

**Planning Commission Meeting
July 16, 2019 - 7:00 PM
City Hall
AGENDA**

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

- A. June 4, 2019 Draft Minutes from the Planning Commission Regular Meeting

III. PUBLIC HEARINGS

- A. ZOA19-0002, Proposed Zoning Code Amendment Application by Inland Construction LLC

Proposed changes to four sections of the zoning code; the chapter dealing with the Planned Action (ACC 18.08), the uses & development standards of the C-4, Mixed Use Commercial zoning district (ACC 18.23), the development standards associated with mixed use development (ACC 18.57), and revision of the architectural & design standards (ACC 18.31.200).

IV. OTHER BUSINESS

- A. Review of Chapters 4-6 of the SMP and remainder of the CAO**

Planning Commission to review the second half of Chapter 4 through Chapter 6 of the Shoreline Master Program (SMP) and the remainder of the proposed associated updates to the City's Critical Areas Ordinance (CAO)

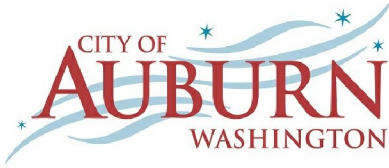
V. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VI. ADJOURNMENT

The City of Auburn Planning Commission is a seven 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, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

June 4, 2019 Draft Minutes from the Planning Commission
Regular Meeting

Date:

July 5, 2019

Department:

Community Development

Attachments:

[Draft Minutes June 4, 2019](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the June 4, 2019 regular meeting minutes.

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

Dixon

Meeting Date: July 16, 2019

Item Number:



June 4, 2019

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, Commissioner Mason, Vice-Chair Lee, Commissioner Stephens, Commissioner Khanal, and Commissioner Moutzouris.

Staff present included: City Attorney Steve Gross, Planning Services Manager Jeff Dixon, Senior Planner Thaniel Gouk and Community Development Administrative Assistant Jennifer Oliver.

Members of the public present: John Fisher from Inland Construction and Scott Morris from Inland Construction.

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 7, 2019

Vice Chair Lee moved and Commissioner Khanal seconded to approve the minutes from the May 7, 2019 meeting as written.

MOTION CARRIED UNANIMOUSLY. 6-0

III. PUBLIC HEARING

No Items brought forward

IV. OTHER BUSINESS

A. Proposed Zoning Code Amendment Application for Inland Construction

Proposed changes to three sections of the zoning code; the chapter dealing with the Planned Action (ACC 18.08) – this is provision that deals with the SEPA processing, the development standards of the C-4, Mixed Use

Commercial zoning district (ACC 18.23) and the chapter on specific development standards associated with mixed use development (ACC 18.57).

Planning Services Manager, Jeff Dixon briefed the Planning Commission on Inland Construction's application and gave an overview of the Auburn Gateway Project. The Auburn Gateway Project was previously proposed by Robertson Properties Group (RPG) in 2004 for the redevelopment of the former Valley 6 Drive –In Theater site and associated parcels RPG acquired in NE Auburn. The site was the subject of a previously executed Development Agreement with the City. The project site is approx. 70 acres and includes a few nearby and adjacent parcels that RPG acquired during the time of processing their applications.

At the May 7, 2019 Planning Commission meeting, Inland Construction representatives John Fisher and Scott Morris presented their vision for the project in anticipation of Inland Construction acquiring the site. Inland Construction is a residential development company and their focus is the first phase, which would be 500 multi-family dwelling units within the south side of the site. The City is anticipating the north part would continue to be developed with commercial uses consistent with what was evaluated in the Environmental Impact Statements that were prepared. Previous approvals for RPG that Inland Construction would like to continue using would need to be revisited by the City. The modification of the past approvals would happen at various levels such as City Council actions to amend the previous development agreement, as well as approving the zoning code amendments, and the architectural design standards. The Planning Commission will be asked to make a recommendation to City Council to make the necessary zoning code changes. Staff will also have to approve a number of construction approvals. Those include approval of civil plans for utilities and road improvements, building permits, environmental decisions, design review decision for the architectural design and layout and the land use approvals.

Inland Construction LLC submitted an application on May 17, 2019 (File No. ZOA19-0002) for a zoning code text change to modify three provisions of the zoning code as part of the various approvals needed for the proposed 'Auburn Gateway Project'.

The focus of the discussion tonight is code changes for three different provisions of the zoning code. It affects Chapter 18.08, the planned action ordinance; Chapter 18.23, the chapter that deals with the allowed land uses and zoning development standards for commercial and industrial zoning districts; and Chapter 18.57, containing the specific development standards for mixed-use projects. Referring to the PowerPoint presentation, Dixon went on to explain the changes in each chapter.

ACC 18.08 Planned Action Ordinance is a separate code chapter that is specifically for this development proposal and is being modified for project

changes, which include allowing horizontal distributed mixed use in addition to vertical distributed mixed use, recognize the preparation of additional environmental review documents, and any other project changes and associated mitigation measures.

The code changes include:

- *Allow horizontal distributed mixed use in addition to vertical distributed mixed use.
- *Recognize the preparation of additional environmental review documents.
- *Department name change/punctuation changes.
- *Recognize that the development agreement may change certain code standards (see ACC 18.08.070)
- *Any other project changes and associated mitigation measures (Amending Exhibit 1 to the original Ordinance No. 6382. Planned Action Ordinance).

ACC 18.23 Commercial and Industrial zones: the unique zoning district of C-4, Mixed Use Commercial, is proposed to be changed to also allow horizontal distributed mixed use in addition to vertical distributed mixed use, to allow an “outdoor recreation use for profit” as an allowed use subject to an administrative use permit (land use approval), and to allow density standard greater than 20 dwelling units/per acre, if necessary.

The code changes include:

- *Change the C-4, Mixed Use Commercial zone purpose statement to strike requirement that ground floor must consist of a commercial use.
- *Change the set of uses to recognize the listed use of “outdoor recreation use for profit” in the zoning district is subject to an administrative use permit (land use approval)
- *To allow density standard greater than 20 dwelling units per acre, if necessary.

ACC 18.57.030 Mixed-use development standard: To allow mixed use commercial to be changed to allow multiple family residential to occur in advance of the commercial uses.

The code changes include:

- *Allow mixed-use to be horizontal distributed in addition to the vertical distributed mixed use allowed currently. (Noted that vertical mixed-use is not actively being pursued for this project.)
- *Changes from requirement that the multi-family residential must be concurrent or subsequent to other uses developed in the C-4 zone.
- *Add C-4 zone section to allow horizontal distributed mixed use.
- *Allow multi-family residential in advance, if utilities are provided and half-street improvements are completed to serve future commercial development.

Chair Roland asked if the code change for allowing “outdoor recreation for profit” was for the purpose of events to be held at the center area of the proposed community known as “the Heart”. Staff responded that yes that it

would be for events open for the community that is proposed to be developed, as well as, all residents of Auburn. The code change would allow such events as wine tasting, small-scale outdoor concerts or movies, and other similar types of events.

The Commission asked how many stories are proposed for the mixed-use development. Staff responded that horizontal distributed mixed use would be four stories of multi-family residential.

The Commission was concerned with adequate emergency response and access to the new development. Staff responded saying that no construction applications have been submitted, but it is anticipated the City will be carefully evaluating those details in the review of the applications as part of the plan review. City staff will work with Valley Regional Fire Authority on those specifics. The city does not have authority for wireless communication service sufficiency.

Commissioner Stephens asked if the two lots that are nearly surrounded by the C-4 zoning district will be acquired and the development is dependent on, or if there is a need or desire to change the zoning on those two lots? Staff responded that Inland is only seeking to acquire the sites that RPG had owned but not any additional sites near the RPG site and the lot are not necessary. The Commission asked how development of the commercial portion could be ensured. Staff replied that staff is seeking to address this through revisions to the development agreement by assuring completion of the infrastructure to serve future commercial to increase the likelihood. Changes from the type or amount of land uses that were previously studied would require re-opening the environmental review and re-evaluating the impacts.

The Commission asked if the changes being discussed to the C-4 zone would impact other City of Auburn sites that are zoned C-4. Staff responded that this is currently the only area in the city where that C-4 zoning exists.

Chair Roland asked City Attorney Steve Gross if the Inland Construction representatives that were present at the meeting could come forward to give more information and answer questions tonight. City Attorney Gross said yes, it is at the Commission's discretion to allow public comment. The chair suggested they could after the staff presentation concludes.

Planning Services Manager Jeff Dixon shared with the Commission that tonight's meeting was to focus on what the code changes generally consist of, and then with the permission of the Commission, go forward with a Public Hearing. Staff also volunteered that because this is a multi-family residential and over 40 dwelling units and because of the design review process that is

necessary, the applicant is required under City Code to conduct a “neighborhood review meeting”. So, while it is required process, the City staff does not participate in that meeting but the City asks the developer to separately meet with the neighbors and properties owners after sending notice to those within 300 feet of the development. Under this process, a Public Notice is sent out to the public with a meeting time and place where the developer and the public can meet and go over details of the development and receive input from neighbors on the concept of the design. The public input and comments helps with improvement of the developer’s design.

The Commission asked if feedback from the neighborhood meeting would be submitted. Staff responded the City requests that a summary of the input with the materials they provide back to the City.

Chair Roland asked that Inland Construction representatives to come up to the podium to help answer questions.

Scott Morris from Inland Construction reintroduced himself to the Commission and addressed the question regarding the timing of changes of Exhibit 1 and the completion of the Environmental Report. That is due no later than Monday, June 10, 2019. Mr. Morris stated that we should see those very soon. He said it is anticipated that the environmental review document is going to show minimal changes because the scope of this project compared to the scope of the original project is gone down in scale. However, the mitigation measures are not just being dictated by what is required by environmental review. Inland is also negotiating with the City through the development agreement (DA) and discussing certain improvements to infrastructure that are not otherwise triggered by traffic and other things. He acknowledged that the construction of I Street and 49th Street are very important to the city so they are working closely on negotiations with the City which of these will also be addressed by the DA. As far as the 500 residential dwelling units, that is the threshold under the previous environmental review process and there is no ability to add more unless they go through another SEPA (environmental review) process. It was brought to the attention of the Commission that Inland Construction is there to answer any questions that they have.

The Commission verified that Inland Construction was indeed from Spokane and not California. RPG was indicated as from California. It was confirmed by Mr. Morris that they are from the Spokane area. In response to a question, Mr. Morris indicated he was general counsel for Inland.

John Fisher from Inland Construction reintroduced himself to the Planning Commission and thanked the Commission for their time. Mr. Fisher explained that his intent for tonight was to gauge the Planning Commission’s reaction to

their proposal. They are requesting changes including horizontal mixed use in addition to vertical distributed mixed use and to keep options open. He said they seek to get an idea where the Planning Commission is leaning towards and if Inland should continue moving forward with their plans. They greatly appreciate any feedback the Planning Commission can provide. A lot of work has been completed so far with staff and they understand more information will be brought back formally to the Planning Commission soon.

Chair Roland asked what the timeframe was for the Public Hearing on the Code Changes. Staff responded that that we would like to conduct a public hearing in July. It was discussed amongst the Commission and staff that if there was an understanding of the types of Code changes they were seeing, that the Public Hearing could be scheduled July 16, 2019. Some further tweaks to the code may be necessary.

The Commission asked when the meeting would be held with the neighborhood and Inland Construction regarding the Gateway Project. John confirmed that it would be tomorrow evening, June 5. It is being hosted at the Elementary School closest to the site.

John Fisher added that, in reply to a question at the last meeting, Inland Construction met last week with the Superintendent of Auburn School District. At the meeting, Inland provided them information and they had a great dialogue on impacts to schools and when buildings would be occupied and turned over. Provision of this would allow the District to begin projecting student population and Inland also provided demographics from similar projects they had developed in Puyallup and Lacey.

B. Shoreline Master Program and Critical Areas Ordinance Updates.

Senior Planner Thaniel Gouk presented to the Commission updates on the Shoreline master program (SMP) and critical areas code (CA) updates. He reminded the Planning Commission that they reviewed Chapters 1-3 at the May 7, 2019 meeting and this evening's review will consist of the first portion of Chapter 4 of the SMP and the sections of the Critical Areas Ordinance (CAO) pertaining to wetland and stream buffers and wetland replacement ratios.

He explained, attached in ~~strikeout~~ and underline format, as Exhibit 1 is the first portion of Chapter 4 of the SMP. The major changes to this section are:

- * Changes to the dollar threshold of what constitutes substantial development permit.

- * Adding a new subsection under where the SMP applies relating to developments that are not subject to shoreline permit. It is unlikely any of these instances would come up in Auburn; however, it is a required addition per WAC 173-27.

*Removal of the Critical Areas regulations from the SMP. This will help reduce confusion about if the SMP or the CAO applies when located in two places in city documents, it will also reduce potential inconsistencies if one of the documents is updated in the future.

He said the city is continuing to draft changes to the sections of the document regarding non-conforming shoreline standards.

In response to a question there was discussion about how the dollar threshold was established by the state.

Gouk reiterated that at the May 7, Planning Commission meeting, he presented information on the Critical Areas Ordinance Update: Sections ACC 16-10.080, -.090, -.110. He indicated Rick Miraz, Wetland Specialist with the WA State Dept. of Ecology, also made a presentation on wetlands and streams and the purpose of buffers and how they apply.

He explained that the packet includes strikeout and underline format as Exhibit 2 of the CAO that apply to the methodology used to rate and classify wetlands and streams, updated buffer widths for wetlands and streams, and updated wetland modification ratios.

The CAO would be updated to reflect the most recent wetland rating (or classifications) methodology. Currently, the CAO references an out-of-date 2004 document. The language would be updated to reference the most current document and the description of the types of wetlands would be updated as well.

The minimum buffers for wetland will be updated to reflect current Ecology recommendations. The proposed buffer table (Page 56) shows options for using "minimization measures" to have lower buffer widths, and what the widths would be if the minimization measures were not implemented. He said the Commission could recommend leaving the table with changes shown or could recommend adopting the table in a manner to require the minimization measures and only have the smaller buffer widths in the table. Chair Roland asked if the Commission have a choice. Senior Planner Thaniel Gouk confirmed that yes, the table could be adopted to require the observance of the specified minimization measures.

It was pointed out that having the Table specify circumstances both, with and without the minimization techniques could also benefit the enforceability.

There was discussion by the Commission about the basis for the proposed changes in the wetland buffer dimensional standards. Generally, the "low" is being reduced but an increased standard is added as "medium" and "high". The severity of the changes was recognized. A decision on the Table does not need to be made tonight.

Gouk suggested moving to the next topic. He described changes related to “buffer averaging” (Pages 57-58). He pointed out that the recommended changes also include not requiring mitigation for the smallest sizes of wetlands (Page 57).

On the next section, he indicated the changes were related to the names of the stream classifications; S, F, Np & Ns and the corresponding buffer standards.

The Commission asked if a person had the hypothetical circumstance of a stream running through their yard next to an existing shed or structure and that structure were to fall down, could they rebuild that shed, do these updates apply. Staff responded that it really depends on consideration of all of the circumstances. It is proposed to be addressed by non-conforming provisions begin worked on.

The Commission asked if water retention areas that are man- made are exempt. Staff responded that yes, artificially created wetlands from non-wetland areas and not constructed as mitigation would be exempt.

Commission asked who maintains these wetlands. Senior Planner Gouk responded that most of the wetlands are owned and maintained by Homeowner’s organizations (HOAs) or if it is a warehouse, that warehouse owner would be responsible for the area. If it is a mitigation site, monitoring by the owner is required to be prepared and submitted to the City for a period of time.

Chair Roland said she had a general question. It was asked whom does these Dept. of Ecology (DOE) changes go through before it comes to the City. Staff replied saying the Dept. of Ecology is the approving agency for our Critical Area regulations and the SMP. The Dept. of Ecology said that these standards are recommended minimums. Jurisdictions are free to perform their own studies to justify critical area standards, such as buffers, however, staff is aware of instances of local jurisdictions performing their own studies to justify critical area standards, and then losing on appeal and then adopting DOE recommendations. The Commission expressed concern about the authority for the standards recommended by DOE. City Attorney Steve Gross mentioned that DOE’s rule making is delegated to them by statute and they go through a rule making process including a public notice and inviting comment process before it is finalized. It is vetted through an administrative process before received by the jurisdictions. Staff replied that critical area regulations are required to be based on “best available science” (WAC 365-195-915) and DOE changes are based on a compendium of latest evolving

science to avoid the time and expense of each jurisdiction having to develop their own analysis and justification. .

Gouk added that the recommendations are not dissimilar from what other jurisdictions use. The Commission wanted to ensure that the recommendations are not just due to the passage of time. The Commission asked if guidance is based on new scientific studies. Staff responded that at the last meeting Rick Miraz, the scientist from DOE described the studies that were prepared. Gouk added that this was a decade long study for what works for buffers and what doesn't work. The buffer distances are the result based on considering the land uses and effectiveness over the years of studies considered.

Gouk then directed the Commission to the changes to mitigation ratios on Page 62. He explained this really addresses off-site mitigation, which is less common. He added off-site mitigation could include participation in the King County fee-in-lieu program.

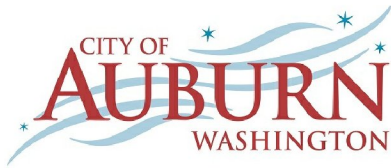
At the next meeting July 16, 2019, Staff will bring additional materials to the Planning Commission for review. Scheduled to be included is the second part of the Chapter 4 along with Chapters 5 and 6 and the other changes proposed for the CAO.

V. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon reported that there was nothing new unless the Commission had questions. There were no questions.

VI. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:30 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

ZOA19-0002, Proposed Zoning Code Amendment Application
by Inland Construction LLC

Date:

July 5, 2019

Department:

Community Development

Attachments:

[ZOA19-0002 - PC Staff Report](#)

[Exhibit A - 18.08](#)

[Exhibit B - Mitigation Standards](#)

[Exhibit C - 18.23](#)

[Exhibit D - 18.31.200](#)

[Exhibit E - 18.57](#)

[Exhibit F - Applicant's SEPA Application](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

See Attachment

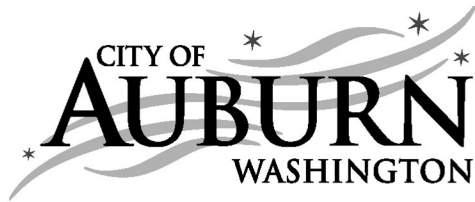
Reviewed by Council Committees:**Councilmember:****Staff:**

Dixon

Meeting Date: July 16, 2019

Item Number:

PH.1



TO: Judi Roland, Chair, Planning Commission
Roger Lee, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Jeff Dixon, Planning Services Manager Department of Community Development

DATE: July 1, 2019

RE: City File No.: ZOA19-0002 – Public hearing on Zoning Code Amendments for Inland Construction LLC Development and the Auburn Gateway Project.

PROPOSAL: An Inland Construction LLC (“Inland”) application to amend the text of four sections the City’s zoning code to facilitate development of the Auburn Gateway Project. In summary, the main changes to the four code sections include:

- **ACC 18.08 Change to Planned Action Ordinance (PAO)** This is a separate code chapter that is specifically for this development proposal and is being modified to accommodate project changes. Such changes include:
 - o Allow horizontal integrated mixed use in addition to vertical integrated mixed use.
 - o Recognize the preparation of additional environmental review documents
 - o Include any other project changes and associated mitigation measures (Amending Exhibit 1 to the original Ordinance No. 6382, Planned Action Ordinance previously adopted 2011.)
- **ACC 18.23 Commercial and industrial zones**
 - o The unique zoning of C-4, Mixed Use Commercial to be changed to also allow horizontal distributed mixed use in addition to vertical distributed mixed use.
 - o Allow an “outdoor recreation use for profit” as an allowed use subject to an city approval of an administrative use permit (land use approval).
- **ACC 18.57.030 Mixed use development standard**
 - o Allow mixed use commercial to be changed to allow horizontal mixed use as well as vertical.
- **ACC 18.31.200 Architectural and Site Design Standards and regulations**
 - o Allow the Design Standards document to be administratively amended by the Community Development Director rather than amended by approval of the Planning and Development Committee of the Auburn city council--
 - o To change the references contained in ACC 18.31.200, (Architectural and site design review standards and regulations) to recognize any future amendments to the design standards.

FINDINGS OF FACT:

Background & Proposal

1. Inland Construction LLC ("Inland"), on May 17, 2019 filed an application (File No. ZOA19-0002) for a zoning code text amendment to affect changes to three provisions of the zoning code as part of the various approvals needed for the proposed 'Auburn Gateway Project'. This project was previously proposed by Robertson Properties Group (RPG) for redevelopment of the former Valley 6 Drive-In Theater site associated with the parcels that RPG had acquired in Northeast Auburn and was the subject of a previously executed Development Agreement (DA) with the City.
2. Since the time of the application, the city staff have been working with Inland Construction LLC on various approvals needed for the project. As a result, City staff identified an additional zoning code section that requires modification for the project; which is ACC 18.31.200, (Architectural and site design review standards and regulations). The changes have been reviewed with the Applicant.
3. The project site is approximately 70 acres in area and consists of the former drive theater site and adjacent parcels that RPG had acquired over the intervening time. All the drive in theater structures and features have been removed as authorized by city permits. The site is generally bounded by Auburn Way North, 45th ST NE, the extension of I ST NE and S 27th ST, with certain property exceptions.



4. Inland is in the process of acquiring the former Valley 6 Drive-In properties from Robertson Properties Group (RPG). In anticipation of acquiring the property, Inland has submitted an application to amend the City code and the existing Development Agreement (DA) adopted under Resolution No. 4756 (2011) in order to allow horizontal mixed use (the current DA restricts the development to only vertical mixed use in order to have multifamily residential land uses).
5. Inland has indicated their desire to construct, as a first phase, a multi-family complex with 500 dwelling units. This number is consistent with the maximum number of multi-family units considered and approved in the previously approved sub area plan of the City's Comprehensive Plan, the Environmental Impact Statements (EIS's), and the DA. However, Inland has indicated that there are a number of circumstances that preclude construction of the full amount of the previously proposed 1.6 million square feet of professional office and/or 720,000 square feet of retail commercial space. These circumstances include a changed economic environment for retail storefronts and the anticipated changes in 2020 to the floodplain maps by the Federal Emergency Management Agency (FEMA) to increase the extent and depth of floodplain in this vicinity.
6. DA's are a development tool authorized under State law (RCW 36.70B.170). The concept behind a DA is to allow a municipality and a property owner to voluntarily agree to development terms for a specific development proposal that may be beyond adopted city code requirements. Both parties may have interest in entering into such an agreement because it allows a property owner greater flexibility in certain specified city standards that are determined in advance in exchange the City can require a higher quality of development and greater benefits to the community than what typical code requires. It is an optional process because it is a voluntary negotiated agreement. The City has only a few other instances of development agreements.
7. The main code change affecting multiple sections is to allow horizontal distributed or integrated mixed-use in addition to the currently exclusively-required vertical integrated mixed-use required by the C-4, Mixed Use Commercial zoning district. Vertical mixed-use is where the ground floor consists of commercial tenants with multi-family residential located above.
8. The City's zoning code provides the following definition of mixed use development:

"ACC 18.04.625 Mixed-use development.

"Mixed-use development" means a single unified development that incorporates the planned integration of two or more different land uses consisting of some combination of office, light industrial, hotel, retail, entertainment, public uses, along with residential uses. Mixed-use development may be vertically oriented in one or more buildings, or horizontally distributed on a development site. When horizontally distributed, the different uses may be constructed concurrently and in separate phases, and should incorporate common and/or complementary features and/or elements such as pedestrian walkways, access driveways, parking areas, architectural themes, or other techniques that provide integration between uses on the site."

9. To change provisions of the zoning code requires an amendment with a recommendation made by the Planning Commission and final action by the City Council. One of the other needed approvals for the project is amending the DA, which is a City Council decision.
10. Also since the time of their application, the City Council has considered amendments to the Development Agreement (DA) that was previously executed between Robertson Properties Group RPG) and the City (Resolution No. 4756). At a special Council meeting conducted on June 24th 2019, the City Council adopted Resolution No. 5442 approving an amended and re-stated development agreement between the City and Inland Construction LLC, for the Auburn Gateway Project.

Past Planning Commission Actions

11. At the Planning Commission's May 7, 2019 regular meeting, John Fisher and Scott Morris of Inland Construction LLC (Inland) introduced themselves, their company, the type of projects their company constructs and described their proposal for the Auburn Gateway Project.
12. At the Planning Commission's June 4, 2019 regular meeting, staff introduced and described the first three code amendments. The materials presented included a description of the changes along with copies of the code sections with edits showing. Inland Construction LLC representatives were present at the meeting and were invited to add comments.

Procedural Steps

13. Pursuant to Revised Code of Washington (RCW) 36.70A the proposed zoning code amendment language was transmitted to the Washington State Department of Commerce for State Agency Review and requesting an expedited review (consisting of a 14-day period) on July 1, 2019. City received notice that expedited review had been accepted and that the City met the notice to state agency requirements contained in RCW 36.70A.106. The City has not received comments from any state agency.
14. In accordance with the State Environmental Policy Act (SEPA) (WAC 197-11) the City issued a Draft and Final Environmental Impact Statements (EIS) for the Auburn Gateway Project in 2004. Subsequently, in 2011 the City issued an addendum to the Final EIS to address some project changes including additional properties, identification of phasing, changes in governing regulations and changes in nearby development.
15. A second addendum to the Final EIS to address some further project changes is currently being prepared to meet the SEPA requirements for the changes to the proposed action by Inland Construction LLC.
16. To meet the City code requirements associated with zoning code amendments (ACC 18.68.030, Public Hearing Process), a Notice of Public Hearing (NOPH) was published in the Seattle Times newspaper on July 1, 2019 and posted in three general public places (City Hall, City Annex, and the City's Public Land Use Notice webpage).

STAFF RECOMMENDATION:

Attached for the Planning Commission's deliberation and action is the draft code language (Attachment Exhibit A, B, C, D and E). Staff recommends the Commission recommend **approval** of the amendments as proposed to the City Council.

A further explanation of the changes to each of the four code section follows:

1. ACC 18.08 Text Change to Planned Action Ordinance (PAO) - Exhibits A & B.

First, an explanation of the term: "Planned Actions". A planned action is a tool of the WA State Environmental Policy Act (SEPA) that was added to the state laws in 1997. A planned action is a designated development project whose impacts have been addressed by an Environmental Impact Statement (EIS) associated with a plan for a specific geographic area before individual development projects are proposed. A planned action involves detailed SEPA review and preparation of EIS documents in conjunction with sub-area plans, consistent with RCW 43.21C.031 and WAC 197-11-164 through WAC 197-11-172. The tool provides for up-front analysis of impacts and mitigation measures to facilitate expedited environmental review of subsequent individual development projects, when determined consistent.

The City adopted Chapter 18.08, 'Northeast Auburn Special Area Plan and Auburn Gateway Planned Action' in 2011 by Ordinance No. 6382 and has not been used, as no development has taken place. In summary, the text changes are for the purpose of:

- o To recognize the preparation of additional environmental review documents (change text to recognize the November 2, 2011 EIS addendum and to recognize the future EIS addendum that is currently being prepared).
- o To allow horizontal integrated mixed-use in addition to vertical integrated mixed-use that is currently required by the zoning classification (While this does not require any text changes, the PAO refers to the zoning that applies to the site in subsection ACC 18.08.040, 'Planned action thresholds' and the C-4, Mixed Use Commercial is also proposed to change). By reference, this is also a change.
- o To recognize the change in City Department name.
- o To increase consistency with the development agreement.
- o To recognize any other project changes and associated EIS identified mitigation measures (Amending Exhibit 1 to the original Ordinance No. 6382, Planned Action Ordinance).

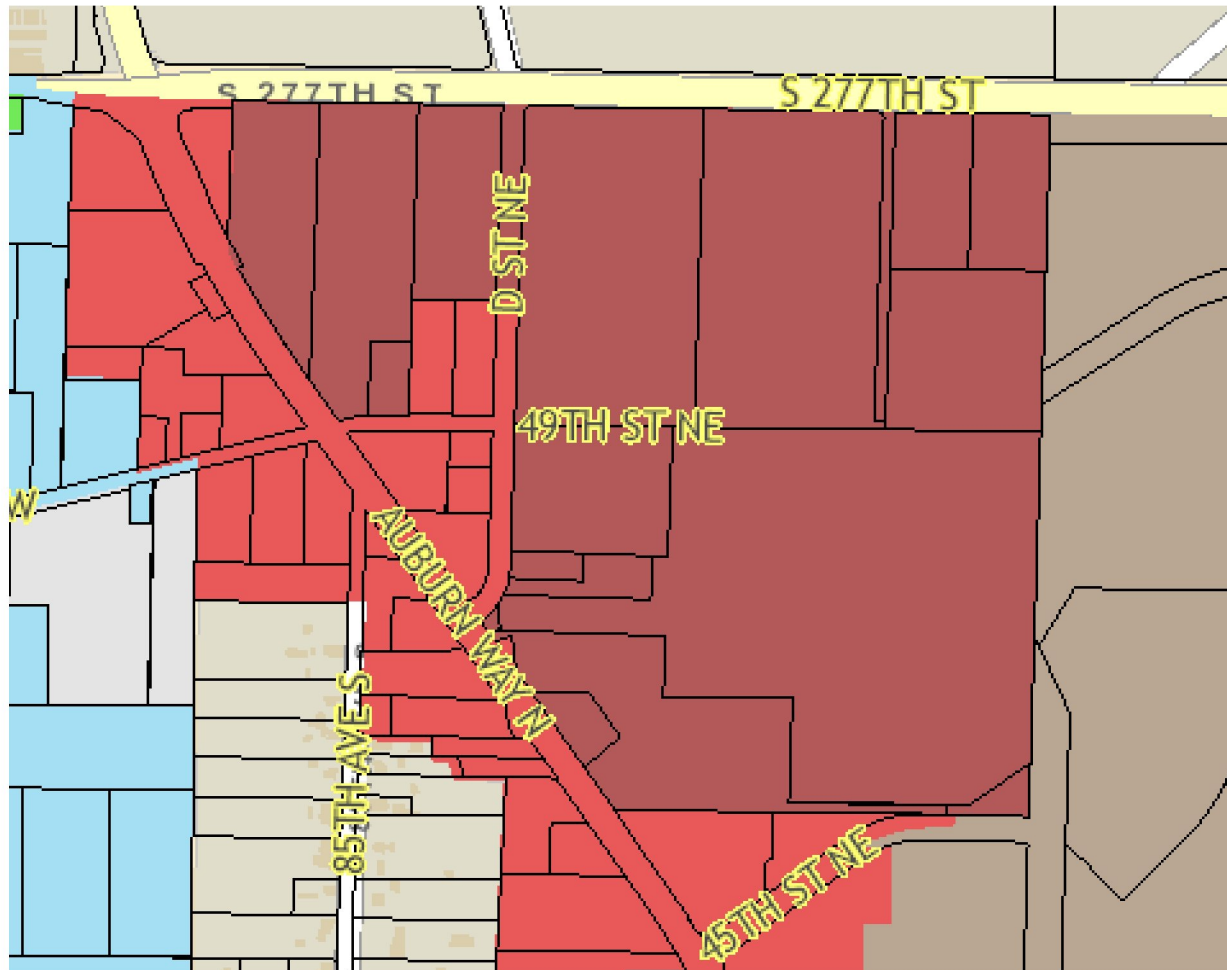
Please note: that in code subsection 18.08.080, 'Planned action mitigation measures' there is a reference to a separate document (Exhibit 1) that is not codified in the city's code chapter. This Exhibit 1 consists of the mitigation measures drawn from the EIS's and due to their length are not made part of the same document. This Exhibit 1 was transmitted to the Planning Commission for their June 4, 2019 regular meeting. The contents of this Exhibit could require modifications since the environmental review process is being conducted.

2. ACC 18.23 Commercial and industrial zones – Exhibit C.

Chapter 18.23 ACC, 'Commercial and industrial zones' describes the purpose statement, uses regulations, and zoning development standards of certain zoning classifications. The text changes are related to modifying the "C-4, Mixed Use" zoning classification. The project site is

the only mapped location of this zoning classification in the city. See the following zoning map excerpt.

Zoning Map (excerpt)



■	C3 Heavy Commercial District
■	C4 Mixed Use Commercial
■	M1 Light Industrial District
■	R20 Residential 20 DU/Acre

The changes are for the purpose of:

- o Change the C-4, Mixed Use Commercial zoning classification to also allow horizontal integrated mixed-use in addition to vertical integrated mixed-use.
- o Change the set of uses to recognize the listed use of: “outdoor recreation use for profit” in the zoning district subject to an administrative use permit (land use approval).

3. ACC 18.31.200 Architectural and Site Design Standards and Regulations – Exhibit D.

This chapter of the zoning code provides an administrative review process for evaluating the design and arrangement of development. The architectural and site design regulations are intended to be consistent with and implement the policies of the comprehensive plan. A further explanation of the purpose can be found at ACC 18.31.200.A. (Purpose and Intent). The architectural and site design regulations apply either to specific geographic areas of the city, such as downtown, or to specific types of development, such as multiple family residential. There is a document which contains the architectural and site design standards governing each geographic area or type of development. The “Auburn Gateway architectural and site design standards”: that apply in this instance were specifically adopted by Resolution No. 4756.

In summary, the text changes are for the purpose of:

- Allow the Design Standards document to be administratively amended by the Community Development Director rather than amended upon approval by the Planning and Development Committee of the Auburn City Council. This refers to Council committee structure which no longer exists because it was changed by Ordinance No. 6532 in 2014 to provide for study sessions of the entire council. The approach of administrative changes by the Department director is similar in authority to the Public Works Department Director approval of the Engineering Design Standards (ACC 12.04).
- Change the references contained in ACC 18.31.200, (Architectural and site design review standards and regulations) to recognize any future amendments to the specific design standards.
- To recognize the change in City Department name.

4. ACC 18.57.030 Mixed use development standard – Exhibit E

Chapter 18.57 ACC, ‘Standards for specific land uses’ contains zoning development standards in addition to those contained in the zoning district chapter. This chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts. Section ACC 18.57.030, ‘Mixed use development’ contains standards that apply when mixed-use development is proposed in the city.

The text amendments to the mixed-use standards are proposed to accomplish the following:

- To allow mixed-use commercial to be changed to allow horizontal mixed-use as well as vertical. It should be noted that vertical mixed-use is not actively being pursued for this project.

ATTACHMENTS:

Exhibit A – ACC 18.08, Text Changes to Planned Action Ordinance

Exhibit B – Mitigation Measures from EIS and addendums (*An updated version will be provided, if available*).

Exhibit C – ACC 18.23 Text changes to Commercial and industrial zones

Exhibit D – ACC 18.31.200 Text changes to Architectural and Site Design Standards and Regulations

Exhibit E - ACC 18.57.030 Text changes to Mixed use development standards

Exhibit F – Applicant’s environmental checklist application prepared 4-9-19. This document and additional studies are proposed to serve as the basis for preparation of a second EIS addendum.

Chapter 18.08

NORTHEAST AUBURN SPECIAL AREA PLAN AND AUBURN GATEWAY PLANNED ACTION

Sections:

- 18.08.010 Purpose of the planned action.**
- 18.08.020 Findings related to the northeast Auburn special area plan.**
- 18.08.030 Applicability of the planned action.**
- 18.08.040 Planned action thresholds.**
- 18.08.050 Review criteria for planned actions.**
- 18.08.060 Effect of planned action designation.**
- 18.08.070 Planned action permit process.**
- 18.08.080 Planned action mitigation measures.**
- 18.08.090 Amendments.**

18.08.010 Purpose of the planned action.

The purpose of this chapter is to:

- A. Set forth a procedure designating certain project actions within a specific subject site as “planned actions” consistent with state law, RCW 43.21C.031; and
- B. Provide the public with an understanding as to what constitutes a planned action and how land use applications which qualify as planned actions will be processed by the city; and
- C. Streamline and expedite the development review process for this designated planned action by relying on completed and existing detailed environmental analysis for the subject site; and
- D. Combine environmental analysis with land use planning; and
- E. Apply the city’s development regulations together with the mitigation measures described in the environmental impact statement (EIS) [and EIS addenda](#) and this chapter to address the impacts of future development contemplated by the planned action. (Ord. 6382 § 2, 2011.)

18.08.020 Findings related to the northeast Auburn special area plan.

After thorough review and consideration, the city council makes the following findings:

- A. The Northeast Auburn special area plan (“subarea plan”) and its accompanying draft and final environmental impact statement (“EIS”) and EIS addenda have analyzed and addressed all of the probable significant environmental impacts associated with the land uses allowed by the city’s development regulations and described in the subarea plan as to the Northeast Auburn special planning area.
- B. The analysis contained in the subarea plan and EIS and addenda is adequate to identify the probable environmental impacts of developments allowed under the city’s development regulations which were not previously analyzed in the comprehensive plan and its accompanying environmental documents.
- C. The mitigation measures identified in the environmental element of the subarea plan, EIS and EIS addenda, together with the regulations in the city’s development code, are adequate to identify and mitigate the probable significant environmental impacts of the land uses and developments considered within the planned action and subarea plan and EIS documents.
- D. The expedited development review procedure in this chapter is consistent with law, will be a benefit to the public, will protect the environment, and will enhance the city’s economic development.
- E. The public interest will be served by implementing the expedited development review procedure set forth in this chapter.
- F. Public involvement and review of the subarea plan and EIS and EIS addenda have been extensive and meet the requirements of law, and have been sufficient to ensure that the subarea plan and EIS bear a substantial relationship to the public interest, health, safety, and welfare.
- G. The land uses identified in the subarea plan for the Northeast Auburn special area are consistent with and will implement the Comprehensive Plan.
- H. Northeast Auburn special area is hereby designated a planned action. (Ord. 6382 § 2, 2011.)

18.08.030 Applicability of the planned action.

A. *Planned Action Area.* This chapter applies to approximately 70 acres included in the Auburn Gateway project area as described in the Northeast Auburn/Robertson Properties special area plan EIS, issued by the city on July 30, 2004 and EIS Addendum on November 2, 2011 (and any addenda thereto) and the adoption of the Northeast Auburn/Robertson Properties special area plan. Any other planned action for which the impacts have been studied in an EIS shall also meet the requirements of this chapter, be approved by the planning and Community Development Director (Director), and be designated as a planned action by resolution of the city council before it shall be entitled to review and treatment as a planned action under this chapter.

B. *Environmental Document.* A planned action for a site-specific development shall be based on the environmental analysis contained in the Northeast Auburn/Robertson Properties special area plan EIS, issued by the city on July 30, 2004 [and EIS Addendum on November 2, 2011](#) (and any addenda thereto). The mitigation requirements in this chapter are based on the Northeast Auburn/Robertson Properties special area plan EIS [and addenda](#). These requirements, together with city codes, ordinances, and standards provide the framework for the decision by the city to impose conditions on a planned action project.

C. *Planned Action Designated.* Uses and activities described in the Northeast Auburn/Robertson Properties special area plan EIS (and any addenda thereto), subject to thresholds (ACC 18.08.040) and mitigation measures established by this chapter, are designated planned actions pursuant to RCW 43.21C.031. (Ord. 6382 § 2, 2011.)

18.08.040 Planned action thresholds.

Subject to the zoning regulations for the site and the mitigation measures described in this chapter, the maximum levels of development described below have been evaluated in the Northeast Auburn/Robertson Properties special area plan EIS, as described in the EIS (and any addenda thereto), and are planned actions pursuant to RCW 43.21C.031. In order to qualify as a planned action, total cumulative development within the Auburn Gateway project area that has been permitted under this chapter shall meet all of the following criteria:

A. Land Use.

1. The following are the primary categories of uses authorized under this planned action:

- a. Office.
- b. Retail.
- c. Multifamily residential.

2. *Land Use Review Threshold.* The planned action designation applies to future development proposals within the Auburn Gateway project area which are within the range evaluated in the Northeast Auburn/Robertson Properties special area plan EIS and the EIS addenda as shown below.

Use	Maximum Allowable	Maximum Structure Height
Multifamily residences	500 dwelling units	75 feet
Retail uses	720,000 square feet	75 feet
Office uses	1,600,000 square feet	75 feet

B. Transportation.

1. *Trip Ranges.* Cumulative development within the Auburn Gateway project area that does not exceed the following range of trip generation from all uses developed within the Auburn Gateway project area shall qualify as a planned action:

Maximum Net New (Non-Pass-By) Trip Generation Allowable in the Auburn Gateway Project Area

Time Range	Net New Trips
AM peak hour (primary)	1,862
PM peak hour (primary)	2,419

Daily Total: 18,920 Non-Pass-by Trips (“Auburn Gateway Transportation Impact Analysis” prepared by Transportation Solutions, Inc. in October 2011 for the Auburn Gateway Environmental Impact Statement (EIS) addendum).

2. The net new (non-pass-by) trip generation within a single phase shall qualify as a planned action that does not exceed the following:

Maximum Net New Trips Allowable within a Single Phase of the Auburn Gateway Project Area

Time Range	Net New Trips
AM Peak Hour (primary)	1,117
PM Peak Hour (primary)	1,451

C. *Earthwork*. The maximum amount of excavation and fill qualifying as a planned action shall be 250,000 cubic yards of excavation and 750,000 cubic yards of fill.

D. *Air Quality*. Modifications to regional arterials included in the planned action include potential new signals on Auburn Way North at 45th Street NE and 49th Street NE, and at the driveway access to Auburn Way North midpoint between the two intersections, if demonstrated by analysis of signal warrants and on South 277th Street and 45th Street NE at a relocated I Street NE. A roundabout or traffic signal would be provided at the intersection of 49th Street NE and I Street NE and a future signal at 45th Street NE.

E. *Water*.

1. *Floodplain Modifications*. Up to 33.73 acre feet of floodplain storage volume may be filled within the Auburn Gateway project area based on the 1995 FEMA floodplain. The actual amount of floodplain modification and storage compensatory flood storage volume will depend on the FEMA floodplain regulations in effect at the time of development. Since the extent of floodplain and amount of fill may be subject to change it may be subject to further environmental review. The amount of floodplain affected will require that compensatory volume is provided at the time of fill.

2. *Impervious Surfaces*. Up to 90 percent of the Auburn Gateway site area may be covered with impervious surfaces.

F. *Plants and Animals*. Up to 0.55 acres of wetland fill placed in accordance with local, state, and federal regulations in the wetland ditches along South 277th Street (approximately 0.5 acres), and as necessary to complete required improvements for I Street NE and 49th Street NE (up to 0.25 acres of wetland fill within the Auburn Gateway project area), shall qualify as part of this planned action. The wetland impacts to the yet undelineated Wetland F within the Gateway II project area will be in accordance with local, state and federal regulations in effect.

G. *Time of Submission*. The application is submitted during the time that the development agreement between the city of Auburn and Robertson Auburn Properties, entered into on November 21, 2011, is in effect. (Ord. 6382 § 2, 2011.)

18.08.050 Review criteria for planned actions.

The director or director's designee is hereby authorized to designate a project application as a planned action if the project meets all of the following conditions:

- A. The project is consistent with the adopted comprehensive plan.
- B. The project is located on the subject site as described with the planned action ordinance.

- C. The project's significant environmental impacts have been adequately addressed in the EIS and EIS addenda.
- D. The project complies with the planned action thresholds.
- E. The project's significant impacts have been mitigated through application of the mitigation measures identified in the EIS documents, EIS addenda, and other city requirements.
- F. The project is not an essential public facility. (Ord. 6382 § 2, 2011.)

18.08.060 Effect of planned action designation.

- A. Upon designation by the ~~planning~~ Community Development ~~D~~director that the project qualifies as a planned action, the project shall not be subject to a SEPA threshold determination, an environmental impact statement (EIS), or any further review under SEPA.
- B. Being designated a planned action means that a proposed project has been reviewed in accordance with this chapter, and found to be consistent with the development parameters and environmental analysis included in the EIS documents and EIS addenda.
- C. Planned actions will not be subject to further procedural review under SEPA. However, projects may be subject to conditions designed to mitigate any environmental impacts which may result from the project proposal, and projects will be subject to whatever permit requirements are deemed appropriate by the city under state and city laws and ordinances. The planned action designation shall not excuse a project from meeting the city's code and ordinance requirements apart from the SEPA process. (Ord. 6382 § 2, 2011.)

18.08.070 Planned action permit process.

The ~~D~~director shall establish a procedure to review projects and determine whether they meet the planned action criteria, and establishing minimum application and notice requirements. The procedure shall consist, at a minimum, of the following:

- A. Developments shall meet the requirements of ACC Titles 12, 13, 14, 15, 16, 17, 18, and 19, unless modified by the development agreement. Application shall be made on the forms provided by the city and shall include a SEPA checklist (where approved through WAC 197-11-315(2)) or such other environmental review forms provided by the city.
- B. The ~~D~~director shall determine if the application is complete as provided in Chapter 14.06 ACC.

C. If the project is within the area designated as a planned action, the application shall be reviewed to determine if it is consistent with all of the requirements in this chapter.

D. When a complete application for development has been determined by the city to qualify as a planned action, the Director shall notify the applicant and the project shall proceed in accordance with the appropriate permit procedure, with the exception that no additional SEPA review, threshold determination, or EIS shall be required.

E. Public notice for project qualifying as planned actions shall be tied to the underlying permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special public notice is required.

F. If a project is determined to not qualify as a planned action, the Director shall so notify the applicant and the SEPA responsible official, and shall prescribe a SEPA review procedure consistent with the city's SEPA regulations and the requirements of state law. (Ord. 6382 § 2, 2011.)

18.08.080 Planned action mitigation measures.

The planned action mitigation measures set forth in the Exhibit 1 attached to the ordinance codified in this chapter and incorporated herein by this reference shall apply to the project identified therein. This Exhibit 1 shall not be codified with the provisions of this chapter, but shall be on file and available for review in the office of the city clerk. (Ord. 6382 § 2, 2011.)

18.08.090 Amendments.

Amendments to this chapter may be initiated by the city, the proponent, or the proponent's successor, and shall occur as follows:

A. The Director ~~of community development and public works~~ may interpret the words and meaning of certain conditions in order to resolve conflicts in implementation. All words in the ordinance codified in this chapter shall carry their customary and ordinary meaning.

B. If changes to the language of the ordinance codified in this chapter are required, such proposed changes shall be reviewed by the Director ~~of community development and public works~~. If, in the estimation of the Director ~~of community development and public works~~, the proposed change is minor, then the proposed change shall be forwarded directly to the city council for its consideration. If, in the estimation of the Director ~~of community development and public works~~, the change is major, the proposed change shall be referred to the planning commission which shall conduct a

public hearing and make a recommendation to the city council. (Ord. 6532 § 28, 2014; Ord. 6382 § 2, 2011.)

(Amending Exhibit 1 to Ordinance No. 6382)

D. Prior to any Issuance of Permits for Vertical Construction within Either the North or South Phases of the Project:

General:

The City Engineer may modify requirements for public improvements required for this project by City code, Engineering Design Standards or in the adopted mitigation measures. The process for modification of these requirements will be that in Title 12 of the Auburn City Code– or Section 1.04 of the Engineering Design Standards.

Storm Drainage

1. Prior to issuance of permit for vertical construction, the Applicant shall provide to the City for review and approval a **Storm Drainage Master Plan** for the combined North and South Phases of the Project. The plan shall include the approximate location, elevation, and size of all major storm drainage conveyance, water quality, and flow control facilities in conformance with the City's Engineering Design Standards. The storm drainage master plan shall contain sufficient information, including supporting storm drainage calculations, to demonstrate that the system design and configuration is feasible and is capable of meeting city standards.

In addition, if the storm drainage discharge from the project is not as proposed in previous drainage analysis prepared for the purposes of the EIS ("Hydraulic Model Evaluation of Potential Drainage System Impacts Associated with the Auburn Gateway Project", Herrera, 2003) and the discharge is all directed to either: South 277th Street (EIS Scenario 3a) or split evenly between South 277th Street and D Street NE (EIS Scenario 3b), then additional downstream drainage analysis shall be required as directed by the City Engineer prior to issuance of a permit for vertical construction.

If all the storm drainage discharge from the project is directed to South 277th Street (EIS Scenario 3a) the applicant shall design the master plan to include the following storm drainage improvements for any phase of development:

- Replace the existing storm drainage pipe located in D Street NE with a 36-inch pipe in D Street NE from South 277m Street to Auburn Way North.

The master storm drainage plan shall also define which improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases),

Water

2. Prior to issuance of permit for vertical construction, the Applicant shall provide to the City for review and approval a **Water Master Plan** for the combined North and South Phases of the Project. The plan shall include the approximate location and size of all pipes, valves, and fire hydrants in conformance with the City's.

Comprehensive Water

Plan and Engineering Design Standards. The Water Master plan shall contain sufficient information, including hydraulic analysis if deemed necessary by the City Engineer, to demonstrate that the system layout is feasible and provides adequate fire flow and system reliability.

The master water plan shall also define which improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases) as follows:

North Phase

- Replace the existing 8-inch and 6-inch water pipes with 12-inch water pipe in 49 Street NE from Auburn Way North to I Street NE.
- Construct a new 12-inch water pipe along the extension of I Street NE between 49th Street NE and South 277th Street.

South Phase

- Replace the existing 8-inch and 6-inch water pipes with 12-inch water pipe in 49 Street NE from Auburn Way North to I Street NE.
- Construct a new 12-inch water pipe along the extension of I Street NE between 45th Street NE and 49th Street NE.

Combined North and South Phases

The combined water system mitigation listed above for the North and South Phases.

Sanitary Sewer

3. Prior to issuance of permit for vertical construction, the applicant shall provide to the City for review and approval a **Sanitary Sewer Master Plan** for the combined North and South Phases of the Project. The plan shall include the approximate location, elevation, and size of all pipes and manholes in conformance with the City's Comprehensive Sanitary Sewer Plan and Engineering Design Standards. The sanitary sewer master plan shall contain sufficient information, including hydraulic analysis if deemed necessary by the City Engineer, to demonstrate that the system layout is feasible and is capable of meeting city standards.

The master sanitary sewer plan shall also define which improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases).

Storm Drainage, Water, and Sanitary Sewer

4. Prior to issuance of permit for vertical construction, the Applicant shall submit **civil utilities construction plans**, consistent with the approved combined North and/or South Phases of the:
 - master storm drainage plan,
 - master water plan, and
 - master sanitary sewer planto the City for review and approval in conformance with the City's Engineering Design Standards.

Transportation

5. Prior to issuance of permit for vertical construction, the Applicant shall provide a **master plan for pedestrian/non-motorized circulation** to the City for review and approval. The master plan for pedestrian/non-motorized circulation shall be in conformance with the City's engineering design standards and provide an efficient and safe pedestrian circulation system that provides appropriate crossing of I Street NE, D Street NE, and 49th Street NE at places where pedestrian/non-motorized crossings are likely to occur and where crossings can be safely accommodated with necessary improvements to minimize travel distances and control devices. The master pedestrian circulation plan shall specify the location and types of paths, the materials and methods to be used to promote safety at street and driveway crossings, and the framework of connections and amenities to be developed, as described in the "Auburn Gateway Architectural and Site Design Standards", BCRA Inc., October 2011.

The master plan for pedestrian/non-motorized circulation shall also define which improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases).

6. Prior to issuance of permit for vertical construction, the Applicant shall provide a **master transit plan** to the City for review and approval. The plan shall be coordinated with King County Metro Transit and shall include the approximate locations of existing and proposed transit stops and associated facilities serving the Auburn Gateway Project. The plan shall also address opportunities to provide weekday park & ride spaces within the Auburn Gateway Project.

The master transit plan shall also define which transit improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases)

7. Prior to the action indicated in the heading above, the Applicant shall provide a **master access and onsite vehicular circulation plan** to the City for review and approval. The plan shall be in conformance with the City's Engineering Design Standards and include locations and dimensions of access points expected for all portions of the Auburn Gateway project area. The access and onsite vehicular circulation plan must be accompanied with a traffic analysis that indicates

commercial/delivery vehicle turning templates, emergency access lanes, and the volumes of traffic and levels of service expected at each access location.

The master access and onsite vehicular circulation plan shall also define which access points are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases).

Prior to issuance of permit for vertical construction, the Applicant shall provide a **master motorized public improvement plan** to the City for review and approval. The plan shall be in conformance with the City's Engineering Design Standards and include streets, traffic signals, and intersection improvements for all portions of the Auburn Gateway project area.

The master motorized improvement plan shall also define which street improvements are to be constructed concurrent with each phase of the project (North Phase, South Phase, or Combined North and South Phases) as follows:

North Phase First

- Widen South 277th Street to include two westbound through lanes, three eastbound through lanes, paved shoulder, drainage systems, planting strip and 12-foot wide paved non-motorized trail between L St NE and Auburn Way North.
- Complete a traffic signal at the intersection of South 277th Street and I Street NE including two traffic monitoring cameras. The signalized intersection shall consist of two westbound through lanes, two westbound left turn pockets, three eastbound through lanes, one eastbound right_ turn pocket, and three northbound turning lanes.
- Complete one eastbound right turn pocket at the intersection of South 277th Street and D Street NE.
- Complete one westbound right turn pocket at the intersection of Auburn Way North and South 277th Street.
 - Complete I Street NE from 49th Street NE to South 277th Street. This roadway shall be designed to the city's minor arterial standard and include five travel lanes (two lanes in each direction plus a raised landscape island with turn pockets at intersections) and bicycle lanes. Auxiliary right-turn lanes may also be required at driveways as identified in the master access and onsite vehicular circulation plan.
- Complete a traffic signal at intersection of I Street NE and 49th Street NE including one traffic monitoring camera when the north, south, and west legs of the intersection are each connected to through streets. The signalized Intersection shall be widened to facilitate northbound and southbound u-turns and include a leg for the future eastward street extension of 49th St NE.
- Complete 49th Street NE between Auburn Way North and the eastern property line of the Auburn Gateway project area. This street shall be designed as a minor arterial with three lanes (one lane in each direction plus a center left-turn lane) and bicycle lanes.
- Complete a traffic signal at the intersection of 49th Street NE and Auburn Way North including one traffic monitoring camera. The signalized intersection

shall be widened to facilitate northbound and southbound u-turns.

- Complete a traffic signal at the intersection of 45th Street NE and Auburn Way North including one traffic monitoring camera when any traffic signal warrant is met at this intersection up to two years after issuance of final occupancy of full project build-out or prior to constructing a signal at the south development access drive at Auburn Way North.
- Construct a cul-de-sac at southern terminus of D Street NE at Auburn Way North and eliminate the vehicular connection to Auburn Way North.

South Phase First

- Widen the south side of South 277th Street to include two westbound through lanes, two eastbound through lanes, paved shoulder, drainage systems, planting strip and 12 foot wide paved non-motorized trail between L St NE and Auburn Way North.
- Complete one eastbound right turn pocket at the intersection of South 277th Street and D Street NE.
 - Complete I Street NE from 45th Street NE to 49th Street NE. This roadway shall be designed to a minor arterial standard and include five travel lanes (two lanes in each direction plus a raised landscape island with turn pockets at intersections) and bicycle lanes. Auxiliary right-turn lanes may also be required at driveways as identified in the master access and onsite vehicular circulation plan.
- Complete a traffic signal at intersection of I Street NE and 49th Street NE including one traffic monitoring camera when the north, south, and west legs of the intersection are each connected to through streets. The signalized intersection shall be widened to facilitate northbound and southbound u-turns and include a leg for the future eastward street extension of 49th St NE.
- Complete 49th Street NE between Auburn Way North and the eastern property line of the Auburn Gateway project area. This street shall be designed as a minor arterial with three lanes (one lane in each direction plus a center left-turn lane) and bicycle lanes,
- Complete a traffic signal at the intersection of 49th Street NE and Auburn Way North including one traffic monitoring camera. The signalized intersection shall be widened to facilitate northbound and southbound u-turns.
- Complete a traffic signal at the intersection of 45th Street NE and Auburn Way North including one traffic monitoring camera when any traffic signal warrant is met at this intersection up to two years after issuance of final occupancy at full project build-out or prior to constructing a signal at the south development access drive at Auburn Way North.
 - Complete a traffic signal at the intersection of 45th Street NE and I Street NE including one traffic monitoring camera when any traffic signal warrant is met at this intersection up to two years after issuance of final occupancy at full project build-out.
- Construct a cul-de-sac at southern terminus of D Street NE at Auburn Way North and eliminate the vehicular connection to Auburn Way North.

Combined North and South Phases

- Complete the combined improvements listed above for the North and South

Phases.

8. Prior to issuance of permit for vertical construction, the Applicant shall submit **civil transportation construction plans**, consistent with the approved combined North and South Phases of the:
 - * master pedestrian/non-motorized circulation plan,
 - * master transit plan,
 - * master access and onsite vehicular circulation plan, and
 - * master motorized public improvement planto the City for review and approval in conformance with the City's Engineering Design Standards.

Signage

9. Prior to issuance of permit for vertical construction, the Applicant shall submit a **master signage plan** to establish locations sizes and materials for all types of signage to be used in subsequent phases (except traffic control signage). The master signage plan shall be prepared in accordance with the provisions of ACC 18.56.030.K, in effect as provided in the vesting provisions of the development Agreement between the City and Developer. The plan shall include commercial and directional signage as well as interpretive material such as information on wildlife near wetlands or historical information about the area. The plan shall be coordinated with the Auburn Gateway Architectural and Site Design Standards document. The master signage plan shall be recorded as required by ACC 18.56.030.M.

Project plans shall demonstrate that the proposed project is consistent with the approved master signage plan. Modifications to the master signage plan may be allowed by the Director only after determining that the changes are consistent with the "Auburn Gateway Architectural and Site Design Standards," BCRA Inc., October 2011.

Visual/Aesthetics

10. Project construction plans shall adhere to the document: "Auburn Gateway Architectural and Site Design Standards", BCRA Inc.; October 2011.
11. Project plans shall incorporate principles of crime prevention through environmental design (CPTED) in all project designs. These include but are not limited to the measures discussed in the "Auburn Gateway Architectural and Site Design Standards", BCRA Inc. October 2011.

Noise

12. Prior to the issuance of a permit for vertical construction, the Applicant shall prepare and submit a **noise control plan** to be approved by the City of Auburn for areas in which noise-generating equipment, such as mechanical equipment (i.e., heating, ventilating, and air conditioning [HVAC] systems), loading docks, solid waste removal areas, compactors, outdoor retail speakers, and backup power generators, cannot be located away from noise-sensitive receivers. The City of

Auburn may require noise containment systems where necessary to meet the noise regulations. Prior to the issuance of a permit for vertical construction, the Applicant shall provide a binding agreement to ensure that all subsequent applications for City approval shall meet parameters of the approved noise control plan.

13. Project plans shall include the use of buildings, fences, berms, or large landscape buffers to shield noise-sensitive receivers from onsite traffic noise.
14. Automobile fuel stations shall be located as far as possible from residential uses. If located within 100 feet of residential uses, the City of Auburn may require additional design measures to limit noise, odor, and glare impacts.
15. Outdoor activity areas such as eating and drinking establishments shall be located away from residential areas. If located closer than 300 feet to a residential area the City of Auburn may require design measures or operational restrictions to limit noise impacts from late evening use.

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

Sections:

- 18.23.010 Purpose.**
- 18.23.020 Intent of commercial and industrial zones.**
- 18.23.030 Uses.**
- 18.23.040 Development standards.**
- 18.23.050 Additional development standards for C-2, central business zone.**
- 18.23.060 Additional development standards for the ep, environmental park zone.**

18.23.010 Purpose.

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

18.23.020 Intent of commercial and industrial zones.

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

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

C. C-1, Light Commercial Zone. The C-1 zone is intended for lower intensity commercial adjacent to residential neighborhoods. This zone generally serves as a transition zone between higher and lower intensity land uses, providing retail and professional services. This zone represents the

primary commercial designation for small – to moderate-scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers and pedestrians.

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

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

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

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

The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors

or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.

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

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

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

18.23.030 Uses.

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

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

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded	X	X	X	P	X	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
and located within a designated foreign trade zone									
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	XA	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	
Work/live unit	X	P	P	P	P	P	P	X	
Marijuana cooperative	X	X	X	X	X	X	X	X	
Multiple-family dwellings as part of a mixed-use development ²	X	X	P	P	P	P	P	X	ACC 18.57.030
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing ²	X	X	A	A	X	X	X	X	
RETAIL									
Building and landscape materials sales	X	X	X	P	X	P	X	P	ACC 18.57.035(A)
Construction and heavy equipment sales and rental	X	X	X	X	X	A	X	P	
Convenience store	A	A	P	P	X	P	P	P	
Drive-through espresso stands	A	A	A	P	A	P	A	A	
Drive-through facility, including banks and restaurants	A	A	A	P	P	P	X	P	ACC 18.52.040
Entertainment, commercial	X	A	P	P	X	A	X	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Groceries, specialty food stores	P	P	P	P	P	P	P	X	ACC 18.57.035(B)
Nursery	X	X	X	P	A	P	X	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop	P	P	P	P	P	P	P	P	
Retail									
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions,	P	P	P	P	P	P	P	P	

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	X	X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communication facility (WCF)	–	–	–	–	–	–	–	–	ACC 18.04.912, 18.31.100
VEHICLE SALES AND SERVICES									
Automobile washes (automatic, full or self-service)	X	A	X	P	P	P	X	P	ACC 18.57.050(A)
Auto parts sales with installation services	X	A	A	P	P	P	X	P	
Auto/vehicle sales and rental	X	A	X	P	X	P	X	P	ACC 18.57.050(B)

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

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

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

(Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

18.23.040 Development standards.

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

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

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed-Use Commercial
Minimum lot area	2 acres	None	None	None	None ¹ [SG1]
Minimum lot width, depth	None	None	None	None	None
Maximum lot coverage	55 percent	None	None	None	None
Minimum setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these setback standards.</i>				
Front	50 ft	20 ft	None	20 ft	20 ft
Side – Interior	None ²	None ²	None	None ²	None ²
Side – Street	50 ft	15 ft	None	15 ft	15 ft
Rear	None ²	None ²	None	None ²	None ²
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.</i>				
Maximum height	30 ft	45 ft ³	ACC 18.23.050	75 ft	75 ft
Additional development standards	None	None	ACC 18.23.050	None	None
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				

Development Standard	Requirement by Zone				
	C-N Neighborhood Shopping Center	C-1 Light Commercial	C-2 Central Business	C-3 Heavy Commercial	C-4 Mixed-Use Commercial
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

- 1 Residential uses: no minimum lot size; provided, that residential density does not exceed 20 units per gross acre (this includes privately owned open space tracts but excludes dedicated public roads).
- 2 A 25-foot setback is required when adjacent to a residential zone.
- 3 Buildings within the Auburn north business area, as established by Resolution No. 2283, may exceed 45 feet if one additional foot of setback is provided from each property line (or required minimum setback) for each foot the building exceeds 45 feet in height.

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

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP Environmental Park	M-2 Heavy Industrial
Minimum lot area	None	None	None
Minimum lot width, depth	None	None	None
Maximum lot coverage	None	35 percent	None
Minimum setbacks	<i>Minimum setbacks required for structures. See also ACC 18.31.070 for specific exceptions to these standards.</i>		
Front	20 ft	20 ft	30 ft
Side – Interior	None ¹	15 ft	None ¹
Side – Corner	20 ft	20 ft	30 ft
Rear	None ¹	20 ft ¹	None ¹

Development Standard	Requirement by Zone		
	M-1 Light Industrial	EP Environmental Park	M-2 Heavy Industrial
Height limit	<i>Maximum allowable height of structures. See also ACC 18.31.030 (Height limitations – Exceptions) for specific height limit exceptions.</i>		
Maximum height	45 ft ²	35 ft	45 ft ²
Additional development standards	None	ACC 18.23.060	None
Fences and hedges	See Chapter 18.31 ACC		
Landscaping	See Chapter 18.50 ACC		
Parking	See Chapter 18.52 ACC		
Signs	See Chapter 18.56 ACC		
Lighting	See Chapter 18.55 ACC		
Nonconforming structures, land and uses	See Chapter 18.54 ACC		

Notes:

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

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

18.31.200 Architectural and site design review standards and regulations.

A. Intent and Purpose. The architectural and site design regulations provide an administrative review process for evaluating the design and arrangement of development. The architectural and site design regulations are intended to be consistent with and implement the policies of the comprehensive plan. The purposes of these design review regulations are to:

1. Foster good decision-making for development through architectural and site design within the context of the community's built and natural environmental character, scale and diversity;
2. Promote the use of appropriate scale of buildings and the configuration of open space and parking areas for development to safely and comfortably accommodate pedestrian activities;
3. Coordinate the interrelationship of buildings and public and private open space;
4. Discourage monotony in building design and arrangement, while promoting harmony among distinct building identities; and
5. Mitigate, through design and site plan measures, the visual impact of large building facades, particularly those which have high public visibility (encourage the creative use of architectural and landscape features in order to reduce the actual and perceived scale and bulk of structures).

B. Applicability. The following land uses, types of development activities, including all related site improvements, and geographic areas, are subject to the architectural and site design standards and the processes and regulations for conducting design review contained in this chapter:

1. Multiple-Family and Mixed-Use Developments. The following land uses and types of development are subject to the city's multiple-family and mixed-use design standards document unless addressed by a different set of architectural and site design standards applicable to a specific geographic area.
 - a. Multifamily development inclusive of triplexes and fourplexes in all zones in the city where permitted outright or as a conditional use and not otherwise addressed through the city's residential infill development standards (Chapter 18.25 ACC); and
 - b. Mixed-Use Residential Development. Mixed-use development containing residential living units in all zones in the city where permitted outright or as a conditional use; and
 - c. Retirement apartments, congregate living facilities and senior housing complexes in all zones in the city where permitted outright or as a conditional use.

2. *Downtown Urban Center.* The following locations of development activities are subject to the city's downtown urban center design standards document.

a. Properties located within the boundaries of the DUC, downtown urban center zoning district, as identified on the comprehensive zoning map.

3. *Auburn Junction.* The following locations of development activities are subject to the city's Auburn Junction design standards document.

a. Properties located within the boundaries of West Main Street, 2nd Street SE/SW, A Street SE, and A Street SW as identified with ACC 18.29.070, design standards of the DUC downtown urban center zone.

4. *Northeast Auburn Special Planning Area.* The following locations of development activities are subject to the city's Auburn Gateway architectural and site design standards document.

a. Properties located within the boundaries of the Auburn Gateway Project as defined by the development agreement approved by city Resolution No. 4756, or as may be subsequently amended. The Auburn Gateway architectural and site design is addressed in Section 4 of this resolution and provided as Attachment 4 to the resolution.

C. *Exemptions.* The following activities as determined by the ~~planning director~~Community Development Director shall be exempt from the provisions of the design standards:

1. Any building activity that does not require a building permit; or
2. Interior construction work which does not alter the exterior of the structure; or
3. Normal or routine building and site maintenance/repair that is exempt from issuance of a permit including the repair or maintenance of structural members; or
4. Interior alterations that do not modify an existing site condition; or
5. Site and exterior alterations that do not exceed 10 percent of the assessed valuation of the property building or land per the most recent county records; or
6. Building additions that are less than 10 percent of the existing floor area of the existing building. Any cumulative floor area increase from the adoption date of the ordinance establishing the architectural and site design standard that totals more than 10 percent shall not be exempt unless the ~~planning director~~Community Development Director determines compliance with these standards would be unfeasible and/or unreasonable.

D. *Design Standard Documents.* Adopted by reference are the following architectural and site design documents, copies of which shall be maintained by the city clerk. These documents contain the standards for the design and development of the built environment. These documents contain the

standards for the design and development of the built environment. The Community Development Director~~planning-director~~ or designee shall have the authority to apply the standards to specific development proposals. The following specific architectural and design standards documents may be amended upon approval by the Community Development Director~~planning and development-committee of the Auburn city council~~:

1. Mixed-use and multiple-family development design standards.
2. Auburn Gateway architectural and site design standards.
3. Downtown urban center design standards.
4. Auburn Junction design standards.

E. *Timing of Administrative Design Review.*

1. Design review shall be conducted by the ~~planning-director~~Community Development Director or designee prior to or concurrent with the processing of building permits and/or review of discretionary land use approvals/permits.
2. The decision on the administrative design review shall be issued prior to issuance of the building permits and/or issuance of discretionary land use approvals/permits.

F. *Pre-application Meeting – When Required Associated with a Design Review.*

1. A pre-application conference is required for the following instances:
 - a. For multifamily development in the R-10, R-16, and R-20 residential zones; and
 - b. For mixed-use development containing residential living units located within R-10, R-16 and R-20 residential zones; and
 - c. For mixed-use development containing residential living units located within commercial zones; and
 - d. For retirement apartments, congregate living facilities and senior housing complexes located within R-10, R-16 and R-20 residential zones, and all commercial zones.
2. A pre-application conference is strongly recommended for all other projects subject to the city's architectural and site design review but is not required.

G. *Design Review Submittal Requirements.* In addition to any other documentation required for submittal of a complete application for building permit or discretionary land use approvals/permits, the following items shall be required for the architectural and site design review:

1. Elevation drawings prepared by an architect licensed in the state of Washington of all proposed construction including dimensional drawings at one-eighth inch equals one foot or comparable scale showing the type of exterior materials, accurate color (where applicable), exterior finishes for buildings and accessory structures, location and elevations of exterior lighting for buildings, the type, style and model of exterior lighting fixtures (where applicable), parking areas, and fenestration details;
2. A to-scale landscape plan prepared by a landscape architect licensed in the state of Washington showing existing vegetation to be retained and proposed vegetation to be installed inclusive of the common and botanical name of all vegetation, the location and quantity of vegetation, the initial planting size and methods of irrigation;
3. A context vicinity map that shows all structures on the property and within 200 feet in each direction of the subject property drawn approximately to scale;
4. A neighborhood circulation plan consistent with the provisions of Chapter 17.16 ACC (Neighborhood Circulation Plan); and
5. Conceptual plans for any public infrastructure, including roads, water, sewer, and storm facilities.

H. *Interpretations.*

1. The ~~planning-director~~Community Development Director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the implementation of the specific architectural and design standards document. Any interpretations regarding implementation of the specific architectural and design standards document shall be made in accordance with its intent or purpose statements and the intent and purpose statements of this chapter. For interpretations, life safety and public health regulations shall be given priority over all other regulations.
2. Administrative interpretations may be appealed to the hearing examiner as prescribed in ACC 18.70.050.

I. *Design Review Adjustments.*

1. *Authority for Design Review Adjustments.* The ~~planning-director~~Community Development Director or designee shall have the authority, subject to the provisions of this section and upon such conditions as the ~~planning-director~~Community Development Director or designee may deem necessary to comply with the provisions of this section, to approve design adjustments as follows:

- a. An adjustment to architectural or site design requirements such that no more than two of the total number of required menu items in the city of Auburn multifamily and mixed-use design standards are out of compliance.
- b. An adjustment to required building wall and roof modulation standards, as contained in the city of Auburn multifamily and mixed-use design standards, up to 20 percent of the amount of any quantified standards contained therein.
- c. An adjustment to the architectural or site design requirements that remains consistent with the purpose and intent of the architectural and site design standards.

2. *Required Findings to Grant Design Review Adjustments.* Each determination granting an adjustment by the ~~planning-director~~Community Development Director or designee shall be supported by written findings showing specifically wherein all of the following conditions exist:

- a. That the granting of such adjustment does not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and/or zone of the subject site; and
- b. That the granting of such adjustment will not adversely affect the established character of the surrounding neighborhood, discourage maintenance or upgrades on surrounding properties, nor result in perpetuation of those design qualities and conditions which the comprehensive plan intends to eliminate or avoid; and
- c. That the project incorporates alternate design characteristics that are equivalent or superior to those otherwise achieved by strict adherence to stated menu options; and

3. *Public Notification and Action on Design Review Adjustment Applications.* Upon the filing of a properly completed application and associated request for a design review adjustment, the ~~planning-director~~Community Development Director or designee shall comply with the city's Type II land use review requirements for issuance of a properly noticed and appealable land use decision.

4. *Appeal of Director's Decision on Design Review Adjustments.*

- a. If a written objection to the initial determination notice is filed within 14 business days of said notification, the ~~planning-director~~Community Development Director or designee shall reconsider the initial determination in light of the objection(s) as raised and render a final decision on the permit. This final decision shall result in either the ~~planning-director~~Community Development Director's affirmation of the original determination of approval, the approval with additional modifications or denial.
- b. Upon completion of the ~~planning-director~~Community Development Director's reconsideration, all parties notified of the original determination shall receive notification of

the ~~planning-director~~Community Development Director's final decision. Any party aggrieved by the ~~planning-director~~Community Development Director's final decision may file an appeal of that decision to the hearing examiner in accordance with the city's land use appeal provisions. Such appeals for hearing examiner review must be filed within 14 business days from the date the written decision was made and shall include the following:

- i. The appeal shall be filed on forms provided by the department of planning and development.
- ii. The appeal shall clearly state the decision being appealed, setting forth the specific reason, rationale, and/or basis for the appeal.
- iii. Fees associated with the appeal shall be paid to the city upon filing of the appeal in accordance with a fee schedule established by resolution.

5. Upon filing of a timely and complete appeal, the hearing examiner shall conduct a public hearing to consider the merits of the appeal. This hearing shall be subject to the city's public noticing and public hearing requirements and shall include notification of all parties notified of the ~~planning-director~~Community Development Director's final decision. The hearing examiner may affirm the ~~planning-director~~Community Development Director's decision or may remand the matter to the ~~planning-director~~Community Development Director for further review in accord with the examiner's direction.

6. If no written objection is filed to the initial determination within the specified time limits, the ~~planning-director~~Community Development Director shall render a final decision on the permit in accord with the initial determination.

J. Approval Criteria for Design Review. The ~~planning-director~~Community Development Director or designee may approve, modify and approve, or deny an application for an administrative design review. Each determination granting approval or approval with modifications shall be supported by written findings showing the applicant satisfies all the following criteria:

1. The plans and supplemental materials submitted to support the plan meet the requirements of the specific architectural and site design documents;
2. The proposed development is consistent with the comprehensive plan;
3. The proposed development meets required setback, landscaping, architectural style and materials, such that the building walls have sufficient visual variety to mitigate the appearance of large facades, particularly from public rights-of-way and single-family residential zones.
4. In addition to the criteria in subsections (J)(1) through (3) of this section, for multiple-family residential and retirement apartment projects, the director or designee must determine that the following key review criteria have been met:

- a. The proposed development is arranged in a manner that either:
 - i. Provides a courtyard space creating a cohesive identity for the building cluster and public open space furnished to facilitate its use; or
 - ii. Possesses a traditional streetscape orientation that provides clearly identifiable and visible entries from the street, views from residential units onto the street and reinforces pedestrian-oriented streetscape characteristics (e.g., building edge abutting sidewalk, entries onto the street); or
 - iii. Faces and facilitates views of a major open space system;
- b. The proposed development provides a variety in architectural massing and articulation to reduce the apparent size of the buildings and to distinguish vertical and horizontal dimensions;
- c. The proposed development contains a combination of elements such as architectural forms, massing, assortment of materials, colors, and color bands sufficient to distinguish distinct portions and stories of the building;
- d. Residential buildings in large multiple-family projects or mixed-use projects are physically integrated into the complex possessing sufficiently different appearance or placement to be able to distinguish one building from another;
- e. Unit entrances are individualized by use of design features that make each entrance distinct or which facilitate additional personalization by residents;
- f. Areas dedicated to parking are sufficiently visually broken up and contain a complement of vegetative materials to project a landscaped appearance;
- g. Where applicable, a transition is created that minimizes impacts from multifamily and mixed-use development projects on neighboring lower density residential dwelling units in abutting or adjacent single-family zones; and
- h. Where applicable, in cases of granting density or height bonuses, the project has provided community benefits, facilities or improvements above and beyond those required in the municipal code and supports the goals, objectives and policies of the comprehensive plan. (Ord. 6408 § 1, 2012; Ord. 6287 § 2, 2010; Ord. 6245 § 15, 2009.)

18.57.030 Mixed-use development.

A. All Zones Where Permitted.

1. Multiple-family dwellings shall only occur concurrent with or subsequent to the development and construction of the nonresidential components of the mixed-use development, unless a different sequence is specified allowed in the following code sections.
2. *Vertical Mixed – Use.*
 - a. Mixed-use development comprised of a maximum of one building on a development site shall have a minimum of 50 percent of the ground floor comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall occupy a maximum of 50 percent of the ground floor space.
3. *Horizontal Mixed – Use.*
 - a. Mixed-use development comprised of two or more buildings shall have a minimum of 25 percent of the cumulative building ground floor square footage comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” in Table 18.23.030; provided, that uses normal and incidental to the building including, but not limited to, interior entrance areas, elevators, waiting/lobby areas, mechanical rooms, mail areas, garbage/recycling/compost storage areas, and vehicle parking areas located on the ground floor shall not be included in this 25 percent requirement.
 - b. Mixed-use development comprised of two or more buildings (horizontal mixed-use) shall be arranged with the required nonresidential building(s) located adjacent to the public street or private street and the multifamily located behind. For a corner lot or through lot, the nonresidential building(s) shall be located adjacent to higher classification street.

B. ~~C-2 Zone~~ and C-4 Zones.

1. Vertical mixed-use development is required.
2. All other requirements of subsection A of this section shall apply.

C. C-3 Zone.

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

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

D. C-4 Zone.

1. Vertical or Horizontal mixed-use is allowed.

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

D. *M-1 Zone.*

1. Vertical mixed-use development is required.
2. Ground floor uses shall be comprised of one or more of the uses permitted outright, administratively, or conditionally, listed under “Retail” or “Services” in Table 18.23.030. All other requirements of subsection A of this section shall apply.

E. *EP Zone.*

1. The multiple-family development incorporates sustainable design and green building practices and qualifies to be built green certified.
2. All other requirements of subsection A of this section shall apply. (Ord. 6644 § 3, 2017; Ord. 6478 § 1, 2013; Ord. 6435 § 1, 2012.)

**CITY OF AUBURN**

Planning & Development Department
 Auburn City Hall Annex, 2nd Floor
 1 East Main Street
 Auburn, Washington 98001-4998
 Tel: 253.931.3090
 Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

OFFICE USE ONLY

FILE #:

FILE NAME:

TYPE:

RECEIVED BY:

FEES PAID:

CHECK/CASH:

SUBMITTAL DATE:

LAND USE DESIGNATION:

SEPA SUBMITTAL – APPLICATION**APPLICANT:** ☒ Use mailing address for meeting notification.☒ Check box if Primary ContactCOMPANY: Inland Washington LLCADDRESS: 120 W. Cataldo Ave.(CITY, STATE, ZIP) Spokane, WA 99201PHONE: 509-321-3203

FAX:

E-MAIL: johnf@inlandconstruction.comSIGNATURE: John B. Fisher

(Signature Required)

PRINTED NAME: John Fisher**APPLICANT'S REPRESENTATIVE:**☐ Check box if Primary Contact

COMPANY:

ADDRESS:

(CITY, STATE, ZIP)

PHONE:

FAX:

E-MAIL:

SIGNATURE:

(Signature Required)

PRINTED NAME:

PROPERTY OWNER(S): ☐ Attach separate sheet if needed.☐ Check box if Primary ContactCOMPANY: Auburn Properties Inc.ADDRESS: 20 N. Robertson Blvd.(CITY, STATE, ZIP) Los Angeles, CA 90048

PHONE:

FAX:

E-MAIL:

Auburn Properties, Inc. - A Washington CorporationSIGNATURE: Jill Saperstein

(Signature Required)

PRINTED NAME:

Jill Saperstein
Secretary

Note: Applicant or representative must have property owner's consent to file this application form in order for it to be accepted

PROPERTY INFORMATION (REQUIRED)SITE ADDRESS: 401 49th StreetEXISTING USE OF SITE: vacant

ASSESSOR'S PARCEL ID#

LOT SIZE

ZONING DISTRICT

See Attached

PROPOSED USE OF SITE:

Mixed-useAREA TO DEVELOPED (s.f.): 70 +/- acres



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SEPA SUBMITTAL

SEPA SUBMITTAL – LETTER OF AUTHORIZATION

(A copy of this letter must be submitted for each property owner involved)

I, John Fisher declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the ~~owner~~ ^{Applicant} of the property that is the subject of the application.

2. I ☒ have not appointed anyone, or ☐ have appointed _____ to act as my agent regarding this application.

3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.

4. I agree to hold the City of Auburn harmless as to any claim (including costs, expenses and attorney's fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Auburn, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application.

5. I hereby grant permission for representatives of the City of Auburn and any other Federal, State, or local unit of government with regulatory authority over the project to enter onto my property to inspect the property, take photographs, and post public notices as required in connection with review of this application and for compliance with the terms and conditions of permits and approvals issued for the project.

John B. Fisher
Signature

John Fisher
Printed Name

4/7/2019
Date

Spokane, WA
City and State where signed

120 W. Cataldo Ave.

Spokane, WA 99201
Address



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SEPA SUBMITTAL

SEPA SUBMITTAL – CONCURRENT APPLICATIONS

Please indicate whether you are submitting one or more concurrent applications with this application by checking one or more of the boxes below:

Type I Applications

(administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act [SEPA]):

- ☐ Administrative Use Permit
- ☐ Boundary Line Adjustment
- ☐ Boundary Line Elimination
- ☐ Building Permit
- ☐ Excavation Permit
- ☐ Floodplain Development Permit
- ☐ Grading Permit
- ☐ Home Occupation Permit
- ☐ Land Clearing Permit
- ☐ Mechanical Permit
- ☐ Plumbing Permit
- ☐ Public Facility Extension Agreement
- ☐ Right-of-way Use Permit
- ☐ Short Subdivision
- ☐ Special Permit
- ☐ Temporary Use Permit (administrative)

- ☐ Utility Permit

Type II Applications (administrative decisions made by the city which include threshold determinations under SEPA):

- ☐ Administrative Use Permit
- ☐ Building Permit
- ☐ Floodplain Development Permit
- ☐ Grading Permit
- ☐ Land Clearing Permit
- ☐ Public Facility Extension Agreement
- ☐ Short Subdivision

Type III Applications (quasi-judicial final decisions made by the hearing examiner following a recommendation by staff:

- ☐ Conditional Use Permit
- ☐ Preliminary Plat
- ☐ Special Exceptions

- ☐ Special Home Occupation Permit

- ☐ Substantial Shoreline Development Permit

- ☐ Surface Mining Permit

- ☐ Temporary Use Permit

- ☐ Variance

Type IV Applications (quasi-judicial decisions made by the city council following a recommendation by the hearing examiner):

- ☐ Rezone (site-specific)

OTHERS - as may apply:

- ☒ SEPA _____
- ☐ SHORELINE EXEMPT _____
- ☐ _____
- ☐ _____



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SEPA SUBMITTAL

SEPA SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS & GRAPHICS



Please provide a labeled readable compact disc(s) containing digital versions of all submitted written materials and plans and graphics for use by the City of Auburn during the SEPA review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Written materials should be submitted to be compatible with Microsoft Office desktop software products. Plans and graphics should be submitted in *pdf* or *tif* format.

APPLICATION FEES - Make checks payable to the City of Auburn



All application fees, including, but not limited to: Environmental Review and Public Notice Board Posting Fee. Some fees will not be invoiced until actual costs are known. Link to current fee schedule can be found @ <http://www.auburnwa.gov/community/about/forms.asp>

WRITTEN MATERIALS – Total of ten (10) copies unless otherwise noted



A. **APPLICATION FORM** Provide a **completed** application form signed by the property owner(s) and/or applicant with the completed Application Submittal Checklist. **(Nine (9) bound and one unbound copy)**



B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained with this application packet inclusive of all required signatures and notary information and seal.



C. **CONCURRENT APPLICATIONS FORM** Identify applications that are being submitted concurrent with the SEPA review.



G. **SEPA CHECKLIST.** Submit a **completed** environmental checklist together with the Supplemental Sheet for Non-Project Actions and any supporting documentation, such as a critical areas report (see below), or information to address potential or known environmental impacts resulting from the proposal **(Nine (9) bound and one unbound copy)**.



H. **CRITICAL AREAS REPORT (6 copies, one unbound)**, if applicable, addressing compliance with ACC 16.10 (Critical Areas) prepared by a qualified consultant as defined by ACC 16.10.020 as a person who has attained a degree from an accredited college or university in the subject matter necessary to evaluate the critical area in question (e.g., biology, ecology, or horticulture/arboriculture for wetlands, streams, wildlife habitat, and geology and/or civil engineering for geologic hazards, and hydrogeologist for ground water protection areas), and/or who is professionally trained and/or certified or licensed by the State of Washington to practice in the scientific disciplines necessary to identify, evaluate, manage, and mitigate impacts to the critical area in question.

Known or Suspected Critical Area	Class	Analysis Required	Analysis Prepared
☐ Wetlands	_____	☐	☐
☐ Stream	_____	☐	☐
☐ Wildlife Habitat Area	_____	☐	☐
☐ Geologic Hazard Area Seismic, steep slope, landslide, & erosion	_____	☐	☐
☐ Groundwater Protection Area	_____	☐	☐
☐ Flood Hazard - ACC 15.68	_____	☐	☐
Other:			

- ☒ I. **TRAFFIC IMPACT ANALYSIS (6 copies, one unbound).** If the SEPA submittal is for a new use or an expanded use that will generate traffic, safety or other issues, the City Engineer may require submittal of a traffic analysis prepared by a professional engineer licensed in the State of Washington. The City Engineer may make this determination prior to application submittal as part of a pre-application conference meeting request or as part of coordination with the applicant prior to application submittal.

- ☐ Traffic Analysis required and attached.
☐ Traffic Analysis is not applicable as determined by the City Engineer
☐ Don't know

- ☒ K. **PRELIMINARY STORM REPORT (6 copies, one unbound).** Depending on the size and nature of the project, the City engineer may require submittal of a preliminary storm report prepared by a professional engineer licensed in the State of Washington. The City Engineer may make this determination prior to application submittal as part of a pre-application conference meeting request or as part of coordination with the applicant prior to application submittal. The storm report shall include a minimum of a quarter mile downstream analysis. (Additional information may be required if such analysis does not fully address stormwater impacts).

- ☐ Preliminary Storm Report required and attached.
☐ Preliminary Storm Report is not applicable as determined by the City Engineer
☐ Don't know

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [HELP]

1. Name of proposed project, if applicable: Auburn Gateway
2. Name of applicant: Inland Washington, LLC
3. Address and phone number of applicant and contact person: 120 W. Cataldo Ave. Spokane, WA 99201. Attn: John Fisher
4. Date checklist prepared: 4/9/2019
5. Agency requesting checklist: City of Auburn
6. Proposed timing or schedule (including phasing, if applicable): Construction starting late 2019 with phased occupancy occurring summer 2020.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Development of future commercial buildings may begin subsequent to or concurrent with the Copper Gate Apartments
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. An EIS and addenda has been prepared for this project. A Phase I, habitat study, and geotechnical evaluations have also been completed.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None known
10. List any government approvals or permits that will be needed for your proposal, if known. Grading and storm water permit, building permits, water & sewer permits, construction stormwater permits. ROW dedication, boundary line adjustment.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) A phased development consisting of 500 units of multifamily housing on 32+/- acres between 49th and 45th street and a commercial phase of development consisting of multiple buildings between 277th and 49th street. All development to be connected with a proposed extension of 49th from "D" Street to "I" Street. Construction of parking areas, landscaping, dry and wet utilities to serve all buildings.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications

related to this checklist. The site is referred to as Auburn Gateway and is generally between 277th and 45th street to the north and Auburn Way to "I" Street to the east.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

(circle one): ~~Flat, rolling, hilly, steep slopes, mountainous, other~~ _____

b. What is the steepest slope on the site (approximate percent slope)? N/A

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Loose to medium stiff silt consistent with alluvium material.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. With respect to erosion and landslide hazards, no potential geological hazard was identified. However, with respect to seismic hazards, the subject site is mapped within a liquefaction hazard area.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. Grading will occur to facilitate construction of the project. Approximately 50 acres are expected to be disturbed. Approximate fill: 150,000 cubic yards. Approximate cut: 150,000 cubic yards. Fill material will either be from onsite soils or an approved source.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. It is possible that some erosion could occur as site development activities occur. Construction activities including stripping and grading will expose soils to the erosion effects of wind and water. Erosion control Best Management Practices will be implemented to limit erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? The proposed site (including new public roadways, residential and commercial developments, and associated stormwater management areas and wetlands) will have approximately 50% impervious surface coverage after completion of the project.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: Proper erosion control methods during construction (i.e. silt fences, temporary swales, etc.); non-impervious surfaces will be re-vegetated. Post construction surfaces will be stabilized by buildings, concrete, paving and landscaping.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Dust and automobile emissions will increase during construction activities; automobile emissions will increase after the project is complete due to increased traffic. Approximate quantities unknown.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None Known
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Dust control methods during construction and a defined path of travel for construction equipment entering and exiting the site to keep roadways as clean as practical. Upon completion of construction, pervious area will be re-vegetated in accordance with City of Auburn landscaping development standards.

3. **Water** [help]

a. Surface Water: [help]

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Seasonal streams are present to the east of the property and flows into the Green River.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes, portions of the offsite roadways and storm drainage facilities will be within 200 feet of the seasonal streams.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. No filling or dredging of surface waters or wetlands are proposed with the project.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
Yes
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Withdrawal or injection to groundwater are not anticipated with this project.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. No waste material will be discharged into the ground. Development to be served by public sewer.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Stormwater runoff from building roofs, concrete walks, asphalt pavement, and landscaped areas will be collected by roof downspouts and catch basins and conveyed to a stormwater detention system or dispersion trenches. Stormwater discharges from the site will flow to existing wetlands or ditches, ultimately flowing to the Green River.
- 2) Could waste materials enter ground or surface waters? If so, generally describe. No
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. The stormwater system for the project will be designed to maintain existing drainage patterns and discharge locations to the greatest extent feasible.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: During the construction phase, temporary erosion control measures, ongoing maintenance, soil stabilization and other best management practices will be implemented to help reduce and control impacts from the project. Permanent measures to reduce and control runoff from the completed project will include catch basins, underground conveyance pipe, detention and water quality treatment as determined necessary. The

stormwater system will be designed to maintain wetland hydrology in accordance with the Washington State Department of Ecology Stormwater Management Manual for Western Washington.

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? The site is a former drive in theatre and generally does not have much existing vegetation. Area will be removed from building and parking areas and vegetation will be replaced with landscaping.

c. List threatened and endangered species known to be on or near the site. None Known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Previous areas of the site will be landscaped with a combination of trees, shrubs, groundcover, and grass, native plants will be used as possible. A licensed landscape architect will design the site according to City of Auburn code.

e. List all noxious weeds and invasive species known to be on or near the site. None known.

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, X songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. None Known
- c. Is the site part of a migration route? If so, explain. Not Known
- d. Proposed measures to preserve or enhance wildlife, if any: Existing delineated wetlands will be preserved and protected.
- e. List any invasive animal species known to be on or near the site. None Known

6. **Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. The completed project will use electric and natural gas for heating and cooling.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No impact anticipated.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: The residential portion of the project will comply with the Washington Evergreen Sustainable Design Standards.

7. **Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. No
 - 1) Describe any known or possible contamination at the site from present or past uses. None Known
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None Known
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating

life of the project. None

- 4) Describe special emergency services that might be required. Emergency services will consist of typical fire, police and paramedic/ambulance services. No special services are required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:
Buildings may be equipped with fire sprinklers, extinguishers, and smoke detectors.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Existing noise from Auburn Way N. and 277th are present.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Some short term noise from construction activities; long term noise from typical outdoor residential activities, and residential traffic.
- 3) Proposed measures to reduce or control noise impacts, if any: Provide landscaping to buffer noise.

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. The site is the former Valley 6 drive in theatre. The proposal does not affect land uses on nearby or adjacent properties.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? The northwest portion of the site has been used for farm land.
 - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No

c. Describe any structures on the site. None

d. Will any structures be demolished? If so, what? No

e. What is the current zoning classification of the site? C-4

f. What is the current comprehensive plan designation of the site? Northeast Auburn

g. If applicable, what is the current shoreline master program designation of the site? N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
A wetland has been delineated with a covenant on the site.

i. Approximately how many people would reside or work in the completed project?
Approximately 875 residents would live at Auburn Gateway.

j. Approximately how many people would the completed project displace? None

k. Proposed measures to avoid or reduce displacement impacts, if any: N/A

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The project will be designed in accordance with City of Auburn zoning and development codes.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: None proposed.

9. **Housing** [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. 500 units of middle to low-income housing.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None

c. Proposed measures to reduce or control housing impacts, if any: None

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? 50 feet
- b. What views in the immediate vicinity would be altered or obstructed? None observed
- b. Proposed measures to reduce or control aesthetic impacts, if any: This project will be required to go through a design review process.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Lighting will be provide within the site as to the City of Auburn requirements and CPTED design. It will be designed to minimize glare and will be on from dusk to dawn.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No
- c. What existing off-site sources of light or glare may affect your proposal? None observed
- d. Proposed measures to reduce or control light and glare impacts, if any: The project will utilize shielded/cutoff light fixtures to control glare with reduced lighting levels during late night hours.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? The nearest park is Brannan Park to the south.
- b. Would the proposed project displace any existing recreational uses? If so, describe. No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Onsite recreation will be provided to residents including pool, splash pad, playgrounds, and sport courts. Walking trails and a central community space will provided to the public.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. No
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Reviewed the Washington Department of Archeology and Historic Preservation maps.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. None

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. The site is served by Auburn Way North to the west, S. 277th Street to the north, and 45th Street NE to the south. Improvements to D Street NE, 49th Street NE, and I Street NE will be completed as a part of the project.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? The site is served by King County Metro bus route 180, with stops on Auburn Way North at 45th Street NE, 49th Street NE, and S. 277th Street.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? The completed project would have 870 parking spaces for the residential portion and a projected 570 for commercial. The specific number of parking stalls are unknown at this time, but would be targeted to meet City of Auburn Code for 80,000 gsf of retail space. No current parking spaces would be eliminated.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). A number of improvements were identified in the previous environmental review conducted for this site. These improvements were

memorialized in a Development Agreement. The improvements identified included improvements to S 277th Street, extension of I Street from 45th Street NE to S 277th Street and the potential signalization of the Auburn Way/49th Street NE and Auburn Way/45th Street NE intersections. An updated traffic study is being prepared and will be submitted and reviewed by City staff to confirm what improvements would be required given the significant decrease in site trip generation of the current proposal as compared to the previous development plans.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? The full buildout of the project is expected to generate 379 PM peak hour trips, which is the time frame when peak volumes are expected to occur. Project trips were estimated using the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition, the ITE *Trip Generation Handbook*, 3rd Edition, and the National Cooperative Highway Research Program's (NCHRP) Report 684: Enhancing Internal Trip Capture Estimation for Mix-Use Developments.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. No
- h. Proposed measures to reduce or control transportation impacts, if any: Improvements will be defined based on the City's review of the traffic analysis conducted for the current proposal.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. Fire, police, and ambulance services will be required as would be expected for a development of this type and size. Additional residents, including children, will be added to the area because of the development.
- b. Proposed measures to reduce or control direct impacts on public services, if any. Public roadways and private drives will be designed to accommodate emergency vehicles as required by code. Water system improvements will provide required fire flow to the project.

16. Utilities [\[help\]](#)

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, ~~septic system~~,
other _____

c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The proposed building will require all common utilities currently provided at the subject site.

Electricity – Puget Sound Energy

Natural Gas – Puget Sound Energy

Refuse Service – Waste Management

Telephone – CenturyLink

Water – City of Auburn

Sanitary Sewer – City of Auburn

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization Developer, Inland Group

Date Submitted: 4/10/2019

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

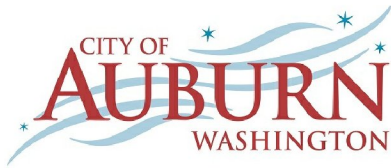
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Review of Chapters 4-6 of the SMP and remainder of the CAO

Date:

July 5, 2019

Department:

Community Development

Attachments:

[Memorandum](#)

[Exhibit 1 – Second Half of Chapter 4 and Chapters](#)

[5-6 of the SMP Updates](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

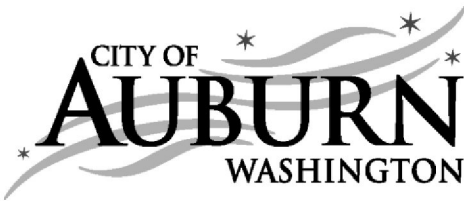
See Attached

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

Gouk

Meeting Date: July 16, 2019

Item Number:



MEMORANDUM

TO: Judi Roland, Chair, Planning Commission
Roger Lee, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Thaniel Gouk, Senior Planner, Department of Community Development

DATE: July 3, 2019

RE: Shoreline Master Program Periodic Update and Critical Areas Ordinance Update

Included in this memo for review by the Planning Commission (PC) is the second half of Chapter 4 and Chapters 5-6 of the SMP (the PC reviewed Chapters 1-3 at the May 7th meeting and 1st half of Chapter 4 at the June 4th meeting). Staff had previously discussed with the PC that additional changes to the Critical Areas Ordinance (CAO) would also be provided at this meeting, however, the remaining proposed changes are minimal and are also still being reviewed by the City's Utilities Division and the WA State Dept. of Health. These changes only include updating the language in the CAO for aquifer recharge areas. Currently the CAO only applies protections for aquifer recharge areas (meaning those areas that supply water for potable water wells) to the City's wells, and not other public or private wells (e.g. Lake Meridian Water District, Logandale Water Association, etc.). These changes will still be brought to the Planning Commission, however, will likely just be rolled into the overall public hearing review for the CAO and SMP.

This portion of the SMP includes proposed/updated language for nonconforming structures, uses, and lots. Staff anticipates that this new language would have a more straightforward process for nonconforming lots that are difficult to build on (difficult in this instance more relates to the paperwork that is involved). This language includes provisions for a "modest home" that other jurisdictions have had luck with implementing. Essentially it allows flexible development standards if the footprint of the home, driveway, etc. are minimized and the buffers are enhanced or maintained between the home and the river.

The other changes include:

- Clarifying when a fence can be maintained/replaced if the boundaries of the floodway change. This language was been coordinated with the City's Floodplain Manager. The proposed language is as follows (also near the end of Section 4.7.8 on Exhibit 1):

10. Fences.

- a. No fence shall extend waterward of the OHWM; and,
- b. Fences waterward of the furthest waterward extension of the house shall be limited to four feet in height or less.
- c. Fences shall not be constructed in the floodway.
 - i. For instances where a floodway boundary changes, existing legally established fences may be maintained and repaired in place. Replacement fences shall be relocated outside of the floodway.

- Chapter 6, which contains the rules for permitting in the shoreline jurisdiction, is a copy of Chapter 16.08 ACC 'Shoreline Management Administrative and Permitting Procedures'. In talks with the Dept. of Ecology, it is recommended to remove the ACC code section and only keep a copy in the SMP. This will ensure consistency.

NEXT STEPS

If the Planning Commission concurs, Staff proposes to have a public hearing on the updates to the SMP and CAO in August or September.

ATTACHED EXHIBITS

Exhibit 1 – Second Half of Chapter 4 and Chapters 5-6 of the SMP Updates

4.4.104.4.9 Nonconforming Use and Development Standards

Policies

1. Legally established uses and developments that predate the City's Shoreline Master Program (1973, as amended) should be allowed to continue as legal nonconforming uses provided that future development or redevelopment does not increase the degree of nonconformity with this program.

Regulations

1. Nonconforming structures.

- a. Structures that were legally established and are used for a conforming use but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired.

~~a.b. Nonconforming structures and~~ may be enlarged or expanded provided that said enlargement meets the applicable provisions of the SMP. The proposed expansion shall ~~does~~ not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or ~~uses~~ structures, unless a Shoreline Variance is obtained.

~~b.c. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that a~~ Nonconforming single-family residences that are located landward of the ordinary high water mark OHW may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040-(2)(g) upon approval of a Shoreline Conditional Use Permit.

- ~~2. A use which is listed as a conditional use, but which existed prior to adoption of the master program or any relevant amendment and for which a Shoreline Conditional Use Permit has not been obtained shall be considered a nonconforming use.~~

~~a.d.~~ A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

~~b.e.~~ In the absence of other more specific regulations, Aa structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Shoreline Conditional Use Permit. A Shoreline Conditional Use Permit may be approved only upon a finding that:

- i. No reasonable alternative conforming use is practical; and
- ii. The proposed use will be at least as consistent with the policies and provisions of the Shoreline Master Program and as compatible with the uses in the area as the preexisting use; and
- ~~— Meets WAC conditional use permit review criteria.~~

In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the

Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

e.f. A nonconforming structure which is moved any distance must be brought as closely as practicable into conformance with the Shoreline Master Program.

d.g. If a nonconforming development structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within ~~six months~~ two years of the date the damage occurred, ~~all permits are obtained and the restoration is completed within two years of permit issuance.~~

2. Nonconforming uses.

a. Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses.

b. In the absence of other more specific regulations in the master program, such uses shall not be enlarged or expanded, except upon approval of a conditional use permit.

c. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be made conforming unless re-establishment of the use is authorized through a conditional use permit which must be applied for within the two-year period. Water-dependent uses should not be considered discontinued when they are inactive due to dormancy, or where the use includes phased or rotational operations as part of typical operations. A use authorized pursuant to subsection (61)(e) of this section shall be considered an allowed nonconforming use for purposes of this section.

3. Nonconforming lots.

a. 10. — An nonconforming undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the Act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government City and so long as such development conforms to all other requirements of the applicable master program and the Shoreline Management Act. New single-family development on nonconforming lots shall meet the development standards established in Section 4.7.8 of this SMP, except as provided in the following subsections (b-c).

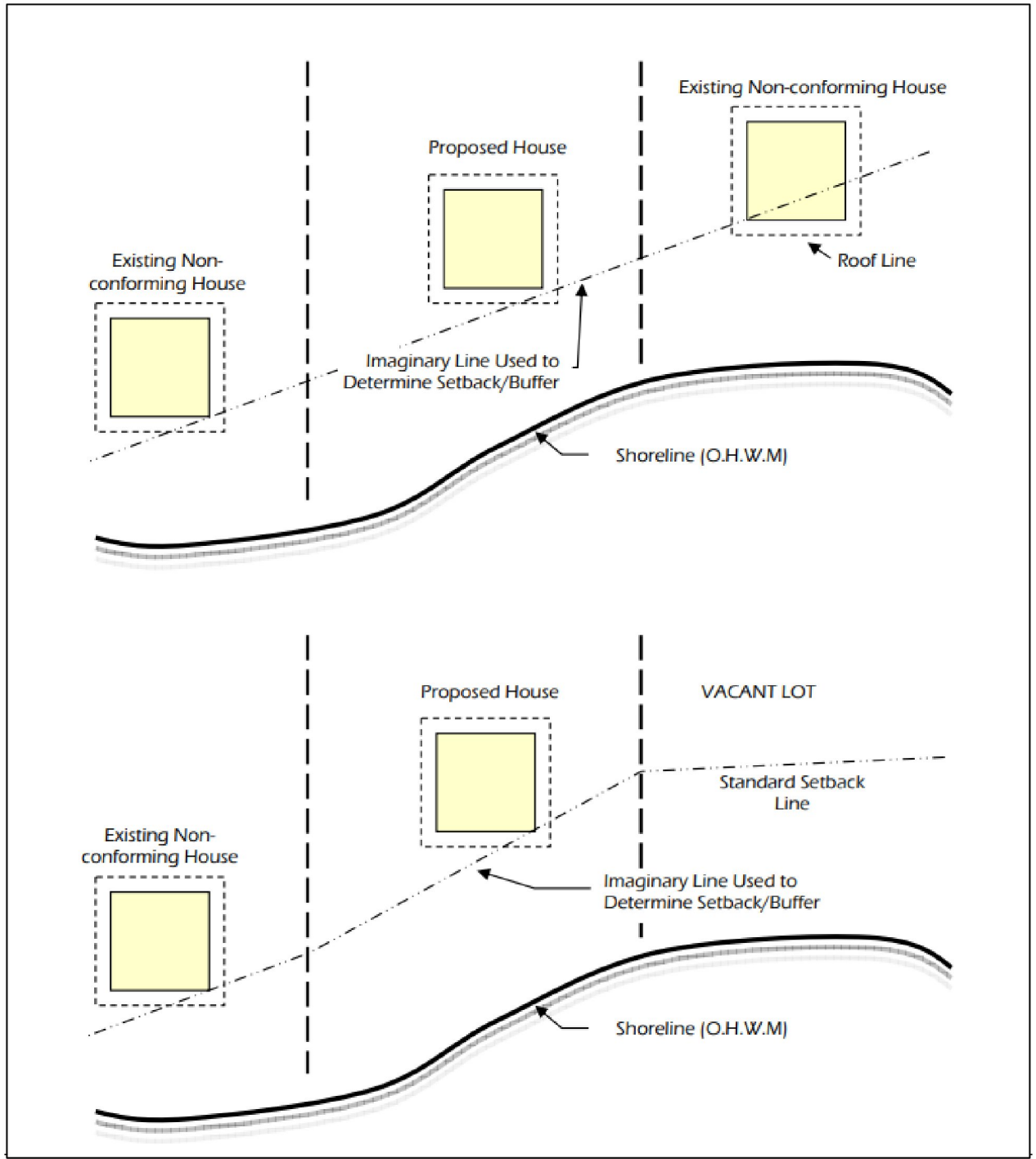
b. Nonconforming lots – Modest Home Provision (development allowed without a variance). New single-family development on a vacant legal lot within the shoreline jurisdiction that is significantly encumbered by the shoreline buffer may be allowed without a Shoreline Variance when:

i. There is no opportunity to consolidate lots under common ownership that will alleviate the nonconformity; and

ii. The building area lying landward of the shoreline buffer and interior to the required side yard and front yard setbacks is not more than 2,500 square feet for a single-family residence, otherwise all the provisions of the SMP apply. Building area means the entire area utilized to construct a single-family residence (including all

- appurtenances, except driveways). A driveway shall not be more than 600 square feet and must be entirely on the landward side of all structures; and
- iii. The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas, as determined by the Director after recommendation by a qualified consultant; and
 - iv. The lot does not contain any critical geologic hazard areas as defined in Chapter 16.10 ACC; and
 - v. All structures are as far landward as possible and not closer than 30 feet from the OHWM; and
 - vi. At least 80 percent of the buffer area between the structures and the shoreline and/or critical area is maintained or enhanced to a naturally vegetated condition; and
 - vii. All single-family residences approved under this section shall not extend waterward of the common-line setback/buffer (see the following and Figure 1 below), as determined by the Director. The setback can be determined as follows:
 - 1. Where there are existing legally established non-conforming residences that encroach on the established setback within 200 feet of either side of the proposed building footprint, the Director may reduce the required setback/buffer for the single-family residence (see Figure 1 below). In such cases, the proposed residence may be set back from the OHWM to a common line drawn between the nearest corners of each adjacent residence. The common line buffer does not include measurements from appurtenant or accessory structure.
 - 2. In those instances where only one existing non-conforming single-family residence is within 200 feet of the proposed building footprint, the Director may reduce the setback/buffer of the proposed structure to a line drawn between the nearest corner of the existing adjacent residence and the nearest applicable setback for the adjacent vacant parcel.
 - 3. In no case shall the reduced setback/buffer applied be less than 30 feet landward of the OHWM. In all cases, buffers shall meet the requirements of 4.4.9(3)(b)(iv), above.
 - 4. Any further setback/buffer reduction for non-conforming lots beyond that what is allowed in this section shall require approval of a Shoreline Variance.

Figure 1. Common-Line Setback.



4.5 Permitted Use Table

The following table illustrates which shoreline modifications and shoreline uses are allowed or prohibited in each shoreline environment. This table is intended for reference purposes only.—Refer to text sections of the SMP for all applicable provisions related to specific uses and modifications. If information in the table conflicts with provisions in other parts of the SMP conflict, the provisions contained in text sections of the SMP shall apply.

- P** = Permitted - Permitted uses may require Shoreline Substantial Development Permits and any other permits required by the Auburn Municipal Code and/or other regulatory agencies.
- C** = Conditional Use - Conditional uses require Shoreline Conditional Use Permit and may require other permits required by the Auburn Municipal Code and/or other regulatory agencies.
- X** = Prohibited

Table 12. Permitted Use

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	Urban Conservancy	Shoreline Residential
Minimum Setbacks from OHWM	200-feet	100-feet	100-feet
Shoreline Modification			
Breakwaters, jetties, groins, and weirs	X	X	X
Dredging and Dredge Material Disposal	P: For maintaining location, depth, and width previously authorized under this program. C: For habitat maintenance and improvement and flood protection in consultation with the WDFW. X: All other dredging and disposal.	P: For maintaining location, depth, and width previously authorized under this program. C: For habitat maintenance and improvement and flood protection in consultation with the WDFW. X: All other dredging activities.	P: For maintaining location, depth, and width previously authorized under this program. C: For habitat maintenance and improvement and flood protection in consultation with the WDFW. X: All other dredging activities.
Dune modification	X	X	X
Piers and Docks	X	X	X
Structural flood hazard reduction (dikes and levees)	C: Replacement or rehabilitation of existing levees or dikes. X: New levees or dikes.	P: Replacement or rehabilitation of existing levees. X: New levees or dikes.	P: Replacement or rehabilitation of existing levees. X: New levees or dikes.

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	Urban Conservancy	Shoreline Residential
Shoreline Stabilization (Bulkheads and Revetments)	X	P: If accessory to single-family residence. C: If not accessory to a single-family residence.	P: If accessory to single-family residence. C: If not accessory to a single-family residence.
Clearing and Grading	P: If associated with allowed shoreline development.	P: If associated with allowed shoreline development.	P: If associated with allowed shoreline development.
Fill	C: For activities associated with habitat restoration. X: All other fills.	P: Fills at or above the OHWM or the natural bank, whichever is less if associated with allowed shoreline development. Fills extending waterward of OHWM for restoration projects only. C: Fills extending waterward of OHWM for water dependent uses only.~	P: Fills at or above the OHWM or the natural bank, whichever is less if associated with allowed shoreline development. Fills extending waterward of OHWM for restoration projects only. C: Fills extending waterward of OHWM for water dependent uses only.~
Shoreline Habitat and Natural Systems Enhancement Projects	P	P	P
Shoreline Use			

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	Urban Conservancy	Shoreline Residential
Agriculture	P: Existing and ongoing agricultural activities. X: All other agricultural activities.	P: Existing and ongoing agricultural activities. X: All other agricultural activities.	P: Existing and ongoing agricultural activities. X: All other agricultural activities.
Aquaculture	C: Fish hatcheries and associated facilities. X: All other aquaculture activities and uses.	C: Fish hatcheries and associated facilities. X: All other aquaculture activities and uses.	X
Boating Facilities	X	P: Boat launching ramps open to the public otherwise prohibited.	P: Boat launching ramps open to the public otherwise prohibited.
Commercial Development	X	X	X
Forest Practices	X	X	X
Industrial Development	X	X	X
In-stream Structures	C: Fish Hatcheries and associated facilities.	-C	-C
Mining	X: New or expanded mining.	X: New or expanded mining C: Existing mining and related activities.	X: New or expanded mining.

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	Urban Conservancy	Shoreline Residential
Recreation	P: Unpaved bridle, bicycling and hiking trails, including over water pedestrian bridges; viewpoints, including interpretative viewpoints; fishing access areas not requiring structural facilities; and pedestrian boardwalks. X: Golf courses; ORV trails and areas; resorts; high intensity parks; walk-in campgrounds.	P: Paved and unpaved bridle/bicycling/ walking trails, interpretive viewpoints, pedestrian boardwalks and piers, pedestrian bridges, over water, water-enjoyment uses, golf courses, and incidental retail activity in conjunction with a public access pier. C: Non-water related uses. X: Walk in campgrounds, resorts, off road vehicles (ORV) trails	P: Paved and unpaved bridle/bicycling/walking trails, interpretive viewpoints, pedestrian boardwalks, pedestrian bridges, over water. C: Non-water related accessory uses and water-enjoyment uses. X: Golf courses, incidental retail activity associated with a recreational use, walk in campgrounds, resorts, and off road vehicles (ORV) trails.
Residential Developments	P: Residential development and land divisions are permitted provided no improvements are located within the required buffer.	P: Uses commonly accessory to single family residences. C: New single-family residence¹; C: Residential subdivisions; multi-family residential development.	P: New a single-family residence; residential subdivisions; and uses accessory to single family residences. C: Multifamily development.
Signs	P: Warning signs, navigational signs, and informational signs. X: Commercial signs.	P	P
Permanent Solid Waste Storage or Transfer Facilities	X	X	X
Transportation Facilities (Roads and Bridges)	P	P	P

Shoreline Modification or Use	Shoreline Environment Designations		
	Natural	Urban Conservancy	Shoreline Residential
Transportation Facilities (Railroads)	X	P: Pedestrian overpasses and underpasses. C: Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks or expansion of railroads within the existing right-of-way. X: Expansion of existing railroad into new right of way and new railroads.	P: Pedestrian overpasses and underpasses. C: Relocation of existing tracks landward of an existing right-of-way with no expansion in the number of tracks or expansion of railroads within the existing right-of-way. X: Expansion of existing railroad into new right of way and new railroads.
Utilities	C: Underground linear utility facilities and primary conveyance facilities (pump stations and pipelines), but only when unavoidably necessary to cross a body of water; Storm drain outfalls. X: Site-specific utility facilities (i.e. sewage treatment plant, water reclamation, electrical substations); Linear utility facilities except as listed above.	P: Storm drain outfalls; primary conveyance and distribution facilities such as pipes and pump stations; accessory utility facilities to serve allowed development. C: Primary utilities such as transmission facilities; reclaimed water facilities; potable water production; wastewater treatment plant,; and storm water storage or treatment ponds. X: Reclaimed water discharge/application facilities.	P: Storm drain outfalls; primary conveyance and distribution facilities such as pipes and pump stations; accessory utility facilities to serve allowed development. C: Primary utilities such as transmission facilities and storm water storage and treatment ponds. X: Wastewater treatment plants; reclaimed water facilities; potable water production facilities.
Unclassified Uses	C	C	C

4.6 Shoreline Modification

Shoreline modifications are generally related to construction of a physical element such as a levee, bulkhead, or pier at or near the river's edge or extending into the channel. Other shoreline modification actions include dredging, filling, or vegetation clearing in the shoreline jurisdiction. Modifications are usually undertaken in support of or in preparation for an allowed shoreline use or development.

4.6.1 Prohibited Modifications

The following shoreline modifications are prohibited in all shoreline environments unless addressed separately in this ~~s~~Shoreline ~~m~~Master ~~p~~Program under another use:

1. Breakwaters, jetties, groins, and weirs;
2. Dune modifications; and
3. Piers and docks.

4.6.2 Dredging and Dredge Material Disposal

Policies

1. Dredging and dredge material disposal should be done in manner, which avoids or minimizes significant ecological impacts. Where impacts cannot be avoided, mitigation measure are required that result in no net loss of shoreline ecological functions.
2. Dredge spoil disposal in water bodies, on shorelands, or wetlands within a river's channel migration zone should be discouraged, except as needed for habitat improvement.
3. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Regulations

1. Dredging of bottom materials for the sole purpose of obtaining fill material or aggregate resources is prohibited, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high-water mark. The project must be either associated with a MTCA or CERCLA habitat restoration project or, if approved through a ~~s~~Shoreline ~~e~~Conditional ~~u~~Use ~~p~~Permit, any other significant habitat enhancement project.
2. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining location, depth, and width previously authorized under this program.
3. Material dredged in conformance with state and federal water quality standards may be used in permitted fill projects.
4. Returned water from any dredge material disposed of on land shall meet all applicable water quality standards and regulations. If necessary, disposal sites shall be protected by berms and outlets to remove suspended solids and to ensure that the quality of return water meets state Department of Ecology standards.

5. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use or activity.
6. Disposal of dredged materials in water areas shall only be permitted in an approved disposal site for habitat improvement, to correct material distribution problems affecting fish resources, where depositing materials on land would be more detrimental to shoreline resources than water deposition, or as fill in conjunction with an environmental remediation project.
7. Disposal of dredge material on shorelands or wetlands within a river's channel migration zones shall be prohibited. Proposals for the disposal of dredged materials in shoreline jurisdiction shall require a ~~Conditional Use~~ Use Permit and must show that the site will be suitable for uses permitted for that shoreline environment.

4.6.3 Piers and Docks

Policies

1. The City should discourage the construction of new piers, docks, or floats in the shoreline jurisdiction along the Green and White Rivers.

Regulations

1. Construction of new piers, docks, or floats or expansion of existing piers, docks, or floats shall be prohibited except as necessary for habitat monitoring or habitat improvement projects.
2. Maintenance of existing legally established piers, docks, and floats shall be allowed provided that maintenance activities do not adversely impact shoreline ecological functions.

4.6.4 Shoreline Stabilization (bulkheads and revetments)

Policies

1. Shoreline stabilization activities that may necessitate new or increased shoreline stabilization on the same or other affected properties where there has been no previous need for stabilization should be discouraged
2. New shoreline uses and development be located away from the shoreline in order to preclude the need for new shoreline stabilization structures.
3. Structural or "hard" shoreline stabilization techniques and structures should be allowed only after it is demonstrated that non-structural or "soft" shoreline protection measures are not feasible.
4. The cumulative effect of allowing bulkheads or revetments along river segments should be evaluated.—If it is determined that the cumulative effects of bulkheads or revetments would have an adverse effect on shoreline functions or processes, then permits should not be granted.
5. Bulkheads should not be permitted as a solution to geo-physical problems such as mass slope failure, sloughing, or land-slides.—Bulkheads and revetments should only be approved for the purposes of protecting existing developments by preventing bank erosion by the rivers.

Regulations

1. Bulkheads or revetments shall be designed, constructed and maintained in a manner that does not degrade ecological function including fish habitat, and shall conform to the requirements of the Washington State Department of Fish and Wildlife criteria and guidelines.
2. The builder of any bulkhead or revetment shall be financially responsible for determining the nature and the extent of probable adverse effects on fish and wildlife or on the property of others caused by his construction and shall propose to the City actions to minimize such effects.
3. A person who has received approval to construct a bulkhead in keeping with these regulations may be required to grant adjacent property owners the privilege to tie in and meet with a bulkhead when they have an approved permit.
4. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.
5. Repair and maintenance shall maintain the aesthetic integrity of the existing structure.
6. Bulkheads or revetments shall be constructed of suitable materials that will serve to accomplish the desired end with maximum preservation of natural characteristics. Automobile bodies, other junk, solid waste or other materials with the potential for water quality degradation shall not be used. Design and construction methods shall consider aesthetics and habitat protection.
7. New or enlarged structural shoreline stabilization measures for an existing development or residences shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion. The geotechnical report must include estimates of erosion rates and damage within three years and must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement as a means of reducing erosion and promoting bank stability. The report must demonstrate that “soft” shoreline protection measures or bioengineering erosion control designs will not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property.
8. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents, tidal action, or waves. At the discretion of the City Engineer, the demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer or related licensed professional. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.
9. Provided that regulation #8 has been met, the replacement of lawfully established, existing bulkheads or revetments shall be allowed, subject to the following priority system:
 - a. First priority. The first priority for replacement of bulkheads or revetments shall be to install “soft” shoreline protection measures or bioengineering erosion control designs.
 - b. Second priority. The second priority for replacement of existing bulkheads or revetments shall be to install “hard” shoreline protection measures only when “soft” measures would

- not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property.
 - c. Third priority. The third priority for replacement of bulkheads or revetments shall be landward of the existing bulkhead.
 - d. Fourth Priority. The fourth priority for replacement of existing bulkheads or revetments shall be to replace in place (at the bulkhead's existing location).
 - e. Fifth Priority. The fifth and last priority for replacement of existing bulkheads shall be a one-time replacement no greater than three feet waterward of the existing bulkhead. Under this fifth priority, documentation must be provided that habitat will not be adversely impacted and habitat friendly materials shall be used. The property owner shall also demonstrate that removing the existing structure would either
 - i. Cause irreversible environmental damages, or
 - ii. Undermine and damage the residential structure on the property.
10. When evaluating a proposal against the above priority system, at a minimum the following criteria shall be considered:
 - a. Existing topography;
 - b. Existing development;
 - c. Location of abutting bulkheads; and,
 - d. Impact to habitat.
 11. Bank protection material shall be placed on/from the bank. Dumping of bank protection material directly from a truck bed onto the bank face is prohibited.
 12. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water.
 13. When riprap is washed out and presents a hazard to the safety of recreational users, it shall be removed by the owner of such material.
 14. Whenever feasible, trees and vegetation shading streams and rivers shall be retained when riprap is placed.

4.6.5 Clearing and Grading

Policies

1. Clearing and grading activities should only be allowed in association with a permitted shoreline development.
2. Clearing and grading activities shall be limited to the minimum necessary for the intended development, including residential development.

Regulations

1. Clearing and grading activities shall only be allowed in association with an allowed (permitted) shoreline development.

2. Clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part a landscape plan.–If the area of clearing or grading totals one-acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the NPDES Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP).–If the area of clearing or grading is less than one-acre, but includes disturbance in shoreline jurisdiction, a Temporary Erosion and Sediment Control (TESC) Plan shall be required.–The TESC Plan shall employ best management practices (BMPs) consistent with ~~city~~City engineering design and construction standards.
3. Clearing and grading activities shall adhere to a prepared schedule and mitigation plan as approved by the Director. This schedule and mitigation plan shall include, but not be limited to, limits of clearing and grading activities and the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation.
4. All grading shall be completed or stabilized by October 31st of each year unless the applicant provides technical analysis that demonstrates to the satisfaction of the Director that no harm to the shoreline environment or safety problems would result from grading between October 31st and April 1st.
5. Clearing invasive non-native shoreline vegetation listed on the King or Pierce County Noxious Weed List is permitted in the shoreline, provided hand held equipment is used and native vegetation is promptly reestablished in the disturbed area.

4.6.6 Fill

Policies

1. Fill placed waterward of the OHWM should be prohibited and only allowed to facilitate water-dependent uses or restoration projects.
2. Where permitted, fill should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Shoreline Master Program.
3. The perimeter of fill activities should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time.

Regulations

1. Fill extending no further than the OHWM or the natural bank, whichever is less, may be permitted provided that probable significant adverse impacts are mitigated.
2. Fill for the purpose of creating new land shall be permitted only for water dependent uses.
3. Fill placed waterward of the OHWM for restoration purposes, such as nourishment of shoreline areas, shall be permitted.
4. Perimeters of cuts and fills shall be provided with vegetation, riprap, retaining walls, or other approved means for slope protection.

5. Fill materials shall not cause violation of water quality standards or otherwise be toxic to humans or to fish and wildlife.

4.6.7 Shoreline Habitat and Natural Systems Enhancement Projects

Policies

1. All proposed shoreline habitat and natural systems enhancement projects should assure that the activities associated with each project address legitimate restoration needs and priorities and facilitate implementation of the Restoration Plan developed with this Shoreline Master Program pursuant to WAC 173-26-201(2)(f).

Regulations

1. A shoreline habitat or natural systems enhancement project involving environmental remediation activities shall not harm human health or the environment. -Cleanup methods shall not have significant negative impacts on adjacent and existing land uses in the area.
2. Where possible, habitat improvement projects shall be protected in perpetuity through a conservation easement conveyed to the ~~city~~City or public agency. -The Director of ~~Planning, Building and Community~~ may approve other forms of encumbrances. If future development proposes to impact existing habitat improvement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts and, further, that adequate mitigation is provided to address unavoidable losses.
3. Habitat improvements shall use an ecosystem or landscape approach, integrate projects into their surrounding shoreline environments and include greenbelts for species movement and use.
- ~~3-4.~~ The City may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215. "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.

4.7 Shoreline Uses

Shoreline use activities are developments or activities that exist or are anticipated to occupy shoreline locations.

Regulations are developed on the premise that all appropriate shoreline uses require some degree of control to minimize adverse ~~a~~effects to the shoreline environment and adjoining properties.

Each proposed development within the Shoreline Management Act's jurisdiction will be evaluated to determine its conformance with the use activity policies and regulations, as well as the Shoreline Management Element goals and policies, the SMA, and the SMP. Even uses and activities that are exempt from the requirements for a ~~s~~Shoreline ~~s~~Substantial ~~d~~Development ~~p~~Permit must be consistent with the policies and regulations of the SMP, the SMA, and its provisions.

4.7.1 Prohibited Uses

The following uses are prohibited in all shoreline environments unless addressed separately in this ~~s~~Shoreline ~~m~~Master ~~p~~Program under another use:

1. Boat houses;
2. Commercial development;
3. Forest practices;
4. Industrial development;
5. New or expanded mining; and
6. Permanent solid waste storage or transfer facilities.

4.7.2 Agriculture

Policies

1. This Program allows for existing, ongoing agricultural activities while also maintaining shoreline ecological functions and processes.
2. Agricultural activities that do not meet the definition for existing and ongoing agricultural activities should not be allowed in the shoreline.
3. Appropriate farm management techniques and new development construction should be encouraged to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer, herbicides and pesticide use and application.
4. A vegetative buffer should be encouraged to be placed and maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, provide shade, reduce flood hazard, and maintain habitat for fish and wildlife.
5. Public access to the shoreline should be encouraged where it does not conflict with agricultural activities.
6. Proposals to convert agricultural uses to other uses should comply with all policies and regulations established by the Comprehensive Plan and this Master Program for said uses and should not result in a net loss of ecological functions.

Regulations

1. Existing and ongoing agricultural activities shall be permitted in all shoreline environment designations. All other agricultural activities shall be prohibited.
2. Existing and ongoing agricultural activities are encouraged to provide a buffer of natural or planted permanent native vegetation between areas of crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and wetlands.
3. Farming of fin fish, shellfish and management of other aquatic products are subject to the policies and regulations for Aquaculture under Section 4.7.3.
4. Erosion control measures shall conform to guidelines and standards established by the U.S. Soil Conservation Service and the U.S. Department of Agriculture.
5. The application of agricultural chemicals shall prevent the direct runoff of chemical-laden waters into water bodies. Adequate provision shall be made to minimize their entry into any body of water. Shoreline waters shall not be used for livestock watering.

6. Livestock waste shall be disposed in a manner that will prevent surface or ground water contamination.
7. Conversion of agricultural uses to other uses shall comply with the provisions of ACC Chapter 16.10 ACC, Critical Areas and this Program for the proposed use.

4.7.3 Aquaculture

Policies

1. Aquaculture is a water-dependent use, and when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is an accepted use of the shoreline.
2. Development of aquaculture facilities and associated activities, such as hatcheries and fish counting stations should assure no net loss to shoreline ecological functions or processes. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.
3. Since locations for aquaculture activities are somewhat limited and require specific water quality, temperature, oxygen content, and adjacent land use conditions, and because the technology associated with some forms of aquaculture is still experimental, some latitude should be given when implementing the regulations of this section, provided that potential impacts on existing uses and shoreline ecological functions and processes are given due consideration. Experimental aquaculture projects should be monitored and adaptively managed to maintain shoreline ecological functions and processes.

Regulations

1. Development of aquaculture facilities shall be permitted as a conditional use in the Urban Conservancy and Natural shoreline environments.
2. New upland aquaculture developments shall be screened from view from adjacent residential or recreational areas by fences, berms, and/or vegetative buffers.
3. Reflected glare or direct light generated by aquaculture developments shall be minimized to the greatest extent possible. Lighting fixtures shall be designed and hooded to prevent the light source from being directly visible from outside the boundaries of the property.
4. The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation. A specific plan for identifying and controlling odors shall be developed and approved as part of the permit approval process.
5. Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of nonnative species, or other adverse effects on ESA-listed species shall not be permitted.
6. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal

Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

4.7.4 Boating Facilities

Policies

1. Boating facilities should not be allowed unless they are accessible to the general public or serve a community.
2. New boat launching ramps should be allowed only where they are located at sites with suitable environmental conditions, shoreline configurations, access and neighboring uses.
3. Development of new or modifications to existing boat launching ramps and associated and accessory uses should not result in a net loss of shoreline ecological functions or other significant adverse impacts.

Regulations

1. Public boat launching ramps shall be permitted in the Urban Conservancy and Shoreline Residential Environments. Other types of boating facilities shall be prohibited in Natural, Urban Conservancy, and Shoreline Residential Environments.
2. Before granting approval of a permit to allow any boat launching ramp, the applicant must satisfactorily demonstrate that:
 - a. Adequate facilities for the efficient handling of sewage and litter will be provided.
 - b. The ramp will minimize impediments to migrating fish and will not locate on sites important for salmonids, including spawning, feeding or rearing areas.
 - c. Important navigation routes or recreation areas will not be obstructed.
 - d. Adequate separation will be maintained between structures and adjacent properties.
 - e. Adequate separation and buffers will be maintained between the facility's associated parking area and adjacent properties such that the landscaping requirements per ~~Auburn Municipal Code Chapter 18.50 ACC~~, "Landscaping and Screening" are met.
 - f. The dimensions and composition of buffers between the OHWM and the facility's associated parking area shall meet requirements per ~~ACC Section 16.10.090~~, "Buffer areas and setbacks".
 - g. The boat launch shall be designed so that structures are aesthetically compatible with, or enhance, existing shoreline features and uses.

4.7.5 In-Stream Structural Uses

Policies

1. Approval of applications for in-stream structures should require inclusion of provisions for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydro geological processes, and natural scenic vistas.

2. The location and planning of in-stream structures should give consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.
3. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to structural in-stream structures.

Regulations

1. In-stream structures shall only be permitted as a Conditional Use in the Urban Conservancy, Shoreline Residential, and Natural (highly limited) environments.
2. Where in-stream structures are permitted, they shall be developed and maintained in a manner that does not adversely impact ecological functions or wildlife habitat.
3. In-stream structures that divert water shall return flow to the river in as short a distance as possible.
4. All permit applications for in-stream structures shall contain, at a minimum, the following:
 - a. Provision for public access to and along the affected shoreline and proposed recreational features at the site, where applicable. Public access provisions shall include vistas and trails.
 - b. A plan describing the extent and location of vegetation proposed for removal to accommodate the proposed facility and restoration plans.
 - c. All design work shall be done in consultation with the State Department of Fish and Wildlife, State Department of Ecology and other relevant agencies.

4.7.6 Mining

Policies

1. Limit mining activities near the shoreline to existing mining uses.

Regulations

1. New or expanded mining activities shall be prohibited.
2. Impacts to shorelines and water bodies due to existing mining operations upland of the shoreline jurisdiction shall be minimized.

4.7.7 Recreation

Policies

1. Prioritize shoreline recreational development that provides public access, enjoyment and use of the water and shorelines of the State over other non-water-oriented recreational uses.
2. Shoreline areas with the potential for providing recreation or public access opportunities should be identified for this use and, wherever possible, acquired and incorporated into the Public Park and open space system.

3. Public recreational facilities should be located, designed and operated in a manner consistent with the purpose of the environment designation in which they are located and such that no net loss of shoreline ecological functions or ecosystem-wide processes result.
4. The coordination of local, state, and federal recreation planning should be encouraged so as to mutually satisfy needs.—Shoreline recreational developments should be consistent with the City's Comprehensive Plan and Parks, Recreation and Open Space Plan.
5. Recreational development should not interfere with public use of navigable waters.

Regulations

1. Accessory use facilities such as rest rooms and parking areas shall be set back from the ~~ordinary high water mark~~ OHWM unless accessory use facilities are essentially water-oriented. These areas should be linked to the shoreline by walkways.
2. For recreation developments requiring fertilizers, pesticides or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these chemicals and the resultant leachate from entering adjacent water bodies and wetlands. At a minimum, plans shall meet the following:
 - a. Native vegetation zone strips and, if practical, shade trees shall be included in the development. The City shall determine the maximum width necessary for buffer strips, but in no case shall the buffer strip be less than 50 feet.
 - b. A chemical-free swath of at least 100 feet in width shall be established next to water bodies and wetlands except that spot spraying for weed control is allowed on golf courses.
 - c. Slow release fertilizers and herbicides are permitted outside the required chemical-free swath. Liquid or concentrate application shall only be allowed for weed control spot spraying.
 - d. Plans shall be consistent with Section 4.4.2., "Shoreline Vegetation Conservation" and Section 4.4.8, "Water Quality, Storm water and non-point pollution" regulations of the Master Program.
3. A coordinated system of signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations at the point of access and the entrance thereto.
4. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features including scenic views. To this end, the City may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements, and setbacks, as deemed appropriate to achieve this intent.
5. Recreational development shall be subject to the following design requirements:
 - a. Development shall be designed to maintain, enhance and/or restore desirable shoreline features including areas of native vegetation, scenic views and aesthetic values.
 - b. Recreational developments shall provide non-motorized access to the shoreline such as pedestrian and bicycle paths. Motorized vehicular access is prohibited on stream beds, except for boat launching and maintenance activities.

- c. To protect natural resources and adjacent properties, recreational facility design and operation shall prohibit the use of all-terrain and off-road vehicles in the shoreline area.
- d. Proposals for developments shall include a landscape plan that uses primarily native, self-sustaining vegetation. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of permitted structures or facilities. See “Clearing and Grading” and “Shoreline Vegetation Conservation” sections of the Master Program for specific regulations.
- e. No recreation buildings or structures shall be built over water, except water dependent or public access structures such as docks, piers, viewing platforms or walkways subject to applicable regulations of this ~~s~~Shoreline ~~m~~Master ~~p~~Program.
- f. Recreational facilities shall make adequate provisions, such as screening, buffer strips fences and signs to prevent parking overflow and to protect the value and enjoyment of adjacent and natural areas.
- g. Proposals for recreational developments must include plans for sewage disposal, water supply, and solid waste disposal. All disposal facilities shall meet all applicable State and local standards and regulations.
- h. Accesses for boats shall allow safe and convenient passage to the public water, dictated by the class of boats using the access.

4.7.8 Residential Development

Policies

- 1. New over-water residences, including floating homes, are not a preferred use and should be prohibited.
- 2. New multi-unit residential development and land subdivisions for more than four parcels should provide community and/or public access in conformance to the City’s public access planning and this Shoreline Master Program. -Adjoining access shall be considered in making this determination.
- 3. Accessory development (to either multiple-family or single-family) should be designed and located to blend into the site as much as possible.
- 4. New residential developments and land divisions should avoid the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

Regulations

- 1. Residential development shall be subject to the requirements of the City of Auburn Zoning Code (Title 18 ACC). In case of a discrepancy between the requirements of this Master Program and the Zoning Code, or other regulations, consistency with the SMP, the SMA, and its provisions shall prevail.
- 2. The creation of new lots shall be prohibited unless all of the following can be demonstrated.
 - a. A primary residence can be built on each new lot without any of the following being necessary:

- i. New structural shoreline stabilization;
 - ii. New improvements in the required shoreline buffer or required critical area buffer;
 - iii. Causing significant vegetation removal that adversely impacts ecological functions;
 - iv. Causing significant erosion or reduction in slope stability; and
 - v. Causing increased flood hazard or erosion in the new development or to other properties.
 - b. Adequate sewer, water, access, and utilities can be provided.
 - c. The intensity and type of development is consistent with the City's Comprehensive Plan and development regulations.
 - d. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential adverse impacts to the environment.
3. Channel ~~m~~Migration ~~z~~Zones and floodplain areas should be avoided if possible when new residential lots are being created.
4. Prior to the granting of a Substantial Development Permit or Building Permit, the City shall make a determination that the proposed project is consistent with the policies and regulations of the Shoreline Master Program including the following- standards:
- a. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate. Adequate methods of erosion control will be utilized during and after project construction.
 - b. Disturbance of established, native shoreline vegetation will be minimized.
 - c. Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
5. Residential development over water including garages, accessory buildings, and boathouses shall not be permitted unless otherwise specified in this chapter.
6. New ~~multi-unit~~ multiple--family residential development, including the subdivision of land for more than four parcels, shall include public access in conformance ~~to~~ with Section 4.4.6 "Public Access" and the City's public access planning.
7. The following lot coverage, setback and height limitations shall be applicable to residential development in all shoreline environments:
- a. Lot Coverage. Not more than 33 and 1/3 percent of the gross lot area within the regulated shoreline shall be covered by impervious material including parking areas but excluding driveways.
 - b. Setbacks. All setbacks, with the exception of the setbacks from the ~~ordinary high water mark~~ OHWM, shall be as required by the City of Auburn Zoning Code or other City regulations.

- ~~c. The required setbacks for buildings and structures on Shoreline Sites from the Ordinary High Water Mark~~OHWM in the Urban Conservancy and Shoreline Residential environment designations. The required setback for buildings and structures from the ordinary high water shall be measured from the OHWM mark or lawfully constructed bulkhead or revetment, whichever is further upland, shall be 100 feet except that the shoreline setback shall not apply to approved docks, floats, buoys, bulkheads, launching ramps, and similar structures.
 - ~~d. The required setbacks for Shoreline Sites from the OHWM~~ Ordinary High Water Mark in the Natural environment designation. The required setback for buildings and structures ~~from the ordinary high water mark~~ shall be 200 feet. -Residential development is allowed on property with a Natural designation, provided the lot size and configuration can accommodate such use without locating buildings, structures, impervious surface, or other improvements within the 200-foot setback.
 8. Site Preparation. It shall be the intent of this Chapter to require the maintenance, enhancement, and preservation of the natural site amenities. To this end, the City may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
 9. Height Limitations. The maximum height above average grade level of any ~~residential building or~~ structure shall be 35 feet.
 10. Fences.
 - a. No fence shall extend waterward of the OHWM; and,
 - b. Fences waterward of the furthest waterward extension of the house shall be limited to four feet in height or less.
 - c. Fences shall not be constructed in the floodway.
 - i. For instances where a floodway boundary changes, existing legally permitted established fences may be maintained and repaired in place. Replacement fences shall be relocated outside of the floodway.
 11. The following uses shall be permitted provided they are accommodated by residential facilities and are allowed by the underlying zoning as a permitted use (i.e., does not require a ~~Conditional Use Permit~~ per the applicable zoning regulations):
 - a. Home based daycare; and
 - b. Supportive housing.

4.7.9 Signs

Policies

1. Signs should be designed, constructed and placed so that they are compatible with the natural quality of the shoreline environment and adjacent land and water uses.

Regulations

1. The location, erection, and maintenance of all signs must comply with the Chapter 18.56 ACC, (Signs)~~ity of Auburn Sign Code.~~

2. Off-premise outdoor advertising signs are prohibited in all shoreline environments.
3. No signs will be erected or maintained upon trees, or drawn or painted upon rocks or other natural features.

4.7.10 Transportation

Policies

1. Plan, locate, design and where appropriate construct, proposed roads, non-motorized systems and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction.
2. The number of river crossings should be minimized.
3. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use and then as remote from the shoreline as possible.
4. Trail and bicycle systems should be encouraged along the White and Green Rivers wherever possible.
5. Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities, and non-motorized transportation should be encouraged.
6. New railroad corridors should be prohibited.

Regulations

Roads & Bridges

1. Developers of new roads must be able to demonstrate the following:
 - a. The need for a shoreline location and that no reasonable upland alternative exists.
 - b. That construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 - c. That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 - d. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into the water body.
 - e. That proposed bridges will be built high enough to allow the passage of debris and anticipated high water flows.
 - f. That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and non-motorized vehicular travel.
2. Developers of roads must demonstrate that:

- a. The road is located on grade rather than elevated unless crossing wetlands. Road designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
3. Where bridges cross the Green and White Rivers, pedestrian linear access along the water will be provided except where precluded by safety factors. Pedestrian and bicycle passage across water shall be provided except on limited access highways.
4. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.
5. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until established.
6. Roads shall be located so as to avoid the use of culverts to the maximum extent possible.
7. Major roads shall cross shoreline areas by the shortest most direct route feasible, unless such route would cause significant additional environmental damage.
8. Private access roads providing ingress and egress for individual single family residences or lots shall be limited to one lane with turnouts and may not exceed a maximum width of fifteen (15) feet.
9. Private access roads serving two or more families may be two lanes in width.

Railroads

1. New railroads requiring right-of-way expansion are prohibited.
2. Expansion of existing railroad within existing rights-of-way (i.e. additional track) must demonstrate the following:
 - a. The need for a shoreline location and that no reasonable upland alternative exists.
 - b. The construction is designed to protect adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
 - c. The identification of anticipated adverse environmental impacts and mitigation measures.
 - d. That the project is planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
 - e. That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into a water body.
 - f. That proposed bridges, if any, will be built high enough to allow the passage of debris and anticipated high water flows.
3. Relocation of existing tracks and right-of-way landward of an existing right-of-way with no expansion in the number of tracks shall be a conditional use.
4. All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency until fully established.
5. Bridges shall be used when crossing marshes, swamps, bogs, ponds, natural recharge areas and other wetlands to avoid obstructing movement of surface and groundwater.

6. Railroad overpasses and underpasses shall be encouraged and designed to promote safety for the pedestrian and for the railroad.
7. Public access improvements, including tying in to existing access, shall be required with any railroad expansion.
8. Easement crossings shall be granted by the railroad for public facilities and services as part of railroad expansion or right-of-way relocation.

4.7.11 Utilities

Policies

1. Utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape and vistas, preserve and protect fish and wildlife habitat, and minimize conflicts with present and planned land and shoreline uses.
2. Primary utility production and processing facilities, such as power plants, sewage treatment plants, water reclamation plants, or parts of those facilities that are non-water-oriented should not be allowed in shoreline areas.
3. Utilities should utilize existing transportation and utilities sites, rights-of-way and corridors, whenever possible. Joint use of rights-of-way and corridors should be encouraged.
4. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline area where feasible.—Where no other option exists, utilities should be placed underground or alongside or under bridges.
5. New utilities facilities should be located so as not to require extensive shoreline protection structures.
6. Where storm water management, conveyance, and discharge facilities are permitted in the shoreline, they should be limited to the minimum size needed to accomplish their purpose and should be sited and designed in a manner that avoids, or mitigates adverse effects to the physical, hydrologic, or ecological functions.
7. Stormwater conveyance facilities should utilize existing transportation and utility sites, rights-of-way and corridors, whenever possible.—Joint use of right-of-way and corridors should be encouraged.

Regulations

1. Shoreline permit applications for installation of primary utility facilities shall include the following:
 - a. Reason why utility facility requires a shoreline location;
 - b. Alternative locations considered and reasons for their elimination; including alternate methods of crossing such as directional boring;
 - c. Location of other utility facilities in the vicinity of the proposed project including facilities of other types of utilities;
 - d. Plans for reclamation of areas disturbed during construction;
 - e. Plans for control of erosion and turbidity during construction;

- f. Possibility for consideration of the proposed facility within existing utility right-of-way.
2. Utilities shall be located to be consistent with the policies of comprehensive plan utilities element.
3. The State of Washington Departments of Fish and Wildlife and Ecology shall be notified of any utility proposal which would require withdrawals or diversions of water from any body of water under shoreline management jurisdiction.
4. Construction of underwater utilities or those within the wetland perimeter shall be timed to avoid major fish migratory runs.
5. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.
6. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
7. Above ground site specific primary utility facilities such as generating facilities, switching complexes, wastewater treatment plants, water reclamation facilities, storage tanks, and substations shall be located at least 200 feet from the ~~ordinary high water mark~~ OHWM unless the permittee can show the need for a shoreline location.
8. Water reclamation discharge facilities such as injection wells or activities such as land application are prohibited in the shoreline jurisdiction.
9. Where major generating facilities must be placed in a shoreline area, scenic views shall not be obstructed
10. Transmission, distribution, and conveyance facilities shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
11. Where overhead transmission lines must parallel the shoreline, they shall be outside of the ~~two hundred (200)~~-foot shoreline environment unless topography or safety factors would make it unfeasible.
12. Over water crossings of utilities shall be prohibited unless attached to a bridge structure.
13. Where practical, utilities should consolidate permit applications in situations where multiple permits from individual utilities are required.
14. Accessory utility facilities, such as those typical and normal to support and serve a permitted shoreline use, shall be a permitted use in all environments. This will typically consist of distribution lines and individual service lines. Such utility facilities may be new or may be relocated facilities associated with, by way of example, a road improvement project.
15. Storm water management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:
 - a. Construction of the storm water facility does not displace or impact a critical area;

- b. There is no other feasible location for the storm water facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects to shoreline ecological functions;
 - c. The storm water facility is designed to mimic and resemble natural wetlands and meets applicable ~~County~~City or State storm water management standards and the discharge water meets state water quality standards;
 - d. Low impact development approaches have been considered and implemented to the maximum extent feasible.
16. Primary conveyance facilities, including storm water, wastewater, or water supply pump stations; and -storm water discharge facilities such as dispersion trenches, level spreaders, and outfalls, may be located in the shoreline jurisdiction on a case by case basis with a Shoreline Substantial Development Permit when the Director of ~~Planning, Building and Community~~ determines that all of the following are met:
- a. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
 - b. The discharge is sited in a manner that minimizes disturbance of soils and vegetation.
 - c. The discharge outlet is designed to prevent erosion and promote infiltration.
17. Construction of stormwater facilities in the shorelines jurisdiction shall be timed to avoid fish and wildlife migratory and spawning periods.
18. Proposal for all new storm water facilities shall include landscaping plans that enhance the aesthetic quality of the shoreline, utilize native vegetation, and provide for maintenance care until newly planted vegetation is established.
19. Development of stormwater facilities within the shoreline jurisdiction shall include public access to the shoreline, trails systems, or other forms of recreation, providing such uses will not unduly interfere with stormwater facility operations, endanger public health, safety, and welfare, or create a significant and disproportionate liability for the owner.

CHAPTER 5.0 Shoreline Master Program Amendments

5.1.1 Purpose.

The purpose of this chapter is to set forth procedures when proposals are made to adopt or amend the official controls of area-wide applicability which implement the ~~s~~Shoreline ~~m~~Master ~~p~~Program, i.e., the shoreline use regulations and maps made a part thereof.

5.1.2 Amendments authorized.

The provisions of the ~~s~~Shoreline ~~m~~Master ~~p~~Program use regulations or the shoreline environment map may be amended as provided for in RCW 90.58.120 and 90.58.200 and Chapter 173-26 WAC.

5.1.3 Adoption required by the council.

Adoption of an amendment to the official controls shall be adopted by the ~~city~~City council by ordinance after a public hearing and report by the ~~planning commission~~Planning Commission.

5.1.4 Initiation of amendments.

The shoreline use regulations or map amendments thereto may be initiated by:

- A. The adoption of a motion by the ~~city~~City council requesting the ~~planning commission~~Planning Commission to set a matter for hearing and recommendation.
- B. The adoption of a motion by the ~~planning commission~~Planning Commission.
- C. Application of one or more owners of property affected by the proposal.
- D. A department or agency of the ~~city~~City or governmental entity.

5.1.5 Applications required.

The Director shall prescribe the form(s) on which applications are made for amendments to the master program use regulations and/or shoreline environment designation map.

Applications for amendments to the master program must satisfy the requirements of the State Environmental Policy Act (Chapter 413.21C RCW and Chapter 197-11 WAC).

5.1.6 Public hearing required by ~~planning commission~~Planning Commission.

Whenever an amendment to the use regulations and/or shoreline environment designation map is initiated under Section 5.1.4 of this Master Program, the Planning Commission shall hold at least one public hearing thereon, and notice of such hearing shall be given.

5.1.7 Burden of proof.

Proponents for shoreline environment map redesignations (i.e., amendments to the shoreline environment designation map) shall bear the burden of proof for demonstrating consistency with the

shoreline environment criteria of the master program, Chapter 173-26 WAC, and the goals and policies of the City of Auburn Comprehensive Plan.

5.1.8 Public notice.

Notice shall be given pursuant to Chapter 173-26 WAC. Additional notice may be employed at the discretion of the Director of ~~Planning, Building, and Community~~.

5.1.9 City ~~e~~Council.

The action by the Planning Commission on an amendment shall be considered advisory to the council. Final and conclusive action on an amendment shall be taken only by the City Council.

5.1.10 Transmittal to the Department of Ecology.

Subsequent to final action by the ~~e~~Council adopting or amending the Shoreline Master Program or official control, said Master Program, official control or amendment thereto shall be submitted to the Department of Ecology for approval. No such Master Program, official control or amendment there to shall become effective until 14 days after written notice of approval by the Department of Ecology is obtained per WAC 173-26-110.

CHAPTER 6.0 Shoreline Management Administrative and Permitting Procedures

The purpose of this chapter is to provide the administrative and permitting procedures for the SMP. Each proposed development within the Shoreline Management Act's jurisdiction will be evaluated to determine its conformance with the use activity policies and regulations, as well as the Shoreline Management Element goals and policies, the SMA, and the SMP. Even uses and activities that are exempt from the requirements for a shoreline substantial development permit must be consistent with the policies and regulations of the SMP, the SMA, and its provisions.

The following provisions are codified in Chapter Shoreline Management Administrative and Permitting Procedures:

Sections:

- ~~16.08.010 Chapter purpose and intent.~~
- ~~16.08.015 Adoption of shoreline management procedures.~~
- ~~16.08.020 Definitions.~~
- ~~16.08.030 Administration and enforcement.~~
- ~~16.08.040 Application – Generally.~~
- ~~16.08.050 Application – Notices.~~
- ~~16.08.052 Statement of Exemption.~~
- ~~16.08.054 Application – Shoreline substantial development permit – Review criteria.~~
- ~~16.08.056 Application – Shoreline conditional use permit – Review criteria.~~
- ~~16.08.058 Application – Shoreline variance – Review criteria.~~
- ~~16.08.060 Application – Review criteria – Additional information.~~
- ~~16.08.070 Development conformance burden of proof.~~
- ~~16.08.080 Application – Hearing – Required.~~
- ~~16.08.090 Application – Hearing – Official conducting.~~
- ~~16.08.100 Application – Hearing – Continuance.~~
- ~~16.08.110 Application – Hearing – Decision.~~
- ~~16.08.120 Application – Hearing – Rules of conduct.~~
- ~~16.08.130 Application – Decision final.~~
- ~~16.08.140 Grant or denial decision – Notifications.~~
- ~~16.08.150 Development commencement time.~~
- ~~16.08.160 Termination or review and extension for nondevelopment.~~
- ~~16.08.170 Conditions or restrictions authorized.~~
- ~~16.08.180 Issuance limitations.~~
- ~~16.08.190 Decision appeals.~~
- ~~16.08.200 Rescission or modification.~~
- ~~16.08.210 Violation – Penalty.~~
- ~~16.08.220 Administration rules promulgation.~~

16.081.010 Chapter purpose and intent.

It is the intention of the city council that the provisions of this chapter will promulgate and adopt a program for the administration and enforcement of a permit system that shall implement by reference the State Shoreline Management Act of 1971, Chapter 90.58 RCW; the State Department of Ecology regulations and guidelines adopted as Chapters 173-26 and 173-27 WAC; the Auburn shoreline master program attached to the ordinance codified in this chapter, together with amendments and/or additions thereto, and to provide for the implementation of the policy and standards as set forth in the aforesaid

laws and regulations which are by reference made a part of this chapter with the force and effect as though set out in full in this chapter. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.010.~~)

16.081.0152 Adoption of shoreline management procedures.

The city of Auburn hereby adopts by reference the following sections or subsections of Chapter 173-27 WAC, as amended, entitled “Shoreline Management Permit and Enforcement Procedures.”

WAC

173-27-020 Purpose
173-27-040 Developments exempt from substantial development permit requirement
173-27-050 Letter of exemption
173-27-060 Applicability of Chapter 90.58 RCW to federal land and agencies
173-27-090 Time requirements of permit
173-27-100 Revisions to permits
173-27-120 Special procedure for limited utility extensions and bulkheads
173-27-130 Filing with department
173-27-210 Minimum standards for conditional use and variance permits
173-27-270 Order to cease and desist
173-27-280 Civil penalty
173-27-290 Appeal of civil penalty
173-27-300 Criminal penalty
(~~Ord. 6095 § 1, 2008.~~)

16.081.0203 Definitions.

As used in this chapter:

A. “Act” means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) and state departmental regulations pursuant thereto, including any amendments thereto.

B. “Committee” means the planning and community development committee of the city council.

C. “Definitions by reference” means the definitions and concepts set forth in Chapter 6 of the Auburn shoreline master program attached to the ordinance codified in this chapter, the Act (RCW 90.58.030), and state departmental definitions (WAC 173-27-030 and 173-27-250) adopted pursuant thereto which shall also apply as used in this chapter as they would pertain to shorelines within the city limits.

D. “Director” means the director of the department of planning and community development of the city, or his duly authorized designee. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 71, 1985; 1957 code § 11.94.020.~~)

16.081.0304 Administration and enforcement.

A. The director shall have the responsibility for the administration of the permit system pursuant to the requirements of the Act and regulations adopted and promulgated by the State Department of Ecology as pertains to the city.

B. The city attorney shall bring such injunctive, declaratory or other actions, which shall include the provisions of Chapter 1.25 ACC, as are necessary to ensure that no uses are made of the shorelines of the city in conflict with the provisions of this chapter or the Shoreline Management Act or in conflict with the master program, rules or regulations adopted pursuant thereto, and to otherwise enforce the

provisions of this chapter and the Act. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4504 § 14, 1991; Ord. 4225 § 1, 1987; 1957 code § 11.94.030.~~)

16.081.0405 Application – Generally.

In addition to the requirements for a completed application as set forth in ACC Title 14, applications for substantial development permits, variances and conditional use permits shall be completed on forms provided by the director. The application shall be substantially consistent with the information required by WAC 173-27-180 including the following information:

- A. Completed Joint Aquatic Resource Permit Application (JARPA) form.
- B. Completed intake form from WAC 173-27-990, Appendix A – Shoreline Management Act Permit Data Sheet and Transmittal Letter.
- C. The name, address, phone number and e-mail address of the applicant. The applicant should be the owner of the property or the primary proponent of the project and not the representative of the owner or primary proponent.
- D. The name, address, phone number and e-mail address of the applicant's representative, if other than the applicant.
- E. The name, address, phone number and e-mail address of the property owner, if other than the applicant.
- F. Location of the Property. This shall, at a minimum, include the property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.
- G. Identification of the name of the shoreline (water body) that the site of the proposal is associated with. This should be the water body from which jurisdiction of the Act over the project is derived (e.g., Puget Sound).
- H. A general description of the proposed project that includes the proposed use or uses and the activities necessary to accomplish the project.
- I. A general description of the property as it now exists including its physical characteristics and improvements and structures.
- J. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical characteristics.
- K. A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, photographs and text which shall include:
 1. The boundary of the parcel(s) of land upon which the development is proposed.
 2. The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location; provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.
 3. Existing and Proposed Land Contours. The contours shall be at intervals sufficient to accurately determine the existing character of the property and the extent of proposed change to the land that is necessary for the development. Areas within the boundary that will not be altered by the development may be indicated as such and contours approximated for that area.
 4. A delineation of all wetland areas that will be altered or used as a part of the development.
 5. A general indication of the character of vegetation found on the site.

6. The dimensions and locations of all existing and proposed structures and improvements including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

7. Where applicable, a landscaping plan for the project.

8. Where applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

9. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent.

10. Quantity, composition and destination of any excavated or dredged material.

11. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

12. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

L. Copy of completed SEPA environmental checklist, declaration of nonsignificance or environmental impact statement, if required. Note that if the environmental review has not occurred prior to application for a shoreline permit, the time period for application review may be extended.

M. The names, addresses and legal description for each parcel of property within 300 feet of the exterior boundary of the subject property as shown by the records of the King County or Pierce County assessor.

N. Other information, plans, data and diagrams as required by the shoreline administrator.

The director shall determine if the application is complete based upon the information required by this chapter. The application may be submitted by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 72, 1985; 1957 code § 11.94.040(a).~~)

16.081.0506 Application – Notices.

The director shall give notice of the application in accordance with the applicable provisions of ACC 14.07.040, no less than 30 days prior to permit issuance.

The notices shall include a statement that any person desiring to present his view to the director with regard to the application may do so in writing to the director, and any person interested in the hearing examiner's action on an application for a permit may submit his views or notify the director of his interest within 30 days of the last date of publication of the notice. Such notification or submission of views to the director shall entitle said persons to a copy of the action taken on the application. (~~Ord. 6095 § 1, 2008; Ord. 5811 § 5, 2003; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 73, 1985; 1957 code § 11.94.040(b).~~)

16.081.0526 Statement of Exemption.

Where development proposals in shoreline jurisdiction are subject to review, approval, and permitting by a federal or state agency, the Director shall prepare a statement of exemption, addressed to the applicant, the federal or state permitting agency, and Ecology. The letter shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the analysis demonstrating consistency of the project with the Auburn SMP and the SMA.

16.081.0547 Application – Shoreline substantial development permit – Review criteria.

A. A substantial development permit shall be granted by the director only when the development proposed is consistent with the following:

1. Goals, objectives, policies and use regulations of the Auburn SMP;
2. Auburn Comprehensive Plan and Municipal Code; and
3. The policies, guidelines, and regulations of the SMA (Chapter 90.58 RCW; Chapters 173-26 and 173-27 WAC).

B. The director may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria. ~~(Ord. 6095 § 1, 2008.)~~

16.081.0568 Application – Shoreline conditional use permit – Review criteria.

A. Pursuant to WAC 173-27-210, the criteria below shall constitute the minimum criteria for review and approval of a shoreline conditional use permit. Uses classified as conditional uses, and not uses prohibited by the regulations of this SMP, may be authorized; provided, that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020, the policies of this SMP, the city of Auburn comprehensive plan and other applicable plans, programs and/or regulations;

2. That the proposed use will not interfere with the normal public use or access to public shorelines;

3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

4. That the proposed use will cause no unreasonably adverse effects to the shoreline, will not result in a net loss of ecological functions, and will not be incompatible with the environment designation or zoning classification in which it is to be located;

5. That the public interest suffers no substantial detrimental effect;

6. That the proposed use is in the best interest of the public health, safety, morals or welfare; and

7. That consideration of cumulative impacts resultant from the proposed use has occurred and has demonstrated that no substantial cumulative impacts are anticipated, consistent with WAC 173-27-160(4).

B. The director may attach conditions to the approval of permits as necessary to assure consistency of the proposal with the above criteria.

C. The decision of the hearing examiner shall be the final decision of the city. The Department of Ecology shall be the final authority authorizing a shoreline conditional use permit consistent with WAC 173-27-200. ~~(Ord. 6095 § 1, 2008.)~~

16.081.0589 Application – Shoreline ~~v~~Variance – Review criteria.

A. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process, but shall be considered through the conditional use process in ACC 16.08.080.

B. Pursuant to WAC 173-27-210, the criteria below shall constitute the minimum criteria for review and approval of a ~~s~~Shoreline ~~v~~Variance permit. Variance permits for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(b) definition), except those areas designated as marshes, bogs or swamps pursuant to Chapter 173-22 WAC, may be authorized, provided the applicant can demonstrate all of the following:

1. That the strict requirements of the bulk, dimensional or performance standards set forth in the master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this SMP;

2. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions or the applicant's own actions;

3. That the design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

4. That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and

5. That the public interest will suffer no substantial detrimental effect;

6. Variance permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs or swamps as designated in Chapter 173-22 WAC, may be authorized, provided the applicant can demonstrate all the criteria stated above as well as the following:

- a. That the strict application of the bulk, dimensional or performance standards set forth in this SMP precludes all reasonable use of the property not otherwise prohibited by this SMP; and

- b. That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

C. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of Chapter 90.58 RCW and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

D. The decision of the hearing examiner shall be the final decision of the city. The Department of Ecology shall be the final authority authorizing a ~~s~~Shoreline ~~v~~Variance consistent with WAC 173-27-200. (~~Ord. 6095 § 1, 2008.~~)

~~16.081.0610~~ Application – Review criteria – Additional information.

A. The director shall review an application for a permit based on the following:

1. The application;
2. The environmental impact statement, if one has been prepared, or other environmental documents;
3. Written comments from interested persons;
4. Information and comments from other city departments affected and from the city attorney;
5. Independent study of the planning department staff and evidence presented at the public hearing held pursuant to provisions of this chapter.

B. The director may require that an applicant furnish information in addition to the information required in the application forms prescribed. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.040(c).~~)

16.081.07011 Development conformance burden of proof.

The burden of proving that the proposed development is consistent with the criteria set forth in this chapter and the master plan for the city shall be on the applicant, plus the requirements pursuant to Section 14(6) of the Act. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.040 (d).~~)

16.081.08012 Application – Hearing – Required.

A. The hearing examiner shall hold at least one public hearing on each application for a shoreline substantial development permit, shoreline conditional use permit, or ~~s~~Shoreline ~~v~~Variance on shorelines within the city. The public hearing shall be held not less than 30 days following the final publication of the notice required by ACC 16.08.050.

B. The notice and conduct of the public hearing shall be in accordance with Chapter 18.66 ACC. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.050(a).~~)

16.081.09013 Application – Hearing – Official conducting.

The public hearing required by ACC 16.08.080 shall be conducted by the hearing examiner. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.050(b).~~)

16.081.1400 Application – Hearing – Continuance.

If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the hearing examiner may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 74, 1985; 1957 code § 11.94.050(c).~~)

16.081.1510 Application – Hearing – Decision.

When the hearing examiner renders a decision, the hearing examiner shall make and enter written findings from the record and conclusions thereof which support the decision. The findings and conclusions shall set forth the manner in which the decision is consistent with the criteria set forth in the Act and departmental regulations. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 75, 1985; 1957 code § 11.94.050(d).~~)

16.081.1620 Application – Hearing – Rules of conduct.

The hearing examiner shall have the power to prescribe rules and regulations for the conduct of hearings and to issue summonses for and compel the appearance of witnesses, to administer oaths, and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the hearing examiner. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 76, 1985; 1957 code § 11.94.050 (e).~~)

16.081.1730 Application – Decision final.

The decision of the hearing examiner shall be the final decision of the city, unless appealed to the State Shorelines Hearings Board, pursuant to ACC 16.08.190. On all applications the hearing examiner shall render a written decision and transmit copies of such decision to persons who are required to receive

copies of the decision pursuant to ACC 16.08.140. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 77, 1985; 1957 code § 11.94.050 (f).~~)

16.081.1840 Grant or denial decision – Notifications.

The director shall notify the following persons in writing of the hearing examiner's final approval, disapproval or conditional approval of a substantial development permit, shoreline conditional use permit, or ~~s~~Shoreline ~~v~~Variance ~~a~~Application within eight days of its final decision:

- A. The applicant;
- B. The State Department of Ecology;
- C. The State Attorney General;
- D. Any person who has submitted to the director written comments on the application;
- E. Any person who has written the director requesting notification. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 78, 1985; 1957 code § 11.94.060(a).~~)

16.081.1509 Development commencement time.

Development pursuant to a substantial development permit shall not begin and shall not be authorized until 21 days from the date the director files the approved substantial development permit with the State Department of Ecology and Attorney General, or until all review proceedings initiated within 21 days of the date of such filing have been terminated. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 79, 1985; 1957 code § 11.94.060(b).~~)

16.081.1620 Termination or review and extension for nondevelopment.

Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to this chapter must be undertaken within two years after permit approval or the permit shall terminate. If such progress has not been made, a new permit application will be required. If a project for which a permit has been granted has not been completed within five years after permit approval, the director shall, at the expiration of the five-year period, review the permit; and, upon a showing of good cause, either extend the permit for one year or terminate the permit; provided, that no permit shall be extended unless the applicant has requested such review and extension prior to the permit expiration date. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(c).~~)

16.081.2170 Conditions or restrictions authorized.

In granting or extending a permit, the director may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as he finds necessary to make the permit compatible with the criteria set forth in the Act and state departmental regulations. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(d).~~)

16.081.18022 Issuance limitations.

Issuance of a substantial development permit does not obviate requirements for other federal, state and county permits, procedures and regulations. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.060(e).~~)

16.081.19023 Decision appeals.

Any person aggrieved by the granting, denying or rescission of a substantial development permit by the hearing examiner may seek review from the State Shorelines Hearings Board by filing a petition for review with the board within 21 days of the date of filing, as defined by RCW 90.58.140(6), of the council's final decision. Within seven days of the filing of the petition for review with the board, the person seeking review shall serve a copy of his petition with the State Department of Ecology, the office of the Attorney General and the director. (~~Ord. 6186 § 3, 2008; Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 80, 1985; 1957 code § 11.94.070.~~)

16.081.2400 Rescission or modification.

A. Any permit granted pursuant to this chapter may be rescinded or modified upon a finding by the director that the permittee has not complied with the conditions of his permit.

B. The director may initiate rescission and modification proceedings by serving written notice of noncompliance on the permittee.

C. Before a permit can be rescinded or modified, a public hearing shall be held by the hearing examiner no sooner than 30 days following the service of notice upon the permittee. The hearing examiner shall have the power to prescribe rules and regulations for the conduct of such hearings. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; Ord. 4047 § 81, 1985; 1957 code § 11.94.080.~~)

16.081.2510 Violation – Penalty.

A. The criminal and civil penalties contained in the provisions of the State Act are hereby adopted.

B. In addition to the penalties adopted in subsection A of this section, any violation of this chapter may be enforced pursuant to the provisions of Chapter 1.25 ACC. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4504 § 15, 1991; Ord. 4225 § 1, 1987; 1957 code § 11.94.090.~~)

16.081.2620 Administration rules promulgation.

The director is authorized to adopt such rules as are necessary and appropriate to implement this chapter. The director may prepare and require the use of such forms as are necessary to its administration. (~~Ord. 6095 § 1, 2008; Ord. 4840 § 1, 1996; Ord. 4225 § 1, 1987; 1957 code § 11.94.100.~~)

Exhibit A.

Shoreline Environment Designation Maps

1. Overview Map (~~city~~City-wide)
2. Green River 1
3. Green River 2
4. Green River 3
5. Green River 4
6. White River 1
7. White River 2
8. White River 3
9. White River 4
10. White River 5

Appendices

- A. ~~Critical Area Provisions in Shoreline Jurisdiction (Applicable Sections of ACC Chapter)~~
- B. ~~ACC Chapter Nonconforming Structures, Land and Uses~~
- C. ~~Geologic Hazard Report Submittal Requirements~~
- D. ~~Permit Data Sheet~~