjustments or boundary line eliminations, if outside the city's water or sanitary sewer service area, application shall include evidence of water or sanitary sewer availability or evidence of approval from King County or Pierce County

health departments for a septic system adequate to accommodate the proposed development;

c. The application shall include a conceptual utility plan showing all utility infrastructure needed to serve the subdivision;

7. Conceptual grading plan showing existing and proposed grades with cross sections demonstrated, as applicable;

8. Conceptual access plan showing existing and proposed access points and access points adjacent to or on the opposite side of the subject properties' frontage;

9. Any additional information as required by the specific submittal checklist or chapter of this title for each specific application type;

10. A project permit application is complete when it meets the submittal requirements specified by the director. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. The director shall have the authority to prepare, revise and/or waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

17.02.070 Consent to access.

Persons applying for land division or other subdivision-related approvals under this title shall permit free access to the land subject to the application, to all agencies considering the proposal, for the period of time extending from the time of application to the time of final approval of the short subdivision or subdivision.

17.02.080 Enforcement.

The planning director, or designee, pursuant to the provisions of Chapter 1.25 ACC, shall be charged with the responsibility of enforcing the provisions of this title or any conditions properly imposed by the hearing examiner, planning commission or city council.

17.02.090 Amendments.

A. Initiation of Amendments.

1. The city council upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;
2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;
3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title.

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance under the authority established by Chapter 58.17 RCW. The director shall cause notice of such hearing to be given as follows:
 - a. By sending to any individual or organization which has submitted a request for notification a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment can be obtained; and
 - b. By publishing in a newspaper of general circulation in the area a notice indicating the time and place of public hearing, describing the general nature of the proposal, and indicating how copies of the proposed ordinance or amendment may be obtained.
2. For all proposals to make purely administrative or procedural amendments to this title, the planning director shall cause notice of such proposed amendment to be given as follows:
 - a. By sending to any individual or organization which has submitted a request for notification advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.
 - b. By publishing in a newspaper of general circulation in the area advance notice of the proposed amendment that indicates how copies of the proposed amendment can be obtained.

3. For the purposes of this section, substantive amendments shall be distinguished from procedural or administrative amendments in accordance with the following: substantive matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what use may be made of land, what requirements apply to development), and procedural or administrative matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications and appeals, what forms must be used, and where or how applications must be submitted. Essentially, procedural or administrative matters are the mechanical rules by which substantive issues may be pursued).

C. Planning Commission Recommendation. After the public hearing has been closed, the planning commission shall recommend to the council either adoption, adoption with modifications, or rejection of the proposed ordinance or amendment. In formulating its recommendation, the commission shall consider, among other things, the relationship between the proposed ordinance or amendment and the comprehensive plan, other applicable city policies, and other existing land use controls.

D. City Council Action. The planning director shall forward the planning commission's recommendation, in writing, to the council. The council may elect to hold its own public hearing, in which case the city clerk shall cause adequate notice to be given. The council shall consider, but shall not be bound by, the planning commission's recommendation in reaching its own decision.

17.09.050 Development requirements.

- A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of ACC Title 18. Each lot to be served by an on-site sewage disposal system shall be a minimum of 15,000 square feet in area and shall also meet the minimum lot area requirements of the county department of health rules and regulations. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.
- B. Every lot within a short subdivision shall be capable of being reasonably served by public or private sewage disposal, water, storm drainage facilities and streets. The city will not approve a short subdivision for which a building permit cannot be issued because of insufficient infrastructure.
- C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.
- D. Floods, Flood Control and Storm Drainage.
 - 1. Where any portion of the proposed short subdivision lies within an area of special flood hazard or regulatory floodway, conformance with adopted city flood hazard area ordinances, standards and policies shall be required.
 - 2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the preliminary short subdivision application, unless waived by the city engineer where there is no ground disturbing activity. Lot configuration, street and utility layouts, and building envelopes shall be designed in a manner that identifies, preserves, and utilizes native soils and/or vegetation that are integrated into a stormwater low impact development facility, consistent with the City's adopted stormwater management manual. A conceptual storm drainage/grading plan shall be provided that identifies natural resources and the existing natural conditions.
 - 3. The proposed subdivision should have one or more new lots in the regulatory floodplain set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency. The density of the development in the portion of the development outside the regulatory floodplain may be increased in accordance with applicable land use and subdivision regulations.
 - 4. If a parcel has a buildable site outside the regulatory floodplain, it shall not be subdivided to create a new lot, tract, or parcel within a binding site plan that does not have a buildable site outside the regulatory floodplain. This provision does not apply to lots set aside from development and preserved as open space.

- E. **Adjacent Streets.** When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, in accordance with the city design and construction standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting half of the street to such standards consistent with Chapter 12.64A ACC. Deferral of such improvement requirements shall be in conformance with the city of Auburn design and construction standards.
- F. **Access.**
1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they shall be improved or guaranteed to the city of Auburn and be in conformance with the city of Auburn design and construction standards.
 2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 15.36A ACC and the development standards of Chapters 17.14 and 18.31 ACC, in addition to any other requirements of this title, including, but not limited to, an adequate surface for access and minimum turnaround requirements on dead-end streets or access easements as specified by the fire agency-department.
 3. All proposals shall ensure that all buildable lots shall have at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the FPE.
- G. **Dedication of Streets.** Dedication of a public street or streets may be required, whenever the city engineer finds that one or more of the following conditions applies:
1. The general alignment of a proposed private street, access easement or panhandle follows the general alignment of a future arterial as shown in the comprehensive plan; or
 2. The general alignment of a proposed private street, access easement or panhandle can be reasonably modified to provide a desirable through-connection between two or more existing or planned public streets or arterials; or
 3. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.
- H. **Nonmotorized Requirements.** In addition to any frontage improvement requirements and compliance with the city's comprehensive transportation plan, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school shall be considered.

- I. Fire Hydrants. All lots within a short subdivision shall be capable of being served by a fire hydrant as required by Chapter 13.16 ACC. Property zoned RC, residential conservancy, may be exempt, provided the requirements of ACC 13.16.030 are met.
- J. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone and/or channel migration area, as appropriate.

17.09.070 Final short subdivision approval.

A. Timeframe for Final Short Subdivision Approval. A final short subdivision meeting all requirements of this title and the conditions and requirements of the written decision granting preliminary short subdivision approval shall be submitted to the Auburn planning and development department within the timeframes specified in ACC 17.09.110, unless otherwise extended by the director or designee.

B. Procedures. Final short subdivision applications shall be processed as a Type II land use action.

C. Application. An application for final short subdivision approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the department of planning and development accompanied by the following:

1. Application materials consistent with the requirements of ACC 17.02.065.
2. A copy of the approved preliminary short subdivision.
3. A final short subdivision drawing meeting the requirements of Chapter 58.17 RCW, including certifications, dedications, and title reports;
4. Agency recommendations pursuant to RCW 58.17.150;
5. A recordable survey and surveyor's signature meeting the requirements of Chapter 58.09 RCW and RCW 58.17.250. The map and legal descriptions included in the application for final short subdivision shall be prepared and certified by a professional land surveyor licensed in the state of Washington in a format acceptable to the city of Auburn and the Survey Recording Act.
6. A title insurance report, not older than 30 days prior to the date of application, confirming that the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final short subdivision's certificate.
7. Computation data for all lots, streets and easements located within the plat.

8. Failure of an applicant to submit all required application materials shall be considered a lack of compliance with this section, and the director or designee may withhold the application from further consideration until such time as the application is complete.

9. Declaration blocks shall be provided for the original tract owner, surveyor, approving governmental agencies, and recording certification, in a manner as prescribed by the director.

10. Proof of the date of last legal segregation of the parcel of land to be short subdivided, if deemed necessary by the planning director.

11. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the short subdivision.

12. In any short subdivision where lots are served or to be served by a private road, the subdivider shall furnish a copy of such further covenants or documents that will result in:

a. Each lot owner having access thereto and having responsibility for maintenance of any private road contained within the short subdivision in such a condition as to allow free access for emergency vehicles;

b. Such covenants or documents shall obligate any seller to give actual notice to any prospective purchaser of the method of maintenance of the private road, which notice shall be caused to be included in any deeds or contracts relating to such sale and such covenants or documents shall be recorded simultaneously with the short subdivision.

D. Preparation. The final short subdivision shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the final short subdivision, certify that the final short subdivision is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

E. Scale and Format. The final plat shall be drawn with reproducible ink on Mylar measuring 18 inches by 24 inches in size, with a one-inch border on one edge and a one-half-inch border for the other three edges for projects in King County and measuring 18 inches by 24 inches with a two-inch border on the left edge and a one-half-inch border for the other three edges for projects in Pierce County. The final short subdivision shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one

sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size. All signatures or certifications appearing on a final short subdivision shall be in reproducible black ink.

F. Final Short Subdivision Contents. A final short subdivision drawing shall contain the following information:

1. The name of the short subdivision, if applicable;
2. Legal description of the property being subdivided;
3. Numeric scale, graphic scale, basis of bearings and date of preparation of the final short subdivision;
4. The boundary line of the short subdivision, referenced to city datum in accordance with city design and construction standards and based on an accurate traverse, with angular and linear dimensions and bearings;
5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the short subdivision;
6. A table depicting the assigned address for each lot within the short subdivision;
7. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the short subdivision;
9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;
10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;

13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;

14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;

15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;

16. Any restrictions or conditions on the lots or tracts within the short subdivision, as required by the director, or at the discretion of the property owner;

17. The final recorded subdivision plat shall include a notice to individual property owners and/or the home owner's association of the location, responsibilities, and requirements associated with stormwater low impact development and management facilities.

17. A signed certification stating that the short subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the short subdivision includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer, conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

18. Forms for the appropriate certifications of the city engineer and planning director, as follows:

CITY ENGINEER'S CERTIFICATE

I hereby certify that this short plat is in compliance with the certificate of improvements issued pursuant to ACC 17.14.015, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary short plat approval, this _____ day of _____, 20____.

Auburn City Engineer

PLANNING DIRECTOR'S CERTIFICATE

I hereby certify on this _____ day of _____, 20____, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary short plat was approved on the _____ day of _____, 20____.

19. A form for the approval of the applicable county (King/Pierce) assessor, as follows or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

Examined and approved this _____ day of _____, 20____.

County Assessor

Deputy County Assessor

Account number

20. A form for the certificate of the applicable county recorder (King/Pierce), as follows or as required by the applicable county, if different:

RECORDING CERTIFICATE

Filed for record at the request of the City of Auburn this _____ day of _____, 20__ at _____ minutes past _____ .M., and recorded in Volume _____ of Plats, page _____ Records of (King or Pierce) County, Washington.

County Recording Number _____.

Manager

Superintendent of Records

21. Any additional pertinent information as required at the discretion of the city engineer or planning director.

17.10.020 Application, submittal and contents.

- A. Application. In addition to the requirements for a completed application as provided in ACC Title 14, an application for subdivision approval shall include:
1. Application requirements found in ACC 17.02.065;
 2. A preliminary plat meeting the requirements of RCW 58.17.160 for a preliminary subdivision;
 3. A neighborhood circulation plan meeting the requirements of Chapter 17.16 ACC and RCW 58.17.110(2) for safe walking paths for students;
 4. Where any lot is proposed to be served by an on-site sewage disposal system, results of preliminary percolation tests for each such proposed lot, conducted under the county department of health rules and regulations;
 5. A conceptual utility/site grading plan and/or methodology prepared in accordance with the city's comprehensive plans, standards or ordinance requirements. The conceptual utility/site grading plan shall include adequate horizontal and vertical information to ensure that utilities can be constructed consistent with the preliminary plat layout;
 6. The location of other utilities other than those provided by the city;
 7. The application shall include a transportation site plan for streets, pedestrian, and bike facilities. The site plan shall include adequate horizontal and vertical information to ensure the transportation facilities can be constructed consistent with the preliminary plat layout;
 8. A title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be issued no more than 30 days prior to the application date;
 9. Copy of restrictions, if any, to be imposed upon the use of the land. Such restrictions must be recorded simultaneously with the subdivision.
- B. Preparation. The preliminary plat or short plat shall be prepared by a professional engineer or professional land surveyor registered or licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that all information is portrayed accurately and that the proposed subdivision or short subdivision complies with the standards and requirements of this title, the Auburn zoning ordinance and any other applicable land use and development controls.
- C. Scale and Format. The preliminary plat shall be drawn with reproducible black ink on Mylar. All geographic information portrayed by the preliminary plat shall be accurate, legible, and drawn to an engineering (decimal) scale.
- D. Preliminary Plat Contents. A preliminary plat shall provide the following information:

1. General Information. The following information shall appear on each sheet of a preliminary plat or short plat:

- a. The name of the proposed subdivision, together with the words "preliminary plat";
- b. The name and address of the applicant;
- c. The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat or short plat;
- d. Numeric scale, graphic scale, true north point and date of preparation;
- e. A form for the endorsement of the planning director, as follows:

APPROVED BY RESOLUTION _____ OF THE CITY COUNCIL ON (Date) _____

Director, Planning and Development Dept.

Date

f. Legal description of preliminary plat.

2. Existing Geographic Features. Existing geographic features, as detailed in city application requirements, shall be drawn lightly in relation to proposed geographic features.

3. Proposed Geographic Features. Proposed geographic features, as detailed in city application requirements, shall be shown.

4. Additional Information. The following additional information shall be shown on the face of the preliminary plat:

- a. For proposed subdivisions involving residential land uses, a table providing the following information for each distinct residential area:
 - i. Proposed land use (e.g., single-family, duplex, multifamily);
 - ii. Number of dwelling units;
 - iii. Gross acreage;
 - iv. Existing zoning designation;
 - v. Proposed zoning designation;
 - vi. Approximate area of smallest lot;
- b. Proposed source of domestic water supply;
- c. Proposed sewage disposal system;
- d. Typical street cross section(s);
- e. Proposed storm drainage system;

- i. Identification of the location and type of any stormwater Low Impact Development or management facilities;
 - ii. Identification of whether the responsible party for operation and maintenance of a stormwater Low Impact Development facility located on private property is the private property owner, a homeowners association, or the City;
- f. For preliminary plats that are related to a planned unit development (PUD), the following information shall also be provided:
 - i. The ordinance and contract of the PUD rezone if previously done;
 - ii. The location of perimeter walls and fences on the boundary of the PUD and an indication of the height and materials;
 - iii. The location and size of any entrance signs;
 - iv. A landscaping plan;
 - v. Any covenants not previously approved.

17.10.070 Findings of fact.

Preliminary plats shall only be approved if findings of fact are drawn to support the following:

- A. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and schools;
- B. Conformance of the proposed subdivision to the general purposes of the comprehensive plan;
- C. Conformance of the proposed subdivision to the general purposes of any other applicable policies or plans which have been adopted by the city council;
- D. Conformance of the proposed subdivision to the general purposes of this title, as enumerated in ACC 17.02.030;
- E. Conformance of the proposed subdivision to the Auburn zoning ordinance and any other applicable planning or engineering standards and specifications as adopted by the city, or as modified and approved as part of a previously approved PUD;
- F. The potential environmental impacts of the proposed subdivision are mitigated such that the preliminary plat will not have an unacceptable adverse effect upon the quality of the environment;

G. Adequate provisions are made so the preliminary plat will prevent or abate public nuisances.

H. Lot configuration, street and utility layouts, and building envelopes shall be designed in a manner that identifies, preserves, and utilizes native soils and/or vegetation that are integrated into a low impact development facility, consistent with the City's adopted stormwater management manual.

17.10.120 Development standards for panhandle lot access and private access tracts.

A. Panhandle Lot Access.

1 The maximum length of a panhandle lot access within the R-5, R-7, R-10, R-16, R-20, and RO zones and residential PUDs shall be 150 feet. When there are unique physical limitations of the property including but not limited to steep slopes, significant vegetation, or sensitive environmental areas that would be impacted less if a longer panhandle length were provided, then the planning director may allow additional length. The ~~planning~~ director may also allow for additional length if there is an existing intervening parcel of the property (that has a lot depth greater than 150 feet) between the proposed panhandle lot and the abutting street. There shall be no limitation of length within the other zoning districts of the city.

2. All residential and nonresidential panhandle accesses shall meet the standards of the city of Auburn engineering, design and construction standards manual.

3. If two panhandle accesses within the same plat abut each other, then one common paved driveway, spanning both panhandles, may be provided as part of the two panhandles. The pavement width of the driveway shall be determined using the same methodology as subsection (A)(2) of this section.

4. Not more than two panhandle accesses within the same plat may abut each other. Alternatively, a separate access tract shall be required in lieu of more than two separate panhandle accesses. The separate access tract shall meet the requirements of subsection B of this section.

Chapter 17.12 FINAL SUBDIVISIONS

Sections:

- 17.12.005 Purpose.
- 17.12.010 Application submittal and contents.
- 17.12.015 Review process.
- 17.12.020 Administrative review.
- 17.12.030 City council action.
- 17.12.040 Terms of approval.
- 17.12.050 Distribution and filing.
- 17.12.060 Transfer of ownership.
- 17.12.070 Building, occupancy and model home permits.
- 17.12.080 Release of improvement guarantee.
- 17.12.090 Survey requirements.

17.12.005 Purpose.

This chapter establishes specific application materials, review processes and requirements, and terms of approval for final subdivisions.

17.12.010 Application submittal and contents.

A. Application. An application for final subdivision approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the planning department, accompanied by the following:

1. Application materials consistent with the requirements of ACC 17.02.065;
2. A copy of the approved preliminary plat;
3. A final plat meeting the requirements of Chapter 58.17 RCW, including certifications, dedications, and title reports;
4. Agency recommendations pursuant to RCW 58.17.150;
5. A recordable survey and surveyor's signature meeting the requirements of Chapter 58.09 RCW and RCW 58.17.250;

6. Proposed list of public improvements that will be incomplete at the time of final plat approval and the associated cost to complete the work. The list shall be used to determine the financial security required as part of the final plat review process. The engineer's certification is required prior to setting the date for consideration by the city council for final plat approval. The engineer's certification will not be issued until the requirements of ACC 17.14.010 have been met.

B. Preparation. The final plat shall be prepared by a professional land surveyor licensed by the state of Washington. The preparer shall, by placing his or her signature and stamp upon the face of the plat, certify that the plat is a true and correct representation of the land actually surveyed by the preparer, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct.

C. Scale and Format. The final plat shall be drawn with reproducible ink on Mylar measuring 18 inches by 24 inches in size, with a one-inch border on one edge and a one-half-inch border for the other three edges for projects in King County and measuring 18 inches by 24 inches with a two-inch border on the left edge and a one-half-inch border for the other three edges for projects in Pierce County. The final plat shall be accurate, legible and drawn to an engineering (decimal) scale of 100 feet or fewer to the inch. If more than one sheet is required, an index sheet showing the entire subdivision with street and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size. All signatures or certifications appearing on a final plat shall be in reproducible black ink.

D. Final Plat Contents. A final plat shall contain the following information:

1. The name of the subdivision;
2. Legal description of the property being subdivided;
3. Numeric scale, graphic scale, true north point and date of preparation of the final plat;
4. The boundary line of the plat, referenced to city datum in accordance with the city design and construction standards and based on an accurate traverse, with angular and linear dimensions and bearings;
5. The exact location, width and assigned name of all streets, alleys and other public ways within and adjacent to the subdivision;
6. A table depicting the assigned address for each lot within the subdivision;

7. The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
8. True courses and distances to the nearest established street lines, or section or quarter section corner monuments which shall accurately locate the subdivision;
9. Municipal, township, county or section lines accurately tied to the lines of the plat by distances and courses;
10. All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet;
11. The radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
12. The accurate location of each permanent control monument. One such monument shall be located at each and every controlling corner on the boundaries of the parcel of land being subdivided; at each street centerline intersection, each point of curvature (PC), each point of tangency (PT), and each point of reverse curve (PRC); and at each intersection of a street centerline with a plat boundary;
13. All plat meander lines or reference lines along bodies of water shall be established above, but not farther than 20 feet from, the high water line of such body;
14. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes of such dedication or reservation and any limitations indicated thereon and in the dedication;
15. Accurate outlines of any areas to be reserved by deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;
16. Any restrictions or conditions on the lots or tracts within the subdivision, as required by the hearing examiner, or at the discretion of the property owner;
17. The final recorded subdivision plat shall include a notice to the individual property owners and/or the homeowner's association of the location, responsibilities, and requirements associated with stormwater low impact development and management facilities:
- ~~17~~18. The name and seal of the licensed land surveyor responsible for preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct

representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;

1819. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

1920. Forms for the appropriate certifications of the finance director, city engineer and planning director, as follows:

FINANCE DIRECTOR'S CERTIFICATE

I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the city, and that all special assessments on any property herein contained dedicated as streets, alleys or for any other public use have been duly paid, satisfied or discharged, this _____ day of _____, 20____.

Auburn Director of Finance

CITY ENGINEER'S CERTIFICATE

I hereby certify that this final plat is in compliance with the certificate of improvements issued pursuant to ACC 17.14.015, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval, this _____ day of _____, 20____.

Auburn City Engineer

PLANNING DIRECTOR'S CERTIFICATE

I hereby certify on this _____ day of _____, 20____, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by Resolution Number _____ of the Auburn City Council on the _____ day of _____, 20____, or by the Decision of the Hearing Examiner for the City of Auburn dated the _____ day of _____, 20____.

Auburn Planning Director

2021. A form for the approval of the mayor, pursuant to ACC 17.12.030, as follows:

APPROVAL

Examined and approved this _____ day of _____, 20____, pursuant to City Ordinance Number _____, adopted by the Auburn City Council on the _____ day of _____, 20____.

Mayor

ATTEST:

Auburn City Clerk

2122. A form for the certificate of the applicable (King/Pierce) county finance division, as follows, or as required by the applicable county, if different:

FINANCE DIVISION CERTIFICATE

I hereby certify that all property taxes are paid, that there are no delinquent special assessments certified to this office for collection, and that all special assessments certified to this office for collection on any of the property herein contained dedicated as streets, alleys or for other public use are paid in full this ____ day of _____, 20____.

Manager

Deputy

2223. A form for the approval of the applicable (King/Pierce) county assessor, as follows, or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

Examined and approved this ____ day of _____, 20____.

County Assessor

Deputy County Assessor

Account number

2324. A form for the certificate of the applicable (King/Pierce) county recorder, as follows, or as required by the applicable county, if different:

RECORDING CERTIFICATE

Filed for record at the request of the City of Auburn this _____ day of _____, 20____
at _____ minutes past _____ .M., and recorded in Volume _____ of Plats, page
_____ Records of (King or Pierce) County, Washington.

County Recording Number _____.

Manager

Superintendent of Records

2425. Any additional pertinent information as required at the discretion of the city engineer or planning director.

Chapter 17.26 CLUSTER SUBDIVISIONS

Sections:

- 17.26.010 Purpose.
- 17.26.020 Scope.
- 17.26.025 Process.
- 17.26.030 Requirements.

17.26.010 Purpose.

The purpose of this chapter is to provide for the clustering of lots within a subdivision onto a portion of the site, while maintaining the underlying allowable density. Clustering allows development to occur at an appropriate density for infrastructure services. ~~It also and~~ protections of environmentally sensitive areas ~~by clustering lots away from these areas.~~ Clustering also allows for preservation of native vegetation and native soils that are optimal for implementing stormwater low impact development techniques.

17.26.030 Requirements.

A. All subdivisions and short subdivisions in the R-1 zoning district shall be required to be clustered pursuant to this section when the property is located wholly or partially within an urban separator as designated on the city of Auburn comprehensive land use plan map.

B. Cluster subdivisions and short subdivisions shall be subject to the development standards outlined in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. However, flexibility will be applied to minimum lot size, lot width, and lot area in order to ensure that the applicant is able to maximize density when designating areas as open space and stormwater low impact development facilities. ~~These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.~~

C. Applicants for cluster subdivisions shall demonstrate compliance to all applicable Engineering design standards and construction standards for the city of Auburn.

D. The provisions of this title, as well as other applicable portions of the Auburn City Code, shall apply unless specifically exempted. In addition, the following standards shall apply to clustered subdivisions or short subdivisions:

1. Location. The cluster residential development shall be required in the R-1 zoning district within urban separator areas.

2. Permitted Uses. Permitted uses in cluster residential developments shall be consistent with Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. In no case shall zero lot line development be permitted in a cluster subdivision.

3. Minimum Area. No minimum area is established for a cluster residential development.

4. Permitted Density. The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed pursuant to Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

5. Lot Size. The lot area of individual building lots within a cluster subdivision or short subdivision shall be no less than that provided for in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC. New lots created by any subdivision or short subdivision action shall be clustered in groups not exceeding eight units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 120 feet. Once a cluster residential development is approved and recorded, future variance to setbacks or lot coverage limits will not be allowed.

~~6. Lot Width. The lot width for individual building lots in a cluster subdivision or short subdivision shall be no less than that provided for in Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.~~

~~76.~~ Other Development Standards. Development standards other than lot size and lot width shall be the same as are required by Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

~~87.~~ Common Open Space.

a. Amount Required. The common open space in a cluster subdivision or short subdivision shall be a minimum of 50 percent of the parcel, and may include critical areas and their buffers and stormwater low impact development facilities.

b. Nonconstrained Areas Defined. For purposes of this section, the nonconstrained area of the parcel is defined as all areas of the parcel, minus critical areas, as defined in Chapter 16.10 ACC as currently and hereinafter amended, and buffers.

c. Buildable Area. After accounting for the 50 percent open space requirement, the remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel.

d. Layout of Common Open Space. The common open space tracts created by clustering shall be located and configured in the manner that best preserves and protects native vegetation and native soils that are identified as supporting vegetated stormwater low impact development techniques, connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas.

e. Future Development Prohibited. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; degrades or impairs native vegetation and/or native soils that have been identified as supporting vegetated stormwater low impact development techniques, or impairs the recreational benefits enjoyed by the residents of the development.

f. Conveyance of Common Open Space. Such common open spaces shall be conveyed to residents of the development, conveyed to a homeowners' association for the benefit of the residents of the development, or conveyed to the city with the city's consent and approval.

Chapter 18.50 LANDSCAPING AND SCREENING

Sections:

- 18.50.010 Intent.
- 18.50.020 Applicability.
- 18.50.030 *Repealed.*
- 18.50.040 Landscape development standards.
- 18.50.045 Preservation of significant trees.
- 18.50.050 *Repealed.*
- 18.50.060 Landscaping plan requirements.
- 18.50.070 Administration and enforcement.
- 18.50.080 Alternative landscaping plan.

18.50.010 Intent.

The intent of this chapter is to provide minimum landscaping and screening requirements in order to maintain and protect property values, to enhance the city's appearance, to visually unify the city and its neighborhoods, to improve the character of certain areas of the city, to reduce erosion and storm water runoff, to interrupt expanses of disconnect impervious surfaces, to reduce CO₂ emissions, improve air quality, and to maintain or replace existing vegetation and to prevent and abate public nuisances.

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 stormwater 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 below.

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
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.

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
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, Multifamily development and mixed-use development design standards and procedures, 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.

C. Landscape Design and Planting Requirements. Landscape design and construction for new development or redevelopment shall be compatible with the surrounding urban and natural environment. Landscape plantings shall comply with the plant type, size, and spacing provisions listed below.

1. Landscape Design. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces, supporting stormwater low impact development facilities, and providing buffers, transitions, and screening.
 - a. All required planting areas shall be covered with a mixture of trees, shrubs, and groundcover plants. Sodded lawn (not seed) may be substituted for some but not all of shrubs or groundcover plants. If sodded lawn is used it cannot cover more than 20 percent of the site and those portions of the lawn area must be served by an automatic irrigation system.
 - b. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.
 - c. As appropriate, building and site design shall include the use of landscaping against buildings to visually break up expanses of wall, soften appearance, and create visual interest through the use of planting areas, wall planters, hanging gardens, and/or raised planters. Loose rock, gravel, decorative rock or stone shall not exceed 20 percent of the planting area.
2. Plant Types. Landscape planting shall be compatible with the character and climate of the Pacific Northwest and complement the architectural design of structures on the site.

a. Native Landscaping. Landscaping materials installed shall include species native to the Puget Sound lowland region of the Pacific Northwest or noninvasive species that have adapted to the climactic conditions of the region in the following minimum amounts:

i. Fifty percent of trees.

ii. Fifty percent of groundcover and shrubs.

b. Trees. Trees planted within 10 feet of a public street, sidewalk, paved trail, or walkway shall be a deep-rooted species and shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.

3. Planting Size and Spacing. In order to balance both an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes and plant spacing are as follows:

a. Trees. Trees shall be a minimum of one and one-half inches in diameter breast height (dbh) at the time of planting. Evergreen trees shall be a minimum of four to six feet in height at the time of planting and may include either broadleaf or conifer. Tree spacing within the perimeter planters along streets and abutting residential property shall be planted no further apart on center than the mature diameter of the proposed species.

b. Shrubs. Shrubs shall be a minimum of 18 inches in height, or two-gallon size containers, at the time of planting.

c. Groundcover. Groundcover means low evergreen or deciduous plantings and shall be planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing. Alternative spacing of particular species may be approved by the city if documentation concerning the effectiveness of the groundcover is submitted with the landscape plan.

d. Additional Spacing Provisions.

i. Tree size and spacing at installation shall be increased by the city where needed to ensure visual access for vehicles and pedestrians and provide clear vision at street, access tracts and driveway intersections (sight distance triangles).

ii. Trees or shrubs with a full-grown height equal to or greater than 30 inches shall not be planted in any sight distance triangle. Sight distance triangles are determined in conformance with the city of Auburn engineering design standards, Chapter 10.

iii. A minimum distance of 15 feet is required from the mature diameter of trees and the center of street light standards.

4. Landscaping Requirements for Parking Areas.

a. General Parking Lot Landscaping Standards.

i. All parking lot landscape areas shall be protected with vertical or extruded concrete curbs, or equivalent barriers. ~~Tire Bumper~~ blocks shall not be used as a substitute for curbing and boundary around the landscaped area unless they are integral to a stormwater LID facility design as approved by the City Engineer or his/her designee.

ii. All parking lot landscaping must be located between parking stalls, at the end of rows of parking, or between the end of rows of stalls and the property line.

iii. The maximum distance between any parking stall and required parking area landscaping shall be no more than 50 feet.

iv. Shrubs, groundcover or lawn shall be planted to cover each parking lot planting area using the planting size and spacing requirements specific in subsection (C)(3) of this section. All groundcover shall have a mature height of not more than 24 inches.

v. Modifications to protect drainage features, easements, or utility facilities may be allowed. Modifications that reduce landscape area or plant material shall be made up elsewhere on-site, if possible.

vi. The requirements of this section shall not apply to parking garages or to display areas for automotive and equipment sales and rentals that are specifically designed, approved and constructed for the display purpose and that do not reduce required landscape areas.

b. Specific Parking Lot Landscaping Standards.

Table 18.50.040(B) Specific Parking Lot Landscaping Standards

	Landscaped Area Required	Planting Area Design Requirements	Plantings Required
12 parking stalls or less	No requirement		
13 – 75 parking stalls	7% of surface parking stalls (exclusive of circulation)	Minimum planter width: 6 feet	Trees shall be provided at the rate of a minimum of one per planter and/or one per 100 square feet of planter.
76 parking stalls or more	10% of surface parking stalls (exclusive of circulation)	Minimum planter width: 6 feet	Trees shall be provided at the rate of a minimum of one per planter and/or one per 100 square feet of planter.

5. Landscaping for Outdoor Storage Areas, Recreational Vehicle Parking and Refuse Areas.

a. Outdoor storage areas and recreational vehicle parking areas must be screened from view from adjacent streets and from all residentially zoned land by a minimum six-foot-wide landscape buffer. This landscape buffer shall contain evergreen trees or tall shrubs, a minimum of six feet in height at the time of planting, which will provide a 100 percent sight-obscuring screen within three years from the time of planting is required; or a combination of evergreen trees or deciduous trees, planted 20 feet on center with no more than 30 percent being deciduous and backed by a 100 percent sight-obscuring fence. In addition to the trees, shrubs shall be planted at four-foot spacing, in all directions, and groundcover provided.

b. Outdoor storage areas abutting the Interurban Trail (regardless of the zoning of the Interurban Trail) and other future trails connecting to the Interurban Trail shall have a minimum 10-foot-wide landscape buffer containing the planting materials specified in subsection (C)(5)(a) of this section.

c. Trash containers, dumpsters, trash compactors, and recycling bins associated with multiplex, multi-unit residential, and nonresidential uses must be screened from public view on all sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other similar building material

reflecting the overall design of the site, and be appropriately landscaped (e.g., climbing vines, arborvitae, etc.).

6. Irrigation. No portion of any landscaped area shall be located further away than 50 feet from a source of water adequate to irrigate the landscaping. The source of water may be a manual (hose connection) or an automatic irrigation system.

18.50.045 Preservation of significant trees.

A. Retention. In the required perimeter landscaping area, applicants shall retain all significant trees. A significant tree means a healthy evergreen tree, six inches or more in diameter measured four feet above grade, or a healthy deciduous tree four inches or more in diameter measured four feet above grade. Alders and cottonwoods are excluded from this definition. If the grade level adjoining a tree to be retained is to be altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree.

Areas devoted to driveways, curb cuts, and sight distance requirements, utilities and storm drainage facilities may be exempted from this requirement. Significant trees may also be exempted from this requirement if it is determined by the planning director based on satisfactory evidence pursuant to report prepared by a consulting arborist certified by the International Society of Arboriculture. The report submitted to the city shall demonstrate the significant tree is:

1. Damaged; or
2. Diseased; or
3. Has weak structural integrity that poses a safety hazard.

If additional significant trees are to be removed, the applicant shall seek approval of an “alternative landscape plan” from the planning director under ACC 18.50.080.

B. Encroachment into Dripline. No construction activities shall take place within the dripline of a tree to be retained without extra precautions as recommended by a certified arborist. The applicant may install impervious or compactable surface within the area defined by the dripline when a qualified arborist determines that such activities will not endanger the tree or trees. (See the definition of “dripline” in ACC 18.04.318.)

C. Tree Protection. All significant trees that are to be retained must be protected during construction by installation of a protective barricade or fence. This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade or fence before major excavation with heavy equipment begins. (Ord. 6387 § 1, 2011.)

18.50.050 Regulations by zone.

Repealed by Ord. 6387. (Ord. 6287 § 2, 2010; Ord. 6269 § 20, 2009; Ord. 6231 § 4, 2009; Ord. 6036 § 3, 2006; Ord. 5863 § 5, 2004; Ord. 5342 § 2, 2000; Ord. 4914 § 1, 1996; Ord. 4304 § 1(36) – (39), 1988; Ord. 4229 § 2, 1987.)

18.50.060 Landscaping plan requirements.

A. Persons Qualified to Prepare Landscape Plan. A landscape plan signed by a licensed landscape architect is not required. However, if the plan is determined by the city to be illegible or inadequate for review the landscape plan shall be prepared by a landscape architect licensed in the state of Washington, a nursery professional certified pursuant to the Washington certified nursery professional program, or a Washington State certified landscape technician.

B. Application. A landscape plan shall be required and shall be accurately drawn using an appropriate engineering scale and contain all information specified by the planning director in the application form and accompanying checklist provided by the city.

18.50.070 Administration and enforcement.

A. Performance Assurance.

1. The required landscaping must be installed prior to the issuance of the certificate of occupancy unless the planning director determines that a performance assurance device will adequately protect the interests of the city;

2. The performance assurance device shall only be valid for a 120-day period and shall have a value of 100 percent of the estimated cost of the landscaping to be performed, inclusive of planting materials and installation. If the landscaping has not been installed after the 120 days then the assurance device may be used by the city to perform any necessary work to implement the landscape plan. This time period can be extended if the city determines that:

- a. Installation of the landscaping would not be successful due to weather; or

b. Product is not available due to the time of year;

3. The performance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees;

4. Upon completion of the required landscaping by the property owner the city shall release the performance assurance device.

B. Initial Maintenance Period and Maintenance Assurance Device. After installation of the required landscaping, the property owner shall complete an initial maintenance period lasting one year. The property owner shall comply with the provisions below:

1. The property owner shall be responsible for replacing any unhealthy or dead plants for a period of one year after the initial planting.

2. The planning director shall require a maintenance assurance device, unless converting a single-family residence to a nonresidential use within the RO district, for a period of one year from the completion of planting in order to ensure compliance with the requirements of this section. The value of the maintenance assurance device shall equal at least 100 percent of the total landscape materials plus installation.

3. If the landscaping is not being properly maintained, the property owner shall be so notified by the city. If after 30 days from the city's notification the landscaping is still not being maintained then the maintenance device may be used by the city to perform any type of maintenance necessary to ensure compliance with this chapter.

4. The maintenance assurance device shall be accompanied by an agreement granting the city and its agents the right to enter the property and perform any necessary work. The agreement shall also hold the city harmless from all claims and expenses, including attorney's fees.

5. Upon completion of the one-year maintenance period, and if maintenance has not been performed by the city, the city shall release the maintenance assurance device.

C. Maintenance of Landscape Area (On-Going). Landscaping, including trees, shrubs, groundcover, or grass, planted as a requirement pursuant to this title or ACC Title 16 or 17 shall be maintained in a healthy, living condition. All landscaping which, due to accident, damage, disease, lack of maintenance, or other cause, fails to show a healthy appearance and growth shall be replaced. Replacement plants shall conform to all standards

that govern the original planting installation, approved landscaping plan, or as approved by the planning director. If the landscaping is not replaced the property owner or designee shall be subject to the enforcement provisions contained in subsection D of this section.

1. Tree and Shrub Pruning. A permit is not required to prune trees and shrubs on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal and subject to the provisions in subsection D of this section. Tree pruning should be performed by a landscape contractor, one that is certified by the International Society of Arboriculture as a certified tree trimmer or certified arborist or other qualified tree expert.

2. Limitations on Allowable Pruning. Tree and shrub pruning shall be allowed only for the following purposes:

- a. Removal of dead wood and diseased, crowded, and weakly attached trunks and branches that create a hazard to private property and citizens;
- b. Providing adequate clearance and visibility for safe use of parking stalls, travel ways and walkways for the passage of persons and vehicles;
- c. Eliminating traffic sign visibility obstructions;
- d. Providing adequate visibility for security patrols;
- e. Repairing split trees and limbs in order to save a tree and its appearance;
- f. Removing or severing tree roots that are causing damage to public or private property, including curbs, gutters, sidewalk, drainage lines and parking lot surfaces; or
- g. Providing visibility for merchant signs and increasing parking lot lighting only when the aesthetics of the tree or shrub will not be reduced.

3. Tree Topping. Tree topping is prohibited, except under the following circumstances:

- a. Branches interfering with utility lines;
- b. Significant canopy dieback has occurred;
- c. Storm damage or prior incorrect pruning requires correction.

D. Enforcement. Violation of these provisions shall be processed in accordance with the procedures defined under Chapter 1.25 ACC. The property owner or designee responsible for correcting the violation shall provide a corrective action plan that defines how and when the infraction will be corrected within the time provisions defined by Chapter 1.25 ACC.

1. The corrective action plan shall be subject to the following replacement ratios:

a. For plants that have died, replacement vegetation shall be at least 150 percent of the planting size required of the subject plant material at the time of planting. The plants shall be of the same or similar species to those plants being replaced, unless alternate species are approved by the planning director.

b. For trees or shrubs that have been excessively pruned, replacement vegetation shall be at least 200 percent of the size of the tree or shrub that was required by city regulations at the time of planting. The trees or shrubs shall be of the same or similar species of the plants being replaced, unless alternate species are approved by the planning director.

2. The property owner or designee shall correct the infraction or provide a schedule that defines how and when the infraction will be corrected within the time provisions defined by Chapter 1.25 ACC.

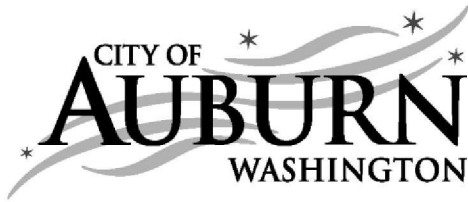
18.50.080 Alternative landscaping plan.

The planning director may authorize modification of the landscape requirements when alternative plans comply with the intent of this chapter and:

A. The proposed landscaping provides for creative landscape design; or

B. Incorporates the increased retention of significant trees and naturally occurring undergrowth; or

C. Incorporates historic or architectural features such as fountains, sculptures, structures and the like.



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Tate, Assistant Director of Community Development

DATE: July 12, 2016

RE: Ordinance No. 6600 – Amendments to Title 18 Pertaining to Domestic Animals

Summary of City Council Remand:

On May 17, 2016 the Planning Commission took action to make a recommendation to the City Council to amend several sections of Title 18 of the Auburn City Code pertaining to how domestic animals are defined and regulated within the City's residential zones. Ordinance 6600 was prepared and presented to City Council during their June 13, 2016 Study Session. City Council did not express concern over Ordinance No. 6600 and therefore permitted it to be added to their June 20, 2016 City Council agenda for action.

Prior to the June 20, 2016 City Council meeting, public comment was submitted via email to the Mayor and City Councilmembers requesting that the Planning Commission's recommendation be further evaluated and modified (see Attachment A). Specific reference was made to the adequacy of the setback standards that were included in the recommendation. During the council meeting a motion was made to adopt Ordinance No. 6600 which was then seconded. This action opened the floor for council discussion. Some councilmembers indicated that there may be some value in re-evaluating the setback standards included in the Planning Commission's recommendation. During the course of this discussion a motion was made to remand the Planning Commission's recommendation back to the Commission for further evaluation of the setbacks. The motion was seconded and a vote of 5-2 was rendered in favor of the motion to remand. The minutes of the June 20, 2016 City Council meeting are included under Attachment B of this memo.

Summary of Planning Commission Process:

The below summary provides an overview of the meetings, transmittal materials, and discussions pertaining to domestic fowl. This summary is focused on the domestic fowl issues only, and intentionally leaves out other elements of the discussion since those items have not been remanded back to Planning Commission. For example, the summary intentionally does not include information on apiaries, definitions for small, medium or large animals, and the allowed number of domestic animals. The minutes from each of the below meetings are provided as Attachment C.

- February 2, 2016 Planning Commission Meeting – Staff transmitted a memorandum that outlined various options pertaining to the regulation of domestic fowl in residential zoning districts. The memo provided background information about existing regulations,

examples of other local jurisdiction's regulations, and suggested questions and concepts that the Planning Commission may want to consider. The memo also provided code enforcement information and statistics for the period of 1992 to 2011 (the period of time which the City did not have regulations for domestic fowl) and from 2011 to 2016 (the time since the City adopted domestic fowl regulations). Since August 2011 there have been 11 domestic fowl complaints submitted. The memo also provided a jurisdictional comparison that included Kent, Federal Way, Covington, Renton, Puyallup, Tacoma, Bonney Lake, and Maple Valley. The comparison provided information on whether domestic fowl are allowed in residential zones, how many are allowed, coop and run setbacks, and feeding/maintenance requirements. Staff then posed several questions for the Planning Commission to consider. Planning Commission provided initial feedback that some of the suggested ideas to consider were likely overkill and that most issues should already be able to be handled by code enforcement. The Planning Commission asked that staff return and provide more information on the previous complaints and thoughts on whether there should be an overall cap on the number of fowl allowed.

- March 8, 2016 Planning Commission Meeting – Staff transmitted a memorandum that provided additional information on the existing domestic fowl regulations, existing nuisance regulations, and greater detail on code enforcement complaints. After discussion, the Planning Commission confirmed that merging several sections of code into one section was logical, that existing nuisance regulations were adequate, that it was appropriate to modify the setback standards in order to better separate coops and chicken runs from property lines and to establish a cap on the number of domestic fowl allowed on a residentially zoned property.
- May 3, 2016 Planning Commission Meeting – Staff transmitted a final draft set of code amendments with a request that the Planning Commission schedule a public hearing. The draft amendments reorganized the layout of animal regulations, established a cap on the number of domestic fowl that are allowed (10), clarify that coops and chicken runs must meet the setbacks for the underlying zoning designation, and consideration of an amortization schedule for chicken coops and chicken runs to come into compliance.
- May 17, 2016 Planning Commission Hearing and Deliberation – The Planning Commission held a public hearing, deliberated on the subject and voted on a recommendation to send forward to City Council. Oral public comment was submitted by Shirley Chittenden and Greg Hoffman. The Planning Commission voted 4 – 0 to move the proposed amendments forward subject to one change that does not pertain to domestic fowl.

Planning Commission Options:

The Planning Commission has 2 options for consideration during the July 19, 2016 meeting:

1. Reaffirm the Planning Commission recommendation and request that staff bring the proposal back to City Council as is.
2. Request that staff develop a new series of alternative setback options with the intent for a staff presentation, hearing and deliberation during the August 16, 2016 Planning Commission meeting.

ATTACHMENT A

From: Shirley Chittenden [mailto:shirleychittenden62@gmail.com]

Sent: Monday, June 20, 2016 10:00 AM

To: Jeff Tate <jtate@auburnwa.gov>; Nancy Backus <nbackus@auburnwa.gov>; Dan Heid <dheid@auburnwa.gov>; Thaniel Gouk <tgouk@auburnwa.gov>; Kevin Snyder <ksnyder@auburnwa.gov>

Cc: Largo Wales <lwales@auburnwa.gov>; Claude DaCorsi <cdacorsi@auburnwa.gov>; Bill Pelosa <bpelosa@auburnwa.gov>; Yolanda Trout <ytrout@auburnwa.gov>; John Holman <jholman@auburnwa.gov>; Rich Wagner <rwagner@auburnwa.gov>; Robert Baggett <rbaggett@auburnwa.gov>

Subject: council meeting tonight

Hi Jeff,

Do you by chance have a copy of the handout I had at the last meeting I attended regarding the chickens. I would like to make a few additions and have it available for tonight's meeting so the City Council will have a better idea of how the chicken issue has affected my home. It would be great if you showed some of the pictures I have sent you as well as the video and audio of what it sounds like in my home. Especially if they do not make the setbacks greater than 5 feet there is still the potential for the neighbors to leave the coop by my windows (at this time the coop is about 10 ft from my living room window. Having a chicken coop so close to my home/windows also poses a health issue. If you would email me a copy that would be great. I also would like to know code on security camera's. I have no problem with the neighbors monitoring their property but if they have a camera pointed on mine, I feel I have a right know. They have a sign up in the coop and if it is there, there is a potential it is directed inside my home as well as the bedroom window on that side of the house. This would be a great invasion of my privacy. I contacted Auburn PD and they told me it was ok if someone had a video camera pointing in my home. Depending on how the camera is pointed there is the potential it could also have a view of my bedroom. I am tired of being harassed. I know I have the option to file a restraining order but I work all day.

I will also try to forward some pictures later today but would very much like a copy of the docs I presented at the last meeting I attended.

Thank you
Shirley Chittenden

ATTACHMENT B



City Council Meeting
June 20, 2016 - 7:00 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel and Councilmember Rich Wagner. Councilmember Wagner arrived at 7:03

Department directors and staff members present included: Innovation and Technology Director Paul Haugan, City Attorney Daniel B. Heid, Police Chief Bob Lee, Finance Director Shelley Coleman, Parks, Arts and Recreation Director Daryl Faber, Community Development and Public Works Director Kevin Snyder, Human Resources and Risk Management Director Rob Roscoe, Director of Administration Dana Hinman, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Utilities Engineering Manager Lisa Tobin, Traffic Engineer James Webb, Assistant Director of Community Development Services Jeff Tate, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There was no announcement, proclamation or presentation.

III. APPOINTMENTS

A. Human Services Committee

City Council to confirm the appointment of Leticia Ostos and Dana Reil to serve on the Human Services Committee for a three year term to expire December 31, 2018.

Deputy Mayor Wales moved and Councilmember Peloza seconded to approve the appointments to the Human Services Committee.

Deputy Mayor Wales stated the City is fortunate to have such active and informed members of the community as the new members of the Human Services Committee.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. AGENDA MODIFICATIONS

There was no agenda modification.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Public Hearing for Bert Warm Sewer Payback Agreement (Snyder)
City Council conduct a public hearing to receive public comments and suggestions with regard to the proposed Ordinance No. 6602.

Utilities Engineering Manager Tobin explained the payback agreement allows the developer to be reimbursed for upgrades to the sewer system from future property owners connections.

Mayor Backus opened the public hearing at 7:03 p.m. No one in attendance spoke regarding the Bert Warm Sewer Payback Agreement, and the hearing was closed.

2. Public Hearing 2017-2022 Transportation Improvement Plan (Snyder)
City Council conduct a public hearing to receive public comments and suggestions with regard to Resolution No. 5237 amending the Six Year Transportation Improvement Program.

Traffic Engineer Webb explained the City is required to update the Transportation Improvement Plan annually. The City uses the Plan as a tool to identify short term projects and funding. Completed projects have been removed from the list, new projects added and some projects have been reprioritized.

Councilmember Trout-Manuel asked why the A Street item had been reprioritized. Traffic Engineer Webb explained the A Street project requires coordination with BNSF Railroad. The City is working with BNSF to move the project ahead.

Mayor Backus opened the public hearing at 7:08 p.m.

John Carrado, 15727 NE 144th Place, Woodinville WA

Mr. Carrado stated he owns two lots on B Street. He is disappointed the B Street NW project has been delayed. He asked if the project could be moved back up on the list. Traffic Engineer Webb explained the project was delayed so the City could complete updates to the underground utilities at the same time as the road improvements. The underground utilities are in the planning process at this time. The project is scheduled to be completed summer of 2017.

No further audience members requested to speak during the public hearing, and the hearing was closed at 7:12 p.m.

B. Audience Participation

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

Shayne Mack, 1430 22nd Street SE, Auburn

Ms. Mack stated she has had chickens at her home prior to Ordinance No. 6600 being considered. If the City approves Ordinance No. 6600 she asked for her property to be grandfathered in to allow her chickens to remain where they are. She suggested the Council return this item to the Planning Commission for further review.

Michael Potter, 29725 45th Ave S, Auburn

Mr. Potter is a president of a local model airplane club. The club has had

a MOU with the Auburn Municipal Airport to be able to fly tethered model airplanes at the airport. They recently received notice the City is cancelling their MOU. He asked the City to reconsider allowing the club to continue using the Airport until the original end of the lease.

Shirley Chittenden, 1440 22nd Street SE, Auburn

Ms. Chittenden stated she sent photos and a video of her neighbors chicken coup for Council to review. Her neighbor has her coup 10 feet from her home. It is very noisy, dirty and smelly. She asked Council to approve Ordinance No 6600 and not offer any accommodations for existing coups.

Elam Anderson, 301 21st St SE, Auburn

Mr. Anderson stated the quality of life in Auburn is diminished by the fireworks from the Muckleshoot Indian Reservation. The fireworks are very noisy and greatly disrupt the quality of life for residents that live in southeast Auburn.

Leticia Ostos, 506 21st Street SE, Auburn

Ms. Ostos thanked Mayor and Council for the opportunity to serve the City of Auburn.

C. Correspondence

There was no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

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

Councilmember DaCorsi reported on behalf of the Finance ad hoc committee that reviews claims and payroll vouchers. Councilmember DaCorsi reported he and Councilmember Baggett reviewed the claims and payroll vouchers as presented and described on this evening's agenda and recommend their approval by Council.

VII. CONSENT AGENDA

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

- A. Minutes of the June 6, 2016 Regular Meeting
- B. Claims Vouchers (Coleman)
Claims voucher numbers 438940 through 439207 in the amount of \$5,449,636.56 and three wire transfers in the amount of \$587,518.57 and dated June 20, 2016.
- C. Payroll Vouchers (Coleman)
Payroll check numbers 536489 through 536523 in the amount of \$574,957.47, electronic deposit transmissions in the amount of \$1,496,745.75 for a grand total of \$2,071,703.22 for the period covering June 02, 2016 to June 15, 2016.
- D. Public Works Project No. CP1515 (Snyder)
City Council to award Contract No. 16-18, to Miles Resources, LLC on their low bid of \$2,375,119.75 plus Washington State sales tax of \$45,831.71 for a total contract price of \$2,420,951.46 for Project No. CP1515 – 2016 Local Street Reconstruction and Preservation Project

- E. Public Works Project No. CP1324 (Snyder)
City Council to approve Final Pay Estimate No. 2 to Contract No. 14-03 in the amount of \$15,733.54 and accept construction of Project No. CP1324, Airport Asphalt Rehabilitation and Seal Coat
- F. Public Works Project No. CP1605 (Snyder)
City Council to award Small Works Contract No. 16-16, to Groat Brothers, Inc. on their low bid of \$164,643.00 plus Washington State sales tax of \$15,641.09 for a total contract price of \$180,284.09 for Project No. CP1605, Herr Properties Demolition
- G. Public Works Project No. CP1411 (Snyder)
City Council to award Contract No. 16-14, to 'A' Advanced Septic Services, Inc. on their low bid of \$362,096.80 plus Washington State sales tax of \$34,399.20 for a total contract price of \$396,496.00 for Project No. CP1411, Muckleshoot Indian Tribe Master Meters
- H. Public Works Project No. C222a0 (Snyder)
City Council to award Contract No. 16-06, to Scarsella Bros., Inc. on their low bid of \$5,478,125.53 plus Washington State sales tax of \$13,974.02 for a total contract price of \$5,492,099.55 for Project No. C222a – S 277th St Corridor Capacity & Non-Motorized Trail Improvements

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to approve the Consent Agenda.

Deputy Mayor Wales stated the Consent agenda consists of minutes, claims and payroll vouchers and public works projects.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

- A. Ordinance No. 6600 (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, creating new Sections 18.04.115, 18.04.237, 18.04.238, 18.04.523, and 18.04.617, of the City Code, amending Sections 18.04.325, 18.04.622, 18.04.823 (formerly section 18.04.495), 18.07.020, 18.07.030 and 18.31.220 of the City Code and repealing Section 18.31.230 of the Auburn City Code, and providing for the amortization of setback requirements, relating to zoning and land use code provisions for animals

Deputy Mayor Wales moved and Councilmember Peloza seconded to adopt Ordinance No. 6600.

City Attorney Heid confirmed the Ordinance had been updated per Councils request from the last study session.

Councilmember Peloza expressed his concern around the portions of the ordinance regarding chickens. He stated there may be ways to address the problem without these additional regulations. He requested Council remove the

portions of the ordinance referring to chickens.

Director Snyder explained the ordinance has references to domestic fowl throughout. If the Council is uncomfortable with the ordinance as written they could send it back to the Planning Commission with instructions.

Councilmember Wagner stated the issue of setbacks has not been reviewed thoroughly enough. He would like more details as to why there are various setbacks for different animals. He requested Council send the ordinance back to the Planning Commission for further review.

Councilmember Pelozza moved and Councilmember Wagner seconded to send Ordinance No. 6600 back to the Planning Commission for further review.

MOTION CARRIED . 5-2 Deputy Mayor Wales and Councilmember Holman voted no.

- B. Ordinance No. 6601 (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, creating new Sections 15.36A.025, and 15.36A.063, of the City Code, amending Sections 15.04.080, 15.06.010, 15.06.020, 15.07.010, 15.07.030, 15.07.050, 15.07.060, 15.07.080, 15.07.090, 15.07.100, 15.08A.011, 15.08A.021, 15.08A.031, 15.32.010, 15.32.040, 15.36A.011, 15.36A.031, 15.36A.041, 15.36A.045, 15.36A.081, 15.36A.091, 15.38A.021, 15.38A.041, 15.48.010, 15.48.040, 15.48.090, 15.48.120, 15.48.130, 15.48.140, 15.52.030, 15.52.055, 15.52.060, 15.56.020, 15.74.030, And 15.74.050 of the City Code, amending the Chapter Title of Chapter 15.56 (Security Alarm Systems) and repealing Sections 15.08A.071 (Building Code), and 15.38A.031 (Fire Protection Requirements) and Chapters 15.16 (Dangerous Buildings Code), 15.40 (Smoke Detectors), and 15.64 (Swimming Pools) of the Auburn City Code, relating to Building Codes

Councilmember DaCorsi moved and Councilmember Baggett seconded to adopt Ordinance No. 6601.

MOTION CARRIED UNANIMOUSLY. 7-0

- C. Ordinance No. 6602 (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a payback agreement between the City of Auburn and Warm Homes Inc. for utility extension

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6602.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

- A. Resolution No. 5235 (Snyder)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the City to expend funds to abate the litter, junk, weeds, and attractive nuisances in the City of Auburn and authorizing the City's cost thereof

Councilmember Pelozza moved and Deputy Mayor Wales seconded to adopt Resolution No. 5235.

Councilmember Pelosa explained this resolution will allow the City to clean up ten (10) properties in the City that are attractive nuisances and lien the property for the cost of the clean up.

MOTION CARRIED UNANIMOUSLY. 7-0

- B. Resolution No. 5237 (Snyder)
A Resolution of the City Council of the City of Auburn, Washington, approving the 2017-2022 Transportation Improvement Program of the City of Auburn pursuant to R.C.W. Chapter 35.77 of the laws of the State of Washington

Councilmember DaCorsi moved and Councilmember Pelosa seconded to adopt Resolution No. 5237.

MOTION CARRIED UNANIMOUSLY. 7-0

- C. Resolution No. 5241 (Faber)
A Resolution of the City Council of the City of Auburn, Washington, authorizing submitting application(s) for grant funding assistance for Youth Athletic Facilities (YAF) project(s) to the Recreation and Conservation Funding Board as provided in 79A.25 RCW, WAC 286, and other applicable authorities

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5241.

Deputy Mayor Wales explained this will allow the City to apply for grant funds to put in a synthetic turf at Brennan Park.

Councilmember Baggett asked what the estimated cost is for this project. Director Faber stated the estimated cost is \$375,000.00. The City will be looking for additional grant funds.

MOTION CARRIED UNANIMOUSLY. 7-0

- D. Resolution No. 5242 (Heid)
A Resolution of the City Council of the City of Auburn, Washington, expressing its concerns relating to the recent oil train derailment and fire in Mosier, Oregon

Councilmember Pelosa moved and Deputy Mayor Wales seconded to adopt Resolution No. 5242.

Councilmember Pelosa stated this resolution shows the City's support for Mosier, Oregon where an oil train derailment occurred recently and resulted in a fire that affected the environment. Councilmember Pelosa suggested the federal government mandate slower speeds, improved tanker specifications and improved track integrity inspections.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

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

- A. **From the Council**

Deputy Mayor Wales reported she represented the City at the Celebration of Success event at the Boeing Aviation Museum and where the Auburn School District was recognized for their advanced placement program. She also attended the King County Board of Health meeting where they are preparing to implement a suicide prevention program.

Councilmember Trout-Manuel reported she attended the Gildo Rey Cultural Diversity Program.

Councilmember Baggett reported he attended the Eagle Scout Court of Honor ceremony for Tyler Scheff. He noted Troup 401 has seven (7) Eagle Scouts.

Councilmember Pelozza reported that King County Solid Waste has a new program called LINK UP. The program is for the recycling of food waste for compost recycling. They also recycle textiles, mattresses, steel, wood, carpet and asphalt shingles for road construction. He also attended the Airport Advisory Board meeting where the members discussed adding an additional fuel type at the Airport.

Councilmember Wagner reported he attended the Regional Transportation Policy Board meeting where they discussed the distribution of Federal Transportation funds. He also attended the Pierce County Regional Council meeting.

Councilmember Holman reported he and former Mayor Booth presented four scholarships, one to a senior from each of the four Auburn High Schools. He also represented Association of Washington Cities at the Washington State Forensic Council meeting.

Councilmember DaCorsi reported he attended the Senior Center Coffee hour and the King County Regional Transit Committee meeting where they discussed the overall ridership satisfaction survey.

B. From the Mayor

Mayor Backus noted the Auburn Community Center & the REC Teen Center will have its grand opening this Wednesday at the Les Gove campus. Also this Friday, June 24th is the City's annual Kids Day celebration at Les Gove Park.

XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:12 p.m.

APPROVED this 5th day of July, 2016.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk

ATTACHMENT C



PLANNING COMMISSION

February 2, 2015

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 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, and Commissioner Lee. Commissioner Smith is excused.

Staff present included: Assistant City Attorney Jessica Leiser; Assistant Director of Community Development Jeff Tate; Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk and Community Development Administrative Assistant Tina Kriss.

Members of the public present: Shirley Chittenden

III. APPROVAL OF MINUTES

A. December 8, 2015

Commissioner Copple moved and Commissioner Smith seconded to approve the minutes from the December 8, 2015 meeting as written.

MOTION CARRIED UNANIMOUSLY. 4-0

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 of Community Development Jeff Tate provided the following updates to the Commission:

- Auburn City Council, under Resolution No. 5188, adopted the Comprehensive Plan on January 4, 2016. The City council had a lot of positive feedback for the work of everyone, including, and especially the Planning Commission. The next steps by staff are to update the development regulations to implement the Comprehensive Plan concepts among other changes.
- On January 4, 2016 City Council adopted Resolution No. 5194, establishing a moratorium on the allowance, acceptance or processing of applications for retail establishments of marijuana/cannabis. The moratorium does not include processors or producers of marijuana/cannabis and related products. Under the city's previous regulations the City was able to issue two retail licenses in Auburn. In the course of the last year through state legislature and through actions of the Washington State Liquor and Cannabis Board they have removed the limitation on the number of retail licenses. City Council has enacted a

moratorium to not allow additional retail establishments until the city has the ability to navigate through this issue of the potential for an unlimited number and to determine if there are local regulations or approaches that need to be put in place.

- The city recently sent out a request to citizens, through the city's broadcast email outreach, GovDelivery Service, to advertise for volunteers interested in being a Planning Commission member subject to appointment. Within 24 hours the city received 25 interested responses. On January 4, 2016, City Council confirmed the reappointments of Commissioners Lee and Smith for a three-year term ending December 31, 2018.

VI. OTHER BUSINESS

A. Keeping of Domestic Fowl

Senior Planner Thaniel Gouk presented background information to the Planning Commission regarding the Auburn City Code regulations on the city's animal code sections in general, and the regulations pertaining to domestic fowl, in particular. . The Commission and staff discussed what is addressed in the current regulations for fowl and what is not. There was discussion on several topics, such as if chicken coops should be required, proposals for the number of domestic fowl allowed per lot size, limitations on feeding, requirements for clean up and disposal of waste, and if the definition of domestic fowl should be updated.

Staff explained and referred to the memo that provides information on the multiple complaints regarding domestic fowl. After further discussion, the Commission expressed that the variety of topics suggested for regulation is likely too much and instead many issues can be handled within code compliance under the City's existing or slightly amended nuisance code and that the city may be overregulating if too many more restrictions are added to the regulations on domestic fowl.

Commissioner Copple felt it may be beneficial to limit or cap the number of domestic fowl allowed. Staff explained that consideration should be taken in limiting the number within the residential conservancy zoned portion of the city that is characterized by larger lot sizes and more rural character. The Commission asked staff to report back to the Commission and provide copies of Auburn City Code (ACC) 18.31.220, more information about previous complaints, the City received, and any proposals or information on limiting or placing a cap on the number of domestic fowl allowed.

B. Residential Heating, Ventilation and Air Conditioning Equipment

Assistant Director Tate provided background information on the issue of City's single family residential heating, ventilation and air conditioning appliances that are outside and separate from the building and the regulations under the International Residential Code (IRC) and the city's permitting requirements. Staff also discussed noise emanating from the residential equipment and reviewed the historical information on complaints received regarding the noise of this equipment

After discussing the complaints that have been received by the City of Auburn over a period of years, the Commission explained that they do not believe the number of

complaints warrants any further code amendments. They do feel it would be beneficial to encourage the use of sound barriers for noise reduction.

C. Election of Officers for 2016

Chair Roland called for nominations for the election of a Chairperson and of the City of Auburn Planning Commission for the 2016 year.

Commissioner Mason nominated Commissioner Roland as the 2016 Chairperson and Commissioner Copple as Vice-Chair. Commissioner Lee seconded the nomination. There being no other nominations, Commissioner Roland was elected Chairperson and Commissioner Copple was elected as Vice-Chair of the Planning Commission by majority vote.

MOTION CARRIED UNANIMOUSLY. 4-0

D. Modification to Rules and Procedures

Assistant Director Tate provided an overview of the Rules and Procedures of the Planning Commission; last revised April 2, 2013.

The Commission and staff discussed several sections of the Rules and Procedures and Assistant City Attorney Jessica Leiser reviewed the Section VI. (Quorum). After review, the Planning Commission recommended the following changes:

- II. Meetings, 3. – Replace the word “Council” with “Commission” after staff confirms the consistency with the intent of code.
- II. Meetings, 1. – Add the Pledge of Allegiance Roll Call/Establishment of Quorum (Pledge of Allegiance).
- III. Election of Officers 3. – The Commission asked staff to review the wording to ensure the language is consistent with the intent of ACC “Planning Commission”.
- VI. Quorum – Revise the language in this section so that it is consistent with Roberts Rules regarding a quorum and voting on a motion.
- IX. AGENDA – Relabel Item 4 to read “Community Development Report” and insert it between Items numbered 6 and 7. The order of numbers 4 through 7 will change once revised.
- X. Voting, E. – The Commission instructed staff to revise or add language to clarify that “a motion to deny that fails is not an approval”.

Staff will update the Rules and Procedures and bring it back to the Commission for review at the next meeting.

Assistant Director Tate reviewed upcoming training opportunities and asked the Commission to let staff know if they have any specific subject matters for which they would like further training or education. .

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:28 p.m.



PLANNING COMMISSION

March 8, 2016

MINUTES

I. **CALL TO ORDER**

Chair Judi Roland called the meeting to order at 7:00 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, Commissioner Mason, Commissioner Lee, and Commissioner Smith (arrived after Agenda Item III, Approval of Minutes). Commissioner Copple is excused.

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk and Community Development Office Assistant Jennifer Oliver.

Members of the public present: John Cheetham of Lakeridge Paving Company, Alan Keimig of The Keimig Associates, and Shirley Chittenden.

III. **APPROVAL OF MINUTES**

A. **February 2, 2016**

The Commission noted a scrivener's error in the date of Section II, Approval of Minutes and staff noted the correction will be made.

Commissioner Mason moved and Commissioner Lee seconded to approve the minutes from the February 2, 2016 regular meeting as amended.

MOTION CARRIED UNANIMOUSLY. 3-0 (Commissioner Smith was not present for the vote)

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**

Planning Services Manager Jeff Dixon reported that staff is working with the Mayor's office to assist in the process for appointing additional Planning Commissioners. A total of 17 applications were received from the advertisement for volunteers interested in being Planning Commissioners. Subject to appointment; staff expects that the vacant positions will be filled ahead of the April Planning Commission meeting. The goal is to have a total of 7 Commissioners.

To update on the ongoing status of a development project that was previously discussed, a pre-construction meeting has taken place for the Estates at Hillside Gardens, a senior housing project located at the old bowling alley site at 1919 Howard Road SE. Construction will start soon.

VI. OTHER BUSINESS

The items below were taken in the following order: D., A., B., and C.

A. Keeping of Domestic Fowl

Senior Planner Thaniel Gouk presented the staff report regarding potential code changes for the Keeping of Domestic Fowl. Staff explained the current zoning code requirements and details of the 11 code complaints received related to keeping of domestic fowl since the inception of the Zoning Code regulations in 2011.

Staff explained that as a result of the discussion at the last Planning Commission meeting, planning staff had a discussion with Auburn Code Enforcement staff to see if the existing Nuisance code, Section 8.12.020, was sufficient to enforce cleaning and maintenance issues with regards to animal yards and animal waste. Code enforcement staff confirmed that the existing Nuisance code provisions are sufficient.

Staff recommended some minor amendments to regulations in Sections 18.31.220 "Permitted Animals" and 18.31.230 "Table of Allowed Districts". As part of the recommendation, staff proposed minor amendments and merging both sections for easier readability, clarity, and to avoid duplication. No substantive changes have been recommended.

After discussion, staff confirmed the direction to draft revisions to merge the two chapters will be provided to the Commission for review at the next meeting. It was recommended by the Commission that the full title of the zoning districts be included with the table of allowed districts rather than folks having only the zoning district abbreviations and needing to look them up.

B. Modification of Rules and Procedures

Planning Manager Jeff Dixon reviewed the staff updates to the Planning Commission Rules and Procedures as were discussed at the February 2, 2016 Planning Commission meeting.

The Commission and staff reviewed the updated language under Section VI. "Quorum", Section IX. "Agenda", and Section X.9.E, "Voting".

The Commission agreed with the revised language under Section VI. "Quorum", and Section X.9.E. "Voting". The Commission asked staff to check how City Council agenda lists the Pledge of Allegiance and update the Planning Commission Rules of Procedures to match. Assistant City Attorney Heid made a suggestion that the Pledge of Allegiance follow the Roll Call in case the Planning Commission does not have a quorum and is unable to conduct the meeting and therefore it is unnecessary to have the Pledge of Allegiance.

Commissioner Mason moved and Commissioner Lee seconded to accept the proposed updates by staff to the March 8, 2016 Auburn Planning Commission Rules of Procedures for Section VI. "Quorum", X.9.E. "Voting", and amend Section IX. "Agenda" adding the Pledge of Allegiance.

The Commission asked staff to provide a final updated copy of the approved Rules of Procedures to the Commissioners by email and provide a copy at the next meeting.

With no further changes the Commission voted on the revisions.

MOTION CARRIED UNANIMOUSLY. 4-0

C. Parliamentary Procedures

City Attorney Dan Heid presented a primer on Parliamentary Procedures that included historical background information, the purpose of parliamentary procedures, rights of parliamentary procedures, limitations on debate, debatable motions and non-debatable motions, voting, the definition of a majority vote, a tie vote, along with other rules of parliamentary procedures referenced in by Robert's Rules of Order or Robert's Rules of Order, Newly Revised (11th Edition). He provided a power point presentation.

D. Pending Annual Amendments to Comprehensive Plan Map

Planning Services Manager Jeff Dixon provided background information on the City's annual Comprehensive Plan Amendments and the City's three pending private initiated map amendments.

Staff discussed CPM (Comprehensive Plan Map) #1, CMP#2, and CMP#3 with the Commission, and a review of the current circumstances and development status of the properties and the map designation.

The request for CMP#1 was to amend the map designation of the northern 2 of 4 parcels under the same ownership totaling 5.9 acres from the current designation of "Light Commercial" to "Light Industrial". The request for CMP#2 was to amend the map designation of a 2.27 acre parcel from the current designation of "Single Family Residential" to "Commercial". The request for CMP#3 was to amend the map designation of an 8-acre parcel from the current designation of "Single Family Residential" to "Moderate Density Residential".

The Commission and staff discussed "Moderate Density Residential" and what type of housing styles can be developed under that comprehensive plan designation.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:38 p.m.



PLANNING COMMISSION

May 3, 2016

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

A. ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: City Attorney Dan Heid, Assistant Director of Community Development Jeff Tate, Planning Services Manager Jeff Dixon, Development Services Manager Jason Krum, Senior Planner Thaniel Gouk, Inspector Kelly Kosko, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal Karen Stewart, and Administrative Assistant Tina Kriss.

Members of the public present: Shirley Chittenden

b. PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

A. March 8, 2016

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the March 8, 2016 meeting as written.

MOTION CARRIED UNANIMOUSLY 5-0

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

No items were brought forward for public hearing.

V. OTHER BUSINESS

A. ACC Title 15 Revisions, Building Code Update

Development Services Manager Jason Krum provided background information in reference to the proposed ACC Title 15 building code update. The Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. These updates occur every three (3) years in response to code updates published by the International Code Council. In response to the updates at the state level, the city also updates its codes to incorporate the latest code revisions. The City also may have some ability to modify to fit local circumstances.

Staff reviewed the proposed revisions of Title 15 of the Auburn City Code (ACC) Title 15 with the Commission. The vast majority of the changes to ACC Title 15 are housekeeping items with a few substantive changes, staff reviewed the substantive changes.

The Commission and staff discussed Chapter 12, K. International Swimming Pool and Spa Code and item M. International Green Construction Code. A discussion was held regarding Chapter 15.36A.025, Section 105.6A. regarding mobile food vehicles.

Commissioner Smith asked if he could have more information regarding Chapter 15.06.010 M. International Green Construction Code. Commissioner Smith explained that without a better understanding the current code and the proposed changes it would be difficult to recommend updates. Assistant Director Tate explained that this code section is not required but is optional code section for a contractor to implement and that staff will transmit to the Commission the language that is in the International Green Construction Code that speaks to it being an optional path for construction in addition to providing other information regarding the code.

The Commission had no further questions. Staff stated this item will be returning before the Commission for a public hearing May 17, 2016.

B. Proposed Amendments Related to the Keeping of Animals

Senior Planner Thaniel Gouk provided the staff report on the proposed amendments related to the Keeping of Animals in follow up to the discussions with staff at the February 2, 2016 and March 8, 2016 planning commission meetings.

Staff reviewed the updates with the Commission, explaining that the purpose was to improve ease of use and clarify the code by combining the two existing sections of code into one and also includes some additional items that Staff has encountered in the past such as requests for keeping honey bees.

The Commission and staff discussed the definition of pigeons and asked that pigeons be specifically listed under the definition at 18.04.325, "Domestic Fowl".

The Commission and staff discussed the definition of medium sized domestic animals and the specifics of size and weight of 24 inches and 150 pounds. The Commission thought it would be beneficial to add language "or similar size" to the definitions of 18.04. Sections 4, 5, and 6 in order to include other animals that might not be specifically listed.

A discussion was held regarding miniature horses and animals, specifically what category they would fall under for height and weight. The Commission asked staff to consider drafting language that would include miniature animals under the definition of medium domestic animals. Staff will research the size and weight details of miniature animals and return to the Commission with updated language.

A discussion was held regarding ACC 18.31.220 "Permitted Animals", and specifically, Section A. 2. "Small domestic animals". The allowable number noted is four (4); the Commission raised concerns that if a household has fish, gerbils, cats, dogs, and birds it would be over the limit of small domestic animals (4) based on the currently proposed definition—and questioned if that was the intent of the code. The Commission and staff discussed the intent of the code and the Commission recommended that staff add language that would clarify the intent, adding language that would exclude fish and other types of small domestic animals which were not intended to be considered within this definition such as, fish, birds, and gerbils, hamsters. Staff confirmed they would work to draft language for this definition and return with a proposal for updated language to clarify the intent of the code.

The Commission and staff discussed set backs for coops and runs relating to domestic fowl and City Attorney Heid provided examples of draft amortization language to address pre-existing nonconforming uses. The Commission recommended providing a period of time for violators to become compliant should the city or Code Enforcement staff find a citizen out of compliance after the effective date of the amended code, even beyond the 30 days past from the effective date of the adoption of the ordinance. City Attorney Heid confirmed that he will work with staff to draft language that would provide amortization language for the ordinance. The intent is to generally provide this opportunity for any individual to bring his or her conduct or activity into conformity with the amended code within 30 days.

The Commission and staff discussed code violations on excessive domestic animals and the types of complaints for the past five (5) years. Staff confirmed that they will bring back to the Commission information on the available historical records on code violations regarding exceedance of the number limits for domestic animals.

A discussion was held regarding the practical difficulties in enforcing noise limits with reference to various animals. The difficulty is in both witnessing the actual occurrence of the violation and the imprecision in calibrated equipment to measure the actual noise levels to enforce noise limits. Staff explained that providing space separation through the setbacks proposed within these regulations would assist to mitigate noise issues

VI. COMMUNITY DEVELOPMENT REPORT

Assistant Director Tate reported that Chair Roland, Director Snyder and he conducted interviews for the vacant Planning Commission positions. After conducting the interviews, recommendations were passed forward to Mayor Backus, the recommendations were accepted. On May 16, 2016 the Mayor will be bringing forward recommendations to appoint additional Planning Commission members at the May 16, 2016 regular City Council meeting. He indicated that there were three highly desirable candidates and they are recommending appointment of three members to bring the Planning Commission to eight members as allowed by code.

Assistant Director Tate provided a brief video on the City's Downtown Façade Improvement Program which began in 2015 and will be continuing through 2016.

On January 4, 2016 the City adopted a one-year moratorium on retail marijuana establishments because of the uncertainty regarding the State licensing, administrative procedures and rules regarding retail establishments. Due to additional challenges the City was working through with the Washington State Liquor and Cannabis Board, the City adopted Ordinance No. 6595 prohibiting production, processing and retail outlets and sales of marijuana in all zones of the City, and terminating the moratorium implemented pursuant to Resolution No. 5194. The City is concerned about the regulatory instability at the state level and will be continuing to work through these issues as they proceed forward in determining the city's regulatory process moving forward.

Recently the City issued the permit for "The Estates at Hillside Gardens", it is a 125-unit senior housing community off Howard Road SE. There are grading activities proceeding for The Promenade project, a 294-unit mixed use project on SE 312th ST on Lea Hill.

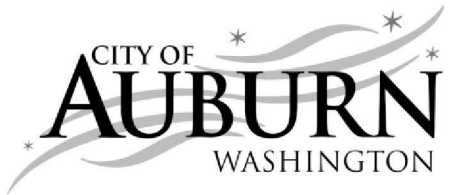
Another mixed use project is "The Reserve" project west of Lowes Hardware, containing 297 senior units and 295 multi-family units with 11,000 square feet of commercial, continues to progress and get closer to having all city approvals.

Multicare Auburn Medical Center is continuing to make significant investments in downtown; they are currently working on a 12-million-dollar emergency room renovation project at the existing Multicare facility and also recently acquired five parcels west from their site.

A new micro-brewery restaurant is working through the process to open a new location on Main Street East.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 9:20 p.m.



PLANNING COMMISSION

May 17, 2016

MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal Karen Stewart, Development Services Manager Jason Krum, Senior Planner Thaniel Gouk, and Community Development Administrative Assistant Tina Kriss.

Members of the public present: Shirley Chittenden, Gary Hopkins

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 3, 2016

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the May 3, 2016 meeting as written.

MOTION CARRIED. 4-0 (Commissioners Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

A. ACC Title 15 Revisions, Building Code Update

Development Services Manager Jason Krum provided the staff report on ACC Title 15 Revisions, Building Code Update. Mr. Krum reported that the Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. This is a regular update that occurs every three (3) years in response to code updates published by the International Code Council. The City, in turn then may adopt or adopt with modifications the revised code.

Staff reviewed additional changes as discussed and recommended by the Planning Commission at the May 3, 2016 meeting. Since the last meeting, Staff added language to indicate the International Green Construction Code adopted, is adopted

by reference, as an optional reference for developers who choose to utilize elements of the code for guidance.

Staff also reviewed the language added to Section 105.6 of ACC 15.36A.025 Operational Permits, Requiring Operational Permits, A. Commercial Kitchens – “All commercial kitchens with a Type I or Type II hood requires an operational permit”. This language will assist in clarifying that an operational permit for food carts or those who may be selling prepackaged food items is not required. The previous language referred to “food trucks” and was not clear.

Chair Roland opened the public hearing on the proposed amendments to ACC Title 15 Revisions, Building Code at 7:10 p.m.

Chair Roland invited anyone for or against the proposed code amendments regarding the ACC Title 15 Revisions, Building Code Update to come forward for testimony:

Karen Stewart, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal. Stewart explained that VRFA works closely with the City to regulate the Fire Code under ACC 15. VRFA is in support of the updated code, ACC Chapter 15.36A.

With no other public present for public testimony, Chair Roland closed the public hearing at 7:12 p.m. on ACC Title 15 Revisions, Building Code updates. The Commission deliberated.

Commissioner Copple moved and Commissioner Mason seconded to recommend moving ACC Title 15 Revisions, Building Code update forward to City Council for approval.

MOTION APPROVED. 4-0

(Commissioners Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

B. Proposed Amendments Related to the Keeping of Animals

Chair Roland opened the public hearing on the proposed amendments related to the Keeping of Animals at 7:13 p.m.

Senior Planner Thaniel Gouk provide background information on the proposed amendment related to the keeping of animals. Staff reviewed the updates based on the Planning Commission’s direction from the May 3, 2016 Planning Commission regular meeting and other staff recommendations:

- A New definition and regulations for beekeeping was added.
- New definitions for chicken coops and runs were added along with updating the regulations for keeping domestic fowl.
- Modifications were made to the definition of household pets, specifically to “small domestic animals”. Animals such as fish, birds, hamsters and gerbils

- (smaller animals kept indoors) were removed from the definition in order to avoid limiting the number of animals allowed at a residence.
- A new definition for “Medium domestic animals” included pot belly pigs, miniature goats, miniature horses and other similar sized animals. Verbiage was added to further clarify that medium sized animals are those that are larger than small animals but smaller than large animals.
 - A new definition for “large domestic animals” includes horses, cows, etc. along with other similar sized animals.
 - Section 9 (Pages 3/4/5): this section combines the two existing Code sections pertaining to the keeping of animals. Proposed changes from the previous presentation include:
 - Offspring of dogs, cats, etc. of less than 6 months of age are not counted,
 - Removing the licensing requirements for miniature goats and potbelly pigs as City Code does not require them, nor King/Pierce County,
 - Language added for large animal areas such as corrals, arenas, etc. need to meet applicable setbacks.
 - Section 11 (Page 6): add a section that requires existing areas or structures housing animals to meet the new Code provisions for setbacks within 30 days of enforcement notification from the City. The proposed language allows for someone to request an extension beyond the 30 days with justification. Note that this will be complaint driven, which is typical for the City’s Code Enforcement.
 - Section 12 (Pages 6/7): revise the residential land use table to have the wording consistent with the proposed amendments.
 - Section 13 (Page 7): revise the residential development standards table (which relates to building height, setbacks, lot coverage, etc.) to have wording consistent with the proposed amendments.

The Commission and staff discussed the ACC Section 11, 18.31.220 A.2. “Small Permitted Animals”, specifically the number allowed under the amended code, four (4). Commissioner Lee expressed a concern that the number four (4) seems arbitrary and could be unfair or restrictive. A discussion followed regarding the Code Enforcement actions relating to the number of animals (dogs, cats) allowed for a dwelling unit (house, apartment, etc.). Specific records on the number of enforcement actions related to exceeding the number of small animals is not easily available.

The Commission deliberated the option of expanding to four (4) the number of small animals allowed, providing increased latitude to the homeowner so he can manage animals without being restrictive. City Attorney Heid explained that it is up to the Commission to make their recommendations but without a clear numeric standard, it may create an unenforceable provision. Code Enforcement would have a difficult time enforcing a violation that is based on a range or “up to” recommendation rather than a clear standard. Commissioner Mason stated she would like to see five (5) as the allowable number of small permitted animals allowed at a dwelling.

Chair Roland invited anyone for or against the proposed code amendments related to The Keeping of Animals forward for testimony:

Shirley Chittenden, 1440 22nd Street SE, Auburn

Ms. Chittenden stated that she has owned her home for approximately 26 years. She is grateful that folks have the opportunity to own animals within city limits but expressed her concern that if multiple animals are living next to you without proper care and oversight that property owner is imposing on the party living next door to the animals. Ms. Chittenden played audio recording for the Commission whereby the “bwok” or “bwok” of the chickens was observed, she stated she hears this on a regular basis which is very disruptive and disturbing.

She stated the chickens scratch within their own feces and the dust covers her front porch, blinds, and porch furniture. This creates an offensive smell which radiates into the house. The coop is poorly maintained, when the neighbor dumps large amount of feed on the ground and in the coop it attracts rodents and other animals looking for food. She believes the smaller lot size would not be an issues if the chickens were kept in an enclosed area, in her case they are 10 feet from her living room window. These issues create an offensive atmosphere for a neighbor living next door.

She emphasized that if the Commission were to consider allowing a higher number of permitted animals to a dwelling it may open the door for additional issues for the folks living next door to those who do not maintain the animals or the environment and the City. Ms. Chittenden respectfully requested that the Planning Commission require further setback for the small animal enclosures so that the animals do not impose on those living next door.

Greg Hoffman, 1435 22nd Street SE, Auburn

Mr. Hoffman stated he has had issues with a neighbor’s dog (barking and charging the fence in an aggressive manor). He encourages folks to work with Police to resolve these issues as they were able to work with him to assist in resolving the issues with the neighbor’s dog. He feels dog owners need to be responsible.

With no other public testimony, Chair Roland closed the public hearing at 7:42 p.m. With no comments from the public, the Commission deliberated.

The Commission and staff discussed complaints from both Police and Code Enforcement regarding the keeping of animals.

Commissioner Lee moved and Commissioner Copple seconded to recommend the number of small animals under ACC Section 11, 18.31.220 A.2. Small Permitted Animals, be increased from four (4) to five (5).

After City Attorney Heid clarified, asking if the motion was an amendment to move the proposed amendments for the Keeping of Animals as drafted by staff forward to City Council for approval, Commissioner Copple withdrew his recommendation to increase the number of Small Permitted Animals from four (4) to five (5) under ACC

Section 11, 18.31.220 A.2. Commissioner Lee also withdrew his recommendation to move forward a proposed amendment.

No vote was taken and the motion was withdrawn.

Commissioner Lee moved and Commissioner Copple seconded to move forward the proposed amendments related to the Keeping of Animals to City Council for approval, subject to increasing Small Permitted Animals from four (4) to five (5) under ACC Section 11, 18.31.220 A.2. Small Permitted Animals.

Motion approved. 4-0

(Commissioner Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

V. OTHER BUSINESS

No items were brought forward under V. Other Business.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Jeff Dixon stated he has no updates to report since the meeting two weeks earlier but explained that the requirements for incorporation of stormwater Low Impact Development (LID) techniques as required by the state and federal government will be moving through the Planning Commission for review and Public Hearing. Staff expects the first review to be ready for the Commission June 21, 2016. Since this is the 3rd Tuesday, and the Planning Commission's alternative 2nd meeting that the Commission holds on their calendar each month, the 1st meeting of the month will be cancelled. Staff would like to meet the for the second alternate meetings in July and August also. The first meeting of the month would likely be cancelled.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:00 p.m.