



PLANNING COMMISSION MEETING

June 21, 2016
AGENDA

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

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

II. APPROVAL OF MINUTES

- A. May 17, 2016

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

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

Summary: Request by Kana B, LLC to amend the map comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership from the current designation of "Light Commercial" to "Light Industrial" to facilitate zoning change. The proposal consists of two parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East within the SW ¼ of the SW ¼ Section 31, T21N, R5E, Parcel Nos. 3121059036 - 2.33 acres & 3121059033 – 1.32 acres

V. OTHER BUSINESS

A. Low Impact Development Code Update (ACC Title 13, 17, and 18)* (Howard)

Summary: Review proposed Low Impact Development Code Updates.

B. Staff presentation - Planning Commission Training (Dixon)

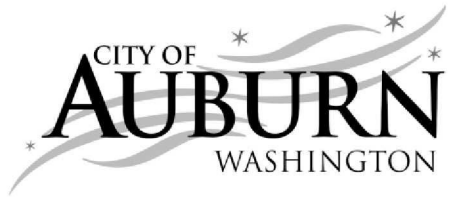
VI. COMMUNITY DEVELOPMENT REPORT

Update on Planning and Development Department activities.

VII. ADJOURNMENT

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

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



May 17, 2016

MINUTES

I. CALL TO ORDER

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

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

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

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

Members of the public present: Shirley Chittenden, Gary Hopkins

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 3, 2016

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

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

III. PUBLIC COMMENT

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

IV. PUBLIC HEARING

A. ACC Title 15 Revisions, Building Code Update

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

Staff reviewed additional changes as discussed and recommended by the Planning Commission at the May 3, 2016 meeting. Since the last meeting, Staff added

language to indicate the International Green Construction Code adopted, is adopted by reference, as an optional reference for developers who choose to utilize elements of the code for guidance.

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

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

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

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

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

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

MOTION APPROVED. 4-0

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

B. Proposed Amendments Related to the Keeping of Animals

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

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

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

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

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

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

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

Shirley Chittenden, 1440 22nd Street SE, Auburn

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

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

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

Greg Hoffman, 1435 22nd Street SE, Auburn

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

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

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

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

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

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

No vote was taken and the motion was withdrawn.

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

Motion approved. 4-0

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

V. OTHER BUSINESS

No items were brought forward under V. Other Business.

VI. COMMUNITY DEVELOPMENT REPORT

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

VII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject CPA15-0002, Kana B LLC Comprehensive Plan Map Amendment		Date: June 9, 2016		
Department: Community Development & Public Works	Attachments: (See exhibit listing at the end of this report)	Budget Impact: N/A		
Administrative Recommendation: Planning Commission to conduct public hearing and recommend to City Council approval of the Kana B LLC Comprehensive Plan Map Amendment.				
APPLICANTS/OWNERS: Jon Cheetham, Managing Member Kana B LLC (a.k.a. Lakeridge Paving Company) P.O. Box 8500 Kent, WA 98042 AGENT: Mary Urback 12417 12th Street East Edgewood, WA 98372 REQUEST: File No. CPA15-0002: CPM #1 Request to amend the map comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling approximately 5.9 acres from the current designation of "Light Commercial" to "Light Industrial" to allow a change in the zoning designation to correspond. The Applicant identifies that this is a non-project action. LOCATION: The proposal consists of parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East. The northern two parcels; 3121059036 - 2.33 acres & 3121059033 - 1.32 acres are within the southwest ¼ of the SW ¼ Section 31, T21N, R5E, WM. EXISTING ZONING: The zoning designation of the northern 2 parcels zoning designation is C1, Light Commercial.				
<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☐ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. </td> <td style="vertical-align: top; width: 50%;"> Reviewed by Departments & Divisions: ☐ Building ☐ Cemetery ☐ Finance ☐ Fire ☐ Legal ☒ Public Works </td> </tr> </table>			Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☐ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm.	Reviewed by Departments & Divisions: ☐ Building ☐ Cemetery ☐ Finance ☐ Fire ☐ Legal ☒ Public Works
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Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____				
Councilmember:		Staff: Dixon		
Meeting Date: June 21, 2016		Item Number:		

EXISTING

COMPREHENSIVE

PLAN DESIGNATION: The comprehensive plan designation of the northern 2 parcels is "Light Commercial".

SEPA STATUS: A Mitigated Determination of Non-Significance (MDNS) was issued under city file SEP15-0019 on April 18, 2016. The comment period ended May 3, 2016 and the appeal period ended May 17, 2016. There were no comments or appeals.

FINDINGS

1. The City of Auburn first-adopted amendments to its Comprehensive Plan in compliance with the Washington State Growth Management Act (GMA) requirements, as amended in 1995. The Auburn Comprehensive Plan has been amended annually each year since generally for housekeeping items and for capital facilities plan coordination.
2. The City of Auburn adopted a substantially revised Comprehensive Plan (including map amendments) in response to periodic updates required by the Growth Management Act (GMA) by Ordinance No. 6584 on December 14, 2015.
3. City Code Section 14.22, "Comprehensive Plan" provides the city's laws for amending the Comprehensive Plan. Amendments can be initiated by the City of Auburn (city-initiated) and by private citizens (privately-initiated).
4. In 2015 the City received two privately initiated comprehensive Plan map amendment by the submittal deadline of Friday, June 5, 2015. These map amendments were not processed with the set of amendments acted upon in 2015, in order to provide time to conduct the necessary environmental review under the State Environmental Policy Act (SEPA). Both projects required additional analysis, such as traffic impacts of the land use change, prior to a decision by the SEPA responsible official.
5. This staff report and recommendation describes and addresses Comprehensive Plan map amendment by Kana B LLC. The other private initiated Comprehensive Plan amendment applications received in 2015 as well as, the year 2016 City initiated Comprehensive Plan Amendments will be addressed in subsequent separate staff reports.
6. Comprehensive Plan amendments are initially reviewed during a public hearing process before the City of Auburn Planning Commission, who then provides a recommendation to the City Council for final action. City Council consideration and action on the amendments generally occurs but is not required prior to the end of the year.
7. RCW 36.70A.130 (The Washington State Growth Management Act (GMA)) provides for annual amendments to locally adopted comprehensive plans. Except in limited circumstances as provided for in State law, Comprehensive Plan amendments shall be considered by the city or county legislative body no more frequently than once per year. The annual limitation and exceptions are also restated in city code at ACC 14.22.060.
8. The City of Auburn established a June 5, 2015 submittal deadline for comprehensive plan amendments for the year 2015 (map or policy/text amendments). Notice to the public of the filing deadline was provided on the City's website, publication of a legal notice the Seattle

Times Newspaper, and sent to a notification list of potentially interested parties. The same notification has been completed for 2016.

9. A Mitigated Determination of Non-Significance (MDNS) the environmental review decision required under the State Environmental Policy Act (SEPA), for the application by Kana B. LLC for a Comprehensive Plan Map Amendment and Rezone was issued under city file SEP15-0019 on April 18, 2016. The comment period ended May 3, 2016 and the appeal period ended May 17, 2016. There were no comments or appeals
10. Auburn City Code Chapter 14.22 "Comprehensive Plan", outlines the process for submittal of private initiated amendments and the processing of Comprehensive Plan amendments as follows:

"Section 14.22.100

- A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter 1.27 ACC and, at a minimum, include the following:
 1. For site-specific plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;
 2. For area-wide plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
 - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.
- B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.
- C. Planning Commission Recommendation. The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.
- D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.
- E. State Review. All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW 36.70A.106.
- F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter 36.70A RCW. (Ord. 6172 § 1, 2008.)"

11. Pursuant to RCW 36.70A.106, the proposed comprehensive plan amendments outlined in this agenda bill were sent to the Washington State Office of Commerce and other state agencies as required for the 60-day state review. No comments have been received from the Washington State Department of Commerce or other state agencies as of the writing of this report.

12. Due to the scope and limited number of privately initiated policy/text changes, the optional process as provided in the city code for a public open house was not conducted.
13. The public hearing notice was published on June 10, 2016 in the Seattle Times at least 10-days prior to the Planning Commission public hearing scheduled for June 21, 2016. Public notice was also mailed to property owners of record within 300 feet, posting on-site and on the city's webpage.
14. The following report identifies comprehensive plan map amendment by Kana B LLC, scheduled for the Planning Commission's June 21, 2016 public hearing with a staff recommendation.

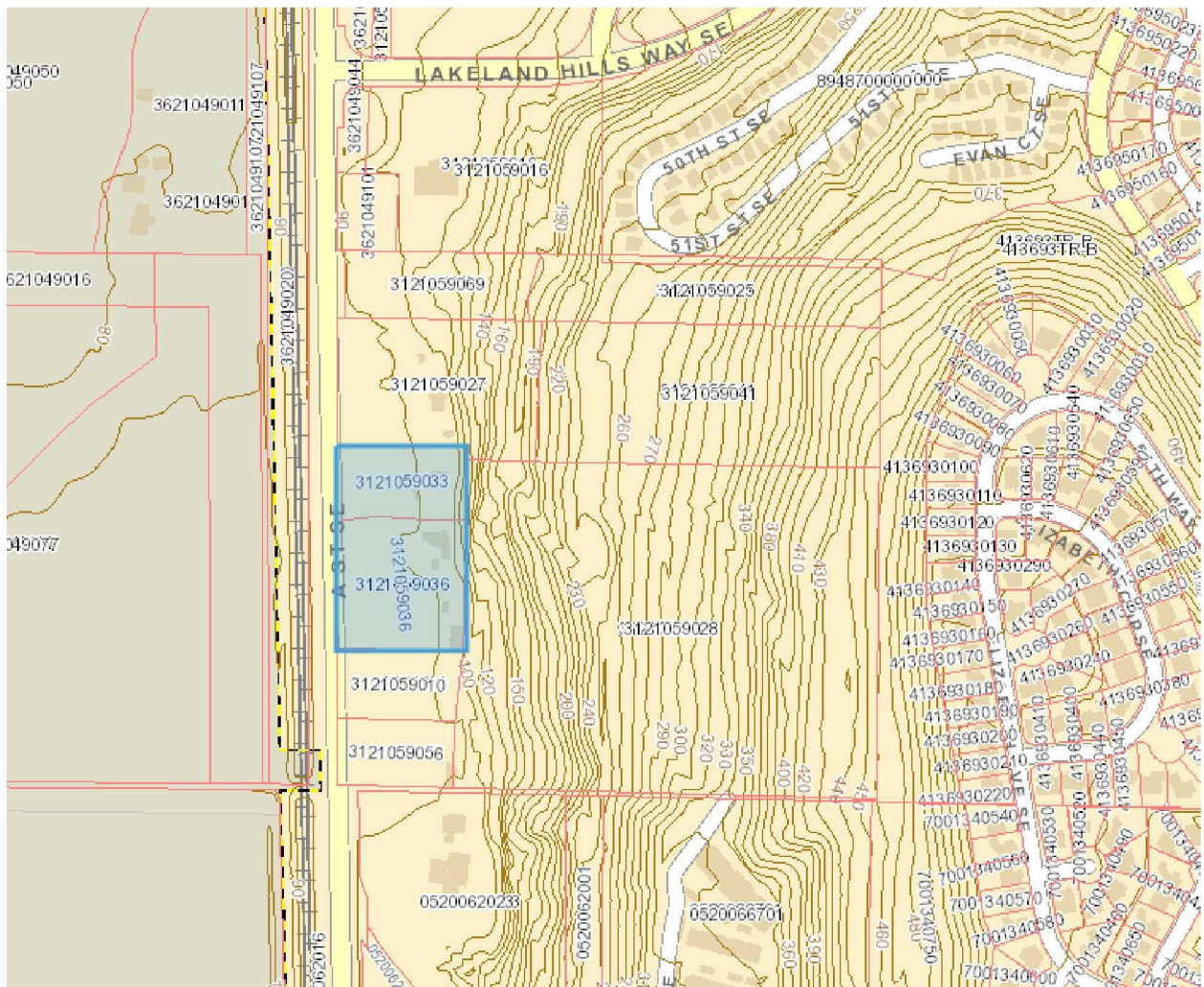
(Comp Plan Map Amendment) – Staff Analysis

Background

1. The Applicant submitted a Comprehensive Plan map amendment application on June 5, 2015, before the year 2015 application submittal deadline for comprehensive plan amendments.
2. The application was submitted by Mary J. Urback, Agent and Attorney for Jon Cheetham, Managing Member of Kana B LLC, Property Owner. Jon Cheetham and Greg O'Farrell are the managing members of Kana B Limited Liability Company (LLC). Jon Cheetham and Greg O'Farrell are the principals of Lakeridge Paving Company.
3. In addition to the Comprehensive Plan Map Amendment Application, the Applicants also submitted an environmental checklist application (File No. SEP15-0019) and a rezone application (File No. REZ15-0001).
4. The Comprehensive Plan Map Amendment application seeks to change the comprehensive plan map designation of the northern 2 of 4 parcels (Parcel numbers 3121059036 & 3121059033) from the current designation of "Light Commercial" to "Light Industrial".
5. The related rezone application (File No. REZ15-0001) seeks to change the zoning designation of the northern 2 parcels zoning designation from C1, Light Commercial to M1, Light Industrial and to change the southern 2 parcels under the same ownership (southern two parcels – Parcel No. 3121059056 & 13121059010) from C"3, Heavy Commercial" to "M1, Light Industrial" to correspond. The Applicant identifies in the environmental checklist application that this is a non-project action.
6. As indicated by the Applicant's narrative statement submitted with the application, the Comprehensive Plan Amendment and related rezoning have been requested for the purpose of bringing the entirety of both properties under the same land use designation to ensure the ability for future redevelopment. Lakeridge Paving Company as lessee to Kana B LLC is a "construction contractor" business and has plans for further development of the site to include a future office building and a future building for storage of construction equipment and vehicles. While certain further future development of the southern two parcels is capable of being done under the existing C3, Heavy Commercial zoning designation in effect (office uses and parking structures are allowed) it is complicated by being subject to different use limitations and zoning development standards.

7. The current Comprehensive Plan designation, zoning classification and current land uses of the sites and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	Light Commercial	C1, Light Commercial	Single family house and outbuildings and temporary storage of unoccupied buildings
North	"Light Commercial"	C1, Light Commercial	Single family residence
South	"Light Industrial" for the two parcels owned by the subject Applicant with "Light Commercial" designated properties, located beyond	C1, Light Commercial	The two parcels owned by the subject Applicant are mostly vacant. The properties beyond contain a heavy construction contractor business
East	"Moderate Density Residential I"	R7, Residential Seven Dwelling Units Per Acre.	Steep undeveloped hillside
West	East Valley Highway (A ST SE) , railroad line and City limits with City of Pacific, beyond	East Valley Highway (A ST SE) , railroad line and City limits RO zoned property located in the City of Pacific, beyond "	East Valley Highway (A ST SE), railroad line and agricultural property, beyond in the City of Pacific.



^
North

Process and Criteria for Requested Amendment

8. The Comprehensive Plan Map Amendment application seeks to change the designation of two adjacent parcels; two of the four parcels owned by the applicants. The northernmost parcel, Parcel #3121059033 consists of 1.08 acres and next parcel, Parcel #3121059036 consists of 1.14 acres.

The two properties considered together are roughly rectangular in shape with the longer axis oriented north-south and measuring approximately 500 feet.

9. The northern property the northern property (Parcel #3121059033) contains a single family house. The southern property (Parcel # 3121059036) has recently had the single family residence removed. Unoccupied buildings have temporarily been stored on-site under a temporary use permit.
10. Both sites are bordered to the west by developed A ST SE (a.k.a. East Valley Highway) which is classified by the City as a "Principal Arterial" which prescribes a five-lane road with 87 feet of right-of-way. The adjacent street is not currently developed to the "Principal Arterial" street standard. The site does not border any other roadway rights-of-way.
11. The property is located within the King County portion of the City of Auburn. It was annexed to the City in 1962 by Ordinance No. 1492.
12. Based on historic zoning maps, the subject properties were zoned UNCL, Unclassified from the time of annexation up until 1987 and then were changed to the second category of residential zoning of R2, a Single Family Residential (6,000 square foot minimum lot size). The properties were subsequently changed to a "Light Commercial" comprehensive plan designation and a "C1, Light Commercial" zoning classification.
13. The two properties slope gently to the west at the base of the transition in grade from the western face of a steep hillside to the valley floor.
14. As indicated by the Applicants in the narrative submitted with the application, the Comprehensive Plan Amendment and related rezoning have been requested for the purpose of changing the land use designation of the property to ensure a consistent designation across each site for future redevelopment.
15. The purpose of the City's Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code provision:

"ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the comprehensive plan. Capital budget decisions shall be made in conformity with the comprehensive plan. "

16. The City code provides certain criteria for decisions for comprehensive plan amendments as follows:

"ACC 14.22.110 Decision criteria for plan amendments.

A. The comprehensive plan was developed and adopted after significant study and public participation. The principles, goals, objectives and policies contained therein shall be granted substantial weight when considering a proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, who must demonstrate that the request complies with and/or relates to the following decision criteria:

1. The proposed change will further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent;
2. Whether the capacity to provide adequate services is diminished or increased;
3. Assumptions upon which the comprehensive plan is based are found to be invalid;
4. A determination of change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the specific section of the comprehensive plan that dictates the need for a proposed amendment;
5. If applicable, a determination that a question of consistency exists between the comprehensive plan and Chapter 36.70A RCW, the countywide planning policies for either King and/or Pierce County, as appropriate, and Vision 2040: Growth and Transportation Strategy for the Puget Sound Region."

CONCLUSIONS

1. The first criterion is that the change must further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.

The Applications are vested to the Comprehensive Plan in effect prior to the adoption of substantially revised Comprehensive Plan adopted in December of 2015. The Comprehensive Plan contains policy guidance related to this application. Specifically, Chapter 14, Comprehensive Plan Map, starting at Page 14-14 provides the following purpose and description of the 'Light Industrial' Comprehensive Plan designation: The 2014 Comprehensive Plan to which the application is vested provides the following purpose statement of the "Light Industrial" comprehensive plan land use designation.

"Light Industrial"

"Purpose: To reserve quality industrial lands for activities that implement the City's economic development goals and policies."

"Description: This category is intended to accommodate a wide range of industrial and commercial uses. This designation is intended to provide a location attractive for manufacturing, processing and assembling land use activities that benefit from quality surroundings and appropriate commercial retail uses that benefit from the location, access, physical configuration, building types of these properties. It is distinguished from heavier industrial uses by means of performance criteria. All significant activities shall take place inside buildings, and the processing or storage of hazardous materials shall be strictly controlled and permitted only as an incidental part of another use. The siting and design of industrial buildings shall be of an "industrial or business park" character. Certain residential uses may be permitted, especially in industrial areas that have been established to promote a business park environment that complements environmental features, and/or if development standards are developed to promote

compatibility between residential and other non-residential land uses.” (Emphasis added)

“Compatible Uses: A wide range of industrial and heavy commercial uses may be permitted, subject to performance standards. These uses include indoor manufacturing, processing and assembling of materials from previously prepared or raw materials and ancillary and necessary warehousing and distribution of finished goods associated with manufacturing and industrial uses. Certain residential uses may be permitted if development standards are established to promote compatibility between residential and other non-residential land uses.”

“Outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the area for light industry. In all cases such storage shall be extensively screened. In the Environmental Park District that implements the “Light Industrial” plan map designation; outdoor storage will be strictly limited to promote compatibility with adjacent environmental land uses. Uses involving substantial storage or processing of hazardous materials as well as substantial emissions should not be permitted in these areas. A wide range of commercial activities may be allowed to provide increased opportunities for sales tax revenue.”

“To ensure the City’s long-term ability to invest in public infrastructure and services remains viable, the City will continue to assess, evaluate, and if necessary pursue implementation of policies that incentivize the transition of current and future land uses in its industrial zones away from distribution and warehouse uses based on future changes on tax structure at the State level or other similar actions. The City believes that manufacturing and industrial land uses are preferential to and should be encouraged over warehouse and distribution land uses currently existing in the City and that any future warehouse and distribution uses should be ancillary to and necessary for the conduct of manufacturing and industrial uses. Manufacturing and industrial uses are more appropriate and beneficial through higher and better use of the land, enhanced employment densities, increased property tax revenues and potential on-site sales tax revenue generation for receipt of materials and other goods and services.”

“The establishment of regulations and incentives that create a basis for increased commercial retail uses in the City’s industrial zoning districts will provide greater opportunity for the generation of sales tax revenue in the City. Increased sales tax revenue will positively impact the City’s continued ability to maintain and operate a strong public investment program in infrastructure and services. Commercial retail uses will in turn be attracted to and benefit from the location, access, physical configuration and building types of industrial zoned properties.”

“Criteria for Designation: This designation should be applied to a majority of the Region Serving Area designated under this Plan. It is particularly appropriate for industrial land within high visibility corridors. This category should separate heavy industrial areas from other uses.”

“Considerations Against Applying this Designation: Within the Community Serving Area, this designation should only be applied to sites now developed as light industrial sites. Industrial sites along rail corridors are generally more appropriate for heavier industrial uses, unless in high visibility corridors.”

“Appropriate Implementation: This designation is implemented by the Light Industrial (M-1), Environmental Park (EP) or Business Park (BP) zone.”

Per ACC 18.23.020 C the stated purpose of the “Light Commercial” zone is as follows:

“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.”

Per the zoning code section, ACC 18.23.020.G, the stated intent of the “M1, Light Industrial” zoning district 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.”

As identified in ACC 18.23.030 the “M1, Light Industrial” zoning classification allows a wide range of uses. While primarily manufacturing and processing in concentration, the regulations also allow a wide variety of commercial and service oriented uses of a more intensive nature. The zoning development standards such as setbacks, building height, etc. of the zone are contained in ACC 18.23.040.

As discussed above, the southerly 2 parcels have been re-designated as “Light Industrial” under the 2015 Comprehensive Plan Update. The 2 northerly parcels are contiguous with these two southerly parcels. Also, the parcels are contiguous to existing land uses that function as light industrial uses such as industrially zoned properties across A Street SE located outside of Auburn City limits to the west, and Rodarte Construction Company to the south. Additionally, along this segment of A Street SE and within a distance of a quarter mile, there are no other established land uses except for one remaining single family residence (SFR) and a church (other SFR’s are depicted on the property in relatively recent aerial photographs, but some have been removed by the Applicant). Included with the application are statements by real estate agents that indicate that the property is not conducive to commercial development and is better suited to industrial development. There are many factors that may lead to this opinion for

example; the market may not have reached maturity at this location that make the property suitable for redevelopment consistent with the commercial designation.

The range of uses allowed in the light industrial zone are characterized by a greater amount of outdoor storage and outdoor activity and greater potential for noise and sharp transition in land use, regardless of the specific development arrangement and use. Without appropriate mitigation and design consideration, the proximity of the site to a heavily traveled "Principal Arterial" street corridor has the potential to result in land use and visual impacts to nearby properties and to the traveling public. The fact that the site rises in elevation approximately 15 feet and may be further filled to facilitate development increases the potential visibility of the site and future development. As well as, the location is at the south end of main transportation corridor at the perimeter, that forms a prominent visual identify for the City.

The Comprehensive Plan description of the purpose of this designation emphasizes that outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the area for light industry. In all cases such storage shall be extensively screened.

Applicable policies from the City's Comprehensive plan that are adopted and designated as a basis for the exercise of substantive authority under SEPA to approve, condition or deny proposed action are noted as follows:

Objective 2.2. To provide flexibility for major new commercial or industrial developments to respond to changing market conditions without threatening the purposes of this Comprehensive Plan.

GP-13 Ordinances regulating developing commercial or industrial areas should be based on performance standards which provide flexibility to respond to market conditions while ensuring compatibility with the Comprehensive Plan, and with present and potential adjacent uses.

GP-14 Review procedures for all new development should be integrated or coordinated with SEPA as much as possible.

GP-15 In interpreting plan provisions or in considering a plan amendment, plan designations in the Region Serving Area should be treated in a more flexible manner than in the Community Serving Area (see Map 3.2.).

Objective 2.3. To provide flexibility in areas where a transition from existing uses to planned uses is appropriate.

Policies:

GP-16 Contract zoning can be used to manage the transition between existing uses and future uses. Contract zoning allows new uses to be conditioned in a manner which controls potential conflicts during such transition. Contract zoning may be particularly useful as a timing device to ensure that the necessary public facilities are available to support new development.

GP-31 The City should appropriately support local businesses that enhance the image of the City through their contribution to economic vitality, educational, and historic value of the community.

Objective 11.1. To create a physical image for the city conducive to attracting light industry.

LU-96 Highly visible areas which tend to establish the image of the city should not be used by heavy industrial uses.

LU-97 The City shall promote high quality development of all light industrial and warehouse areas.

LU-98 The City shall aggressively seek to abate all potentially blighting influences in industrial areas, especially in areas visible to regional traffic flows and in areas designated for light industrial uses.

Objective 11.2. To establish performance standards appropriate for developing industrial areas.

LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts.

LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.

a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.

b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas.

c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets.

Consistent with this discussion in the Comprehensive Plan, the subject properties are adjacent to a highly visible transportation corridor that forms a visual identify for the city. Also, with the recent change in the map designation of the two properties located to the south and under the same ownership, the properties border other property designated "Light Industrial" by the Comprehensive Plan. The site is separated by hillside from residential uses to the east. Residential uses continue to exist to the north on property designated for light commercial use. The site is not located in the regional-serving area. The development of the property will be required to be served with high capacity and high quality public services and facilities concurrent with development; these will include half street improvements and utility extensions. The properties have frontage and access to West Valley Hwy N that is classified as a "Principal Arterial" in the City's Comprehensive Transportation Plan.

The City's comprehensive plan seeks to establish and maintain a balance of industrial uses that respond to local and regional needs while enhancing the city's image through optimal siting and location of light industrial uses.

2. The second decision criterion is that the comprehensive plan amendment must not diminish or increase the ability to provide adequate services.

The proposed application for a change in comprehensive plan designation and zoning has been reviewed by Valley Regional Fire Agency and the City Utilities and Traffic divisions. Based in these reviews, the change would not adversely affect the provision of services. The proposed Comprehensive Plan map change by itself, if approved will not affect the ability to provide adequate services. As typical with development in the city, the infrastructure improvements needed to support the development would be the responsibility of the future development. At the time of development, adequate services would be required to be provided concurrent with the development in order for the project to be authorized. So, it is not anticipated that approval of the request negatively affects provision of services. Utility and street frontage improvements would be required to support the development

While the site is not yet developed consistent with city standards for the operation of a paving contractor business, Lakeridge Paving Company seeks to develop the site for a “construction contractor” business and has plans for further development of the southern lot to include a future office building and a future building for storage of vehicles. While this further future development is capable of being done under the C3, Heavy Commercial zoning classification (office uses and parking structures are allowed) it is complicated by being subject to different zoning development standards. The Applicant has recently submitted additional applications to the city for the future development of the site. These will be reviewed for consistency with city standards, including City Public Works Design Standards prior to authorization.

3. The third decision criterion is that the assumptions on which the comprehensive plan is based are found to be invalid.

While the policies of the Comprehensive Plan are not invalid, the city has already changed the map designation to “Light Industrial” of two contiguous parcels off-site to the south and therefore making this requested change more logical as an expansion of the existing designation. However, this property owner’s parcels would be different in designation than all surrounding parcels.

4. The fourth decision criterion is that there has been a change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment.

There has been a lack of change in conditions that generates the need for the change. The pattern of “Light Commercial”-designated parcels has not been revisited for many years. The proposed change is for two parcels that are located adjacent to other parcels with the “Light Industrial” designation and provides more regular boundaries that reduce potential for land use conflicts.

5. The fifth decision criterion is that the change must be determined to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of the relevant county and “Vision 2040: Growth and Transportation Strategy for the Puget Sound Region”.

The change if approved would continue to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of King County and “Vision 2040: Growth and

Transportation Strategy for the Puget Sound Region". The proposal is consistent because it provides land suitable for industrial development.

- 6. The sixth decision criterion, applies only to changes of the mapped land use designation of a specific property, the applicant must demonstrate one of the following:**
- a. The current land use designation was clearly made in error or due to an oversight;**
 - b. The proposed land use designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;**
 - c. There has been a change in conditions since the current land use designation came into effect.**

The same land use designation as proposed occurs on adjacent properties to the south and thus meets item b.

STAFF RECOMMENDATION

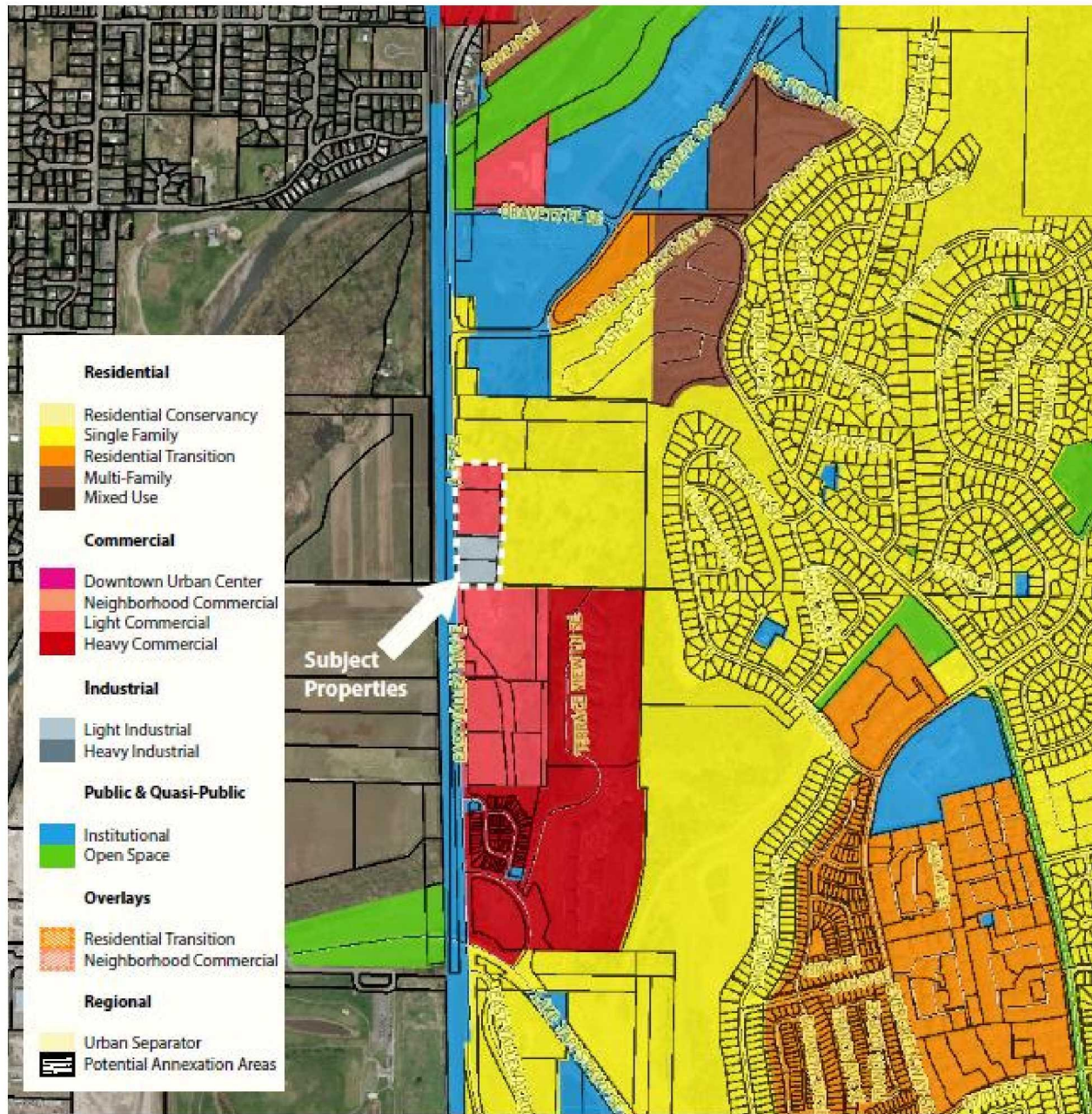
Planning Commission to recommend to the City Council approval of the Kana B LLC (CPA15-0002) request for a Comprehensive Plan Map Amendment to change the map designation of two parcels, Parcel Nos. 3121059036 - 2.33 acres & 3121059033 – 1.32 acres from "Light Commercial" to "Light Industrial".

EXHIBIT LIST

Exhibit 1	Staff Report
Exhibit 2	Vicinity Map with amended 2015 map designations
Exhibit 3	Completed Comprehensive Plan Amendment Application Form and materials including Applicant's Narrative Statement,
Exhibit 4	Combined Notice of Application and Mitigated Determination of Non-Significance SEP15-0016
Exhibit 5	Notice of Public Hearing
Exhibit 6	Affidavit of publication
Exhibit 7	Affidavit of Mailing
Exhibit 8	Affidavit of Posting

Vicinity Map

with Updated 2015 Comprehensive Plan Designations



**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 #: CRAIS-0002
FILE NAME: _____
TYPE: _____ RECEIVED BY: _____
FEES PAID: _____ CHECK/CASH: _____
SUBMITTAL DATE: _____
LAND USE DESIGNATION: _____

COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

APPLICANT: ☐ Use mailing address for meeting notification.

Contact both as
Noted

☒ Check box if Primary Contact

COMPANY: KANA B Limited Liability Company
ADDRESS: P.O. Box 8500
(CITY, STATE, ZIP) Kent, WA 98042
PHONE: 206-396-0807 FAX: _____ E-MAIL: jonc@lakepar.com

SIGNATURE: [Signature] PRINTED NAME: Jon Cheetham
(Signature Required)

APPLICANT'S REPRESENTATIVE:

☒ Check box if Primary Contact

COMPANY: Mary J Urback PLLC
ADDRESS: 12417 12th St. E
(CITY, STATE, ZIP) Edgewood, WA 98372
PHONE: 253-826-9504 FAX: _____ E-MAIL: murback@urbackpllc.com

SIGNATURE: Mary Urback PRINTED NAME: Mary J. Urback
(Signature Required)

PROPERTY OWNER(S): ☐ Attach separate sheet if needed.

☐ Check box if Primary Contact

COMPANY: Same as applicant
ADDRESS: _____
(CITY, STATE, ZIP) _____
PHONE: _____ FAX: _____ E-MAIL: _____

SIGNATURE: _____ PRINTED NAME: _____
(Signature Required)

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: 5680 + 05450 A St. SE

ASSESSOR'S PARCEL ID#	LOT SIZE	ZONING DISTRICT
<u>3121059056</u>	<u>47,095 sq ft</u>	<u>C-3</u>
<u>3121059010</u>	<u>49,515 sq ft</u>	<u>C-3</u>
<u>3121059036</u>	<u>101,529 sq ft</u>	<u>C-1</u>
<u>3121059033</u>	<u>57,381 sq ft</u>	<u>C-1</u>

TOTAL
AREA TO DEVELOPED (s.f.): _____

255,520 sq ft / 5.9 acres

EXISTING USE OF SITE: _____

3121059010 & 9056: Lakeridge Paving Co. (non-producing entity - no asphalt plant)
3121059033 & 9036: Former Residential

PROPOSED USE OF SITE: _____

Continuation of Lakeridge Paving Co. and future offices of Lakeridge Paving and future industrial related uses



CITY OF AUBURN

Planning & Development Department
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1 East Main Street
Auburn, Washington 98001-4998
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www.auburnwa.gov

COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION

COMPREHENSIVE PLAN MAP AMENDMENT – LETTER OF AUTHORIZATION

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

I, Jon D. Cheetham declare under penalty of perjury under the laws of the State of Washington as follows;

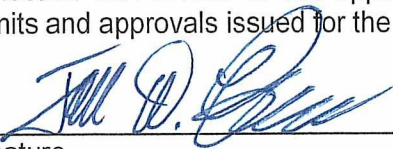
1. I am the owner of the property that is the subject of the application.

2. I ☐ have not appointed anyone, or ☒ have appointed Mary J. Urback,
to act as my agent regarding this application.
representative

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.


Signature

Jon D. Cheetham
Printed Name

06.05.15
Date

Edgewood, WA
City and State where signed

P.O. Box 8500
Kent, WA 98042
Address

See Attached Notary for Letter of Authorization

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

GIVEN under my hand and official seal this 5th day of June, 2015.

Mary Helmer
(Signature)
Mary J. Urbach
(Name legibly printed or stamped)
Notary Public in and for the State of
Washington, residing at Edgewood
My appointment expires: 06-15-17



**KANA B LIMITED LIABILITY COMPANY
COMPREHENSIVE PLAN AMENDMENT – REZONE APPLICATION
(NON-PROJECT ACTION)**

**AMENDED WRITTEN STATEMENT
BY KANA B LLC, DATED OCTOBER 6, 2015**

I. Background

Jon Cheetham and Greg O’Farrell, are the Managing Members of Kana B Limited Liability Company (“Kana B”). Both are local residents in the Pierce and King County areas. Mr. Cheetham and Mr. O’Farrell have developed the Terrace View Park Mixed Use Development on A Street Southeast and the intersection with Lakeland Hills Parkway. The Terrace View Park Mixed Use Development was annexed into the City of Auburn shortly after 2000.

Mr. Cheetham and Mr. O’Farrell, dedicated land and assisted in the construction of the Lakeland Hills Parkway, as part of the Terrace View Park Development. The Terrace View Park Development is a successful mixed-use multi-family and single-family development with a commercial component with a recently approved Storage Facility serving the multi-family and single-family community within the Terrace View Park Development as well as the greater Lakeland Hills community.

In 2000, Mr. Cheetham and Mr. O’Farrell also acquired two (2) parcels of land, known as King County Parcels Nos. 3121059056 (47,095 sq. ft.) and 3121059010 (49,515 sq. ft.) for potential future tenant development consistent with the then existing zoning which was C-1 at the time of acquisition (the “Southerly Parcels”). The Southerly Parcels are currently designated as Commercial under a C-3 Zoning Classification.

Mr. Cheetham and Mr. O’Farrell are also the principals of Lakeridge Paving Company. The Company was started by Mr. O’Farrell and the Mr. Cheetham in about 1968 and Mr. Cheetham and Mr. O’Farrell remain the principals today of Lakeridge Paving Company. Lakeridge Paving Company is a non-producing company and lay down only company with no asphalt plant. Lakeridge provides a full range of site development and utility services to residential, commercial, or industrial projects in the greater Puget Sound area, including Auburn. Lakeridge Paving Company employs approximately 50 people subject to seasonal fluctuations. The City of Auburn has previously recognized certain operational activities of Lakeridge Paving (in the nature of a contractor’s yard for storage of equipment and trucks) on the Southerly Parcels.

In 2014, Mr. Cheetham and Mr. O’Farrell acquired two additional parcels north of the South Parcels, known as King County Parcel Nos. 312105036 (101,529 sq. ft.) and 3121059033 (57,381 sq. ft.). (the “Additional Northerly Parcels”). The Additional Northerly Parcels are currently designated as Commercial and are zoned under a C-1 Zoning Classification.

Mr. Cheetham and Mr. O'Farrell are seeking to re-locate the entirety of Lakeridge Paving to the above-identified parcels, and in that regard are in the process of preparing the necessary development submittals for an Office Complex as allowed on Parcel No. 3312105036 related to the business operations of Lakeridge Paving. (There is no immediate plans for Parcel No. 3121059033). There will be no connectivity between the business operations on Parcel No. 3121059056 and the existing C-3 parcels (the Southerly Parcels) which house the operational activities (storage of equipment and trucks) of Lakeridge Paving. The requested Comprehensive Plan Amendment/Rezone is not needed to obtain approval for the allowed C-1 Office Complex nor for the operational activities of Lakeridge Paving on the two Southerly Parcels. As part of the Office Complex allowed under the existing C-1 Zoning Classification, modular units, ranging in size from 2,880 square feet to 720 square feet, are proposed to be installed and connected by walkways. Landscaping, parking, stormwater control and treatment, water service, on-site sewage facility, and right-of-way improvements consistent with the City of Auburn Code and existing Comprehensive Plan policies will be implemented.

The requested Comprehensive Plan Amendment/Rezone to a M-1 Zoning Classification would provide the necessary flexibility and would allow for a cohesive, collective operation of Lakeridge Paving and would be consistent with the characteristics of the area (as described fully below). Assuming the Comprehensive Plan Amendment/Rezone was approved, Lakeridge Paving may seek to amend the above-described specific development application to allow certain additional features in the nature of connectivity of the internal road system between Parcel No. 3121059036 and Parcel Nos. 3121059056 and 3121059010 as well as use of an existing building (about 1,825 sq. ft.) and construction of a new building (about 2,400 sq. ft.) for two shop areas on Parcel No. 3121059036 in conjunction with the operational activities of Lakeridge Paving as allowed under an M-1 Zoning Classification.

Thus, Mr. Cheetham and Mr. O'Farrell are requesting that the four (4) parcels (also referred to herein as the "Kana B Parcels") be re-designated from a Commercial Zone (C-1 and C-3) to an Industrial Zone (M-1) for the following reasons:

II. Criteria Relating to Request (Addresses Criteria 1 – 10)

A. Criteria 3, 4, and 6(c):

Although the City has previously confirmed use of the Southerly Parcels, under C-3 Zoning Classification, for the operation of the Lakeridge Paving Company, including the outside storage and vehicle storage needs, it is clear as described more fully below, that the Land Use Designation of Industrial with an M-1 Zoning Classification for all four (4) parcels owned by Kana B is supported and appropriate based upon: (i) the actual uses of the surrounding area, (ii) the land use designations of the surrounding regional area, (iii) the abutting principal transportation corridor on A Street SE, (iv) the close proximity to State Highway 167, (v) the existence of the BNSF Railroad Corridor to the immediate west of the Parcels, and (vi) the absence of any market data or interest to support a retail-focused zoning classification.

As demonstrated by the attached analyses of Kidder Matthews (Appendix 1) and Coldwell Banker (Appendix 2), a Commercial Land Use Designation with its central focus on

retail (from a community-type retail to a regional retail center) is not a viable planning mechanism for this area given its location, absence of adjacent proximity to residential development, physical constraints of the parcels, surrounding uses, the existing high speed transportation corridor, and the adjacent railroad corridor.

Commercial Retail and Medical/Dental Office is not supportable on A Street S.E. The goal of a C-1 use is to provide goods and services “to area residents” and for the purpose of attracting “pedestrian oriented activities” (See Auburn Comprehensive Plan Page 14-9). The criteria for a C-1 use is that the parcel be capable of supporting a “centrally located shopping area”. (Auburn Comprehensive Plan Page 14-10). Similarly, with C-3, while including contractor yards and outside equipment and vehicular storage, the overarching designation is intended to serve larger, regional commercial retail like a “commercial strip” development. (See Auburn Comprehensive Plan Page 14-12). These goals cannot be satisfied on the subject Parcels.

A M-1 Zoning Classification, while allowing commercial retail, would provide the necessary flexibility to allow for Industrial Uses which are compatible with the regional area, the size and physical limitations of the properties in the area (steep slopes and wetlands), the transportation corridor, the railroad corridor, adjoining uses, and regional surrounding Industrial uses.

The Analysis of Kidder Matthews demonstrates that the Kana B Parcels along A Street SE are not accessible to the major residential areas of Lakeland Hills and Pacific. Nor is A Street SE a “pedestrian oriented activity center”. The Kana B Parcels are isolated from the larger residential community; there is no direct connection to the Kana B Parcels. The circuitous route from the Lake Tapps Parkway to A Street East discourages and is a disincentive to travel to any desired commercial retail uses on A Street East. Especially given the concentrated and extensive office and commercial retail development within the Lakeland Hills community, the residences are adequately served by Lakeland Hills which is pedestrian oriented. In addition, the population base of the neighboring community of Pacific and Lakeland Hills also is adequately served by the White River Shopping Center.

As the Analysis of Kidder Matthews further shows, the residential community is adequately served by existing commercial retail and A Street East is not able to compete with the long-established retail and office development with the Lakeland Hills Community and White River Shopping Center. The professional opinion of Kidder Matthews is further supported by the Analysis of Coldwell Banker that has attempted, unsuccessfully, for over 10 years to market the Kana B Parcels for commercial retail or professional office space.

In addition, the location of the BSNF Railroad Corridor, as noted by the Kidder Matthews Analysis is a strong deterrent from both a “noise and vibration standpoint” to general retail uses. Also, the existence of the Railroad Corridor, precludes in perpetuity the existence of any development on the west side of A Street East to provide a “demand area” to form any type of center of commercial retail uses to draw prospective developers and tenants of retail.

The desired Commercial Uses simply have not materialized and will not materialize given the concentrated, centrally located large commercial centers of both Lakeland Hills and the White River Shopping Center from a transportation and pedestrian perspective of both the Lakeland Hills Community and the Pacific area.

B. Criteria 1, 5, 6(b), 6(c), 8, and 9:

As stated above, Kana B requests a Land Use Designation of Industrial and a Zoning Classification of M-1 to provide for necessary flexibility to develop the properties in a cohesive, comprehensive manner consistent with the characteristics of the area. This Request is consistent with the surrounding uses, the surrounding land use designations in the regional area, the proximity of major transportation corridors, the abutting Railroad Corridor, and the City's Comprehensive Plan.

The surrounding uses to the south and significant area to the west (on the west side of the Railroad Corridor) are all industrial-related uses. In effect, with the proposed requested Industrial Land Use Designation on the Kana B Parcels, it could be said that there is effectively a regional Industrial Center consistent with the guidelines of Vision 2040. The parcels of land abutting the southerly Kana B parcels have been long-established as industrial uses. More importantly, although within the jurisdiction of the City of Sumner, significant acreage to the west of the Kana B Parcels has been developed and designated all as an Industrial Land Use Designation to the Auburn boundary of Ellingsen (See Appendix 3 - Land Use Map of City of Sumner. Therefore, the greater regional area is and will continue to be Industrial-related uses which are thus consistent with the requested Industrial Designation on the Kana B Parcels. The effect, as stated by the Kidder Matthews and Coldwell Banker Analyses, is to draw other Industrial Uses along A Street SE supporting the requested change of Land Use and Zoning Designation to M-1.

Moreover, Industrial Uses with industrial-commercial related uses, serves the City's Comprehensive Plan Goal of Economic Development (Goal 17, Page 1-29). As the City's Comprehensive Plan notes, Auburn's land use designations should support a "wide range of employment opportunities for Auburn's residents and those of the region" "through the promotion of quality industrial . . . development" (Page 1-29). It is a well-established economic fact that industrial jobs provide a higher living wage for the citizens of Auburn.

The City's Comprehensive Plan also recognizes the economic benefits of industrial land development - "industrial land and the development that it supports accounts for a significant percentage of the City's tax base. It also provides a large number of jobs to both city and regional residents." "[I]ndustrial land is a limited resource and should be fully utilized to maximize its potential benefits. (Page 3 – 33). At Page 14-14 of the City's Comprehensive Plan, the Plan recognizes that "industrial lands" implement the City's economic development goals and policies. Objective 9.4 requires that there be an "adequate supply of land to support future economic development and assure the availability of economic opportunities. The re-designation of the Kana B Parcels will support the economic base of the City, a strong goal of the City's Comprehensive Plan.

The City's Comprehensive Plan also recognizes that parcels should be reserved and protected "which are highly suitable for light industrial development". (Objective 11.4, Page 3-38). The City's Comprehensive Plan further recognizes that the "grouping" of industrial uses "will mutually benefit each other or provide needed services will be encouraged". (LU-105, Page 3-37). The availability of transportation corridors is a major consideration in the designation of industrial siting. (Objective 9.2, Page 8-7). The Kana B Parcels are in a centrally located area to serve northerly King County and to serve the south into Pierce County. The importance of this transportation corridor is noted by the Kidder Matthews analysis. The Kana B Parcels, as noted, are in close proximity to State Highway 167, a major north-south transportation corridor which supports the re-designation of the Kana B Parcels to an Industrial Land Use Designation.

C. Criteria 2, 7, 10.

The capacity of the City to provide adequate services will be not adversely impacted. As the Technical Memorandum of Heffron Transportation, dated October 5, 2015 (attached hereto), concludes, there will be less trip generation and less traffic volume generated from light Industrial Use than a zoning classification which focuses on and is oriented solely for commercial retail. As stated by Heffron Transportation, the lowest potential impacts would be associated with manufacturing, warehousing, and industrial uses. As further concluded by Heffron Transportation, there will be less transportation impacts from uses that are not retail-oriented as retail-oriented uses produce significant trip generation as shown on Table 2 of the Heffron Technical Memorandum. In addition, as also concluded in the Heffron Technical Memorandum, because the highest trip generators (retail oriented uses in the nature of community and regional retail) allowed under the existing C-1 and C-3 Zoning Classifications are also allowed in an M-1 Zoning Classification, an M-1 Zone necessarily will not result in the potential for an increase in traffic volume. Moreover, given the physical constraints of the parcels, large box warehousing and distribution centers cannot locate on the parcels, and therefore, as Heffron Transportation concluded, there will be no new uses that will adversely affect traffic conditions in the vicinity of the parcels.

Stormwater (quantity and quality), water usage and sewage impacts will not be increased as a general condition as an M-1 Zoning Classification does not allow and expressly prohibits high intensity industrial uses. The defined intensity industrial uses under ACC 18.04.612 are those uses that may have greater impacts on noise, sewage, water uses. Auburn's Code specifically notes that the manufacturing uses allowed under an M-1 Zoning Classification, by definition are limited to light intensity of manufacturing uses wherein the:

"intensity, scale, and/or characteristics of operation and materials used are unlikely to result in externalities or effects on surrounding land uses or the community because. . ." ACC 18.04.614.

and medium intensity manufacturing uses (allowed under an M-1 Zoning Classification) are also viewed as compatible with surrounding land uses and the community:

“where the intensity, scale, and/or characteristics of operation and materials used are unlikely to result in externalities or effects on surrounding land uses or the community can be reduced or avoided when appropriately developed . . .” ACC 18.04.616.

Further, given the steep slope (in excess 45%) there is adequate separation in excess of 400 feet from existing residential uses located at the top of the easterly steep slope to ensure compatibility. The property to the north of the subject parcels while identified with a residential zone by Zoning Classification, the Comprehensive Plan Land Use Designation is Light Commercial. Given that the Zoning Classification must be compatible with the Comprehensive Plan Land Use Designation as required under the Growth Management Act and further given that Light Commercial uses are allowed within an M-1 Zoning Classification, there necessarily is compatibility by virtue of application of the consistency rules which are controlling under the GMA. In addition, there is sufficient separation created by the existence of wetlands and required buffers on the property to the north to provide adequate physical separation to provide for compatibility.

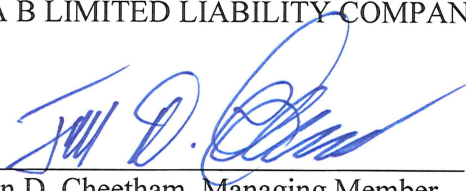
Finally, the City’s Comprehensive Plan recognizes that performance standards relating to the particular Industrial use guides development of the Industrially-zoned parcels. (See Objective 11.2 Page 3-36 and 14-14). Objective 11.2 of the City’s Comprehensive Plan states that “performance standards appropriate for developing industrial areas” is the basis for ensuring adequate and quality development. The detailed performance standards will control development of the Kana B Parcels and provide the assurances to the City of a quality Industrial use.

III. Summary

Re-Designation of the Kana B Parcels supports Objective 11.3 of the City’s Comprehensive Plan that areas “appropriate for industrial development” be reserved. For all the reasons set forth above, including the existing surrounding uses, the proximity of a major north-south transportation corridor (State Highway 167), the existing adjoining Industrial uses, and the land use Industrial regional planning in the area, the proximity of the BSNF Railroad Corridor, and the absence of market data supporting a retail-focused Commercial Zoning Classification fronting the Kana B Parcels along A Street SE, re-designation of the Kana B Parcels to an Industrial Land Use Designation with a M-1 Zoning Classification is appropriate especially where under the City’s Zoning Code, commercial retail uses are allowed under an M-1 Zoning Classification. An Industrial Land Use Designation will provide the opportunity for the necessary flexibility for the area to modernize and develop with quality improvements, a strong goal of the Auburn Comprehensive Plan (Page 14-14). As important, a re-designation to Industrial will support the Economic Goals of the City.

Thus, the Applicant respectfully submits this Amended Written Statement and requests approval of its Application for a Comprehensive Plan Amendment for a Land Use Designation of Industrial and a Zoning Classification of M-1.

KANA B LIMITED LIABILITY COMPANY

By: 

Jon D. Cheetham, Managing Member
October 6, 2015

APPENDIX I

May 28, 2015

Mr. Jon Cheetham
Kana B Limited Liability Company

RE: Parcel Nos: 3121059033, 312105-9036, 312105-9010, and 312105-9056

Dear Jon:

After a physical review of the above identified parcels, as well as the surrounding area, it is my professional opinion that the existing C-1 and C-3 zoning designations for these parcels make little to no sense for a number of reasons as described below based upon my expertise in the commercial retail, professional office, and industrial market.¹ These Zoning Designations under the City of Auburn Code are intended to serve professional office space and small to major retail commercial centers with some contractor-type uses in a C-3 Zone.

Accessibility: Exhibit A

Access to these parcels from the major residential areas of Lakeland Hills and Pacific is extremely limited. Lakeland Hills traffic will either access these parcels via Lake Tapps Parkway to the south or via Lakeland Hills Way SE to the north. In either case there is no direct access. In the case of accessibility from the town of Pacific there is no direct access. The population base of the town of Pacific is best served by access via Ellingson-Road to the north. This access places that population much closer to the commercial hubs north of the White River.

As described in detail below, given the significant retail and professional office development core (existing and planned) servicing the Lakeland Hills Community within Lakeland Hills, the uses targeted under the City of Auburn's Zoning Code for C-1 through C-3 uses will not locate along A Street East. Retail and office development require a level of existing residential development before it will locate in an area and that exists within the Lakeland Hills Community. Retail and office development along A Street would not be able to compete with the existing retail and professional office development within the Lakeland Hills Community.

Surroundings: Exhibit B

C-1 through C-3 type uses under Auburn's Zoning will find the prospects of being adjacent to (facing) an active rail line, a strong deterrent both from a noise and vibration standpoint, as well as from the inability to have additional C-1 through C-3 type uses located across the street to create a "demand area". Neighboring properties do not promote C-1 zoning use in this area. Parcel 052006-2-023 (Rodarte) is an industrial use which creates noise not compatible to C-1 through C-3 users. Parcel-Nos. 312105-9056 and 312105-9010 are contractor-type uses compatible with industrial uses and the existing use adjacent to the subject parcels. Additionally, these subject parcels back up against a hillside which will not allow for either additional improved access from Lakeland Hills or the future development of additional retail business related uses.

f:\agents\richard\2015\5. may\0528 cheetham letter.docx

Moreover, the land within the jurisdiction of the City of Sumner to the west both north to Auburn's boundary (on Ellingsen) and south for miles is all zoned Industrial. Not only it is zoned but it is currently being developed immediately to the west and south of the subject parcels for Industrial users.

The net effect of the rail, surrounding zoning, other uses, and inability to create a "demand center" to draw other C-1 through C-3 uses makes these subject parcels unworkable from a practical standpoint with a C- 1 through C-3 zoning.

Existing Retail/Office Demand Centers: Exhibit C

As indicated earlier, the population base of the Lakeland Hills area is served by the existing commercial services developed at the intersection of Lakeland Hills Way SE and Lake Tapps Parkway E. The population base of the Lakeland Hills area is also served by the much larger area of retail and office development located to the north of the White River. The population base of Pacific is primarily served by the retail and office development north of the White River based on their access point at Ellingsen Road. The greater area as a whole is in close proximity to downtown Auburn and the Outlet Collection Mall development. In effect, these subjects C-1 through C-3 zoned parcels are an island completely isolated from any retail, office, or commercial center draw point.

Summary –Location

The first rule of real estate is location, location, location. Location is absolutely critical for the type of users which fit into the C-1 through C-3 zoning under Auburn's Code. The parcels in question are not in a location that allows for those types of uses to operate successfully due to key points of access, surrounding area, and existing established commercial hubs. C-1 through C-3 type users are drawn to locations where other users exist, i.e., the residential core.

The subject parcels are best utilized in a manner befitting an Industrial-type zoning.

Sincerely,



Richard T. Davidson
First Vice President, Partner



Richard T. Davidson
First Vice President, Partner

PROFESSIONAL BACKGROUND

Richard Davidson is a partner with Kidder Mathews, an office, industrial, investment brokerage and property management firm with over 190 licensed agents and nine offices in the Pacific Northwest and Northern California. Richard has more than 26 years of experience in commercial real estate, beginning his career in corporate real estate in 1988 with the Grubb & Ellis Company. In 1992, he joined Kidder Mathews.

Richard's focus throughout his career has been working with clients to help solve their real estate needs both on a local and national level. Throughout his tenure in the business, Richard has operated under a simple philosophy, "The key to providing the highest level of professional services to your client is understanding, in depth, your client's operations, needs, goals, and motivations."

PROFESSIONAL INVOLVEMENT

Civic and professional organizations include the Society of Industrial and Office Realtors, National Association of Industrial and Office Parks (NAIOP), Washington Association of Realtors and Southwest King County Chamber of Commerce.

CAREER HIGHLIGHTS

A brief summary of representative assignments are as follows:

- 52,000 SF lease representing King County
- 57,000 SF headquarters sale representing Holaday Parks
- 22,000 SF lease representing NW Kidney Centers
- 11,337 SF lease representing Ticor Title/Fidelity
- 62,000 SF purchase representing BECU
- 155,000 SF sale representing Transpacific Investments
- 23,000 SF lease representing Mazda Motors of America
- 102,000 SF lease representing G.M.I.

EDUCATION

Richard received his Business Degree from the University of Portland in 1986.

12886 Interurban Ave S
Seattle, WA 98168
T 206.248.7314
F 206.248.7342
richardd@kiddermathews.com

PARTIAL CLIENT LIST

AIG Insurance
American Home Products
Boeing Employees Credit Union
British Petroleum
CDS Global Logistics
City of Tukwila
C.M.I.
Door-to-Door Storage
Holaday Parks
JSH Properties
K Line America
Keller Williams Realty
King County
Mazda Motor of America
Midas International
Mohawk Industries
Nintendo America, Inc.
Northwest Kidney Centers
Peerless Systems
Pitney Bowes
Prudential Realty
Southwest King County Chamber of Commerce
Ticor Title
Transpacific Investments
University of Phoenix
Westinghouse Electric Corp.

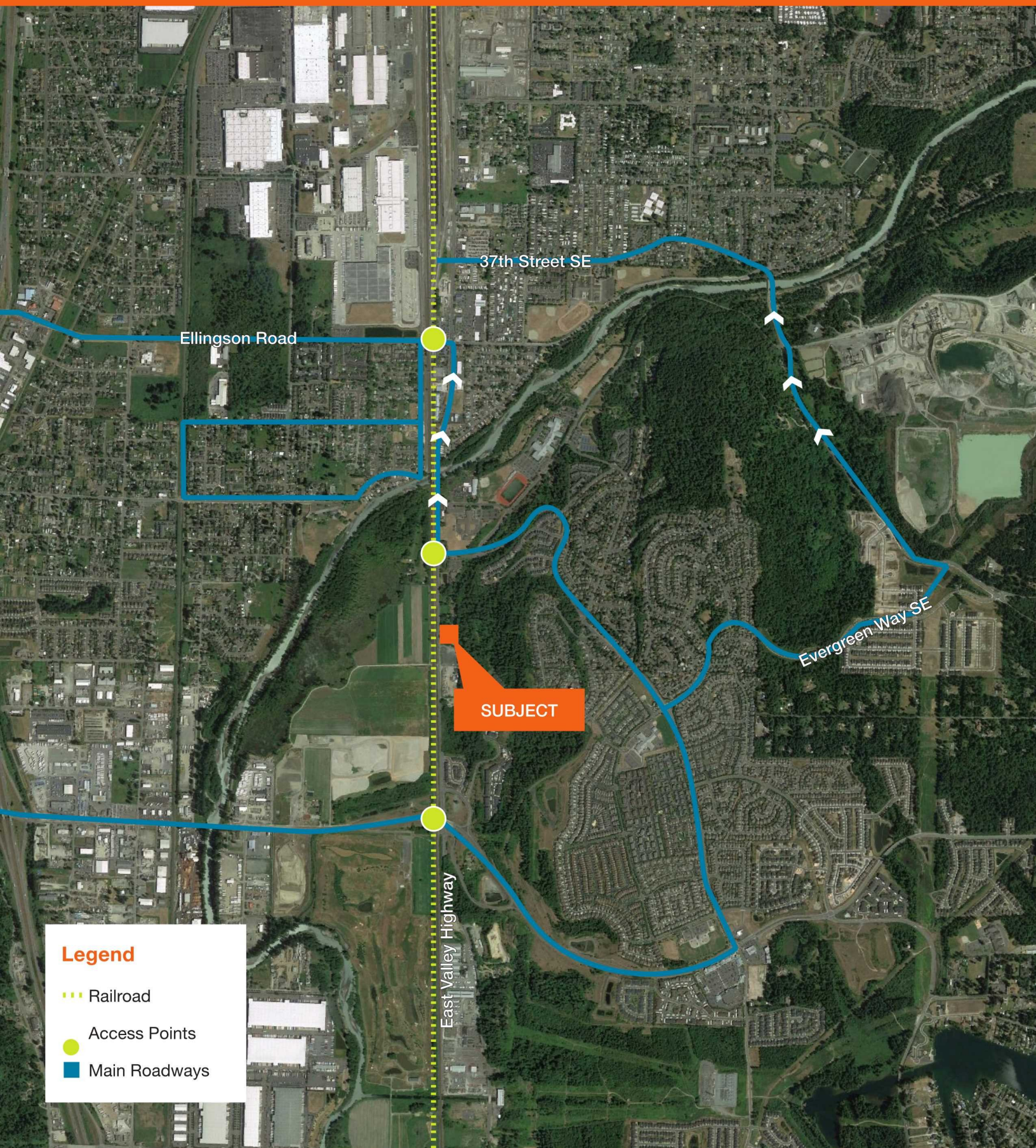
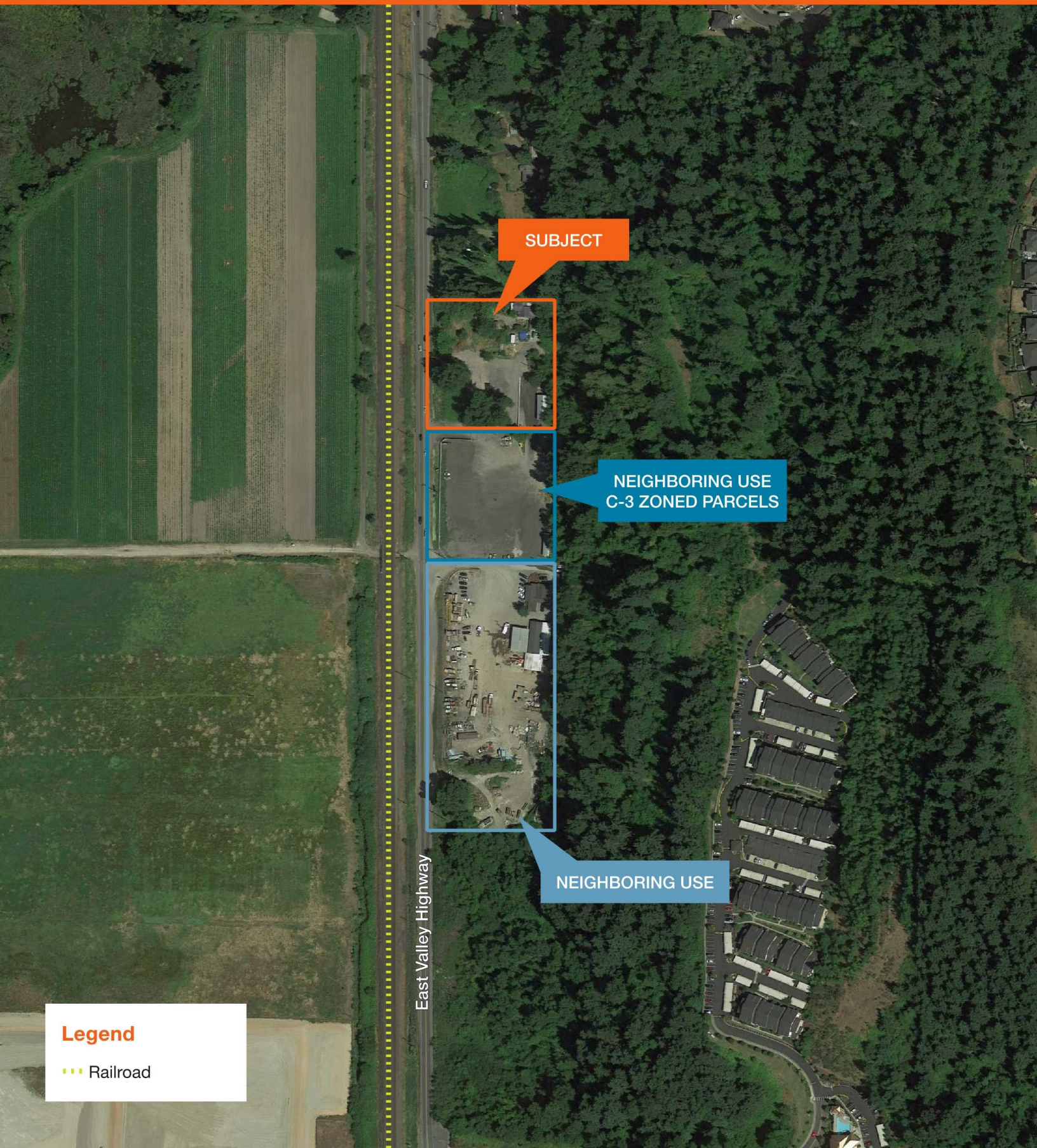


Exhibit B



SUBJECT

NEIGHBORING USE
C-3 ZONED PARCELS

NEIGHBORING USE

East Valley Highway

Legend

--- Railroad



167

Ellingson Road

SUBJECT

NEIGHBORING USE
C-3 ZONED PARCELS

NEIGHBORING USE

8th Street E

East Valley Highway

Legend

- Railroad
- Population Base
- Retail/Service Hub

APPENDIX II

Bob Fredrickson, CCIM
President



Danforth

**COLDWELL BANKER COMMERCIAL
DANFORTH**

33313 1ST WAY SOUTH
FEDERAL WAY, WA 98003

BUS. 206 212 2216
CELL. 206 595 7232
FAX. 253 838 0760

June 1, 2015

Re: Kana B Limited Liability Company – Request for Comprehensive Plan Amendment
Land Use Re-Zone to M – 1

My name is Bob Fredrickson of Coldwell Banker Commercial Danforth (CBCD), 33313 1st Way South, Federal Way, Washington. Dave Danforth and I are principals of CBCD and have been in the real estate industry for 25 years. Our focus is commercial and industrial lands and we have been involved in numerous transactions relating to commercial and industrial properties (both representing sellers and buyers) in the South Sound area of King County, including within the city limits of Auburn.

Dave Danforth and I have represented Greg O'Farrell and Jon Cheetham, the principals and owners of Parcel Nos. 3121059010 and 3121059056, for many years attempting to sell or lease the properties under its current zoning.

CBCD had listed the properties for sale under zoning classifications of C-3 and C-1 for about 10 years. It was our understanding that this zoning was put in place because the City of Auburn was envisioning this area to be developed with the hope of bringing professional office space and small to major retail centers to this area.

In our years of marketing the property, the only tenants or buyers who were ever interested in operating or constructing a business at this location along A Street East were companies interested in heavy construction or industrial type use given its close proximity to the railroad tracks (across the street), the configuration of the parcels (shallow depth), and the industrial zoning on the properties to the west and south. Over and over again, it was the same story, prospective tenants or buyers expressed interest if they could only get the zoning to allow the operation of business appropriate to the location.

The problem with the C-1 zoning it does not allow contractors to operate their businesses and the C-3 zoning has limitations as well precluding the range of uses in our professional opinion more likely than not to locate on the properties.

While there was a desire to direct certain retail uses to this area, however, if the zoning isn't consistent with the existing development in the area (i.e., the industrial uses present to the west and the south), physical features of the area (i.e., the railroad tracks), and the topography and configuration of the parcels, the desired land development (i.e., current zoning) simply will not occur.

It is our opinion that a M-1 zoning is the more appropriate land use classification based upon the range of uses allowed in a M-1 Zoning (as compared to the uses in a C-3 Zoning) so it can be used by the types of owners and tenants that have over the years indicated a desire to locate along A Street East near the southerly limits of Auburn's boundary consistent with the surrounding industrial users.

Please feel free to call me and discuss if you have any questions,

Sincerely,

A handwritten signature in blue ink that reads "Bob Fredrickson". The signature is fluid and cursive, with the first name "Bob" and last name "Fredrickson" clearly legible.

Bob Fredrickson
President
Coldwell Banker Commercial Danforth

DANFORTH



BOB FREDRICKSON, CCIM

President

Coldwell Banker Commercial Danforth

bfredrickson@cbcworldwide.com

33313 1st Way S

Federal Way, WA 98003

Direct 206-212-2216

Main 252-874-3200

Fax 253-838-0760

Cell 206-595-7232

BACKGROUND

Bob Fredrickson is the President of Coldwell Banker Commercial Danforth. He co-founded the company in 1996 with his business partner, Dave Danforth. CBC Danforth is currently recognized as one of the Top 15 CBC Offices in North America and the #1 producing CBC Office in WA State.

The key to Bob's success in the industry lies within his extensive networking and strong relationships formed over time in the commercial real estate sector. Over the years, Bob has represented clients on the sale and leasing of extensive build-to-suit developments, investment properties, industrial/warehouse buildings, retail developments, multi-family projects and aerospace manufacturing facilities.

PRIMARY SPECIALTIES

Office / Industrial / Investment

AWARDS

CBC Commercial Elite 2014 - Top 15 CBC Offices in N America

CBC Circle of Distinction - 2013 / 2014

#1 Office in WA State - 2013 / 2014

DESIGNATIONS

CCIM - Certified Commercial Investment Member

RECENT PROJECTS

Orion Industries - BTS 100,000SF Manufacturing Facility

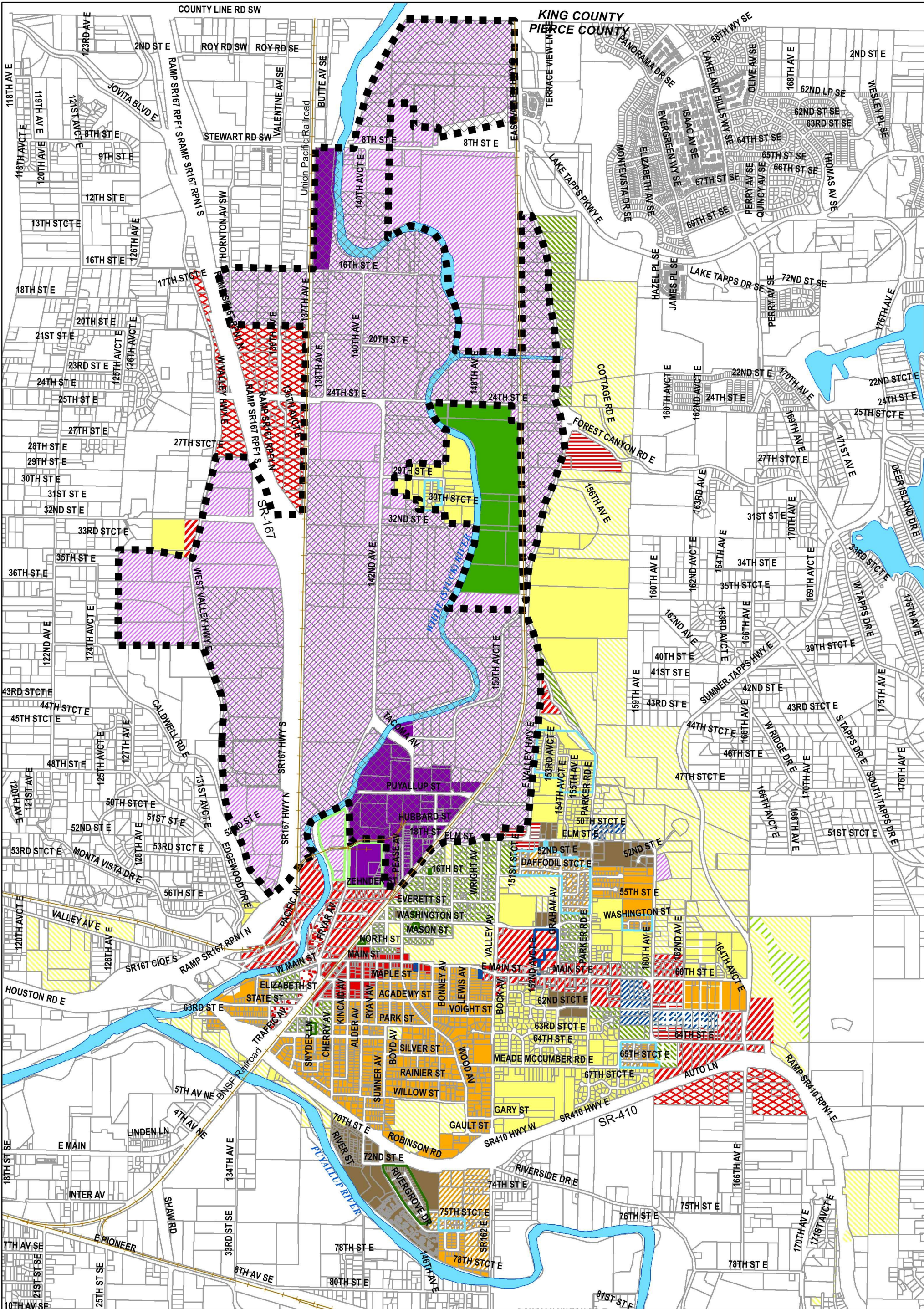
Tacoma Housing Authority - Bulk Sale of 168 Residential Lots

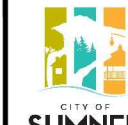
Port of Tacoma - 25,000SF Warehouse Sale

Spokane 30,000SF Industrial/Warehouse Lease

Lake City Way - Sale of Mixed Use Development Site

APPENDIX III





City of Sumner
Washington
Zoning Map

ADOPTED: 09-15-14
ORDINANCE NO: 2495
PLOTTED ON: 09-17-2014, JAM

SOURCE: City of Sumner
Community Development
Department, 2014

DISCLAIMER
The City of Sumner does not make any warranties or representations with regard to the accuracy of this map. No reliance should be placed upon this map for the location of any easement, street, road, highway, or boundary line or other matter shown on this map, and no liability is assumed by the City of Sumner for the correctness thereof.

LEGEND:

- Sumner City Limits
- Highways
- Railroads
- Town Center Area
- MIC Zone
- MIC Core Overlay
- Cross-Access Corridors/Combined Driveways (deeded)
- Cross-Access Corridors/Combined Driveways (not deeded)
- Detached Single-Family Development
- Mixed Use Commercial
- Traditional Neighborhood Design Option
- PMUD
- Parcels

ZONING AMENDMENTS:

- Cross-Access Corridors/Combined Driveways (deeded)
- Cross-Access Corridors/Combined Driveways (not deeded)
- Detached Single-Family Development
- Mixed Use Commercial
- Traditional Neighborhood Design Option
- PMUD
- Parcels

SUMNER ZONING DESIGNATIONS:

Central Business District (CBD)	Medium Density Residential (MDR)
General Commercial (GC)	Low Density Residential 12000 (LDR-12)
Interchange Commercial (IC)	Low Density Residential 8500 (LDR-8.5)
Neighborhood Commercial (NC)	Low Density Residential 7200 (LDR-7.2)
Mixed Use Development (MUD)	Low Density Residential 6000 (LDR-6)
Heavy Industrial (M-2)	Low Density Residential 4000 (LDR-4)
Light Industrial (M-1)	Residential Protection (RP)
High Density Residential (HDR)	Agriculture (AG)

Scale: Not To Scale

**NOTICE OF APPLICATION (NOA) AND
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
KANA B LLC COMPREHENSIVE PLAN AMENDMENT & REZONE
SEP15-0016**

Project Permit Applications were filed with the City of Auburn Community Development & Public Works Department on June 5, 2015, and subsequent revisions on October 6, 2015. This is a combined notice and the City is issuing a MDNS for the proposal. This may be the only opportunity to comment on the environmental impacts of the proposal. The proposal includes mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. The permit applications and listed studies may be reviewed at the offices of the Community Development & Public Works Department at One East Main Street, Auburn, WA 98001.

Description of Proposal: Request to amend the comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling approximately 5.9 acres from the current designation of "Light Commercial" to "Light Industrial" and change the zoning designation of the northern 2 parcels from C1, Light Commercial to M1, Light Industrial and the southern 2 parcels from C3, Heavy Commercial to M1, Light Industrial to agree. The Applicant identifies that this is a non-project action.

Applicant/ Jon Cheetham, Managing Member
Property Owner: Kana B LLC (a.k.a. Lakeridge Paving Company)
P.O. Box 8500
Kent, WA 98042

Agent: Mary Urback
12417 12th Street East
Edgewood, WA 98372

Project Location: The proposal consists of four parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East within the SW ¼ of the SW ¼ Section 31, T21N, R5E, & SE ¼ of the SE ¼ of Section 36, T 21n, R4E, WM. Parcel # 3121059056 - 1.08 acres, 3121059010 - 1.14 acres, 3121059036 - 2.33 acres & 3121059033 – 1.32 acres

Studies/Plans Submitted with Application:

(Conceptual) Site Plan, Sheet A-1, The Keimig Associates, January 22, 2015.

Applicant's Written Statement in Support of the Comprehensive Plan and Rezone Amendments, Jon D. Cheetham, Managing Member

Technical Memorandum 5680-5490 A Street SE Potential Impacts of Rezone, Heffron Transportation Inc., October 2015

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

Geotechnical Engineering Study Proposed Commercial Development 5490 A Street, Earth Solutions No LLC, June 19, 2015, revised June 23, 2015. With Plate #5 - Slope Exhibit prepared by Sitts & Hill, dated June 15, 2015.

Lakeridge Paving Company Wetland Analysis Report, Grette Associates, June 22, 2015

Letter: Fill Material on Lakeridge Paving Property, Grette Associates, September 28, 2015

Kana B Limited Liability Company Comprehensive Plan Amendments – Rezone Application (non Project action) Amended Written Statement, Jon D. Cheetham, dated October 6, 2015
Appendix I - Kidder Mathews written statement, Appendix II – Coldwell banker Commercial written statement Appendix III – City of Sumner zoning map

Artistic Color Renderings of Site Development, Unsigned, sent by e-mail 3-22-16

Other Permits, Plans, and Approvals which may be Required: City of Auburn - Building Permit, Grading Permit, Storm Permit, Public Facility Extension Approval (FAC), Critical Areas Review, Washington Department of Fish and Wildlife Hydraulic Project (HPA) Approval and Army Corps of Engineers approval (as applicable)

Lead Agency: City of Auburn

The Responsible Official of the City of Auburn, the lead agency, hereby makes the following Findings of Fact based upon impacts identified in the environmental checklist and the "Final Staff Evaluation for Environmental Checklist No. SEP15-0016", and Conclusions of Law based upon the Auburn Comprehensive Plan, and other Municipal policies, plans, rules and regulations designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act Rules pursuant to RCW 43.21C.060.

Findings of Fact:

Proposed Action:

1. The proposed action is issuance of approvals for a non-project action to change the land use and zoning designations applicable to the properties. The Applicant indicates there is no specific development plan for construction or development of the property. The Applicant indicates they are currently in the planning stages for the future development but that these are not sufficiently determined at the present time. Conceptually, the Applicant intends to develop and use the southern two parcels for a future heavy construction (asphalt paving contractor) yard (storage of trucks and equipment) and the northern two properties for the related office.

Land use and aesthetics:

2. As described in the proposal, a change in comprehensive plan designations and zoning classification is not needed to authorize the southern two parcels that are zoned C3, Heavy Commercial for storage of trucks and equipment pursuant to the previous Planning Director's letter or to use the northern two parcels zoned C1, Light Commercial exclusively for a use that meets the zoning code definition as a "professional office".

As described in the Applicant's response to the environmental checklist questions, the change in designations is requested to allow increased connectivity between all parcels totaling approximately 5.9 acres in conjunction with operational activities of Lakeridge

Paving Company (paving contractor business). The change to the Light Industrial designation would also increase the land use compatibility of the proposed use with the purpose and intent of the zoning districts.

3. In general, the uses allowed in the light industrial zone are characterized by a greater amount of outdoor storage and activity conducted outside buildings with a corresponding greater potential for noise, visual impacts and sharp transition in land use, regardless of the specific development proposal. Also, the proximity of this site to a heavily traveled Principal arterial street has the potential to result in land use and visual impacts to the traveling public. The site location at the south end of main transportation corridor near the city limits contributes to a prominent visual identity for the City. The fact that the site rises in elevation approximately 15 feet and may be further raised (filled) to facilitate development increases the potential visibility of the site.
4. The Comprehensive Plan description of the purpose of this "Light industrial" designation and a number of policies emphasize that outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the general area for light industry. The policies provide that in all cases such outdoor storage shall be extensively screened.
5. The Comprehensive Plan provides policy basis (Policies GP-31, LU 97, LU-98) for appropriately siting and managing the appearance businesses conducive to attracting light industry and promoting compatibility among land uses through landscaping, building orientation and setbacks, and other measures to reduce potential conflicts. All industrial development should incorporate aesthetically pleasing building and site design.

Location, existing conditions, wetland geologic critical areas:

6. The site consists of a flatter, gently sloping area located at the base of a west-facing hillside. The site is approximately 300 to 325 feet in depth between A Street SE (to the west) and a steep hillside on the property to the east. The on-site grades of the subject property range from 84 feet, near the southwest corner adjacent to A Street SE to 116 feet near the northeast corner; that begins to include the toe of the slope. The property off-site to the east is characterized by a fairly consistent and continuous hillside which rises approximately 392 feet over a distance 1,130 feet to a level terrace. The hillside is inventoried as a geologic hazard areas by the city of Auburn related to landslide, erosion and steep slope hazards.
7. The site was evaluated for the presence of surface waters. The results are contained in the report: Lakeridge Paving Company Wetland Analysis Report, Grette Associates, June 22, 2015. The site was visited on May 26, 2015 and three areas were identified as potential surface waters, an on-site wetland, and off-site wetland and the roadside ditch. The wetland report is limited to studying the north two parcels (3121059036 & 3121059033). However, the Report identifies that the city's wetland inventory (Page 4) shows a wetland as occurring on the next property to the south, (parcel # 3121059010). Prior to any development, additional wetland investigation will be required to verify if a wetland exists and to ensure that it was not altered.

Wetland A

Wetland A is approximately 4,610 square feet (0.11 ac) in size and is classified as a Palustrine Emergent/Scrub-Shrub Seasonally Ponded/Saturated wetland. Wetland A is rated as a Category IV wetland. Per Auburn City Code (ACC) 16.1 0.090, Category IV wetlands are subject to a minimum 25-30 foot wetland buffer width, depending on the surrounding land use intensity and the ability of the buffer to protect the wetland .

8. The Applicant's project is located within the critical area known as Ground Water Protection Zone 4, the City's lowest category of protection. As required by this designation, the Applicant is required to implement best management practices for water resource protection per ACC 16.10.120.E.2. Best Management practices apply to the construction and ongoing operations.

CONCLUSIONS OF LAW:

Staff has concluded that a MDNS is to be issued. This is based upon the environmental checklist and its attachments, and the "Final Staff Evaluation for Environmental Checklist". The MDNS is supported by Plans and regulations formally adopted by the City for the exercise of substantive authority under SEPA. The MDNS also takes note of the extent to which many local, State and Federal regulations and permit requirements will govern the project to mitigate its potential impacts, in accordance with WAC 197-11-158 and RCW 43.21C.240. The following are City adopted policies, which support the MDNS:

1. GP-13 Ordinances regulating developing commercial or industrial areas should be based on performance standards which provide flexibility to respond to market conditions while ensuring compatibility with the Comprehensive Plan, and with present and potential adjacent uses.
2. GP-14 Review procedures for all new development should be integrated or coordinated with SEPA as much as possible.
3. GP-15 In interpreting plan provisions or in considering a plan amendment, plan designations in the Region Serving Area should be treated in a more flexible manner than in the Community Serving Area (see Map 3.2.).
4. GP-31 The City should appropriately support local businesses that enhance the image of the City through their contribution to economic vitality, educational, and historic value of the community.
5. LU-96 Highly visible areas which tend to establish the image of the city should not be used by heavy industrial uses.
6. LU-97 The City shall promote high quality development of all light industrial and warehouse areas.
7. LU-98 The City shall aggressively seek to abate all potentially blighting influences in industrial areas, especially in areas visible to regional traffic flows and in areas designated for light industrial uses.

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

8. LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts.
9. LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.
 - a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.
 - b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas.
 - c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets.
10. CF-10 Public facilities shall be provided in accord with the guidance of the Capital Facilities Plan or, as may be appropriate a system plan for each type of facility designed to serve at an adequate level of service the locations and intensities of uses specified in this comprehensive plan.
11. CF-11 No new development shall be permitted unless the facilities specified in each facility plan are available or can be provided at a level adequate to support the development. The adequacy of facilities shall be determined by the following:
 - a. An adopted system plan;
 - b. Policy guidance as provided in the City Capital Facilities Plan;
 - c. Appropriate engineering design standards as specified in applicable City Plans, Codes, and manuals as adopted by the City Council;
 - d. Environmental review standards (adequacy includes the absence of an unacceptable adverse impact on a public facility system).
 - e. Case by case evaluation of the impacts of a proposed development on the public facility systems: first to determine the minimum amount of facilities necessary to support the development and second to determine a proportionate share of the system to be developed or financially guaranteed before approving the development.
12. CF-12 No new development shall be approved which is not supported by a minimum of facilities to support the development and which does not provide for a proportionate share of related system needs.

CONDITIONS:

The Responsible Official has determined that the proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2)(c), only if the following conditions are met. This decision was made after review of a completed environmental checklist, other information on file with the City of Auburn,

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

and existing regulations. This information is available to the public on request. These mitigation measures are required as authorized under the Substantive Authority of SEPA in accordance with the guidelines contained in Chapter 16.06 ACC and shall be implemented by the Applicant. The Applicant has agreed to incorporate these mitigation measures as part of any future submittals for a specific project action.

1. Prior to City approval of a Building Permit, Grading Permit, and/or Storm Permit, the Applicant shall provide a landscaping plan for City review and approval. The landscaping plan shall be prepared by either a landscape architect licensed in the state of Washington, a nursery professional certified pursuant to the Washington certified nursery professional program, or a Washington State certified landscape technician (as provided in ACC 18.50) and shall include:
 - a. A vegetated berm, at a minimum, consistent with the requirements of ACC 18.50, to achieve dense screening along the full length of the properties street frontage along A Street SE (except existing or authorized pedestrian and vehicle access points). The horizontal footprint of the berm shall not be less than the minimum landscaping requirements under ACC 18.50 and the vertical profile of the berm shall incorporate appropriate undulations such that the berm has a natural, native appearance instead of one that is uniform and appears artificially created. The selection of plant species shall ensure year around screening and shall incorporate shrubs that provide understory screening below trees as they mature.
 - b. Any fencing that is proposed or installed shall be located beyond the toe of the berm slope, on the interior side of the berm and/or landscaping. If chain link type fencing is proposed, it shall be black coated vinyl-type fencing.
 - b. The landscape screening planted on the berm shall consist primarily of coniferous trees and shrubs with the intent of providing a dense screening of the site from views by the traveling public on A Street SE. It is acknowledged that the pedestrian and vehicle access point(s) will not be fully screened. Also, acknowledged that dense screening may not be achievable where it is necessary to provide adequate sight distance at vehicle access points, if the sight distance obstruction cannot be avoided by the installation of trees at a larger size than the city minimum size and limbed up.
 - c. The species selection of evergreen and deciduous trees for this landscape screen shall be based on city review and approval of a cross-section of the berm to be shown on the landscape plan. The cross section must show the relationship of the size at planting and the mature tree height and spread to view angles from the street to the site development. The City may require the installation of a proportion of the trees at a larger size than the city minimum, if effective screening will not be provided within five years of planting at the minimum size.
 - d. Landscaping shall be irrigated and shall be maintained in order to accomplish the objective of full visual screening.
2. The signage allowed at the site shall be limited as follows.
 - a. Signage is limited to monument signs at vehicular access points and meeting zoning code standards. Landscaping, hardscaping, water features, arbors, and/or other design features shall be used to complement and accentuate monument sign(s). The design and relationship of the accent features shall be reviewed by the city concurrently with the

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

- sign permit. The accent features must not out-of-scale and overwhelm the monument sign(s).
- b. Lighting for signage shall be limited to up-lighting or down-lighting where light fixtures are fully shielded. Landscaping may be used for shielding of up-lighting. Backlit signage will not be allowed.
3. Depending upon the type of use that is developed on the property, the proposed future development of these 4 parcels could impact the water, sewer, and storm facilities required to serve the parcels. The zoning of the property defines the range of uses that can be permitted which has a resultant effect on the degree to which development will impact utility systems. The C-1, C-3 and M-1 all allow a variety of different types of land uses. Within each designation there uses that can have minimal or heavy impact on the existing utility system. For example, the M-1 zone allows for both mini storage which relies upon very little water usage or a manufacturing operation that places significant demands on the water system. Likewise, the C-3 zone allows retail which also relies upon very little water usage and restaurants, grocery stores, and hotels which consume larger amounts of water. Overall, it is difficult to evaluate the specific potential impacts to utilities without identifying the specific development proposal. For this rezone proposal the applicant has indicated their intent to use the property to locate their construction company offices and to store equipment and materials. If the site is developed in this manner it is not likely to have significant impacts on the water, sewer or storm infrastructure, however, the detailed impacts on the utility systems will be fully evaluated as part of the SEPA process for the site specific development proposal.

Stormwater facilities would be required to comply with all applicable city storm drainage standards, including quantity and quality control. Appropriate best management practices for the specific manufacturing process would need to be implemented to prevent illicit discharges to the storm drainage system.

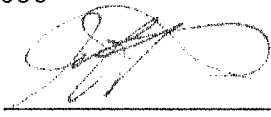
This MDNS is issued under 197-11-350; the lead agency will not act on this proposal for 15 days from the date of issuance. Comments must be submitted by 5:00 p.m. on **May 3, 2016**.

Any person aggrieved of the City's determination may file an appeal with the City Clerk's office within 14 days ending 5:00 p.m. on **May 17, 2016**.

RESPONSIBLE OFFICIAL:
POSITION/TITLE:
ADDRESS:

Jeff Tate
Assistance Director of Community Development
25 West Main Street
Auburn, Washington 98001
(253) 931-3090

DATE ISSUED: **April 18, 2016**

SIGNATURE: 

Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations.

VICINITY MAP



City of Auburn Planning Commission Notice of Public Hearing

The Planning Commission of the City of Auburn, Washington, will conduct a public hearing on Tuesday, June 21, 2016 at 7:00 P.M. in the Council Chambers of the Auburn City Hall located at 25 West Main Street on the following:

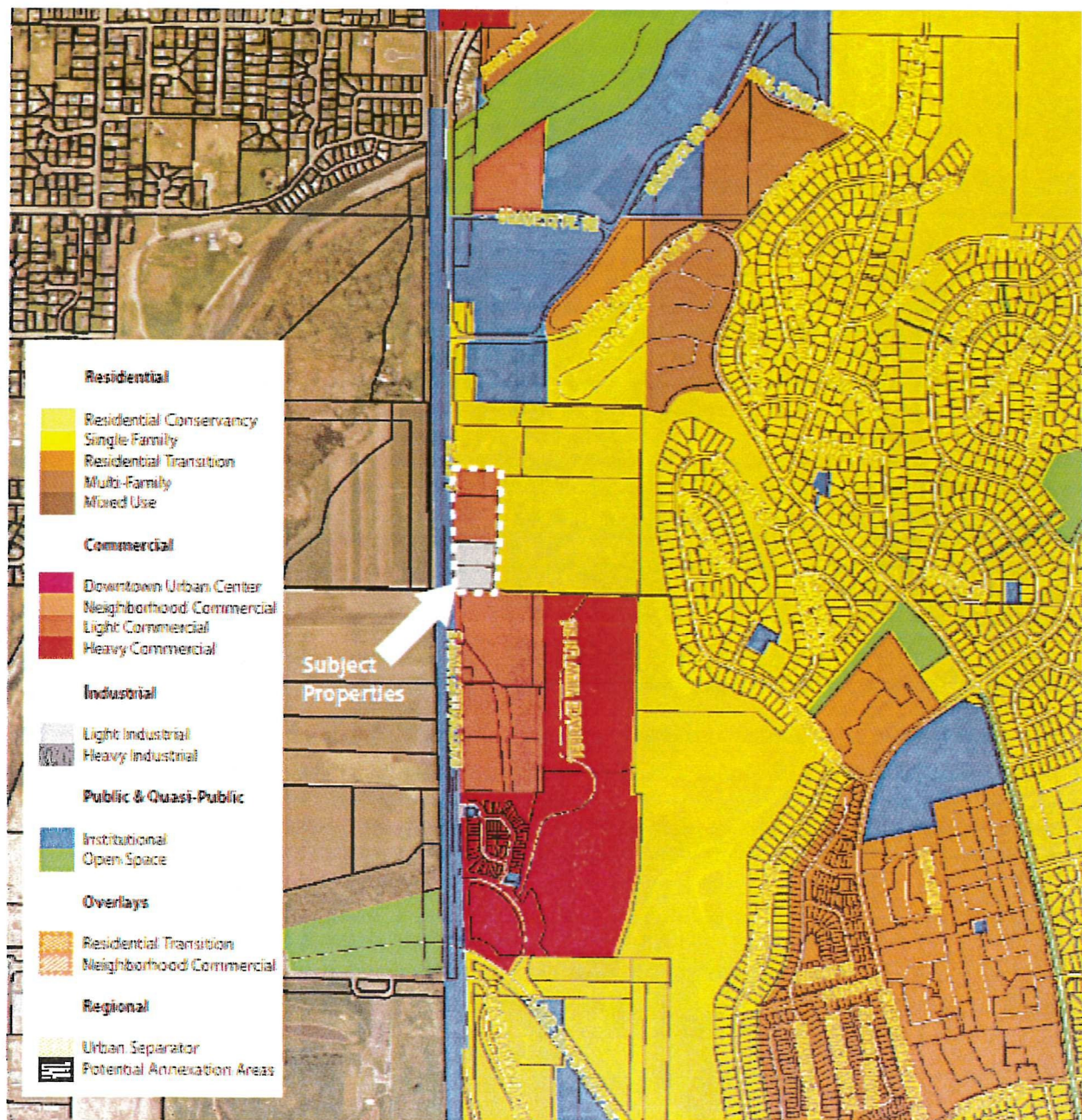
Amendments consist of those proposed to the Comprehensive Plan Map (CPM) and those affecting plan Policies and Text (P/T) as follows:

Comprehensive Plan Map Amendment

CPM #1 – (File No. CPA15- 0002 and related REZ15-0001) Request to amend the comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling 5.9 acres from the current designation of “Light Commercial” to “Light Industrial” to allow zone change to M1, light Industrial. The southern two parcels were recently changed to “Light Industrial” by the Major Comprehensive Plan Update completed at the end of 2015. The properties are located on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard & Lake Tapps Pkwy)

Any interested person is invited to attend to express comments or opinions. Written comments may be submitted up until and at the public hearing to Jeff Dixon, Planning Services Manager, Community Development and Public Works Department, Mailing address: 25 West Main Street, Auburn, WA 98001-4988. Physical address: 1 East Main Street, Auburn WA 98001. For comments or questions, please contact Jeff Dixon at jdixon@auburnwa.gov or (253) 804-5033.

For citizens with speech, sight or hearing disabilities wishing to review documents pertaining to this hearing, should contact the City of Auburn, as to the type of service or equipment needed. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.



The Seattle Times

-Notice Details-

These are the details of your notice scheduled to run on the dates indicated below.

Prepayment Information

Date	Method	Card Type	Last 4 Digits	Check #	Amount

Account Information

Account #:	107302
Advertiser Name:	City of Auburn, Finance Dept
Agency Name:	
Contact:	Dani (City Clerk) 253-931-3037
Address:	25 W Main St Auburn, WA 98001
Telephone:	(253) 876-1980

Run Date(s)

Seattle Times	06/09/16
NWclassifieds	06/09/16
NWclassifieds	06/10/16
NWclassifieds	06/11/16
NWclassifieds	06/12/16
NWclassifieds	06/13/16
NWclassifieds	06/14/16
NWclassifieds	06/15/16

Notice Placement Information

Notice ID:	652807
Purchase Order #:	
# of lines:	60
Total NET Cost:	\$133.80
Class Name:	Public Notices

Legals Desk Contact Information

Phone #	(206) 652-6018
Email:	legals@seattletimes.com

*The ad preview below may not be to actual scale

CITY OF AUBURN NOTICE OF PUBLIC HEARING

The Planning Commission of the City of Auburn, Washington, will conduct a public hearing on Tuesday, June 21, 2016 at 7:00 P.M. in the Council Chambers of the Auburn City Hall located at 25 West Main Street on the following:

Amendments consist of those proposed to the Comprehensive Plan Map (CPM) and those affecting plan Policies and Text (P/T) as follows:

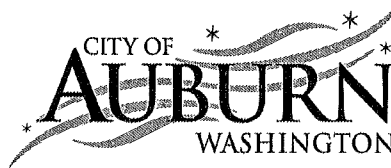
Comprehensive Plan Map Amendment

CPM #1 – (File No. CPA15- 0002 and related REZ15-0001) Request to amend the comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling 5.9 acres from the current designation of "Light Commercial" to "Light Industrial" to allow zone change to M1, light Industrial. The southern two parcels were recently changed to "Light Industrial" by the Major Comprehensive Plan Update completed at the end of 2015. The properties are located on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard & Lake Tapps Pkwy)

Any interested person is invited to attend to express comments or opinions. Written comments may be submitted up until and at the public hearing to Jeff Dixon, Planning Services Manager, Community Development and Public Works Department, Mailing address: 25 West Main Street, Auburn, WA 98001-4988. Physical address: 1 East Main Street, Auburn WA 98001. For comments or questions, please contact Jeff Dixon at jdixon@auburnwa.gov or (253) 804-5033.

For citizens with speech, sight or hearing disabilities wishing to review documents pertaining to this hearing, should contact the City of Auburn, as to the type of service or equipment needed. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

Notice Published: October 10, 2013



AFFIDAVIT OF MAILING OF LEGAL APPLICATION NOTICE

Application Number: CPA15-0002

Applicant: Jon Cheetham, Managing Member
Kana B LLC (a.k.a. Lakeridge Paving Company)
P.O. Box 8500
Kent, WA 98042

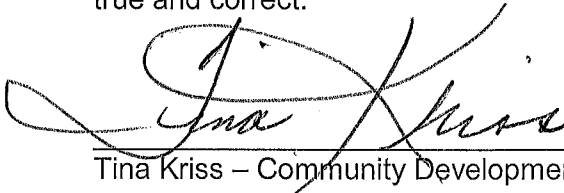
Owner: Jon Cheetham, Managing Member
Kana B LLC (a.k.a. Lakeridge Paving Company)
P.O. Box 8500
Kent, WA 98042

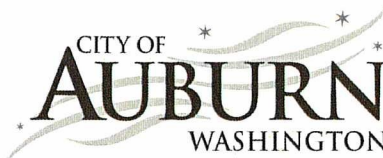
Location: The proposal consists of four parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East within the SW ¼ of the SW ¼ Section 31, T21N, R5E, & SE ¼ of the SE ¼ of Section 36, T 21n, R4E, WM. Parcel # 3121059056 - 1.08 acres, 3121059010 - 1.14 acres, 3121059036 - 2.33 acres & 3121059033 – 1.32 acres

Closing Date for Public Comments: June 21, 2016

I certify that on 6/9/16 I did send a Notice of Public Hearing for the above referenced application, as required by Auburn City Code 16.06.090, to all property owners located within 300 feet of the affected site. Said Notice was mailed pre-paid stamped through the United States Postal Service at least 10 days prior to the hearing.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.


Tina Kriss – Community Development Secretary



AFFIDAVIT OF POSTING OF LEGAL NOTICE

Application Number: CPA15-0002

Proposal: Request to amend the comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling approximately 5.9 acres from the current designation of "Light Commercial" to "Light Industrial" and change the zoning designation (REZ15-0001) of the northern 2 parcels from C1, Light Commercial to M1, Light Industrial and the southern 2 parcels from C3, Heavy Commercial to M1, Light Industrial to agree. The Applicant identifies this is a non-project action.

Location: The proposal consists of four parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East within the SW ¼ of the SW ¼ Section 31, T21N, R5E, & SE ¼ of the SE ¼ of Section 36, T 21n, R4E, WM. Parcel # 3121059056 - 1.08 acres, 3121059010 - 1.14 acres, 3121059036 - 2.33 acres & 3121059033 - 1.32 acres.

Applicant: Jon Cheetham, Managing Member
Kana B LLC (a.k.a. Lakeridge Paving Company)
P.O. Box 8500
Kent, WA 98042

Agent: Mary Urback
12417 12th St. E
Edgewood, WA 98372

I certify that on June 10, 2016 I did erect a land use posting board at the location above, which included a Notice of Application for the above referenced application, as required by Auburn City Code 1.27 and 16.06.090. The board was erected at least 15 days prior to the closing date for public comments noted above.

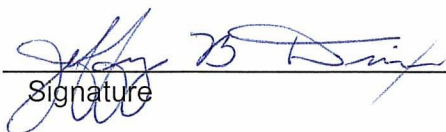
I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Jeff Dixon

Name (please print or type)

June 10, 2016

Date


Signature

NOTE

This affidavit must be returned to the Community Development & Public Works Department at least one week prior to the closing date for public comments or review of the application may be postponed.



MEMORANDUM

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

FROM: Tim Carlaw, Storm Utility Engineer

DATE: June 14, 2016

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

Purpose:

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

Background:

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

Regulatory Requirement:

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

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

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

Code Revision Process:

An inter-disciplinary team from the Community Development and Public Works Department conducted the review process outlined in the *Integrating LID into Local Codes* document, and developed code changes to comply with the Permit. The intent of the code revisions contained in the attached documents is to eliminate code requirements that inhibit the use of LID principles and BMPs, provide control and oversight of maintenance responsibilities related to LID BMPs, and to require that LID BMPs be employed, where feasible, on new development and redevelopment projects in accordance with the DOE SWMMWW. The code changes summarized below and attached in full for your review are the minimum necessary for the City to maintain compliance with the Permit.

Feasibility is a key component in implementing the new LID requirement. LID BMPs are dependent on the appropriate site conditions to function properly, such as the ability of water to infiltrate into the soil or safety considerations like slope stability and flooding risk. The code changes and the DOE SWMMWW provide a very detailed and methodical path for evaluating the feasibility of using LID, but if all of the BMPs are found to be infeasible, stormwater management can be addressed using traditional methods. Infeasibility considerations include safety concerns and conditions that would cause failure. City staff can already use existing GIS data to identify areas within the City where we know that LID is not feasible. These areas will be identified on a map

that is available to the public and our development customers so that they are relieved of the burden of having to proceed through the full feasibility analysis. For example, in areas of where groundwater is vulnerable to contamination LID approaches that encourage infiltration are likely inappropriate in order to ensure adequate groundwater protection. Infiltration on or near slopes is another example of site conditions that would make some LID facilities infeasible due to risks of slope failure.

Code Revision Recommendation Summary:

ACC 12.04 Public Works Construction

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

ACC 13.41 Utility Systems Development Charge

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

ACC 13.48 Storm Drainage Utility

- Recommend revision of Purpose in **13.48.005** to better describe the goals of the Storm Utility, including: regulatory compliance; protection of property and surface water bodies; and provisions for maintenance, planning, collection of utility rates, and enforcement.
- Recommend revision and adding definitions in **13.48.010** relative to LID and the update of the City's SWMM.
- Recommend adding to **13.48.180** to provide authority to establish necessary recorded instrument that defines location of required storm BMPs and maintenance obligations.
- Recommend revisions to **13.48.225** to conform with updates to Ecology's Minimum Requirements and require the use of LID principles and BMPs per the DOE SWMMWW.
- Recommend revision to **13.48.230 B** to change "impervious" to "hard" surfaces to match new DOE definitions and requirements.
- Recommend adding section **13.48.425 Low Impact Development in Ground Water Protection Areas** to protect ground water sources of drinking water in

Ground Water Protection Zones defined in ACC 16.10.080 by not allowing the use of LID infiltration facilities that collect runoff from pollution-generating surfaces without also including enhanced treatment .

- Recommend adding sections **13.48.245 Storm Drainage Permit, 13.48.XXX Permit – Application, 13.48.XXX Permit – Approval, and 13.48.XXX Permit - Revocation** to establish code requirements for storm drainage permits. This section is still under staff review and will be fully updated prior to the July 19th public hearing.

ACC 17.02 General Provisions

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

ACC 17.09 Short Subdivisions

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

ACC 17.10 Preliminary Subdivisions

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

ACC 17.12 Final Subdivisions

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

ACC 17.26 Cluster Subdivisions

- Recommend revision of Purpose in **17.26.010** to include consideration of clustering as a LID technique.
- Recommend revision of **17.26.030 B** to allow flexibility in minimum lot size, width, and area to allow maximizing density when LID facilities are designated.
- Recommend revision of **17.26.030 D(5) and (6)** to restrict future variances to setbacks and lot coverage limits when cluster developments are approved, and eliminate restriction to lot width in cluster subdivisions.

- Recommend revision to **17.26.030 D(7a), (7d), and (7e)** to allow for LID facilities in existing common space requirements and the use of LID principles in open space layout.

ACC 18.50 Landscaping and Screening

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

Proposed Planning Commission Schedule:

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

Exhibits:

Exhibit A – Draft City Code Amendments

Chapter 12.04

PUBLIC WORKS CONSTRUCTION

Sections:

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

12.04.010 Adoption of engineering construction standards and engineering design standards.

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

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

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

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

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

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

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

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

12.04.030 Severability.

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 13.41

UTILITY SYSTEMS DEVELOPMENT CHARGE

Sections:

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

13.41.010 Definitions.

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

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

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

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

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

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

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

13.41.020 Purpose.

The city council has determined that it is reasonable and in the public interest to enact and impose a utility systems development charge for the purpose of recovering a fair share of the costs of providing existing utility system infrastructure to serve new customers or revised uses of existing customers. The intent is to reimburse the city’s

utility for the cost of construction of available capacity sanitary sewer, water and storm drainage facilities from those properties, which as part of their development and use create direct or indirect needs for those facilities. The city council finds that the public would benefit from a logical long-range approach to the financing of necessary general facilities. Experience has demonstrated that the lack of such provision casts an unfair and unexpected burden on taxpayers and residences in the form of utility rates, taxes, bond interest costs and assessments when core, general or central facilities become inadequate, causing a crisis. Operating from crisis to crisis is wasteful, unsafe and not an acceptable method of operating local government; and debt financing should be minimized wherever possible. (Ord. 6455 § 1, 2013; Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 1, 1980.)

13.41.030 Utility systems development charge imposed – Rates – Review.

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

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

C. The utility systems development charge imposed shall be reviewed annually by the city council and the charges may be revised to reflect changes in utility asset value, depreciation of the utility system fixed assets, bonded indebtedness, and the number of ERU, RCE or ESU customers served. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5819 § 4, 2004; Ord. 5801 § 1, 2003; Ord. 5709 § 1, 2002; Ord. 5619 § 2, 2001; Ord. 5125 § 2, 1998; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 1, 1980.)

13.41.040 Collection.

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

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

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

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

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

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

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

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

3. The appeals process authorized in ACC 13.41.070 shall not apply to determinations made pursuant to this section. (Ord. 6455 § 1, 2013; Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3610 § 2, 1981; Ord. 3510 § 4, 1980.)

13.41.050 Credits.

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

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

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

13.41.060 Segregation and use of revenues.

All funds derived from the utility systems development charge are to be segregated by appropriate approved accounting practices from all other funds of the city, and that portion of the utility systems development charge calculated and collected on account of a utility shall be used for no other purpose than replacement, major repair, installing, constructing, and extending capacity facilities of the utility. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 6, 1980.)

13.41.070 Appeals.

Appeals of the public works director's determinations made pursuant to this chapter shall be filed with the public works department and shall be heard by the city's hearing examiner pursuant to Chapter 2.46 ACC. Determinations

on appeals shall be based on whether the decision being appealed was consistent with applicable state law and city codes. The hearing examiner's determination shall be final unless appealed to the superior court of the county in which the property subject to the utility system development charges is located within the city of Auburn, in accordance with the procedures in RCW 34.05.510 through 34.05.598, and with the appeal being filed with the city clerk within 30 days after issuance of the decision of the hearing examiner. (Ord. 6442 § 9, 2012; Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 6182 § 3, 2008; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4479 § 2, 1990; Ord. 3510 § 7, 1980.)

13.41.080 Scope.

The utility systems development charge provided for in this chapter is separate from and in addition to any applicable tax, assessment charge, or other fee otherwise provided by law. (Ord. 6391 § 1, 2011; Ord. 6341 § 1, 2011; Ord. 5801 § 1, 2003; Ord. 4830 § 1, 1996; Ord. 4493 § 2, 1991; Ord. 3510 § 8, 1980.)

Chapter 13.48

STORM DRAINAGE UTILITY

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I. Establishment and Administration

13.48.005 Purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

J. Provide for enforcement of the provisions of this code, the engineering design and construction standards per ACC 12.04, and related city manuals and code provisions;

- K. Establish rates and charges that provide a method of payment of all or any part of the cost and expense of maintaining and operating stormwater control facilities; all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving stormwater control facilities; or all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

13.48.010 Definitions.

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

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

associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

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

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

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

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

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

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

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

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

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

~~V.X.~~ X. “Retention” means the storage of storm and surface water runoff with no provisions for off-site surface release of the stored water other than by evaporation and infiltration.

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

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

~~Y.AA.~~ AA. “Source control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with storm water through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs can be divided into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering storm water. Operational source control BMPs are nonstructural practices that prevent or reduce pollutants from entering the storm water.

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

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

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

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

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

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

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

13.48.020 Storm drainage utility created.

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

13.48.030 Storm drainage system defined.

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

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

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

13.48.050 Utility administration authority.

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

13.48.060 Authority to establish rates.

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

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

which are reasonably required for the proper and adequate implementation of the city's storm and surface water policies.

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

13.48.070 Storm drainage utility fund.

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

13.48.080 Storm drainage utility system responsibility.

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

II. Rates and Charges

13.48.085 Liable property class of utility customers.

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

13.48.090 System of charges.

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

13.48.094 Nonliable property class of utility customers.

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

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

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

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

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

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

B. If any person or entity has applied for a waiver of the deposit requirement and has been denied the requested waiver, such person or entity may appeal the decision denying the requested waiver by filing with the city clerk a

notice of appeal, which notice of appeal must be received by the city clerk within 30 days of the decision denying the requested waiver. The appeal shall be based solely on whether special humanitarian or health circumstances exist with respect to the utility customer's receipt of utility services, and shall be heard by a panel of department directors of the city (excluding the finance director) appointed by the mayor. The decision of the panel of department directors shall be final, and no further appeals shall be allowed.

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

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

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

13.48.100 Rates.

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

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

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

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

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

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

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

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Quality Treatment		
NSF w/Retention and Water Quality Treatment	\$10.03	\$3.65/ESU

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

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

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

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

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

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

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

Customer Classes	Base Rate Per Month	ESU Rate Per Month
Non-Single-Family	\$11.68	\$14.95/ESU
NSF w/Detention	\$11.68	\$12.01/ESU
NSF w/Retention	\$11.68	\$7.42/ESU
NSF w/Water Quality Treatment	\$11.68	\$8.98/ESU
NSF w/Detention and Water Quality Treatment	\$11.68	\$6.78/ESU
NSF w/Retention and Water Quality Treatment	\$11.68	\$4.25/ESU

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

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

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

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

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

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

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

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

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

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

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

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

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

Charge, where

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

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

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

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

13.48.110 Measurement of impervious area.

The city shall determine the number of square feet of impervious surface in all non-single-family parcels, excluding undeveloped parcels, and the total surface area of each such parcel of real property, using the best available source data as obtained through the records of the appropriate county assessor for the county in which the parcel is sited, aerial photographic methods, or applicable engineering drawings. Within the limits of the source data, accuracy to two-tenths of an equivalent service unit will be made. Impervious surface created incidental to a lot line adjustment to separate an undeveloped parcel from a developed parcel and which results in impervious surface less than two-tenths of an equivalent service unit upon the undeveloped parcel shall not be subject to a storm drainage charge. (Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5293 § 2, 1999; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.120 Billing and collection.

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

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

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

6. Water.

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

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

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

13.48.130 Rate reduction.

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

13.48.140 Rate exemptions.

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

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

B. A parcel of real property that is undeveloped;

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

13.48.150 Administrative review.

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

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

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

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

III. Regulations

13.48.160 Damage to system prohibited.

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

13.48.170 Trespassing prohibited.

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

13.48.180 Inspection and compliance with storm drainage requirements.

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

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

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

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

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

13.48.190 Cross connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Any such connections, now existing or hereafter installed, are a nuisance and shall be abated immediately. If, after proper notice, the property owner does not abate the connection(s) as directed by the city, then the city shall have the authority to abate such connection(s) and bill the property owner for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06.300. (Ord. 6251 § 3, 2009; Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.200 Trees or shrubs obstructing storm sewers prohibited.

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

13.48.210 Water quality.

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

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

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

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

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

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

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

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

13.48.220 Easements.

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

13.48.225 Drainage standards – Review and approval.

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

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

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

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

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

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

1. Preparation of a Stormw~~W~~ater Site Plan. All projects shall prepare a storm-water site plan for review and approval by the city engineer or his/her designee that identifies and describes how all storm water generated from a development activity will be managed on site. Stormw~~W~~ater Site Plans shall be designed in accordance with Volume I, Chapter 3 of the SWMM :
2. Preparation of a Construction Storm Water Pollution Prevention Plan for Erosion and Sediment Control. This plan shall be designed to comply with the requirements and purposes of the SWMM, this section, any other applicable sections of ACC Titles 15, 16, 17 and 18 and any departmental guidelines promulgated by the city engineer. The plan shall be designed, submitted and implemented to address the following:
 - a. Mark clearing limits;
 - b. Establish construction access routes and controls;
 - c. Control flow rates;
 - d. Install sediment controls;
 - e. Stabilize soils;
 - f. Protect slopes;
 - g. Protect storm drain inlets;
 - h. Stabilize channels and outlets;

- i. Control pollutants;
- j. Control dewatering;
- k. Maintain BMPs; and
- l. Manage the project.
- m. Protect LID BMPs

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

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

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

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

7. Flow Control (Detention). All projects that meet the thresholds for flow control in Volume I of the SWMM shall provide flow control in accordance with the SWMM. Additionally, all projects shall address the need to provide water quality controls according to the design criteria as determined by the city engineer. The requirement for storm water detention will also be determined by pipe capacity and storm water discharge location, as provided in the SWMM.

8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designed functions. Wetland areas are also regulated by Chapter 16.10 ACC, Critical Areas.

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

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

- a. Impacts on conveyance system capacity;
- b. Localized flooding;
- c. Aquatic habitat (wetlands) impacts;

- d. Erosion impacts, including landslide hazards;
- e. Stream bank and channel erosion; and
- f. Impacts to known water quality or erosion problems.

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

13.48.226 Exceptions procedure.

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

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

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

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

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

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

D. The approval of a deviation shall not be construed to be an approval of any violation of any other provisions of this chapter or approval of any violation of any other ordinance of the city nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for

deviation shall not prevent the city engineer from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried out when in violation of this chapter, or any other ordinance of the city.

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

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

13.48.230 Connections.

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

B. Existing Connections. Properties that apply for a building permit to make an addition, alteration or repairs that have 2,000 square feet or more of new or new plus replaced ~~impervious~~ hard surfaces or land disturbing activity of 7,000 square feet or more must comply with the applicable Minimum Requirements for Redevelopment as given in Volume I of the SWMM. All redevelopment shall be required to comply with Minimum Requirement No. 2 (Construction Storm Water Pollution Prevention). All redevelopment that exceeds these thresholds shall be required to comply with additional Minimum Requirements as given in Volume I of the SWMM. (Ord. 6283 § 8, 2009; Ord. 6015 § 1, 2006; Ord. 5853 § 1, 2004; Ord. 5530 § 1, 2001; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.240 ~~Connection procedures—Permit required.~~ Storm Drainage Permit – Requirements

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

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

13.48.245 Permit - Application

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

13.48.246 Permit – Approval

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

13.48.247 Permit – Revocation

Failure of the property owner and/or permittee to comply with any or all of the provisions of this chapter or any or all provisions of a storm drainage permit may cause the city engineer to revoke the permit. If the permit is revoked, all operations shall cease until such time that the noncompliance is corrected.

13.48.250 Permit – Term.

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

13.48.260 Permits for additional work.

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

13.48.270 Permit – Posting.

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

13.48.280 Permit – Inspection notice.

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

13.48.290 Construction inspection and approval.

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

B. If the city, upon inspection of the project, finds that the work or material used is not in accordance with the provisions of this chapter, the city shall notify both the person performing the work and also the owner of the

premises by written notice. Such notice shall be posted upon the premises and shall state the defects of the work and/or material found in such inspection. A copy of such notice shall be kept on file at the city.

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

13.48.300 Restoration of public property.

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

13.48.310 Work in city right-of-way.

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

13.48.320 Excavation protection.

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

13.48.330 Permit – Fee schedule.

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

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

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

13.48.340 Repair permit fee.

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

13.48.350 Connection fees – Charge in lieu of assessments.

Property that has not previously paid for storm drainage systems abutting their property may be connected to the abutting storm drainage system; provided, that all such property shall pay a charge in lieu of assessment. The city will determine the charge in lieu of assessment amount based on the property's proportional share of the calculated cost for the storm drainage system. Properties connecting to storm drainage systems constructed prior to 1987 will not be required to pay a charge in lieu of assessment, unless required to do so under an existing agreement. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.360 Payback agreement.

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

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

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

13.48.380 Public storm drainage improvements.

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

B. All public storm drainage extensions shall be extended to and across the full width of the property to be served. No property shall be served with public storm sewers unless such storm sewer main is extended to the extreme boundary limit on the property line extending the full length of the front footage of the property. All storm system extensions shall be designed using sound engineering practices and sized in accordance with the comprehensive

storm drainage plan to serve, to the extent possible, adjacent and upstream properties. (Ord. 5853 § 1, 2004; Ord. 5212 § 1 (Exh. J), 1999; Ord. 4492 § 4, 1991.)

13.48.390 Minimum facility size.

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

13.48.400 Oversizing.

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

13.48.410 Developer's public facility extension manual adopted.

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

13.48.425 Low Impact Development in Ground Water Protection Areas

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

13.48.420 Flood hazard areas – Floodplain development permits.

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

13.48.430 Record construction documents.

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

13.48.435 Inspection and maintenance easement and pollution prevention plan.

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

13.48.440 Maintenance responsibility.

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

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

13.48.450 Violation – Penalty.

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

13.48.460 Severability.

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

13.48.470 Applicability to governmental entities.

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

Chapter 17.02 GENERAL PROVISIONS

Sections:

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

17.02.010 Short title.

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

17.02.020 General authority.

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

17.02.030 Purpose.

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

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

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

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

~~F~~G. Provide for proper ingress and egress;

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

~~H~~I. Adequately provide for the housing and commercial needs of the citizens of the state and city;

~~I~~J. Require uniform monumenting of land divisions and conveyance by accurate legal description;

~~J~~K. Implement the goals, objectives and policies of the Auburn comprehensive plan.

17.02.040 Scope.

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

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

17.02.050 Exceptions.

The provisions of this title shall not apply to:

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

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

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

17.02.060 Administration.

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

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

17.02.065 Application requirements.

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

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

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

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

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

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

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

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

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

17.02.070 Consent to access.

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

17.02.080 Enforcement.

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

17.02.090 Amendments.

A. Initiation of Amendments.

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

B. Public Hearing and Notice.

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

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

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

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

17.09.050 Development requirements.

- A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of ACC Title 18. Each lot to be served by an on-site sewage disposal system shall be a minimum of 15,000 square feet in area and shall also meet the minimum lot area requirements of the county department of health rules and regulations. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.
- B. Every lot within a short subdivision shall be capable of being reasonably served by public or private sewage disposal, water, storm drainage facilities and streets. The city will not approve a short subdivision for which a building permit cannot be issued because of insufficient infrastructure.
- C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.
- D. Floods, Flood Control and Storm Drainage.
 - 1. Where any portion of the proposed short subdivision lies within an area of special flood hazard or regulatory floodway, conformance with adopted city flood hazard area ordinances, standards and policies shall be required.
 - 2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the preliminary short subdivision application, ~~unless waived by the city engineer.~~ Lot configuration, street and utility layouts, and building envelopes shall be designed in a manner that identifies, preserves, and utilizes native soils and/or vegetation that are integrated into a low impact development facility. A plan shall be provided that identifies natural resources and existing natural conditions.
 - 3. The proposed subdivision should have one or more new lots in the regulatory floodplain set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency. The density of the development in the portion of the development outside the regulatory floodplain may be increased in accordance with applicable land use and subdivision regulations.
 - 4. If a parcel has a buildable site outside the regulatory floodplain, it shall not be subdivided to create a new lot, tract, or parcel within a binding site plan that does not have a buildable site outside the regulatory floodplain. This provision does not apply to lots set aside from development and preserved as open space.
- E. Adjacent Streets. When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, in accordance

with the city design and construction standards, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting half of the street to such standards consistent with Chapter 12.64A ACC. Deferral of such improvement requirements shall be in conformance with the city of Auburn design and construction standards.

F. Access.

1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they shall be improved or guaranteed to the city of Auburn and be in conformance with the city of Auburn design and construction standards.
2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 15.36A ACC and the development standards of Chapters 17.14 and 18.31 ACC, in addition to any other requirements of this title, including, but not limited to, an adequate surface for access and minimum turnaround requirements on dead-end streets or access easements as specified by the fire department.
3. All proposals shall ensure that all buildable lots shall have at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the FPE.

G. Dedication of Streets. Dedication of a public street or streets may be required, whenever the city engineer finds that one or more of the following conditions applies:

1. The general alignment of a proposed private street, access easement or panhandle follows the general alignment of a future arterial as shown in the comprehensive plan; or
2. The general alignment of a proposed private street, access easement or panhandle can be reasonably modified to provide a desirable through-connection between two or more existing or planned public streets or arterials; or
3. A public street would be necessary to provide adequate access to adjacent property not subject to the proposed short subdivision.

H. Nonmotorized Requirements. In addition to any frontage improvement requirements and compliance with the city's comprehensive transportation plan, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school shall be considered.

I. Fire Hydrants. All lots within a short subdivision shall be capable of being served by a fire hydrant as required by Chapter 13.16 ACC. Property zoned RC, residential conservancy, may be exempt, provided the requirements of ACC 13.16.030 are met.

- J. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone and/or channel migration area, as appropriate.
- K. The final recorded subdivision plat shall include a notice to individual property owners and/or the association of the location, responsibilities, and requirements associated with low impact development and stormwater management facilities.

Chapter 17.02 GENERAL PROVISIONS

Sections:

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

17.02.010 Short title.

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

17.02.020 General authority.

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

17.02.030 Purpose.

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

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

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

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

~~F~~G. Provide for proper ingress and egress;

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

~~H~~I. Adequately provide for the housing and commercial needs of the citizens of the state and city;

~~I~~J. Require uniform monumenting of land divisions and conveyance by accurate legal description;

~~J~~K. Implement the goals, objectives and policies of the Auburn comprehensive plan.

17.02.040 Scope.

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

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

17.02.050 Exceptions.

The provisions of this title shall not apply to:

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

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

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

17.02.060 Administration.

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

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

17.02.065 Application requirements.

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

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

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

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

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

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

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

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

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

17.02.070 Consent to access.

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

17.02.080 Enforcement.

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

17.02.090 Amendments.

A. Initiation of Amendments.

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

B. Public Hearing and Notice.

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

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

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

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

Chapter 17.12 FINAL SUBDIVISIONS

Sections:

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

17.12.005 Purpose.

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

17.12.010 Application submittal and contents.

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

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

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

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

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

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

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

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

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

~~18~~19. A signed certification stating that the subdivision has been made with the free consent, and in accordance with the desires, of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said street or other areas so dedicated. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided. An offer of dedication may include a waiver of right of direct access to any street from any property. Such waiver may be required by the city engineer as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant. At the discretion of the city engineer conveyances of right-of-way may be required to be by statutory warranty deed. The acceptance of right-of-way by the city shall not obligate the city to improve or develop the lands in the right-of-way;

~~19~~20. Forms for the appropriate certifications of the finance director, city engineer and planning director, as follows:

FINANCE DIRECTOR'S CERTIFICATE

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

Auburn Director of Finance

CITY ENGINEER'S CERTIFICATE

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

Auburn City Engineer

PLANNING DIRECTOR'S CERTIFICATE

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

Auburn Planning Director

~~20~~21. A form for the approval of the mayor, pursuant to ACC 17.12.030, as follows:

APPROVAL

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

Mayor

ATTEST:

Auburn City Clerk

~~21~~22. A form for the certificate of the applicable (King/Pierce) county finance division, as follows, or as required by the applicable county, if different:

FINANCE DIVISION CERTIFICATE

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

Manager

Deputy

~~22~~23. A form for the approval of the applicable (King/Pierce) county assessor, as follows, or as required by the applicable county, if different:

ASSESSOR'S APPROVAL

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

County Assessor

Deputy County Assessor

Account number

~~23~~24. A form for the certificate of the applicable (King/Pierce) county recorder, as follows, or as required by the applicable county, if different:

RECORDING CERTIFICATE

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

County Recording Number _____.

Manager

Superintendent of Records

~~24~~25. Any additional pertinent information as required at the discretion of the city engineer or planning director.

Chapter 17.26 CLUSTER SUBDIVISIONS

Sections:

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

17.26.010 Purpose.

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

17.26.030 Requirements.

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

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

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

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

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

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

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

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

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

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

~~**7**~~6. Other Development Standards. Development standards other than lot size and lot width shall be the same as are required by Chapter 18.07 ACC, as modified by Chapter 18.21 ACC.

~~**8**~~7. Common Open Space.

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

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

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

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

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

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

Chapter 18.50 LANDSCAPING AND SCREENING

Sections:

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

18.50.010 Intent.

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

18.50.020 Applicability.

A. This chapter applies to all uses and activities developed in the city excluding single-family and duplex units on existing individual lots located within subdivisions.

B. When additions, alterations, or repairs of any existing building or structure exceed 50 percent of the value of the building or structure, or a residential use is converted to a nonresidential use, then such building or structure shall be considered to be a new use and site landscaping provided in accordance with this chapter; provided, that if any existing foundation or fence layout precludes full compliance herewith, then the landscaping requirements may be modified by the planning director in approved landscape plans.

18.50.040 Landscape development standards.

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

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

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

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

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

5. Low Impact Development (LID) Facilities. Vegetation planted within LID facilities shall count towards the minimum landscape coverage areas outlined in subsection B below.

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

Table 18.50.040(A) Minimum Landscape Requirements by Zoning District

Zones	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width – Perimeter Areas ²	
		Abutting Street ³	Abutting Residential Property
Residential Zones			
RC, R-1, R-5, and R-7 Residential Zones ⁴	N/A	N/A	N/A
R-10, R-16 and R-20 Zones ⁵	20%	6 ft.	10 ft.
Nonresidential Zones			

Table 18.50.040(A) Minimum Landscape Requirements by Zoning District

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

Notes:

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

3. The minimum landscape planter abutting a street may be reduced in size using the provision contained in ACC 18.50.080, Alternative landscaping plan. The reduced landscape planter shall have an average width of the requirement contained in Table 18.50.040(A).
4. Landscaping shall only be required in conjunction with an administrative or conditional use permit. The type and amount of landscaping shall be determined at that time the administrative or conditional use permit is approved.
5. Refer to ACC 18.31.200, Multifamily development and mixed-use development design standards and procedures, for additional requirements.
6. Landscaping within the RO/RO-H zone is not required unless site development includes the demolition of existing structure(s) together with new construction. Under this scenario the minimum landscape requirements of the C-1 zone shall be met.
7. Landscaping within the DUC zone shall be provided as defined in the Downtown Urban Center Design Standards; see reference to ACC 18.29.070.

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

1. Landscape Design. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces, supporting low impact development, and providing buffers, transitions, and screening.

a. All required planting areas shall be covered with a mixture of trees, shrubs, and groundcover plants, with a preference towards native species. Sodded lawn (not seed) may be substituted for some but not all of shrubs or groundcover plants. If sodded lawn is used it cannot cover more than 20 percent of the site and those portions of the lawn area must be served by an automatic irrigation system.

b. Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

c. As appropriate, building and site design shall include the use of landscaping against buildings to visually break up expanses of wall, soften appearance, and create visual interest through the use of

planting areas, wall planters, hanging gardens, and/or raised planters. Loose rock, gravel, decorative rock or stone shall not exceed 20 percent of the planting area.

2. Plant Types. Landscape planting shall be compatible with the character and climate of the Pacific Northwest and complement the architectural design of structures on the site.

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

i. Fifty percent of trees.

ii. Fifty percent of groundcover and shrubs.

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

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

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

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

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

d. Additional Spacing Provisions.

- i. Tree size and spacing at installation shall be increased by the city where needed to ensure visual access for vehicles and pedestrians and provide clear vision at street, access tracts and driveway intersections (sight distance triangles).
- ii. Trees or shrubs with a full-grown height equal to or greater than 30 inches shall not be planted in any sight distance triangle. Sight distance triangles are determined in conformance with the city of Auburn engineering design standards, Chapter 10.
- iii. A minimum distance of 15 feet is required from the mature diameter of trees and the center of street light standards.

4. Landscaping Requirements for Parking Areas.

a. General Parking Lot Landscaping Standards.

- i. All parking lot landscape areas shall be protected with vertical or extruded concrete curbs, or equivalent barriers. Bumper blocks shall not be used as a substitute for curbing and boundary around the landscaped area unless they are integral to an LID design as approved by the City Engineer or his/her designee.
- ii. All parking lot landscaping must be located between parking stalls, at the end of rows of parking, or between the end of rows of stalls and the property line.
- iii. The maximum distance between any parking stall and required parking area landscaping shall be no more than 50 feet.
- iv. Shrubs, groundcover or lawn shall be planted to cover each parking lot planting area using the planting size and spacing requirements specific in subsection (C)(3) of this section. All groundcover shall have a mature height of not more than 24 inches.
- v. Modifications to protect drainage features, easements, or utility facilities may be allowed. Modifications that reduce landscape area or plant material shall be made up elsewhere on-site, if possible.
- vi. The requirements of this section shall not apply to parking garages or to display areas for automotive and equipment sales and rentals that are specifically designed, approved and constructed for the display purpose and that do not reduce required landscape areas.

b. Specific Parking Lot Landscaping Standards.

Table 18.50.040(B) Specific Parking Lot Landscaping Standards

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

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

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

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

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

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

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

18.50.045 Preservation of significant trees.

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

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

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

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

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

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

18.50.050 Regulations by zone.

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

18.50.060 Landscaping plan requirements.

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

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

18.50.070 Administration and enforcement.

A. Performance Assurance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.50.080 Alternative landscaping plan.

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

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

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

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



Complete Site Development Contracts - Commercial - Residential

Kana B LLC/Lakeridge Paving Comprehensive Plan Amendment

Good Evening Planning Commission Members

I am Jon Cheetham, one of the owners of Kana B LLC and Lakeridge Paving. My partner, Greg O'Farrell is here tonight as well. We live in the community of Pierce and south King County

As you may know, Greg and I successfully developed the Terrace View Park Mixed-Use Development – where the Apartments and the Townhomes are located. We are the owners of the Lakeland Hills Storage Facility. As part of the Terrace View Park Development we worked cooperatively with Auburn and we constructed right-of-way improvements associated with East Valley Highway (aka "A" Street) and Terrace View Drive. In addition, we constructed significant water line and sanitary sewer improvements which are part of the City's Comprehensive Utility Plans.

Now, we desire to move our Lakeridge Paving Business Offices to A Street East in conjunction with our established equipment yard on the adjoining southerly parcels.

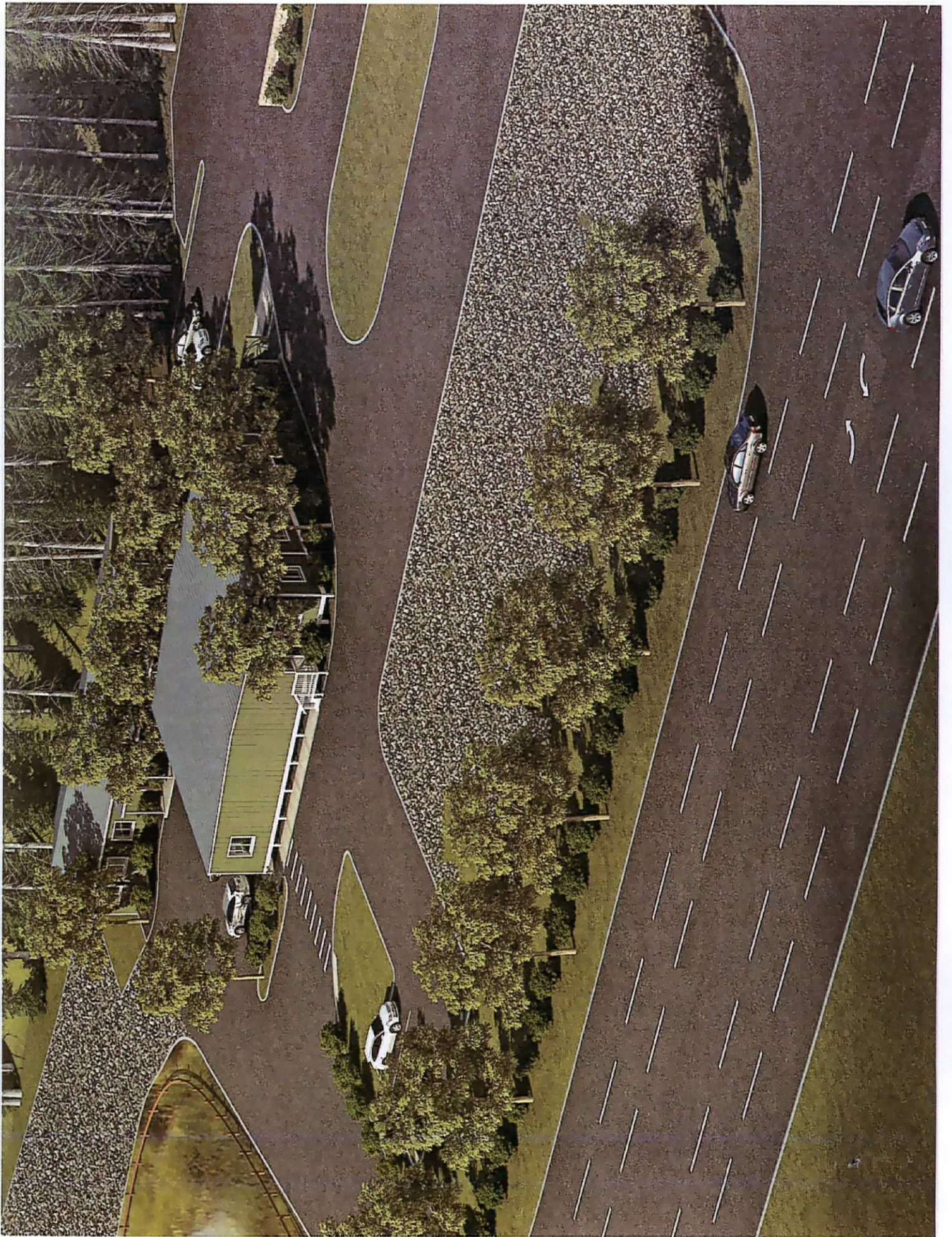
Staff's recommendation supporting the Comprehensive Plan Amendment to Light Industrial, as well detailed in the Staff Report, demonstrates that the surrounding areas to the south and the west are consistent with a Light-Industrial designation as those properties are developed with existing neighboring light-industrial uses and to the west, the zoning classification of Sumner and Pacific call for future light-industrial uses. And, given the steep slopes to the east, the Lakeland Hills residential development is substantially separated by the forested topography. In addition, the existence of the Railroad Corridor abutting A Street on the west and the size of our parcels, as set forth in our application, has limited the viability of commercial uses.

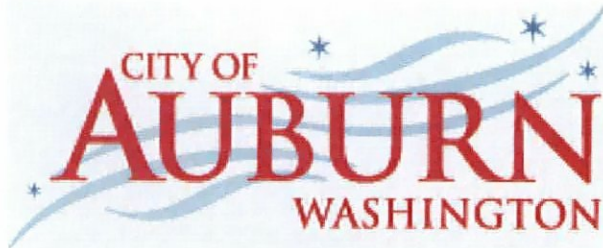
Lakeridge Paving recognizes that the properties are visible to the transportation corridor and are an entrance to the City of Auburn. Therefore, Lakeridge Paving will develop as shown in the Renderings, an aesthetically pleasing business office on the parcels and further we have agreed, as a condition under the MDNS, to install landscaping and screening in excess of the requirements of Auburn Code.

Lakeridge Paving will be a welcome addition to the City of Auburn and we appreciate Staff's working with us to implement a mutually beneficial future development to enhance the City's transportation infrastructure on A Street and the southerly entrance to the City

We are available to answer any questions you may have.







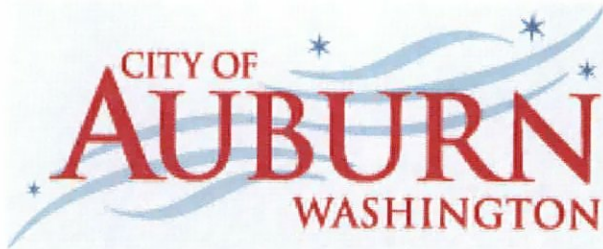
COMPREHENSIVE PLAN AMENDMENTS

CITY OF AUBURN PLANNING COMMISSION PUBLIC HEARING

PC 6.21.16 Pgs 12
Item IV.A
Submitted by: Jeff Dixon

**Comprehensive Plan Amendments -
Policy/Text and Map Amendments**

Tuesday, June 21, 2016, 7:00 p.m.



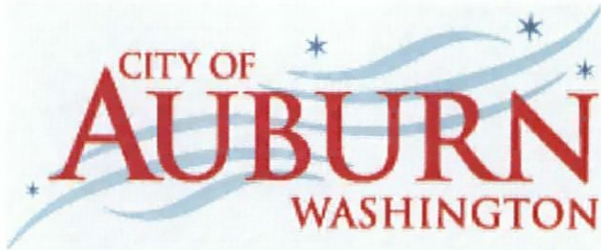
COMPREHENSIVE PLAN AMENDMENTS

Process and Criteria for Requested Amendment

The purpose of the City's Comprehensive Plan document is to provide a policy basis for the future development regulations to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code section:

"ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the Comprehensive Plan. Capital budget decisions shall be made in conformity with the Comprehensive Plan."



COMPREHENSIVE PLAN AMENDMENTS

Docket of Amendments

Previous Year Amendments:

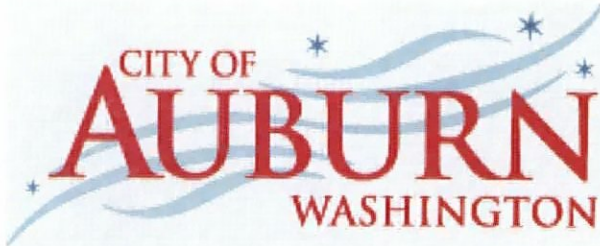
Two **Map** Amendments – two private amendments (Discussed at PC's 4-5-16 meeting)

Year 2016 Amendments:

Five **Policy/Text** amendments – All are city initiated (Rec'd by June 3, 2016 deadline)

CPA16-0001: P/T #1 thru #4 – 4 School District Capital Facilities Plans

P/T #5 - City Capital Facilities Plan

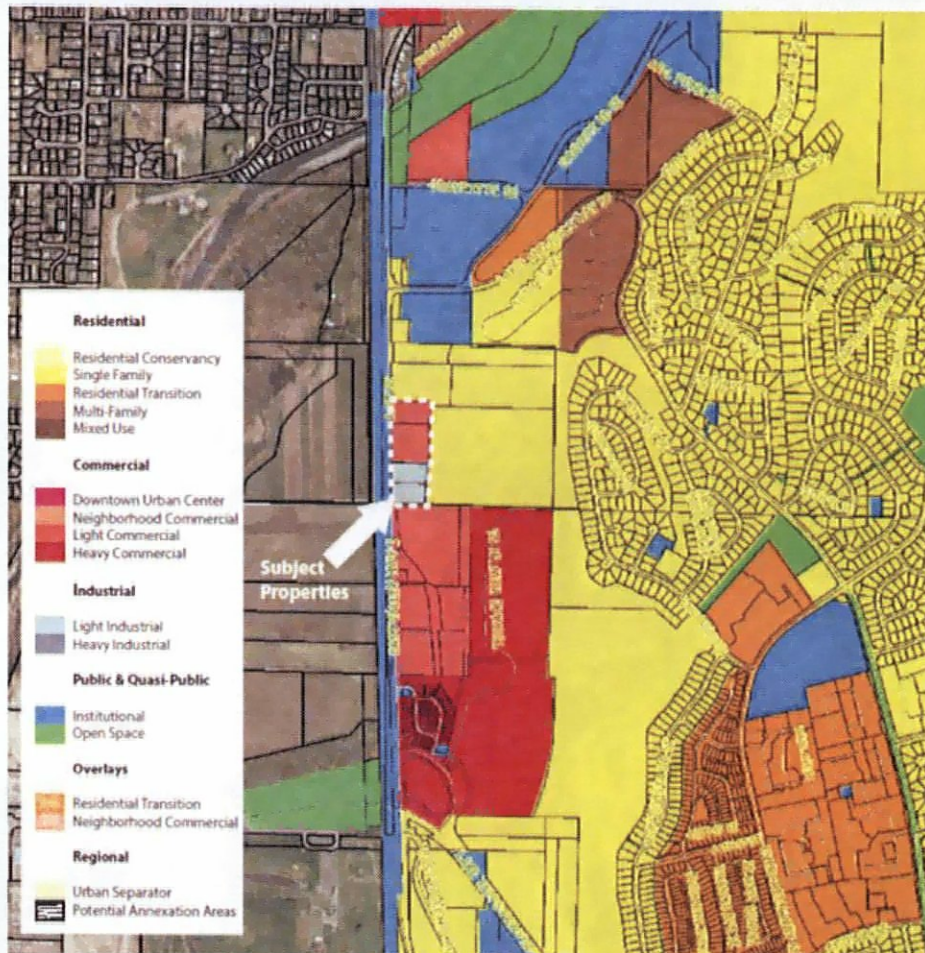


Request by Mary
Urback on behalf of
Kana B LLC, to
change map
designation of
2 of 4 parcels under
the same ownership
from the "Light
Commercial" to
"Light Industrial"
to allow a change in
the zoning
designation.



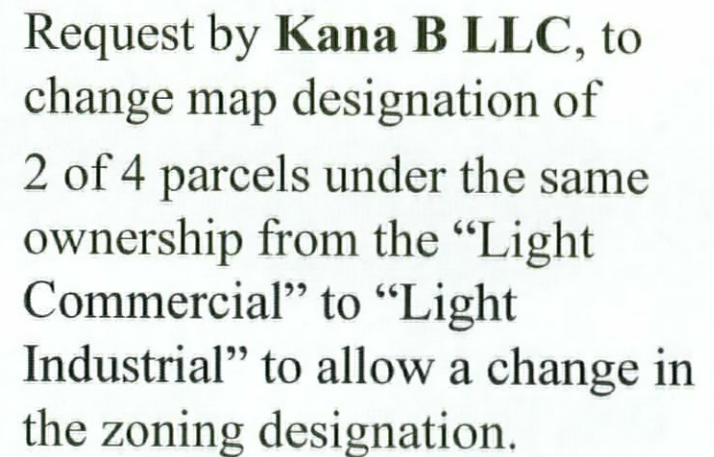
AUBURN ★ MORE THAN YOU IMAGINED

Private Map Amendment

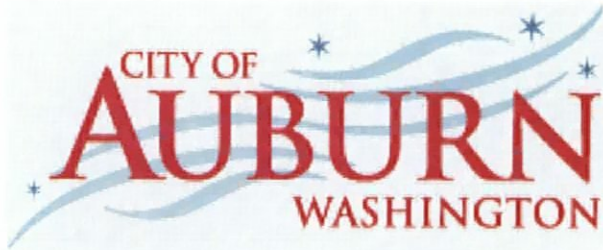


Request by **Kana B LLC**, to change map designation of 2 of 4 parcels under the same ownership from the “Light Commercial” to “Light Industrial” to allow a change in the zoning designation.

- Parcel # 3121059033 – 1.32 acres &
- Parcel # 3121059036 - 2.33 acres

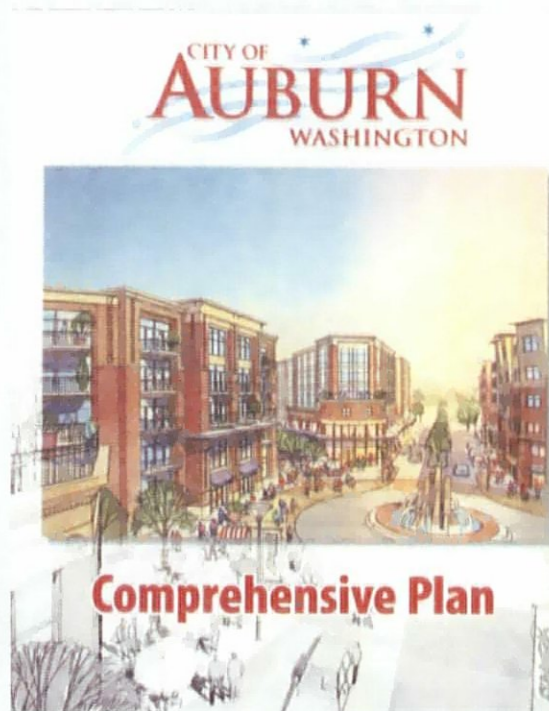


- Parcel # 3121059033 – 1.32 acres
&
- Parcel # 3121059036 - 2.33 acres



COMPREHENSIVE PLAN AMENDMENTS

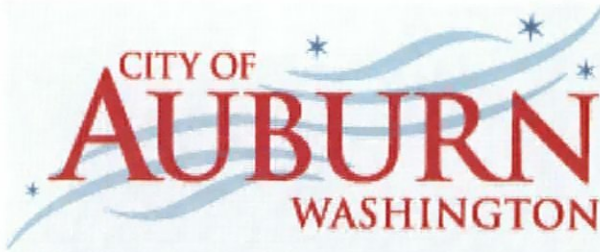
The City of Auburn adopted a growth management Comprehensive Plan in 1995 in response to the Washington State Growth Management Act (GMA) requirements, as amended.



The Auburn Comprehensive Plan has been amended annually each year since.

The City adopted a substantially revised Comprehensive Plan in December 2015 by Ordinance #6584

AUBURN ★ MORE THAN YOU IMAGINED



COMPREHENSIVE PLAN AMENDMENTS Process Summary

Processing of Comprehensive Plan amendments (ACC 14.22):

Staff proposes an amendment (or accepts a private application) and makes a recommendation;



**WE ARE
HERE**



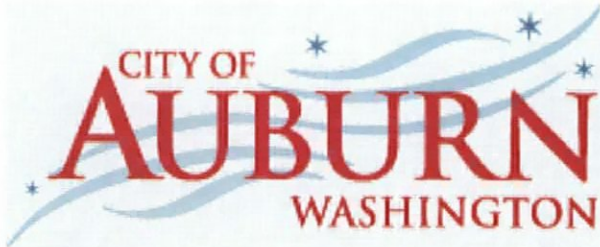
Requests are reviewed during a public hearing before the City of Auburn Planning Commission;



The Planning Commission then makes a recommendation to the City Council for final action;



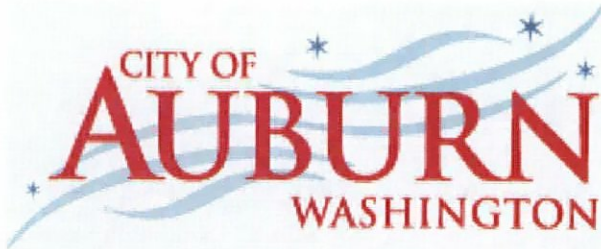
The City Council will consider and act on the amendments generally prior to the end of this year.



Map Amendment

Revise Comprehensive Plan 2 parcels totaling approx. 3.65 acres from “Light Commercial” to “Light Industrial”

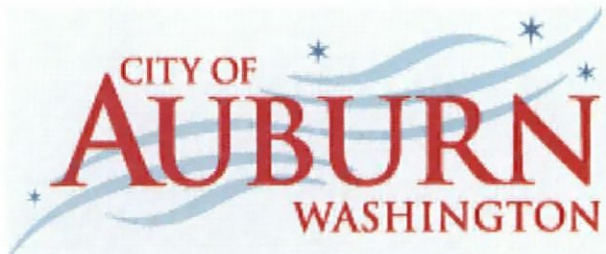
- Properties annexed in 1962 & both used to contain a single family houses bordering East Vly Hwy/A ST SE.
- North 2 parcels are currently are zoned C1, Light Commercial.
- South 2 parcel are currently zoned C1, Light Commercial (But Comp Plan designation was changed to “Light Industrial” with adoption of revised Plan in 2015).
- E Vly Hwy/A ST SE is classified as a ‘Principal Arterial’ specifies as a five-lane road.
- Applicant has concurrently applied for rezoning for all parcels.
- Request is sought to achieve consistent designation across the properties for ease of development as paving contractor business.
- Application is vested to former Comprehensive Plan in effect at application timeframe



Map Amendment

ACC 14.22.110 (5) Decision Criteria

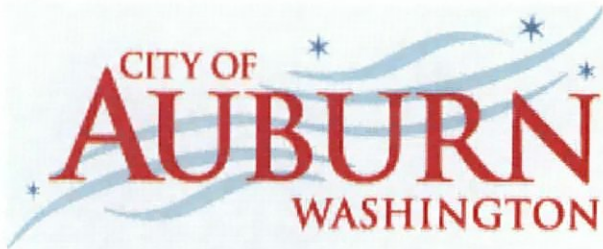
1. Further & be consistent with the goals and objectives of the Plan & Plan will remain internally consistent;
2. Whether capacity to provide adequate services is negatively diminished or increased;
3. Assumptions on which the Comprehensive Plan is based are found to be invalid;
4. A change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment that dictates the need for a proposed amendment;
5. If applicable, the change maintains consistency between the Comprehensive Plan and Chapter 36.70A RCW, the countywide planning policies for either King and/or Pierce County, as appropriate, and Vision 2040: Growth and Transportation Strategy for the Puget Sound Region.”
6. (For map amendments only)



Map Amendment

Staff Recommendation

Planning Commission to recommend to City Council **approval** of the Kana B LLC Comprehensive Plan Map Amendment to change the designation of two parcels from “Light Commercial” to “Light Industrial”.



Comprehensive Plan Amendments

Questions?

PC 6.21.16 Pgs. 7
Item V.A. LID Update
Submitted by: Shannon Howard

ENGINEERING SERVICES

INTRODUCTION TO LOW IMPACT DEVELOPMENT

SHANNON HOWARD
PLANNING COMMISSION
JUNE 21, 2016

Community Development and Public Works Department
Engineering Services • Administrative Services • Environmental Services
Community Development Services • Maintenance & Operations Services

AUBURN
VALUES

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

INTRODUCTION TO LOW IMPACT DEVELOPMENT

CONVENTIONAL APPROACH



Source: <https://www.flickr.com/photos/natcub/>

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

INTRODUCTION TO LOW IMPACT DEVELOPMENT

LID APPROACH



Source: <https://www.shutterstock.com/image/stock-photo/1408430184>

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INTRODUCTION TO LOW IMPACT DEVELOPMENT

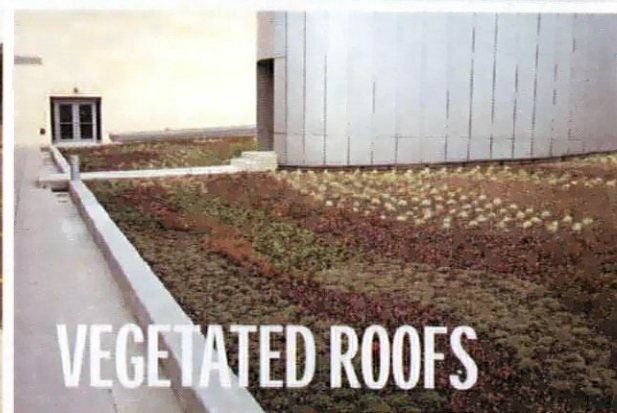
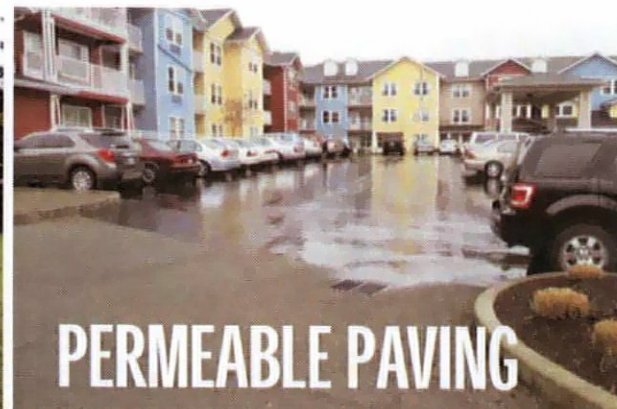
LID PRINCIPLES

- CONSERVE VEGETATION AND NATIVE SOILS
- REDUCE AND DISCONNECT IMPERVIOUS SURFACES
- INFILTRATE RAIN ON SITES
- SMALLER DECENTRALIZED FACILITIES RATHER THAN BIG PONDS

SERVICE • ENVIRONMENT • ECONOMY • CHARACTER • SUSTAINABILITY • WELLNESS • CELEBRATION

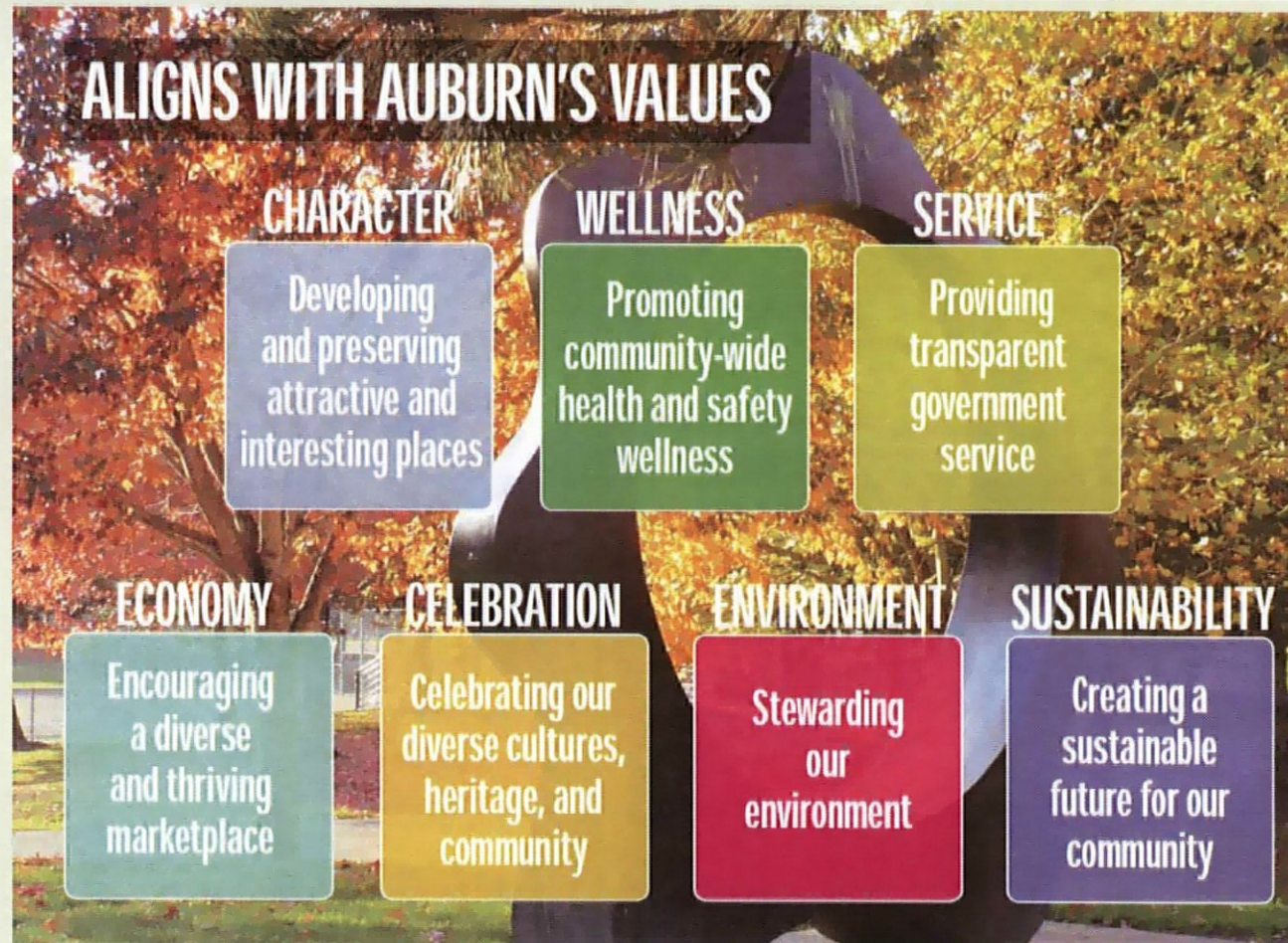
INTRODUCTION TO LOW IMPACT DEVELOPMENT

EXAMPLES OF LID FACILITIES



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INTRODUCTION TO LOW IMPACT DEVELOPMENT



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INTRODUCTION TO LOW IMPACT DEVELOPMENT

DECEMBER 31, 2016



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COMMUNITY DEVELOPMENT SERVICES

PLANNING COMMISSIONER TRAINING

PLANNING SERVICES STAFF
PLANNING COMMISSION MEETING
JUNE 21, 2016

Community Development and Public Works Department

Engineering Services • Administrative Services • Environmental Services
Community Development Services • Maintenance & Operations Services

PC 6.21.16 PGs. - 6

Item V.B.

Submitted by Jeff Dixon

AUBURN VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

PLANNING COMMISSIONER TRAINING

FOUNDATION OF PLANNING

■ Planning Described

- Establish Community Vision, Values, Policies, Zones, & Regulations
- Exercise of Local Police Power to Achieve Vision and Policies
- Planning consists of:
 - Legislative Actions
 - Administrative Actions

■ Constitutional Basis for Planning

- Federal Constitutionality – Euclid v. Amber Realty
- State Constitutionality

■ Statutory Basis in Washington State

- Planning Commission Act (RCW 35.63)
- Optional Municipal Code (RCW 35A.02)

PLANNING COMMISSIONER TRAINING

THE ROLE OF THE PLANNING COMMISSIONER

- **Advise City Council – “The Heavy Lifting”**
 - Listen to and Analyze Staff Information
 - Listen to and Consider Public Testimony
 - Evaluate Individual Rights with Overall Community
 - Balance Emotional and Compelling Input with Factual Information
 - Apply Decision Criteria and Make Recommendations to Council

- **Establish Procedures**
 - Operating Procedures and By-Laws for the Conduct of Meetings and Decision Making
 - Review and Update Annually

PLANNING COMMISSIONER TRAINING

THE ROLE OF THE PLANNING COMMISSIONER (CONT.)

■ Responsibilities

- **Review Materials Ahead of Time – Be Prepared**
- **Ask Questions – If You Have a Question, Someone Else Likely Has the Same Question**
- **Request Information – If You Feel Something is Missing, Ask For It**
- **Respect the Role of the Chair in Maintaining Order**
- **Relationship to the Public: Think of Issues and Impacts From as Many Perspectives as Possible – a Great Value of the Planning Commission is in its Diversity to Represent Different Opinions and Perspectives**
- **Be Impartial**
- **Relationship to City Council: City Council Values and Understands the Amount of Work Performed by the Planning Commission, but Council is Charged with Making the Final Decision.**
- **Focus Areas: Comprehensive Plan Map and Text, Development Regulations, Shoreline Master Program, Critical Area Regulations**

PLANNING COMMISSIONER TRAINING

OTHER LEGAL CONSIDERATIONS

- **Open Public Meetings Act (RCW 42.30)**
 - “The People of the State do not Yield their Sovereignty to Agencies which Serve them.”
 - Since 2014, Training is required for all public officials.
 - All Meetings are to be “Noticed” and are Open to the Public
 - A Meeting Occurs When a Majority of Members Are Communicating (in Person, via Email, on the Phone, Texting)
 - Failure to Comply May Result in Fines, Loss of Public Trust, and Delayed Process – Don’t “Reply to All” in Email
- **Public Records**
 - Most City Records are a Public Record Accessible to Any Party who Makes a Request
 - Public Records Include Email, Text Messages, Hard Copy Materials
 - Failure to Provide a Public Record May Result in Fines

PLANNING COMMISSIONER TRAINING

OTHER LEGAL CONSIDERATIONS

■ Appearance of Fairness Doctrine

- Public Hearings Must Not Only be Fair, but Must Also be Free From the Appearance of Unfairness
- Doctrine Only Applies to Quasi-Judicial Actions of Local Decision Making Bodies. (i.e. site specific rezones)
- Doctrine Does Not Apply to Legislative Actions Such as Comprehensive Plan Amendments
- Difference Between Quasi-Judicial and Legislative Actions
- If a Person Has an Interest of any Kind in an Issue or Takes Evidence Improperly Outside of a Hearing, the Proceeding Can be Invalidated (Examples: business, social, familial connection to a matter before the Commission; Someone Approaches You Outside of a Meeting Seeking Support or Opposition to a Pending Matter)