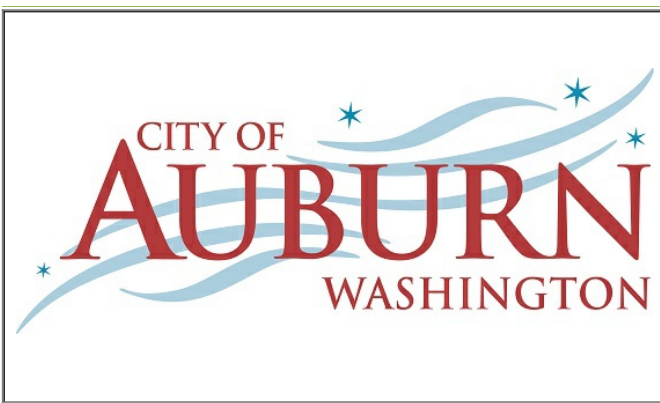


|                                                                                   |                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>City Council Study Session Muni<br/>Services SFA</b><br/> <b>May 23, 2022 - 5:30 PM</b><br/> <b>City Hall Council Chambers and Virtual</b><br/> <b>AGENDA</b><br/> <b>Watch the meeting LIVE!</b></p> <p><b>Watch the meeting video</b><br/> Meeting videos are not available until 72<br/> hours after the meeting has concluded.</p> |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**I. CALL TO ORDER**

**II. PUBLIC PARTICIPATION**

**A. Public Participation**

The Auburn City Council Study Session Meeting scheduled for Monday, May 23, 2022 at 5:30 p.m. will be held in person and virtually.

Virtual Participation Link:

To view the meeting virtually please click the below link, or call into the meeting at the phone number listed below. The link to the Virtual Meeting is:

<https://www.youtube.com/user/watchauburn/live/?nomobile=1>

To listen to the meeting by phone or Zoom, please call the below number or click the link:

Telephone: 253 215 8782

Toll Free: 877 853 5257

Zoom: <https://us06web.zoom.us/j/82857612693>

**B. Roll Call**

**III. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS**

**A. Auburn Community Court Presentation (Comeau) (15 Minutes)**

**IV. AGENDA ITEMS FOR COUNCIL DISCUSSION**

**A. Ordinance No. 6859 (Gaub) (5 Minutes)**

An Ordinance amending Ordinance 6759 and extending the deadline to complete conditions associated with vacating Right-of-Way of a portion of the alley north of 3rd Street NE between B Street NE and Auburn Avenue within The City of Auburn

**B. Ordinance No. 6865 (Tate) (10 Minutes)**

An Ordinance amending Ordinance No. 4456 to permit "Live/Work" land use for one parcel and consistency with current C-3, Heavy Commercial Zone

## V. MUNICIPAL SERVICES DISCUSSION ITEMS

- A. Emergency Management Presentation (Hinman) (20 Minutes)
- B. Police Department Annual Report (Caillier) (15 Minutes)  
Presentation highlighting the 2021 Auburn Police Department Annual Report
- C. Ordinance No. 6866 (Caillier/Comeau) (5 Minutes)  
An Ordinance amending Sections of the Auburn City Code, to conform to RCW changes resulting from ESSHB 1320
- D. Ordinance No. 6867 (Caillier/Comeau) (5 Minutes)  
An Ordinance repealing Section 9.34.030 of the Auburn City Code, related to discharging firearms within the City
- E. Ordinance No. 6869 (Caillier/Comeau) (5 Minutes)  
An Ordinance amending Section 10.36.263 of the Auburn City Code, related to continuous or multiple vehicle parking violations on City owned or controlled property

## VI. ADJOURNMENT

*Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.*



## AGENDA BILL APPROVAL FORM

---

**Agenda Subject:**

Auburn Community Court Presentation (Comeau) (15 Minutes)

**Date:**

May 18, 2022

**Department:**

Legal

**Attachments:**

[Presentation](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:**

**Councilmember:** Mulenga

**Staff:**

Comeau

**Meeting Date:** May 23, 2022

Item Number:

# Auburn Community Court



# Auburn Community Court

- Our Why
- Our How
- Our Story



# Auburn Community Court

## Our Why

- Community Safety
- Reduce Recidivism
- Increase Cost Efficiencies
- Restorative Justice
- Accountability with Compassion



# Auburn Community Court

## Our How

- A brief history of diversion in the U.S.
  - English Law Tradition—court of equity
  - Modern History 1947 to present
  - The local government phenomenon



# Auburn Community Court

## Our How

- Three Types of Diversion Programs
  - Pre-Charge (LEAD Programs)
  - Pre-Trial
  - Post-Disposition

# Auburn Community Court

## Our How

- Evidence-Based Model Approach
  - Assessment
  - Treatment
  - Deterrence
  - Procedural Justice
  - Collaboration



# Auburn Community Court

## Our Story

- Eligibility Criteria
- Process
  - SOC
  - Target Behaviors
  - Compliance Monitoring
  - Rewards and Sanctions

## Eligibility Criteria



### AUBURN COMMUNITY COURT ELIGIBILITY CRITERIA

Effective August 13, 2021, the City of Auburn adopts the following criteria for defendant community court eligibility:

#### Eligible crimes:

Criminal trespass 1  
Theft 3  
Criminal trespass 2  
Unlawful Bus conduct  
Prostitution  
Disorderly conduct  
Interference with HCF  
SODA Order Violation  
Possession of auto theft tools  
Possession of burglary tools  
Vehicle trespass  
Unlawful camping  
Possession of controlled substance  
Possession of drug paraphernalia (prior to May 2021)

#### Other potentially eligible crimes:

All other crimes are potentially eligible, provided that the offense is not listed as ineligible in these criteria, and the defendant needs services and would benefit from a structured and supportive environment in obtaining those services

#### Crimes not eligible:

- DUI
- Other traffic offenses
- Assault DV charges involving intimate partners
- VNCO
- Crimes against persons when the victim does not support a community court resolution



#### Strict Disqualifiers:

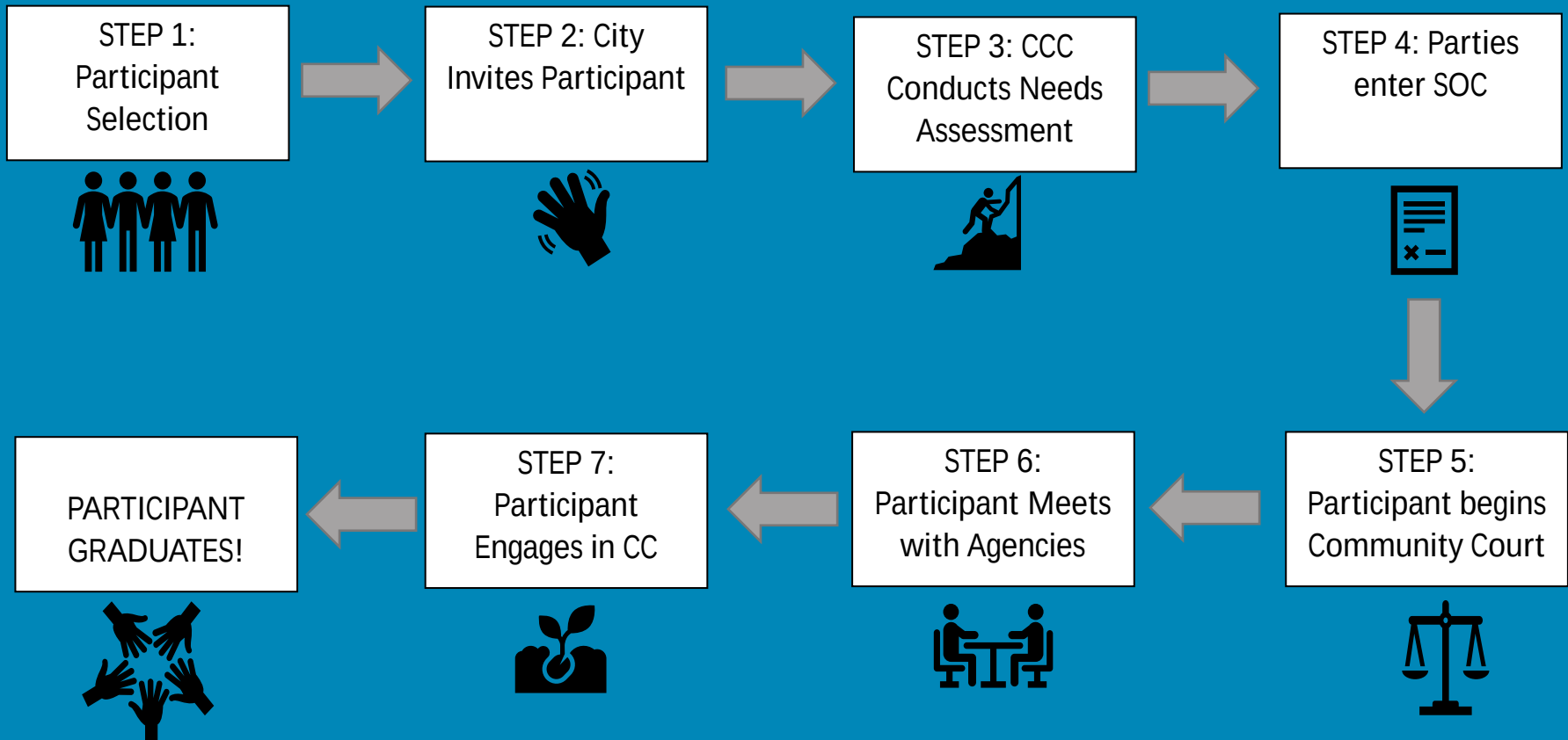
- RCW 9.94A.030(55) violent offense convictions within the past 5 years
- Pending RCW 9.94A.030(55) violent offense charges
- Sex offense convictions or pending sex offense charges (including juvenile cases)
- Known gang membership or affiliation
- Officer caution noted in police records
- Hate crimes

#### Discretionary Disqualifiers:

- Pending charges and convictions for:
  - Class A felonies
  - Violent crimes
  - Assault of City Officer
  - Stalking
  - Violation of a no contact order, protection order, sexual assault order
  - Crimes against children and vulnerable adults
  - Escape
  - Crimes enhanced by sexual motivation
  - Crimes involving firearms
  - Human trafficking
  - Kidnapping
- Active warrants out of any jurisdiction of 5K or more

# Auburn Community Court

## Process



# Auburn Community Court

## Stipulated Order for Continuance (SOC)

- Length of time
- Waiver of rights
- Participant's obligations
- Accountability

KING COUNTY DISTRICT COURT-SOUTH DIVISION-AUBURN  
STATE OF WASHINGTON

|                               |   |                     |
|-------------------------------|---|---------------------|
| CITY OF AUBURN,<br>Plaintiff, | ) | NO. XZ0367883       |
| v                             | ) | COMMUNITY COURT     |
| [REDACTED]                    | ) | STIPULATED ORDER OF |
| Defendant.                    | ) | CONTINUANCE (SOC)   |

**MOTION**

THIS MATTER comes before the court on the joint motion of the parties, who move for entry of this SOC. If the Defendant complies with this SOC, this case will be dismissed at the end of 12 months.

**DEFENDANT'S CHARGES AND RIGHTS**

I. The Defendant is charged with Theft 3<sup>rd</sup> Degree, which has a maximum penalty of 364 days in jail and a \$5,000 fine. The Defendant has pled not guilty.

The Defendant has received an amended complaint in this case listing the elements of the above crime. The Defendant understands these elements and what the City must prove to convict. If found guilty at a future hearing, the Defendant understands that the judge can impose any sentence up to the maximum, no matter what the prosecutor or defense recommends.

II. The Defendant understands that the judge, court personnel, prosecutors, defense attorneys and treatment/social service providers may discuss this case off the record and in their absence at staff meetings. The Defendant agrees that such discussions may take place outside of their presence.

III. The Defendant understands their rights:

- To a public jury trial within 90 days after arraignment (60 days if in custody);
- To remain silent before and during trial;
- To hear and question witnesses who testify;
- To testify and have witnesses testify for them at no expense.

COMMUNITY COURT SOC – Page 1  
Revised 5/13/2021

 **AUBURN  
COMMUNITY  
COURT**

Defendant's Initials: \_\_\_\_\_

# Auburn Community Court

## Target Behaviors for Community Court

### BEGINNING OF COMMUNITY COURT

- Attend court
- Schedule/attend SUD/MH assessment
- Honesty about relapse/use

### MIDDLE OF COMMUNITY COURT

- Engaged in treatment
- Showing insight/initiative
- Working on preventative health care

### END OF COMMUNITY COURT

- Sobriety
- Maintenance phase or completion of treatment
- Education/employment



# Auburn Community Court

## Compliance Monitoring

- Weekly Treatment Reports
  - UA results
  - Classes attendance
  - Report from counselor
- Other Obligations
  - Made appointments
  - Completed work crew



# Auburn Community Court

## Rewards and sanctions

- Rewards
- Sanctions



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Ordinance No. 6859 (Gaub) (5 Minutes)

**Date:**

May 12, 2022

**Department:**

Public Works

**Attachments:**

[Ordinance No. 6859](#)

[Exhibit A](#)

[Vicinity Map](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

Davis Property and Investment has requested an extension of time in which to complete conditions associated with Right-of-Way Vacation No. V1-19 previously approved by City Council on March 16, 2020, under Ordinance No. 6759. The vacation is for the alley north of 3rd Street NE and between B Street NE and Auburn Avenue. An extension was previously granted by City Council on June 21, 2021, under Ordinance No. 6823. The current deadline to complete the conditions is September 16, 2021.

City Staff supports an extension to April 30, 2023, as the applicant just recently received approval of their development plans and notice to proceed with construction. This will align the development's completion of construction and the start of the City's capital project construction in the area.

Ordinance No. 6859 amends Ordinance No. 6823 and 6759 extending the time for the developer to complete conditions associated with Right-of-Way Vacation No. V1-19. A depiction of the vacation area is included with Ordinance No. 6823, Exhibit A and the Vicinity Map, in the packet.

**Reviewed by Council Committees:**

**Councilmember:** Stearns

**Staff:**

Gaub

**Meeting Date:** May 23, 2022

Item Number:

**ORDINANCE NO. 6859**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, AMENDING ORD. 6759 AND EXTENDING THE DEADLINE TO COMPLETE CONDITIONS ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A PORTION OF THE ALLEY NORTH OF 3<sup>RD</sup> STREET NE BETWEEN B STREET NE AND AUBURN AVENUE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), passed Ordinance No. 6759 on March 16, 2020, vacating its right-of-way located within a portion of the alley north of 3<sup>rd</sup> Street NE, between B Street NE and Auburn Avenue, within the City, subject to conditions outlined in that Ordinance; and,

WHEREAS, Section 1, Paragraph G of Ordinance No. 6759 required all conditions of the vacation to be completed by September 16, 2021 or the vacation and Ordinance would be null and void; and,

WHEREAS, pursuant to Auburn City Code (ACC) 12.48.090 and before the September 16 deadline in Ordinance No. 6759, the applicant requested additional time to complete the required vacation conditions in Ordinance No. 6759. The City Council granted the request by passing Ordinance No. 6823, which amended Ordinance No. 6759 to extend its vacation condition deadline to September 16, 2022. A copy of Ordinance No. 6823 is attached as Exhibit A to this Ordinance; and,

WHEREAS, by letter dated March 31, 2022, the applicant has indicated that due to factors outside the applicant's control, they will not be able to complete the vacation conditions by the September 16, 2022 deadline set by Ordinance No. 6823. The applicant

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Ordinance No. 6859  
ROW Vacation V1-19  
May 16, 2022  
Page 1 of 3

requests additional time to complete the conditions, and estimates completion by April 30, 2023; and,

WHEREAS, the City has determined that the applicant has made a good faith effort to meet the vacation conditions required by Ordinance 6759, and that the applicant's request to extend the condition completion deadline to April 30, 2023 is reasonable and in the public interest given the unforeseeable circumstances encountered by the applicant; and,

WHEREAS, the City Council has considered and approves the applicant's request for extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

**Section 1. Amendment of City Ordinance.** Section 1, paragraph G of Ordinance No. 6759 is amended to read as follows:

G. This vacation shall be effective upon completion of the provisions in paragraph E and F, above. The above described provisions must be completed by ~~September 16, 2021~~ April 30, 2023 or the vacation and Ordinance will be null and void.

All other provisions of Ordinance No. 6759 shall remain in full force and effect.

**Section 2. Constitutionality or Invalidity.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 3. Implementation.** The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force

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Ordinance No. 6859  
ROW Vacation V1-19  
May 16, 2022  
Page 2 of 3

five (5) days from and after passage, approval, and publication as provided by law.

**Section 5. Recordation.** The City Clerk is directed to record this Ordinance together with Ordinance No. 6823 and Ordinance No. 6759 with the office of the King County Auditor only upon completion of those provisions set forth in Ordinance No. 6759, at which time the vacation pursuant to Ordinance No. 6759 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

\_\_\_\_\_  
Kendra Comeau, City Attorney

PUBLISHED: \_\_\_\_\_

**ORDINANCE NO. 6823**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, AMENDING THE DEADLINE TO COMPLETE CONDITIONS ASSOCIATED WITH VACATING RIGHT-OF-WAY OF A PORTION OF THE ALLEY NORTH OF 3<sup>RD</sup> STREET NE BETWEEN B STREET NE AND AUBURN AVENUE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), approved Ordinance No. 6759 on March 16, 2020, a copy of which is attached as Exhibit A, vacating right-of-way located within a portion of the alley north of 3<sup>rd</sup> Street NE, between B Street NE and Auburn Avenue, within the City, subject to conditions outlined in Ordinance No. 6759; and,

WHEREAS, Section 1, Paragraph G of Ordinance No. 6759 required that all conditions of the vacation be completed by September 16, 2021 or the vacation and Ordinance will be null and void; and,

WHEREAS, the applicant has requested additional time to complete those provisions set forth in Section 1, Paragraphs E, F and G of Ordinance No. 6759; and,

WHEREAS, the City has determined that the applicant's request to have until September 16, 2022, is reasonable in light of unforeseeable circumstances and in the public interest to continue the deadline; and,

WHEREAS, the City Council has considered the request for extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

**Section 1. Extension.** The deadline for completion in Section 1, Paragraph G of Ordinance No. 6759 is continued to September 16, 2022.

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Ordinance No. 6823  
ROW Vacation V1-19  
May 26, 2021  
Page 1 of 2

**Section 2. Constitutionality or Invalidity.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 3. Implementation.** The mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this location.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

**Section 5. Recordation.** The City Clerk is directed to record this Ordinance together with Ordinance No. 6759 with the office of the King County Auditor only upon completion of those provisions set forth in Ordinance No. 6759, at which time the vacation pursuant to Ordinance No. 6759 shall be effective under Auburn City Code 12.48.080.

INTRODUCED: JUN 2 1 2021

PASSED: JUN 2 1 2021

APPROVED: JUN 2 1 2021

Nancy Backus  
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell  
Shawn Campbell, MMC, City Clerk

Kendra Comeau  
Kendra Comeau, City Attorney

PUBLISHED: June 24, 2021 in The Gazette Times

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Ordinance No. 6823  
ROW Vacation V1-19  
May 26, 2021  
Page 2 of 2

**ORDINANCE NO. 6759**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, VACATING RIGHT-OF-WAY OF A PORTION OF THE ALLEY NORTH OF 3<sup>RD</sup> STREET NE BETWEEN B STREET NE AND AUBURN AVENUE WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, the City of Auburn, Washington ("City"), has received a petition signed by at least two-thirds (2/3) of the owners of property abutting to right-of-way located within a portion of the alley north of 3<sup>rd</sup> Street NE, between B Street NE and Auburn Avenue, within the City, requesting vacation of the right-of-way; and,

WHEREAS, as required by Chapter 12.48 of the Auburn City Code, a public hearing was held in connection with the possible vacation, with notice having been provided pursuant to statute; and,

WHEREAS, the City Council has considered all matters presented at the public hearing on the proposed vacation, held on the 16th day of March, 2020, at the Auburn City Council Chambers in Auburn, Washington.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN as a non-codified ordinance as follows:

**Section 1. Vacation.** That the right of way located at a portion of the Alley north of 3<sup>rd</sup> Street NE, between B Street NE and Auburn Avenue located within the City of Auburn, Washington, legally described as follows:

THAT PORTION OF THE ALLEY, BEING 10 FEET IN WIDTH, ADJACENT TO AND COINCIDENT WITH THE EAST LINE OF LOTS 3 THROUGH 6, BLOCK 2 OF THE PLAN OF MEADOW ADDITION TO AUBURN, ACCORDING TO THE PLAT

THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 68,  
IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 6  
OF SAID BLOCK 2 OF SAID PLAT;  
THENCE SOUTH 89°17'20" EAST, 57.00 FEET ALONG THE  
SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST  
CORNER OF THAT PORTION CONVEYED TO THE CITY OF  
AUBURN FOR STREET PURPOSES BY DEED RECORDED  
UNDER RECORDING NO. 7807170275;  
THENCE NORTH 76°21'00" EAST, 44.37 FEET ALONG THE  
NORTH LINE, TO THE NORTHEAST CORNER OF SAID  
PORTION CONVEYED TO THE CITY OF AUBURN, BEING  
THE WEST MARGIN OF SAID ALLEY AND THE TRUE POINT  
OF BEGINNING;  
THENCE NORTH 00°38'08" EAST, 169.00 FEET ALONG  
SAID WEST MARGIN TO THE NORTHEAST CORNER OF  
LOT 3 OF SAID PLAN OF MEADOW ADDITION TO AUBURN;  
THENCE ALONG THE NORTHERLY PROLONGATION OF  
SAID LOT 3, SOUTH 89°17'30" EAST, 10.00 FEET TO THE  
EAST MARGIN OF SAID ALLEY;  
THENCE SOUTH 00°38'08" WEST, 165.00 FEET ALONG  
SAID EAST MARGIN TO THE MOST WESTERLY  
NORTHWEST CORNER OF THAT PORTION CONVEYED  
TO THE CITY OF AUBURN FOR STREET PURPOSES BY  
DEED RECORDED UNDER RECORDING NO. 7807170274;  
THENCE SOUTH 68°53'49" WEST, 10.77 FEET TO SAID  
NORTHEAST CORNER OF THAT PORTION CONVEYED TO  
THE CITY OF AUBURN FOR STREET PURPOSES BY DEED  
RECORDED UNDER RECORDING NO. 7807170275 AND  
THE WEST MARGIN OF SAID ALLEY AND THE POINT OF  
BEGINNING.

CONTAINS 1,670 SQUARE FEET, MORE OR LESS. (0.038  
ACRES +/-)

[Also identified as Exhibit "A".]

and as shown on the survey, a copy of which is attached, marked Exhibit "B" is vacated and  
the property lying in the right-of-way described, shall inure and belong to those persons

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Ordinance No. 6759  
ROW Vacation V1-19  
January 6, 2020  
Page 2 of 6

entitled to receive the property in accordance with RCW 35.79.040, conditioned upon the following:

A. Reservation in favor of the City of a perpetual Nonexclusive Easement under, over, through and across the vacated right-of-way as described above for the purpose of laying, maintaining, and installing future and existing sanitary sewer facilities and including a reservation in favor of the City of the right to grant easements for utilities over, under and on all portions of the vacated right-of-way as described above.

The City shall have the absolute right, at times as may be necessary for immediate entry upon said Easement Area for the purpose of maintenance, inspection, construction, repair or reconstruction of the above improvements without incurring any legal obligation or liability.

The City shall have the absolute right to place any type of driving surface within said Easement Area deemed necessary by the City.

The owners of the adjacent properties agree and shall not in any way block, restrict or impede access and egress to or from said Easement Area, and /or in any way block, restrict or impede full use of the real property within the Easement Area by the City for the above described purposes. No building, wall, rockery, fence, trees, or structure of any kind shall be erected or planted, nor shall any fill material be placed within the boundaries of said Easement Area, without the express written consent of the City. No excavation shall be made within three feet of said facilities and the surface level of the ground within the Easement Area shall be maintained at the elevation as currently

existing.

This easement shall be a covenant running with the adjacent property parcels and burden said real estate, and shall be binding on the successors, heirs and assigns of all parties.

B. Under the terms of the reservation set out in Paragraph A above and in accordance with RCW 35.79.030, the City grants a private utility easement to Puget Sound Energy over, under, and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of electric distribution facilities. The owners of the adjacent property shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantees' rights.

C. Under the terms of the reservation set out in Paragraph A above and in accordance with RCW 35.79.030, the City grants a private utility easement to CenturyLink over, under and upon the vacated right-of-way as described above for the construction, operation, maintenance, repair, replacement, improvement and removal of wireline telecommunications facilities. The owners of the adjacent properties shall not erect any structures on the easement and shall not place trees or other obstructions on the easement that would interfere with the exercise of Grantees' rights.

D. It is provided, however that such reserved or granted utility and access easements as set out in Paragraphs A, B and C above may be modified to accommodate a removal, relocation and sitting of the affected utility lines if the City and the property

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Ordinance No. 6759  
ROW Vacation V1-19  
January 6, 2020  
Page 4 of 6

owners on whose property the utility lines are located agree to the removal relocations and sitting being paid by said property owners and with the removal relocation and sitting being done in conformity with applicable standards.

E. The property owners of Parcel Nos. 5405100015 and 5405100025 shall reserve and grant a public access easement across those parcels from the southern terminus of the existing public alley (following vacation) to B Street NE and shall construct such public access easement to City standards for the purposes of allowing vehicular, pedestrian and emergency access to and from the southern terminus of the existing public alley (following vacation) to and from B Street NE.

F. Direct access from the vacation area to 3<sup>rd</sup> Street NE and from Parcel No. 0492000480 to Auburn Avenue shall be permanently closed. The Developer will be required to remove curb cuts and driveways and replace with sidewalks in accordance with City Standards upon reservation and construction of such access easement in paragraph E, above.

G. This vacation shall be effective upon completion of the provisions in paragraph E and F, above. The above described provisions must be completed by September 16, 2021 or the vacation and Ordinance will be null and void.

**Section 2. Constitutionality or Invalidity.** If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

**Section 3. Implementation.** The mayor is authorized to implement such

administrative procedures as may be necessary to carry out the directives of this location.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after passage, approval, and publication as provided by law.

**Section 5. Recordation.** The City Clerk is directed to record this Ordinance with the office of the King County Auditor only upon completion of those provisions set forth in Section 1, Paragraphs E, F, and G, above, at which time the vacation pursuant to this Ordinance shall be effective under Auburn City Code 12.48.080.

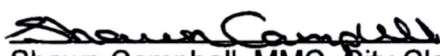
INTRODUCED: MAR 16 2020

PASSED: MAR 16 2020

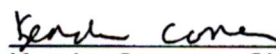
APPROVED: MAR 16 2020

  
NANCY BACKUS, MAYOR

ATTEST:

  
Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

  
Kendra Comeau, City Attorney

PUBLISHED: March 19<sup>th</sup> 2021 in The Seattle Times

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Ordinance No. 6759  
ROW Vacation V1-19  
January 6, 2020  
Page 6 of 6

**EXHIBIT "A"**

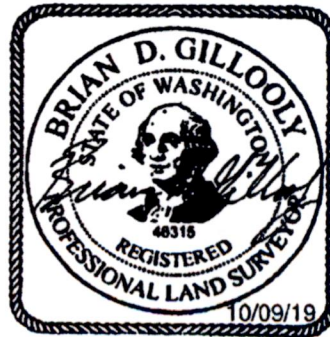
**LEGAL DESCRIPTION**

**RIGHT-OF-WAY VACATION**

THAT PORTION OF THE ALLEY, BEING 10 FEET IN WIDTH, ADJACENT TO AND COINCIDENT WITH THE EAST LINE OF LOTS 3 THROUGH 6, BLOCK 2 OF THE PLAN OF MEADOW ADDITION TO AUBURN, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 18 OF PLATS, PAGE 68, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

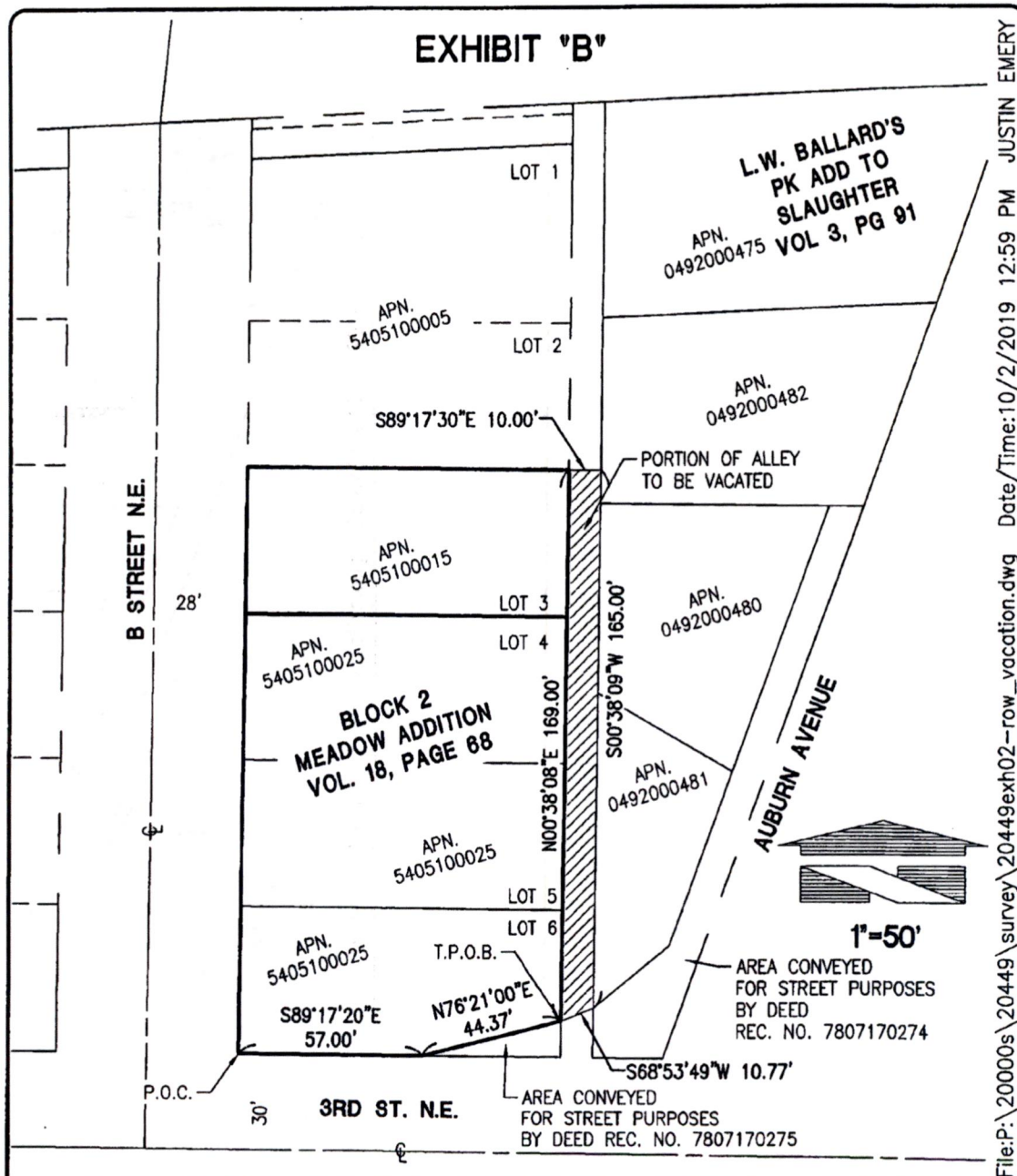
COMMENCING AT THE SOUTHWEST CORNER OF LOT 6 OF SAID BLOCK 2 OF SAID PLAT;  
THENCE SOUTH 89°17'20" EAST, 57.00 FEET ALONG THE SOUTH LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170275;  
THENCE NORTH 76°21'00" EAST, 44.37 FEET ALONG THE NORTH LINE, TO THE NORTHEAST CORNER OF SAID PORTION CONVEYED TO THE CITY OF AUBURN, BEING THE WEST MARGIN OF SAID ALLEY AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 00°38'08" EAST, 169.00 FEET ALONG SAID WEST MARGIN TO THE NORTHEAST CORNER OF LOT 3 OF SAID PLAN OF MEADOW ADDITION TO AUBURN;  
THENCE ALONG THE NORTHERLY PROLONGATION OF SAID LOT 3, SOUTH 89°17'30" EAST, 10.00 FEET TO THE EAST MARGIN OF SAID ALLEY;  
THENCE SOUTH 00°38'08" WEST, 165.00 FEET ALONG SAID EAST MARGIN TO THE MOST WESTERLY NORTHWEST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170274;  
THENCE SOUTH 68°53'49" WEST, 10.77 FEET TO SAID NORTHEAST CORNER OF THAT PORTION CONVEYED TO THE CITY OF AUBURN FOR STREET PURPOSES BY DEED RECORDED UNDER RECORDING NO. 7807170275 AND THE WEST MARGIN OF SAID ALLEY AND THE POINT OF BEGINNING.

CONTAINS 1,670 SQUARE FEET, MORE OR LESS. (0.038 ACRES +/-)



Project Name: Merritt Building  
March 13, 2019  
Revised September 19, 2019  
Job No. 20449

BDG / JSE  
20449L.001.doc



File:P:\20000s\20449\survey\20449exh02-row\_vacation.dwg Date/Time:10/2/2019 12:59 PM JUSTIN EMERY

|                                                                                                                                                                                                                                                  |     |                                               |     |                                                 |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------|-----|-------------------------------------------------|-----|
| <b>SCALE:</b><br>HORIZONTAL 1"=50' VERTICAL N/A                                                                                                                                                                                                  |     | <b>For:</b><br><b>CITY OF AUBURN</b>          |     | <b>JOB NUMBER</b><br><b>20449</b>               |     |
|  18215 72ND AVENUE SOUTH<br>KENT, WA 98032<br>(425)251-6222<br>(425)251-8782 FAX<br>CIVIL ENGINEERING, LAND<br>PLANNING, SURVEYING,<br>ENVIRONMENTAL SERVICES |     | <b>Title:</b><br><b>RIGHT OF WAY VACATION</b> |     | 20449L.001.DOC<br><b>SHEET</b><br><b>1 of 1</b> |     |
| DESIGNED                                                                                                                                                                                                                                         | XXX | DRAWN                                         | JSE | CHECKED                                         | DJS |
| APPROVED                                                                                                                                                                                                                                         |     |                                               | BDG | DATE 09/19/19                                   |     |

Printed Date: 12/13/2019  
Map Created by City of Auburn eGIS  
Imagery Date: May 2015


$$1\text{in} = 131\text{ ft}$$

1: 1,576

Page 31 of 123



Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Ordinance No. 6865 (Tate) (10 Minutes)

**Date:**

May 16, 2022

**Department:**

Community Development

**Attachments:**

[Attachment A - Draft Ordinance No. 6865,](#)

[Amending The Contract Rezone](#)

[Attachment B - Hearing Examiner](#)

[Recommendation on the Auburn Townhomes](#)

[Contract Rezone Amendment](#)

[Attachment C - Ordinance No. 4456 Contract](#)

[Rezone \(September 4, 1990\)](#)

[Attachment D - Auburn Townhomes Contract](#)

[Rezone Amendment PowerPoint Presentation](#)

[Attachment E - Site Vicinity Map](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

Request to amend contract rezone (Ordinance No. 4456) of approx. 7.7 acres (four parcels) of C-3, Heavy Commercial zoned properties to include "Live/Work" as an allowed use for parcel (King Co. Parcel No. 000080-0053) of the four original parcels. The other three parcels included in original contract rezone are not part of this contract rezone amendment application request and are already developed and will remain consistent with requirements outlined in Section 4 of Ordinance No. 4456. A contract rezone was implemented at the time patterned after the C-3, Heavy Commercial but with a more limited range of allowed uses. The "Live/Work" was not included as a permitted use in the contract rezone adopted in September 1990 because this was not a typical use at the time, however current city code allows "Live/Work" as a permitted use in C-3, Heavy Commercial zone per Section 18.23.030.

On April 20, 2022 a public hearing was held, and the Hearing Examiner recommended to City Council that the Auburn Townhomes contract rezone amendment be adopted without conditions. A Determination of Non-Significance was issued on February 10, 2022 and no public comments were received during the public comment period and there were no appeals.

**Reviewed by Council Committees:**

**Councilmember:** Stearns

**Staff:**

Tate

**Meeting Date:** May 23, 2022

Item Number:



**ORDINANCE NO. 6 8 6 5**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
AUBURN, WASHINGTON, AMENDING ORDINANCE NO.  
4456 TO PERMIT “LIVE/WORK” LAND USE FOR ONE  
PARCEL AND CONSISTENCY WITH CURRENT C-3,  
HEAVY COMMERCIAL ZONE.

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on  
September 4, 1990, Ordinance No. 4456 which approved a contract rezone consisting of  
four parcels from M-1, Light Industrial to C-3, Heavy Commercial; and

WHEREAS, Ordinance No. 4456 was adopted as a contract rezone patterned after  
the then, range of land uses allowed in the C-3, Heavy Commercial zoning district but  
with a more limited set of land uses that were appropriate given the vicinity and to reduce  
or avoid impacts; and

WHEREAS, Ordinance No. 4456 included an extensive list of authorized uses  
within the contract rezone, which did not include “Live/Work” as a permitted use because  
the development type was not typical; and

WHEREAS, ACC 18.23.030 currently allows for “Live/Work” land uses in the city’s  
C-3, Heavy Commercial zoning district; and

WHEREAS, Brent Lambeth, of Lambeth Architecture, Applicant’s Representative,  
submitted a rezone application on October 13, 2022 for King County Parcel No. 000080-  
0053; and

WHEREAS, the environmental impacts of the proposed rezone were considered  
in accordance with procedures of the State Environmental Policy Act with a Determination  
of Non-Significance issued on February 10, 2022; and

WHEREAS, after proper notice published in the City’s official newspaper at least

ten (10) days prior to the date of public hearing, the City of Auburn Hearing Examiner heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, on April 20, 2022 the City of Auburn Hearing Examiner recommended approval of the contract rezone amendment application, and made and entered findings of fact and conclusions of law based thereon in support of that recommendation, as set forth in the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner attached hereto, marked as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the City Council concurs with the findings of fact and conclusions of law of the Hearing Examiner; and

WHEREAS, Section 4, of Ordinance No. 4456, marked as Exhibit “B” is amended as follows, only for King County Parcel No. 000080-0053, to add the following:

**ZZ. Live/Work Units**

The three other parcels indicated in Ordinance No. 4456 are to remain consistent with Section 4 requirements indicated in Ordinance No. 4456.

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

**Section 1. Adoption of the Hearing Examiner’s Findings of Fact and Conclusions of Law.** The City Council adopts the findings of fact and conclusions of law based thereon, made and entered by the Hearing Examiner in support of the

recommendation to the City Council, as set forth in the “Findings of Fact, Conclusions of Law and Recommendation for the Auburn Townhomes Rezone, City File Number REZ21-0001, dated May 4, 2022”, attached hereto, marked as Exhibit “A”.

**Section 2. Approval.** The City Council adopts and approves the request to amend Ordinance No. 4456 to allow “Live/Work” as a permitted applicable to King County Parcel No. 000080-0053.

**Section 3. Constitutionality or Invalidity.** If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

**Section 5. Recordation.** Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor’s Division.

**Section 6. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 7. Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as provided by law.

FIRST READING: \_\_\_\_\_

SECOND READING:

\_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED:

\_\_\_\_\_

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Shawn Campbell, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kendra Comeau, City Attorney

Published: \_\_\_\_\_

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF AUBURN**

Phil Olbrechts, Hearing Examiner

|                                               |                                                                    |
|-----------------------------------------------|--------------------------------------------------------------------|
| RE: Auburn Townhomes Rezone<br><br>REZ21-0001 | <b>FINDINGS OF FACT, CONCLUSIONS<br/>OF LAW AND RECOMMENDATION</b> |
|-----------------------------------------------|--------------------------------------------------------------------|

**INTRODUCTION**

The Applicant has requested an amendment to a contract rezone, specifically to authorize live/work units as a permitted use at a parcel located on the north side of 16th St. NW between ‘A’ St. NW and ‘B’ St.. It is recommended that the City Council approve the requested amendment.

The proposed amendment is straightforward and relatively minor. The City Council approved a contract rezone for the project site in 1990. The contract rezone included an extensive list of authorized uses. Live/work units were not included in that list because that use was not recognized in the City’s zoning code at the time. The contract rezone designated the property as C-3, the same zoning that applies to properties on the west, east and south sides of the project site. Live/work units are currently permitted outright in the C-3 zone<sup>1</sup>. As discussed in more detail below, existing surrounding uses are generally compatible with live/work units, most notably a hotel on the east side of the project site and short-term housing on the west side.

---

<sup>1</sup> Although live/work units are authorized in the C-3 zone, it appears that the same contract rezone that applies to the subject property also applies to other properties north of 16<sup>th</sup> as well. See Ex. 8, p. 5. In this regard, live/work units may not be authorized in some of the surrounding C-3 property. As shown in the zoning map excerpt below, however, the project site is in a large area of C-3 zoned property that extends significantly south of 16<sup>th</sup>.

## TESTIMONY

A computer-generated transcript has been prepared of the appeal hearing to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A. Since the transcript is computer generated, it is not 100% accurate, but does provide a useful indication of what testimony was presented during the hearing.

## EXHIBITS

Exhibits 1-9 identified in the Exhibit List at page 6 of the April 20, 2022 staff report were admitted into the record during the April 20, 2022 public hearing.

## FINDINGS OF FACT

### Procedural:

1. Applicant. The Applicant is Rajinder Khera, Swami Investments, 7812 120th Street Surrey, BC V3W3N2.
2. Hearing. A virtual hearing on the application was held on April 20, 2022 at 5:30 p.m., Zoom Meeting ID No. 863 7728 1404.

### Substantive:

3. Site/Proposal Description. The Applicant has requested an amendment to a contract rezone, specifically to authorize live/work units as a permitted use at a parcel located on the north side of 16th St. NW between 'A' St. NW and 'B' St.. The City Council approved the contract rezone in 1990 for four parcels totaling 7.7 acres. The parcel subject to the rezone is approximately 7,500 square feet in area<sup>2</sup>. Live/Work is not included as a permitted use in the contract rezone.

A live/work unit is defined by ACC 18.04.527 as follows:

*“Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single dwelling or multi-unit dwelling, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:*

*A. A complete dwelling unit; and*

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<sup>2</sup> The staff report identifies the project site as rectangular with a width of 50 feet and length of 150 feet.

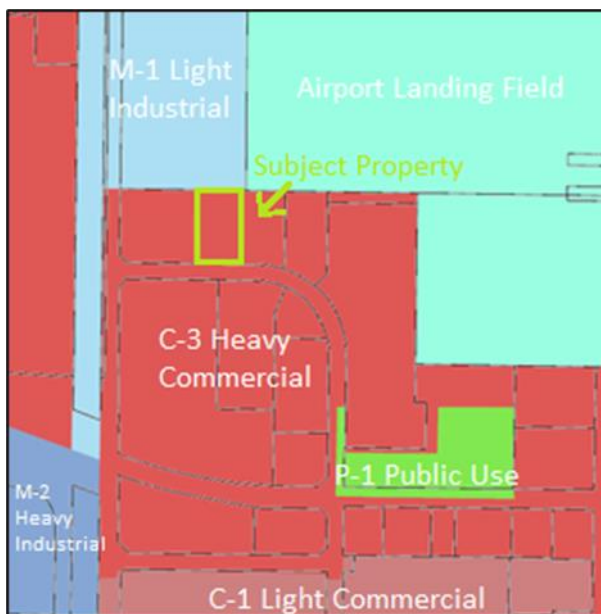
1           B. Working space reserved for and regularly used by one or more  
2 occupants of the dwelling unit.

3           *The difference between a live/work unit and a work/live unit (defined in*  
4 *ACC 18.04.913) is that the “work” component of a live/work unit is*  
5 *secondary to its residential use, and may include only commercial*  
6 *activities and pursuits that are compatible with the character of a quiet*  
7 *residential environment, while the work component of a work/live unit is*  
8 *the primary use, to which the residential component is secondary.*

9           Live/work units are currently authorized in the C-3 zone (Heavy Commercial  
10 District), which is the zoning of the adjoining properties to the south, east and west  
11 (however, see Footnote No. 1).

12           According to the SEPA checklist for the project site, Ex. 3, the property is  
13 undeveloped and currently used for overflow parking.

14           4.       Characteristics of the Area: As previously mentioned, parcels to the  
15 south, east and west are zoned C-3. The parcel to the north is zoned M-1 Light  
16 Industrial. The subject parcel is located on the north side of 16<sup>th</sup> St. NW with a  
17 Comfort Inn Hotel located on its east side and a former Clarion Hotel located on its  
18 west side. The C-3 parcels located across 16<sup>th</sup> St. are either vacant or occupied by  
19 Public Storage and Self Storage. McKeeson Warehousing is located to the north and  
20 an airfield to the northeast. According to the testimony of staff, the Clarion Hotel has  
21 recently been purchased by King County to be used for short term housing. As of a  
22 couple weeks prior to the hearing, staff testified that the Clarion property was “gated  
23 off.” Surrounding zoning is depicted in the zoning map excerpt pasted below:



1 5. Adverse Impacts. There are no significant adverse impacts associated  
2 with the proposal. The proposed live/work addition to the contract rezone is  
3 compatible with the lodging and residential uses currently in place on the adjoining  
4 Clarion/King County and Comfort in parcels. Live/work units are also already  
5 permitted use in the C-3 zone, which adjoins the property on three sides. It is also not  
6 anticipated that live/work units will create any more significant impacts than all the  
7 other more intense uses already authorized in the contract rezone. The uses  
8 authorized by the contract rezone are identified in a list of almost 70 uses, including  
9 retail stores, hotels, schools and personal service shops. See Ex. 8. In terms of  
10 surrounding uses creating adverse impacts to live/work units, the existing uses  
11 identified in Finding of Fact No. 4 appear to be well suited for proximity to  
12 residential use, except for the airport landing field and warehouse use located to the  
13 north.

9 There are no critical areas at the project site except for an aquifer recharge area,  
10 which is present at a large portion of the City. The live/work units in any event would  
11 not be expected to create any greater impact to critical areas than the multitude of  
12 uses already authorized by the contract rezone. 16<sup>th</sup> St. NW, which serves the site, is  
13 a two-lane minor arterial. Live/work units are not anticipated to create any greater  
14 traffic demand on 16<sup>th</sup> in comparison to other uses authorized for the project site. As  
15 identified in the staff report, any development on the site would be required to  
16 provide adequate facilities of public and private utilities such as water, sewer, and  
17 electricity.

## 15 CONCLUSIONS OF LAW

### 16 Procedural:

17 1. Authority of Hearing Examiner. ACC 18.68.030(B)(1)(a) grants the Hearing  
18 Examiner with the authority to review and make a recommendation on rezone requests  
19 to the City Council if the Planning Director determines that the rezone requests are  
20 consistent with the Comprehensive Plan. The Planning Director has determined that  
21 the rezone request is consistent with the Comprehensive Plan.

### 21 Substantive:

22 2. Comprehensive Plan Land Use Map Designation. The Comprehensive  
23 Plan Land Use Map designation for the proposed rezone area is Heavy Commercial.

24 3. Case Law Review Criteria and Application. The proposal meets the legal  
25 criteria for approval of a site-specific rezone.

As with many local jurisdictions, the Auburn City Code does not include any criteria  
for rezone applications. Washington appellate courts have imposed some rezone  
criteria. Those courts require that the proponents of a rezone establish that conditions

1 have substantially changed since the original zoning and that the rezone must bear a  
2 substantial relationship to the public health, safety, morals or welfare. *See Ahmann-*  
3 *Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone “implements” the  
Comprehensive Plan, a showing that a change of circumstances has occurred is not  
required. *Id.* at 112.

4 The public health, safety and welfare criterion is easily met. As determined in  
5 Finding of Fact No. 5, the proposal will not create any significant adverse impacts.  
6 The proposal will also facilitate the accommodation of urban growth in the City,  
which meets numerous policy objectives of the Growth Management Act.

7 The change in circumstances criterion is not so easily addressed due to some  
8 ambiguities in that judicial requirement. Staff have taken the position that no change  
9 in circumstances is required because the proposal “implements” the comprehensive  
10 plan by being consistent with the comprehensive plan. As testified by Mr. Steiner  
11 during the hearing, the proposed contract amendment is consistent with the  
12 comprehensive plan because it would not necessitate an amendment to the  
13 comprehensive plan “Heavy Commercial” map designation.

14 The staff position is reasonable, however also somewhat questionable. RCW  
15 36.70A.120 already requires zoning code amendments to be consistent with the  
16 comprehensive plan. Consequently, the staff position on what “implements” means  
17 renders the judicial standard for change of circumstances entirely meaningless.  
18 Under the judicial standard, a change of circumstances is only evaluated if a proposed  
19 rezone is inconsistent with the comprehensive plan. But RCW 36.70A.120 prohibits  
20 the approval of inconsistent rezones, so there would be no reason to ever consider  
21 change of circumstances.

22 It is recognized that RCW 36.70A.120 was adopted in 1993 and the judicial  
23 requirement for implementing the comprehensive plan traces back to opinions issued  
24 before that date. It is possible that the courts have simply neglected to update their  
25 rezone criteria to factor in the impact of RCW 36.70A.120. Taking a moderately  
conservative approach, however, it is best to presume that the *Ahmann-Yamane, LLC*  
court was aware of current law when it applied the comprehensive plan criterion. *See*  
*State v. Koontz*, No. 30879-1-III (Wash. Ct. App. Nov. 26, 2013) (“*The judge is*  
*presumed to know the law.*”).

26 Miriam Webster defines “implement” as “*to give practical effect to and ensure of*  
27 *actual fulfillment by concrete measures.*” At the least, if implementing the  
28 comprehensive plan is to mean more than simply being consistent with the plan, the  
29 proposed rezone should better serve to fulfill the objectives of the plan than currently  
30 allowed uses. The “live/work” amendment arguably does provide for that better fit  
31 by adding to the variety of housing in Auburn. The housing element of the  
comprehensive plan references a need and goal for a variety of housing in multiple  
sections. *See* Comprehensive Plan Affordable Housing Element Vision (H-1),

1 Conditions and Trends (H-2, H-4), Healthy Homes and Neighborhoods (H-5), Variety  
2 Policy No. H-10.

3 Even if the proposal isn't construed as implementing the comprehensive plan, it still  
4 meets the rezone criteria for approval because of a change in circumstances. As  
5 testified by staff, the King County housing and Comfort Inn uses that surround the  
6 project site were added to the area after the contract rezone was originally adopted in  
7 1990. The addition of these uses qualifies as a change in circumstances since they  
8 provide better assurance that live work arrangements on the subject property will be  
9 compatible with surrounding uses as opposed to the wide range of uses otherwise  
10 permitted in the C-3 zone.

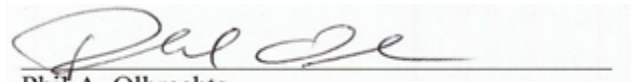
11 An even more compelling change in circumstance is that the "live/work" use wasn't a  
12 use that was recognized in Auburn's zoning code in 1990. According to staff, the  
13 concept was more recently adopted into the C-3 zoning designation. In short, the  
14 proposed amendment seeks to take advantage of a residential use that didn't exist  
15 when the contract rezone was adopted.

16 For the reasons identified above, the proposed rezone is justified by both a change in  
17 circumstances and arguably because it serves to implement the comprehensive plan.  
18 All criteria for a rezone are met.

### 19 **RECOMMENDATION**

20 It is recommended that the City Council approve REZ21-0001.

21 DATED this 4<sup>th</sup> day of May, 2022.

22   
23 Phil A. Olbrechts

24 City of Auburn Hearing Examiner

CITY CLERK'S OFFICE  
CITY OF AUBURN  
25 West Main  
Auburn, WA 98001

\$15.00

ORDINANCE NO. 4 4 5 6

AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON, PROVIDING FOR THE REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF 16TH STREET N.W. BETWEEN "A" STREET N.E. AND "B" STREET N.W., WITHIN THE CITY OF AUBURN, WASHINGTON, CHANGING THE ZONING CLASSIFICATION THEREOF FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (HEAVY COMMERCIAL) AND COMPREHENSIVE PLAN MAP AMENDMENT FROM LIGHT INDUSTRIAL TO HEAVY COMMERCIAL.

WHEREAS, Application No. REZ0004-90 has been submitted to the Council of the City of Auburn, Washington, by LONE PROPERTIES, requesting the rezone and Comprehensive Plan Map amendment of the real property hereinafter described in Section 2 of the Ordinance, which application was dated June 20, 1990; and,

WHEREAS, said request above referred to, was referred to the Planning Commission for study and public hearing thereon; and

WHEREAS, the Planning Commission, based upon staff review, held a public hearing to consider said petition in the Council Chambers of the Auburn City Hall, on August 7, 1990, at the conclusion of which the Planning Commission recommended the approval of the request for rezone and Comprehensive Plan amendment of said property based upon the following Findings of Fact and Conclusions, to-wit:

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**FINDINGS OF FACT**

1. The applicant is requesting a rezone from M-1 (Light Industrial), to C-3 (Heavy Commercial). A Comprehensive Plan Map amendment from light industrial to heavy commercial is being processed as well. The parcel is 7.7± acres in size and lies on the north side of 16th Street between "B" St. N.E. and the Auburn Airport.
2. The majority of the parcel is vacant. A temporary structure, to accommodate a new bank, is located on the easterly portion of the parcel. The permanent bank facility will be under construction within a year.
3. The adjoining parcel to the north is vacant and zoned M-1. This was the site of the Auburn Downs proposal. To the east is the Auburn Airport, to the south is a vacant parcel owned by Metro, across 16th Street to the south is a vacant parcel zoned C-3 (Heavy Commercial). To the west is "B" Street and the Burlington Northern Railroad tracks.
4. The parcel may be more appropriate for commercial uses in that the property is near the 15th Street commercial corridor, fronts on an arterial (16th Street), commercial zoning exists across 16th Street, and a commercial use, i.e. bank, is being built on the parcel.
5. Even though the parcel may be more appropriate for commercial uses, there needs to be assurances that a strip commercial development will not result. There also need to be assurances that the number of accesses to the abutting arterials will be limited in order to facilitate traffic flow, and the proposed uses need to be consistent and compatible with the character of the area.

6. These assurances can be attained through the execution of a contract rezone. Section 18.68.060 of the Zoning Ordinance allows for a contract rezone in order to mitigate any impacts that may result from the rezone.

7. The applicant has submitted a letter and site plan which indicate his desire to provide for a coordinated business development.

8. Related Comprehensive Plan Findings:

*OBJECTIVE 20.3. To encourage the appropriate use of areas adjacent to heavily travelled arterials while minimizing land use and traffic conflicts by:*

- a. Managing the continued commercial development of existing commercial arterials in a manner which minimizes traffic and land use conflicts.*
- d. Planning and establishing new arterials in a manner which prevents strip commercial development.*

*POLICIES:*

*20.3.1. The City shall identify those existing commercial arterials that are appropriate for continued general (heavy) commercial development, and those arterials that are appropriate for continued or future limited (i.e. professional office type) commercial development.*

*20.3.2. The City shall encourage the grouping of individual commercial enterprises along commercial arterials in order to promote the sharing of parking areas, access drives and signs. Such grouping can be encouraged through land division regulations, sign regulations and development standards.*

*20.3.3. The City shall review its standards relating to the number, size and location of driveways to ensure consistency with goals and policies relating to arterial commercial development.*

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**CONCLUSIONS OF LAW**

It is concluded that the Comprehensive Plan Map amendment and rezone may be approved based upon the following:

1. It is concluded that the rezone and Comprehensive Plan Map amendment may be approved if a contract rezone is executed that limits uses, and sets forth requirements and standards for the number and location of driveways, streetscape design, shared parking lots, shared signage and architectural design.

2. The contract rezone would be consistent with the policies of the Comprehensive Plan, the existing zoning and uses in the area, and the changing character of the area to commercial uses.

For each of the above referenced reasons, the recommendation of the Planning Commission to the Auburn City Council on the requested rezone and Comprehensive Plan Map amendment is approved.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The above cited Planning Commission's Findings of Fact and Conclusions, are herewith incorporated in this Ordinance.

1                    Section 2. The property located on the north side of  
2 16th Street N.W. between "A" Street N.E. and "B" Street N.E.  
3 and legally described as follows, situate in the City of  
4 Auburn, County of King, State of Washington, be and the same  
5 is hereby rezoned from M-1 (Light Industrial) to C-3 (Heavy  
6 Commercial) togetherwith a Comprehensive Plan Map Amendment  
7 from Light Industrial to Heavy Commercial:  
8

9                    That portion of the South half of the Joseph  
10 Brannon Donation Land Claim No. 38, situated  
11 in the West half of Section 7, Township 21  
12 North, Range 5 East, W.M.; and the East half  
13 of Section 12, Township 21 North, Range 4  
14 East, W.M., in King County, Washington,  
15 being described as follows:

16                    Beginning at the point of intersection of  
17 the East margin of "B" Street Northwest with  
18 the North line of said South half of said  
19 Donation Land Claim;

20                    Thence S 89°06'01" E, along said North line,  
21 a distance of 1,090.76 feet, to a point  
22 1,510.00 feet West of the East line of said  
23 Donation Land Claim;

24                    Thence S 00°42'32" W, parallel with said  
25 East line, a distance of 329.70 feet, to the  
26 North line of a parcel belonging to "Metro  
Park and Ride";

                  Thence N 89°29'03" W, along said North line,  
a distance of 258.55 feet, to a point of  
intersection with the Northerly projection  
of the East margin of "A" Street Northwest;  
thence S 00°40'40" W along said projection,  
a distance of 268.43 feet, to said margin;

1  
2 Thence Northwesterly along said East margin  
3 of "A" Street Northwest and changing into  
4 the Northerly margin of 16th Street  
5 Northwest, along a curve to the left with a  
6 radius of 330.04 feet, a central angle of  
7 89°45'30", an arc length of 517.03 feet and  
8 a chord which bears N 44°12'02" W, 465.77  
9 feet

10 Thence N 89°04'50" W, along said Northerly  
11 margin of 16th Street Northwest, a distance  
12 of 476.63 feet; thence N 44°11'08" W, a  
13 distance of 38.13 feet, to the East margin  
14 of said "B" Street Northwest; thence N  
15 00°42'35" E along said margin, a distance of  
16 244.01 feet, to the point of beginning.

17 **Section 3.** The applicant prepare a master site plan, to  
18 be approved by the Planning Director, indicating the number  
19 and location of driveways, landscape design, sign plan and a  
20 compatible architectural design for all buildings within the  
21 rezone area.

22 The plan shall be approved by the Planning Director prior  
23 to building permits being applied for. This would except the  
24 bank which has received prior administrative approval.

25 All other subsequent uses/buildings would have to be  
26 consistent with the site plan. The Planning Director shall  
approve individual site plans including building and parking  
lot layout.

**Section 4.** The following uses to be allowed will be  
those as permitted by Section 18.30.020 as listed below:

- 1 B. Art, music and photography studios;
- 2 J. Bakery and pastry shops, products made must be sold  
at retail on the premises;
- 3 K. Banking and related financial institutions;
- 4 P. Civic, social and fraternal associations;
- 5 S. Day-care, including home based, mini day-care, day-  
care centers, preschool or nursery schools;
- 6 T. Delicatessens;
- 7 U. Drycleaning and laundry services;
- 8 Y. Grocery stores;
- 9 Z. Health and physical fitness clubs
- 10 AA. Hobby shops;
- 11 CC. Hotels;
- 12 KK. Motels;
- 13 MM. Newsstands;
- 14 OO. Personal service shops;
- 15 PP. Pharmacies;
- 16 QQ. Printing and publishing;
- 17 RR. Professional offices;
- 18 VV. Restaurants;
- 19 WW. Retail stores and shops, including department and  
variety stores which offer for sale the following  
and similar related goods:
- 20 1. Antiques;
- 21 2. Art supplies;
- 22 3. Automobile parts and accessories;
- 23 4. Baked goods;
- 24 5. Beverages;
- 25 6. Bicycles;
- 26 7. Books and magazines;
8. Candy, nuts and confectionery;
9. Clothing;
10. Computers;
11. Dairy products;
12. Dry goods;
13. Flowers and house plants;
14. Fruits and vegetables;
15. Furniture and home furnishings;
16. Garden and farm supplies;
17. Hardware, including electrical, heating,  
plumbing, glass, paint, wallpaper, and related  
goods;
18. Home garden supplies;

19. Household appliances;
20. Household pets;
21. Housewares;
22. Jewelry and clocks;
23. Meat, fish, and poultry, pre-processed;
24. Notions;
25. Nursery and horticultural products;
26. Office supplies and equipment;
27. Photographic equipment, including finishing;
28. Radio, television, and stereos;
29. Shoes;
30. Sporting goods;
31. Stationery;
32. Toys.

YY. Schools, including art, business, barber, beauty, dancing, driving, martial arts and music.

**Section 5.** All uses shall be conducted inside of a building except automobile parking, refuse containers, and incidental utility structures. The refuse containers and utility structures shall be screened from the public streets and adjoining properties.

**Section 6.** Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor, Division of Records and Elections.

**Section 7.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

9010051316

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Section 8. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: 9-4-90

PASSED: 9-4-90

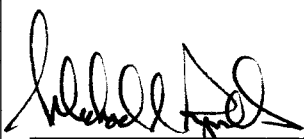
APPROVED: 9-4-90

  
MAYOR

ATTEST:

  
Robin Wohlhueter, City Clerk

APPROVED AS TO FORM:

  
Michael J. Reynolds,  
Acting City Attorney

PUBLISHED: 9-9-90

STATE OF WASHINGTON)

) ss.

COUNTY OF KING )

I, Robin Wohlhueter, the duly appointed, qualified City

Clerk of the City of Auburn, a Municipal Corporation and Code City, situate in the County of King, State of Washington, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 4456 of the ordinances of the City of Auburn, entitled "AN ORDINANCE."

I certify that said Ordinance No. 4456 was duly passed by the Council and approved by the Mayor of the said City of Auburn, on the the 4th day of September A.D., 1990.

I further certify that said Ordinance No. 4456 was published as provided by law in the Valley Daily News, a daily newspaper published in the City of Auburn, and of general circulation therein, on the 9th day of September, A.D., 1990.

Witness my hand and the official seal of the City of Auburn this  
December 28, 1990, A.D.

  
\_\_\_\_\_  
Robin Wohlhueter  
City Clerk  
City of Auburn

**REZ21-0001 AUBURN TOWNHOMES  
CONTRACT REZONE AMENDMENT**

**CITY COUNCIL STUDY  
SESSION**

**JOSH STEINER, AICP – SENIOR  
PLANNER**

**MAY 23, 2022**

Department of Community Development

Planning • Building • Development Engineering • Permit Center  
Sustainability • Community Services • Code Enforcement

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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

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# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

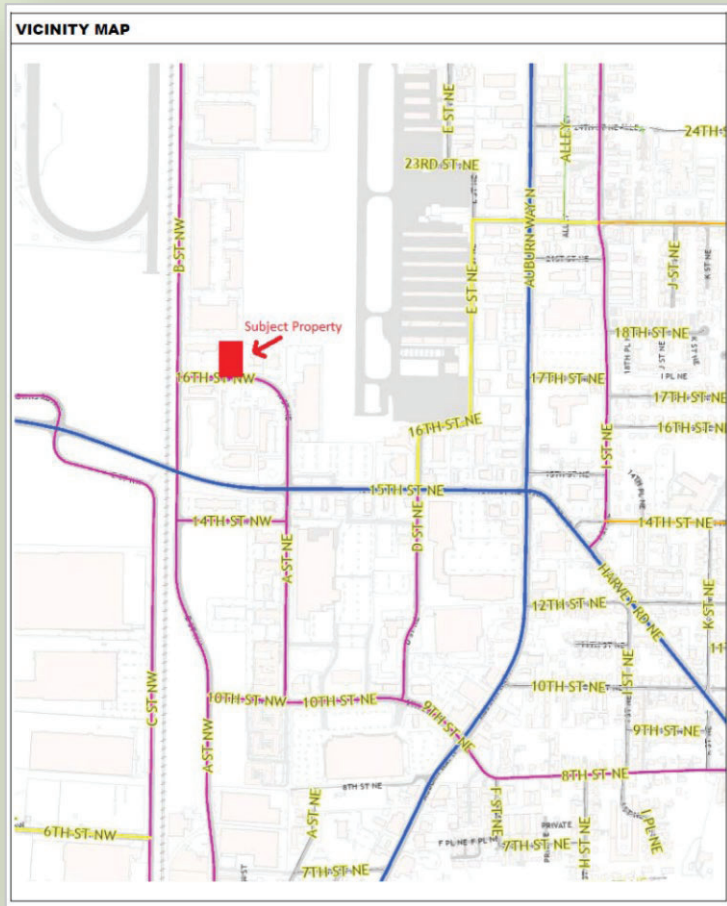
## PROJECT SUMMARY:

Application to amend contract rezone (Ordinance #4456) for King Co. Parcel No. 000080-0053 to include "Live/Work" as a permitted use.

Ordinance #4456 covers four parcels, including subject parcel, consisting of 7.7 acres of C-3 zoned properties. Other three parcels included in original contract rezone are not part of this contract rezone amendment request. (Exhibit 1)

## LOCATION:

The site is generally located on the north side of 16th St. NW between 'A' St. NW and 'B' St. NW. King Co. Parcel No. 000080-0053.



# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

## Contract Rezone:

Contract rezone (Ordinance #4456), 1990 – Exhibit 8

|   |                                                                           |         |
|---|---------------------------------------------------------------------------|---------|
|   | CITY CLERK'S OFFICE<br>CITY OF AUBURN<br>25 West Main<br>Auburn, WA 98001 | \$15.00 |
| 1 | ORDINANCE NO. <u>4 4 5 6</u>                                              |         |
| 2 |                                                                           |         |
| 3 | AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON, PROVIDING FOR             |         |
| 4 | THE REZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF 16TH                |         |
| 5 | STREET N.W. BETWEEN "A" STREET N.E. AND "B" STREET N.W.,                  |         |
| 6 | WITHIN THE CITY OF AUBURN, WASHINGTON, CHANGING THE ZONING                |         |
|   | CLASSIFICATION THEREOF FROM M-1 (LIGHT INDUSTRIAL) TO C-3                 |         |
|   | (HEAVY COMMERCIAL) AND COMPREHENSIVE PLAN MAP AMENDMENT FROM              |         |
|   | LIGHT INDUSTRIAL TO HEAVY COMMERCIAL.                                     |         |

### FINDINGS OF FACT

1. The applicant is requesting a rezone from M-1 (Light Industrial), to C-3 (Heavy Commercial). A Comprehensive Plan Map amendment from light industrial to heavy commercial is being processed as well. The parcel is 7.7± acres in size and lies on the north side of 16th Street between "B" St. N.E. and the Auburn Airport.

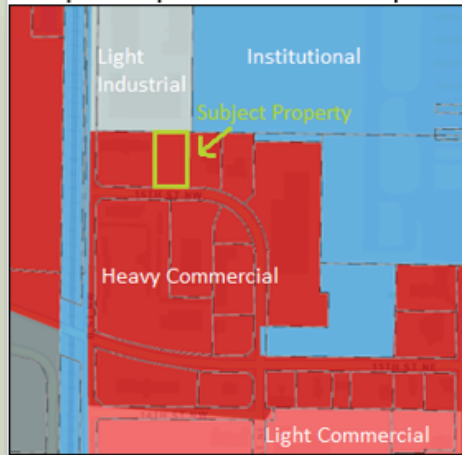
5. Even though the parcel may be more appropriate for commercial uses, there needs to be assurances that a strip commercial development will not result. There also need to be assurances that the number of accesses to the abutting arterials will be limited in order to facilitate traffic flow, and the proposed uses need to be consistent and compatible with the character of the area.

# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

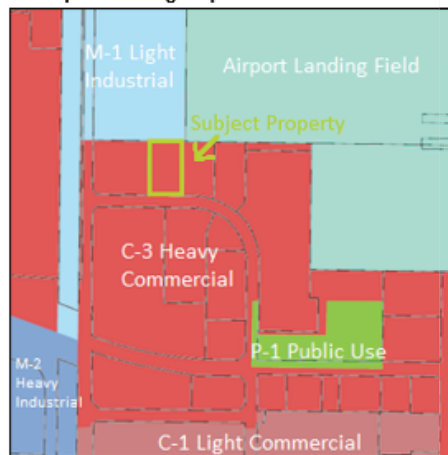
## LAND USE:

- “Heavy Commercial” Comprehensive Plan Land Use Designation (Exhibit 1)
- Zoned C-3 “Heavy Commercial” (Exhibit 1)

Excerpted Comprehensive Plan Land Map:



Excerpted Zoning Map:



|              | Comprehensive Plan Designation | Zoning Classification         | Current Land Use                  |
|--------------|--------------------------------|-------------------------------|-----------------------------------|
| Project Site | Heavy Commercial               | C-3 Heavy Commercial District | Vacant                            |
| North        | Light Industrial               | M-1 Light Industrial District | McKeeson Warehousing              |
| South        | Heavy Commercial               | C-3 Heavy Commercial District | Vacant                            |
| East         | Heavy Commercial               | C-3 Heavy Commercial District | Comfort Inn Hotel                 |
| West         | Heavy Commercial               | C-3 Heavy Commercial District | Clarion Hotel/King County Housing |

# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

## PERMITTED USES:

“Live/Work” is not included as a permitted use in the contract rezone adopted in 1990, however current city code does permit “Live/Work” in C-3 zones per ACC 18.23.030. (Exhibit 9, excerpt)

| 18.23.030 Uses.                                                       |                    |     |     |     |     |     |    |     |                                                                          |
|-----------------------------------------------------------------------|--------------------|-----|-----|-----|-----|-----|----|-----|--------------------------------------------------------------------------|
| PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED<br>USES BY ZONE |                    |     |     |     |     |     |    |     | P – Permitted<br>C – Conditional<br>A – Administrative<br>X – Prohibited |
| LAND USE                                                              | Zoning Designation |     |     |     |     |     |    |     | Standards for<br>Specific Land Uses                                      |
|                                                                       | C-N                | C-1 | C-2 | C-3 | C-4 | M-1 | EP | M-2 |                                                                          |
| martial arts, music, etc.                                             |                    |     |     |     |     |     |    |     |                                                                          |
| <b>RESIDENTIAL</b>                                                    |                    |     |     |     |     |     |    |     |                                                                          |
| Caretaker apartment                                                   | X                  | P   | P   | P   | X   | P   | P  | P   |                                                                          |
| Live/work unit                                                        | X                  | X   | P   | P   | P   | P   | P  | X   |                                                                          |
| Work/live unit                                                        | X                  | P   | P   | P   | P   | P   | P  | X   |                                                                          |
| Marijuana cooperative                                                 | X                  | X   | X   | X   | X   | X   | X  | X   |                                                                          |

“Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single dwelling or multi-unit dwelling, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- A. A complete dwelling unit; and
- B. Working space reserved for and regularly used by one or more occupants of the dwelling unit.

The difference between a live/work unit and a work/live unit (defined in ACC 18.04.913) is that the “work” component of a live/work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary. (Ord. 6433 § 14, 2012.)

# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

## Procedural Considerations:

Comment period for Determination of Non-Significance for rezone was completed February 25, 2022 and no comments were received.

Site-specific Rezone Category 1, consistent with comprehensive plan land use map. Processed as a Type IV decision (ACC 14.03.0400).

Hearing Examiner recommended adoption of rezone application on May 4, 2022 as indicated in Auburn Townhomes Rezone decision (Exhibit A)

18.68.040 Rezone (zoning map amendment) approval criteria.



There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:

- A. The rezone implements the policies of the comprehensive plan; or
- B. The rezone is necessary due to a substantial change in circumstances since the current zoning; and
- C. The rezone bears a substantial relationship to the public health, safety, or welfare. (Ord. 6779 § 1, 2020; Ord. 6655 § 2, 2017; Ord. 6198 § 5, 2008; Ord. 6185 § 9, 2008; Ord. 5811 § 8, 2003; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

14.03.040 Type IV decisions.



Type IV decisions are quasi-judicial decisions made by the city council following a recommendation by the hearing examiner. Type IV decisions include, but are not limited to, the following project applications:

Site-Specific Rezone, Category 1. (Ord. 6779 § 5, 2020; Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 6184 § 4, 2008; Ord. 4835 § 1, 1996.)

# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

## HEARING EXAMINER and STAFF RECOMMENDATION:

Approval to amend Ordinance #4456 to include “Live/Work” as a permitted use on the subject parcel, which will allow the parcel to be with C-3 uses elsewhere. Table 18.23.030 (Exhibit 9) shows “Live/Work” as a permitted use.

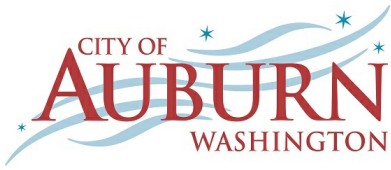
# REZ21-0001 AUBURN TOWNHOMES CONTRACT REZONE

*Any questions?*

*(end)*

Exhibit D – Site Vicinity





## AGENDA BILL APPROVAL FORM

---

**Agenda Subject:**

Emergency Management Presentation (Hinman) (20 Minutes)

**Department:**

Administration

**Attachments:**

[Emergency Management Presentation](#)

**Date:**

May 18, 2022

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:****Background for Motion:****Background Summary:****Reviewed by Council Committees:**

**Councilmember:** Jeyaraj

**Staff:**

Hinman

**Meeting Date:** May 23, 2022

Item Number:

# Auburn Emergency Management Overview

---

**MAY 23, 2022 – MUNICIPAL SPECIAL SERVICES FOCUS AREA STUDY SESSION**

KARISSA SMITH, EMERGENCY MANAGER

TYLER TURNER, EMERGENCY MANAGEMENT SPECIALIST

# What Is Emergency Management?

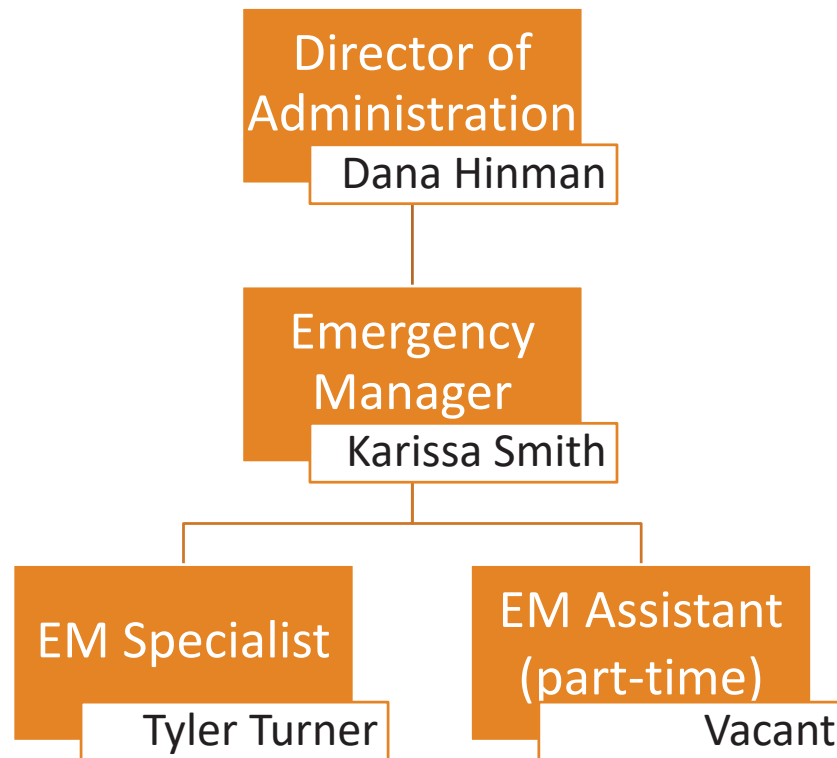
Coordinate the City's **response to** and **preparation for** incidents.

Incidents are emergencies or planned events that may go beyond the scope of normal local response capacity.



# Emergency Management Staff

---



# Emergency Management Program Areas

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## **Incident Stabilization**

EOC Activations  
Logistical Support  
Emergency Communications  
Stakeholder and partner support



## **Emergency Plans**

CEMP  
COOP  
Regional Hazard Mitigation Plan  
Capability-Specific Plans  
Planning support



## **Training and Exercise**

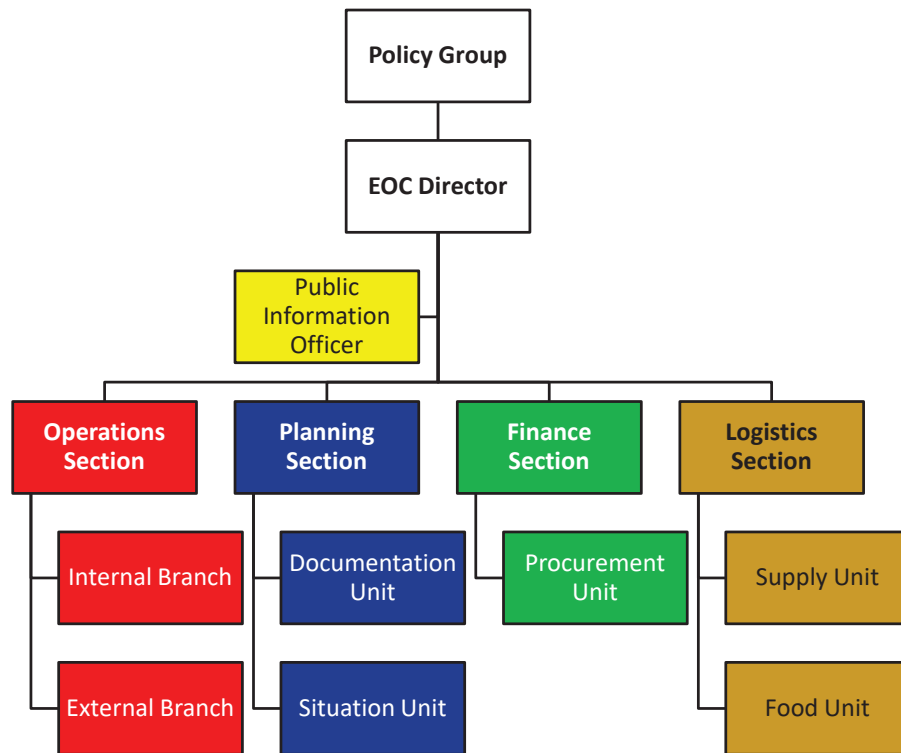
EOC Training  
Evacuation Drills  
Emergency Exercises  
NIMS Compliance



## **Education and Outreach**

Preparedness Classes  
Community Emergency Response Team (CERT)  
Auburn Area Emergency Communications Team (AAECT)  
Tabling and Events

# Emergency Operations Center (EOC)



# EOC Activations

---

**Veterans' Day Parade** (annually)

**Santa Parade** (annually)

**President Biden Visit** (2022)

**Auburn Riverfront Apartment Fire** (2021)

**Summer Heat Wave** (2021)

**COVID-19** (2020)

**Civil Unrest** (2020)

**Snowmageddon** (2018)

**Heritage Fire** (2017)



*2017 Earthquake Exercise*



*2016 Cascadia Rising Exercise*

# What We Do During an Incident

---

## **Incident Command**

### **Situational Awareness**

- Planning
- Situation Reports
- Research

### **Finance & Logistics**

- Finding scarce resources
- Supply staging and movement
- Financial tracking
- Federal reimbursement

## **Communications**

- Alert and Warning
- Employee Notification
- Emergency Messaging
- PIO Support
- Radio (amateur radio, 1700 AM, 800 MHz public safety radio)

## **Operations**

- Coordinate with Departments
- Activate Emergency Support Function(s)
- Communicate with response partners

# Emergency Plans

---

## Comprehensive Emergency Management Plan (CEMP)

- Transportation
- Communications
- Public Works
- Firefighting
- Emergency Management
- Mass Care
- Resource Support
- Public Health
- Search and Rescue
- HazMat Response
- Agriculture and Natural Resources
- Energy
- Public Safety
- Recovery
- Public Information

## Continuity of Operations Plan (COOP)

### Hazard Mitigation Plan

### Capabilities

- Warming/Cooling Centers
- Violent intruder planning
- Congregate Care Shelters
- Commodity Point of Distribution Plan (CPOD)

# Training & Exercise

---

## TRAINING

Staff EOC training

Professional development

National Incident Management System (NIMS) compliance

## EXERCISE

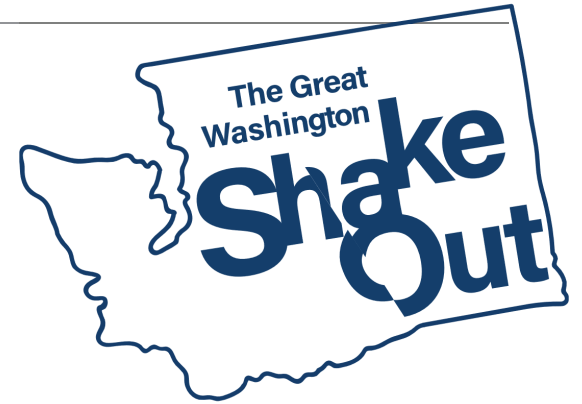
EOC exercise

Evacuation drills

Auburn Area Emergency Communications Team (AAECT) drills

Assisting partners with exercises

# Education & Outreach



## Council Role in Emergency Management

Share verified information

Advocate for City support and  
resources

Mayor's Proclamation of Emergency

Incident Command System classes

# Upcoming Goals

---

## Public Education

- Preparedness presentations
- Tabling and events
- AAECT
- ShakeOut
- CERT (2023)

## Training and Exercise

- EOC Training
- Functional Exercise
- Staff training
- Professional development

## Planning

- COOP
- CEMP (2024)
- Hazard Mitigation Plan (2024)
- Mass Care
- Violent intruder assistance

## Program Maintenance

- Duty Officer Program
- NIMS Tracking
- Website Review
- EM Committee
- Building partnerships

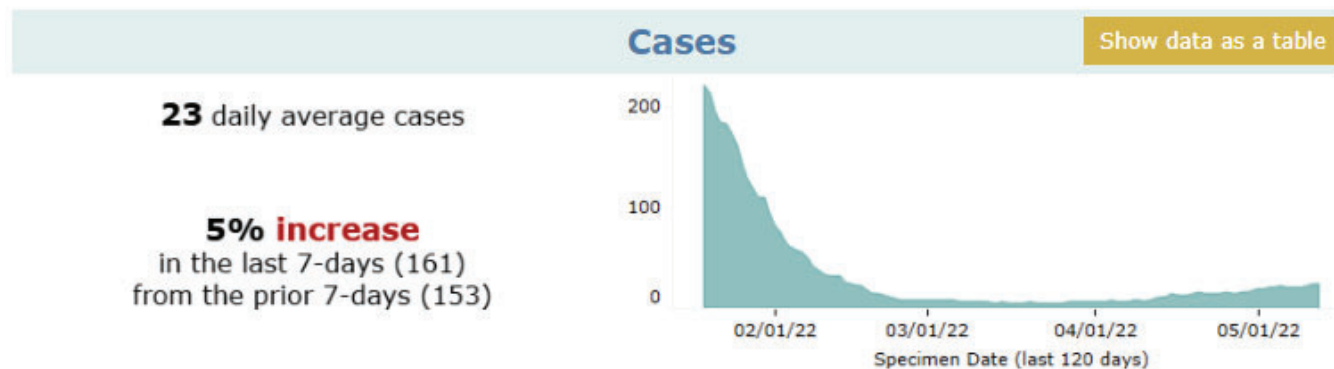
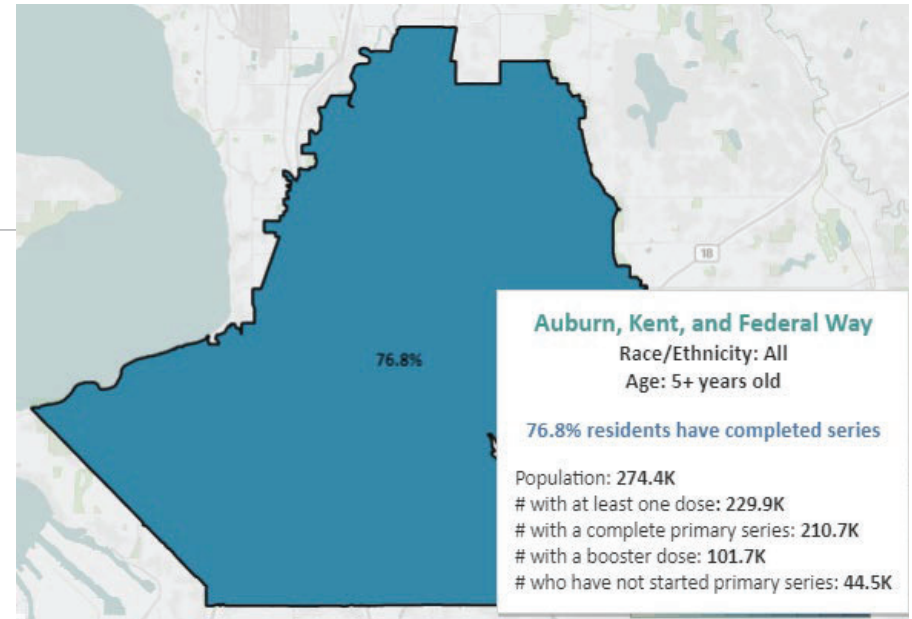
# COVID Update

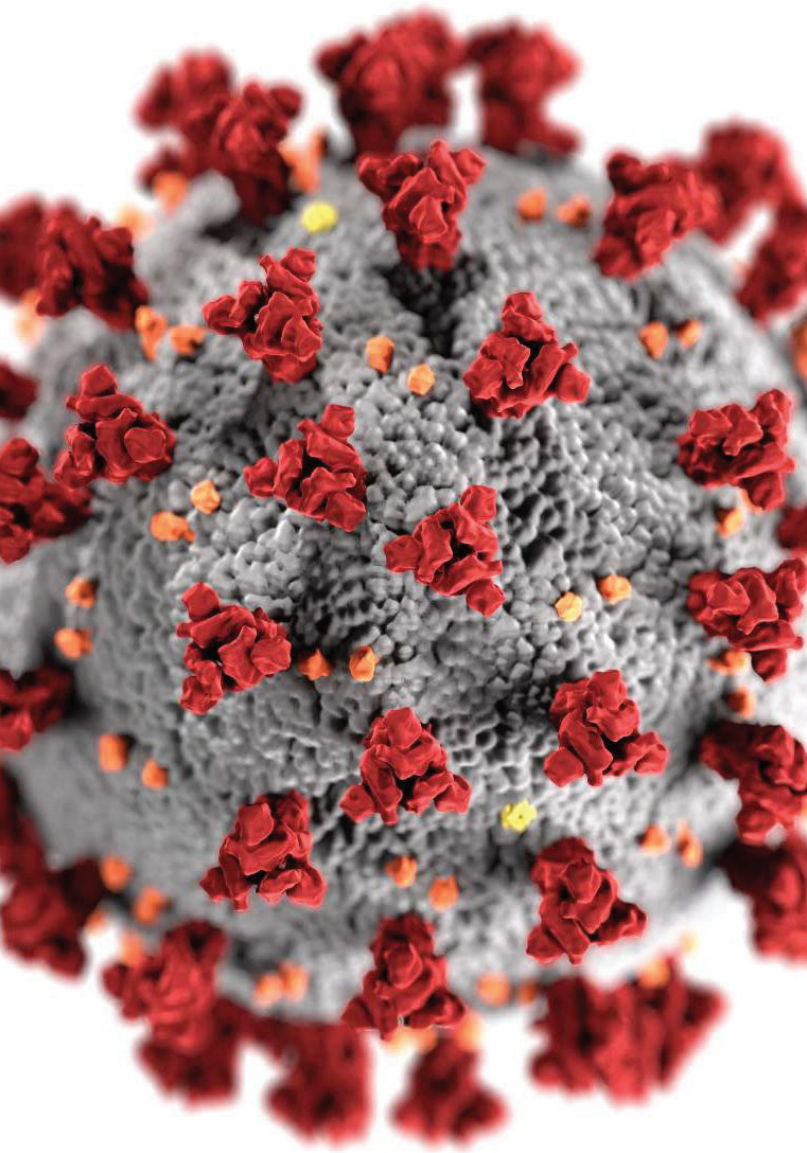
23 new cases per day

<1 hospitalization per day

<1 death per day

76.8% of residents have completed primary vaccination





# Emergency Management COVID-19 Response

---

## Situational Awareness

Provide recommendations to City leadership

Coordinate food delivery for Senior Center clients

Obtained 48,000 face masks for community members

- Maintaining supplies for future response

High-capacity testing site in Auburn

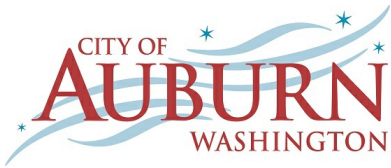
Attending weekly meetings with King County



# Thank You!

---

ANY QUESTIONS?



## AGENDA BILL APPROVAL FORM

---

**Agenda Subject:**

Police Department Annual Report (Caillier) (15 Minutes)

**Date:**

May 18, 2022

**Department:**

Police

**Attachments:**

[2021 Auburn Police Department Annual report](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

The 2021 Auburn Police Department Annual report contains information on crime statistics, accomplishments, the organizational design of the department, and other services we provide. The Chief will go over highlights of the report and answer any questions from the Council.

**Reviewed by Council Committees:**

**Councilmember:** Jeyaraj

**Staff:**

Caillier

**Meeting Date:** May 23, 2022

Item Number:



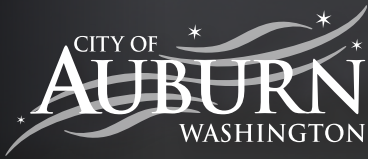
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21

# AUBURN POLICE DEPARTMENT ANNUAL REPORT



THE AUBURN POLICE  
DEPARTMENT IS A  
STATE ACCREDITED AGENCY



**Auburn Police Department**

340 East Main Street, Suite 201  
Auburn, Washington 98002

**Lobby**

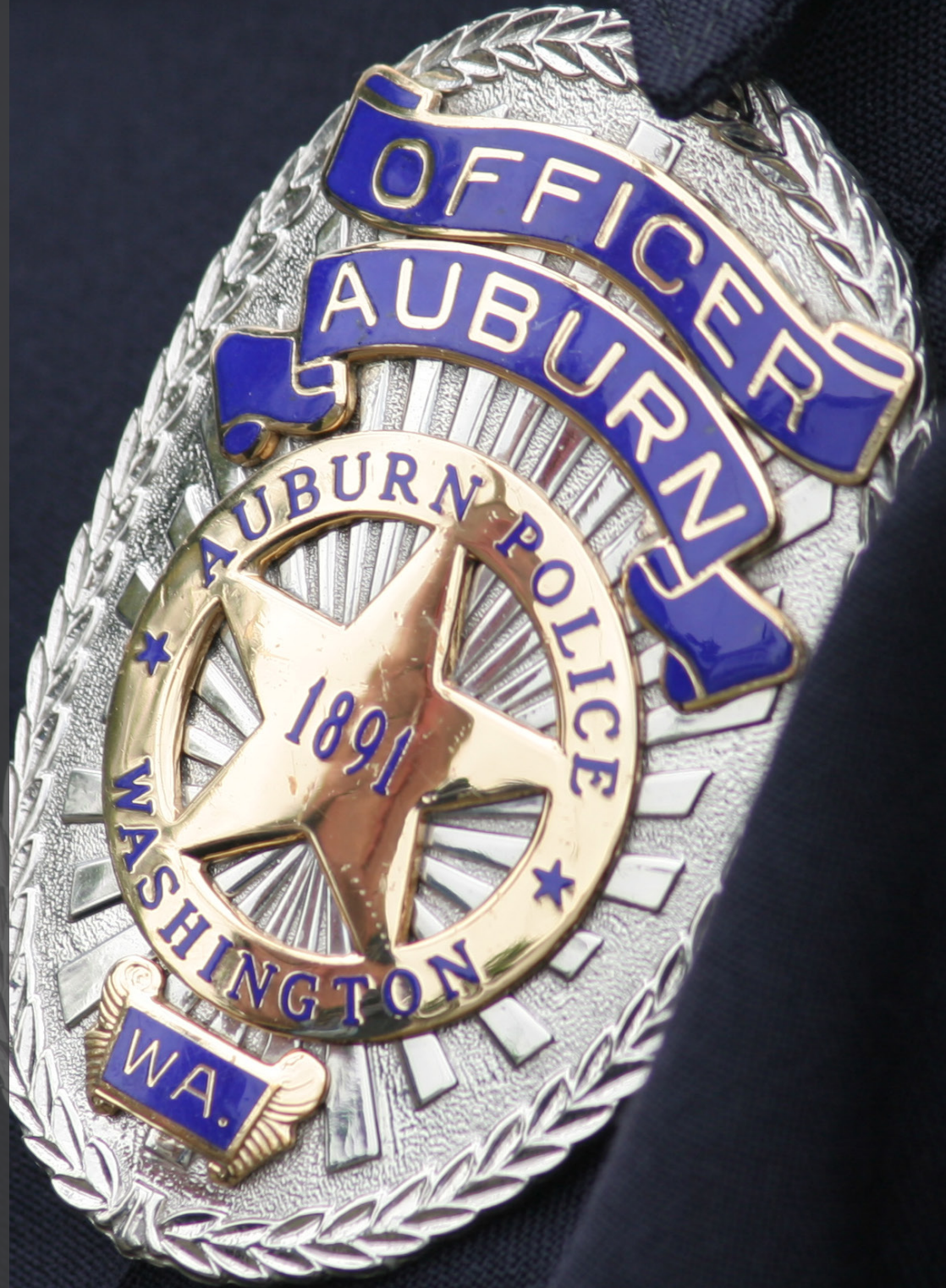
Services 24 hours a day

**Business Office**

Monday-Friday | 9am-5pm  
Saturday | 9am-12pm  
Sunday & Holidays | Closed

**King County District Court**

South Division  
340 E Main Street, Suite 101  
Auburn, Washington 98002  
206-477-0480



## MESSAGE FROM CHIEF MARK CAILLIER

In October of 2021, it was my honor to be appointed as the 15th Police Chief in Auburn's history.

On behalf of the employees of the Auburn Police Department, it is my privilege to present the 2021 Annual Report.

2021 continued to be a year of change for the Department as we worked through Legislative changes, industry wide staffing issues, and the ongoing COVID 19 pandemic. Although the pandemic curtailed a lot of our community outreach, we remained committed to engaging with our community whenever we could.

This past year we continued to update our policies to be consistent with national and state best practices and comply with new court decisions and changes to the law.

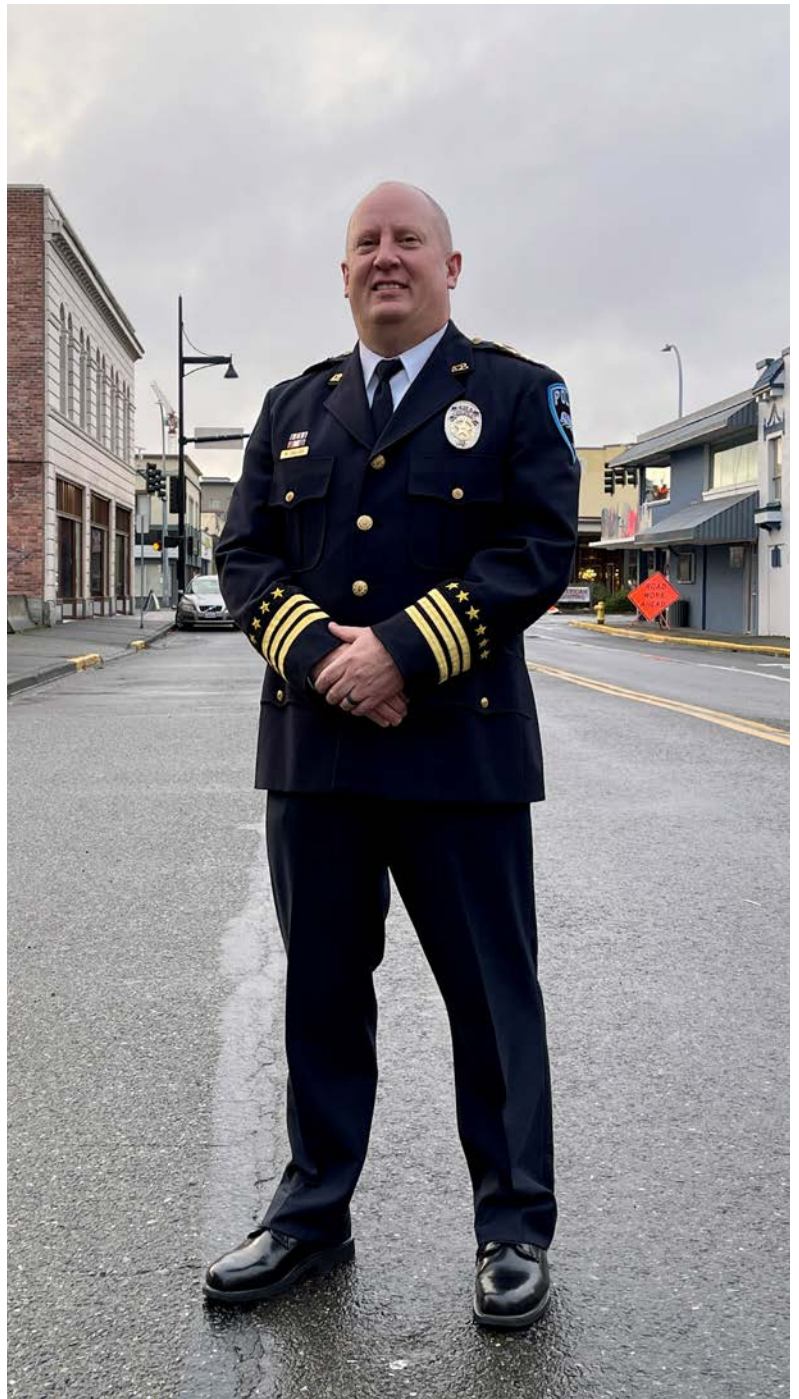
The employees of the Auburn Police Department are committed to providing you with professional law enforcement services. Your community is policed by professional officers who are not afraid to bravely stand up to danger and adversity. Officers serve with a noble purpose and make decisions based on trust and honesty. Without the support of our community, we would not be successful as an agency.

In this report, you will find information on crime statistics, accomplishments, the organizational design of the department, and other services we provide. The citizens of Auburn are our largest asset and partner when it comes to reducing crime and improving the overall quality of life for all citizens.

As this current year moves on to the next, we will continue working to improve the trust and transparency that is expected by our community. I welcome you to visit our website [auburnwa.gov](http://auburnwa.gov) and follow us on social media platforms such as Facebook, Twitter, and Instagram.



Mark Caillier  
Chief of Police, Auburn Police Department



## ASSISTANT CHIEF BETZ

Assistant Chief Sam Betz has been with the Auburn Police Department since 2006. He started as a Patrol Officer and began working a Narcotic Detection K9 in 2010. Sam became a member of the Valley SWAT team in 2011. Sam then rotated to the Investigations Division in 2012 and worked as a



Special Investigations Detective while also working as a K9 handler and a SWAT team member. Sam has experience as a member of the Auburn Crime Scene Team, President of the Auburn Police Officer's Association and as an executive board member for both the Auburn Police Officer's Guild during his time as an Officer and Detective. Sam was promoted to Sergeant in 2013 and worked in Patrol and Major Crimes. As a Sergeant, Sam continued his time on SWAT and was elevated to a Team Leader position for the regional team. Sam also served on the Sergeant's Association executive board. Sam was promoted to Commander in 2020 and served in the Patrol Division and as the Inspectional Services Commander. As a Commander, Sam was able to oversee the development of Patrol, SWAT, School Resource Officers, Bicycle Officers and the Traffic Unit. As a Commander, Sam acted as the overall Commander for Valley SWAT prior to his promotion to Assistant Chief in December 2021. Sam is a graduate of the Leadership Institute of South Puget Sound and Leadership in Police Organizations. Sam has obtained certifications as a Handgun Instructor, Less Lethal Impact Munitions Instructor, De-Escalation Instructor, Force Science and Active Shooter Instructor (NTOA). Sam is a member of NTOA and IACP. Sam graduated from Azusa Pacific University with a degree in Biblical Studies and is currently working toward his Masters in Organizational Leadership with Gonzaga University.

## ADMINISTRATIVE ASSISTANTS

Kerri Scranton started with the Police Department in September 2019 and Leslie Corey in October 2018. They are responsible for providing direct support to Chief Mark Caillier and Assistant Chief Sam Betz, as well as the department's Command Staff. They have a variety of duties that span from payroll, purchasing training and travel and all responsibilities associated with administrative assistance to the department.



KERRI SCRANTON



LESLIE COREY

Kathy Divelbiss began her career 20 plus years ago with the Auburn Police Department and is the investigations Administrative Assistant. She reports to the Investigations Commander.



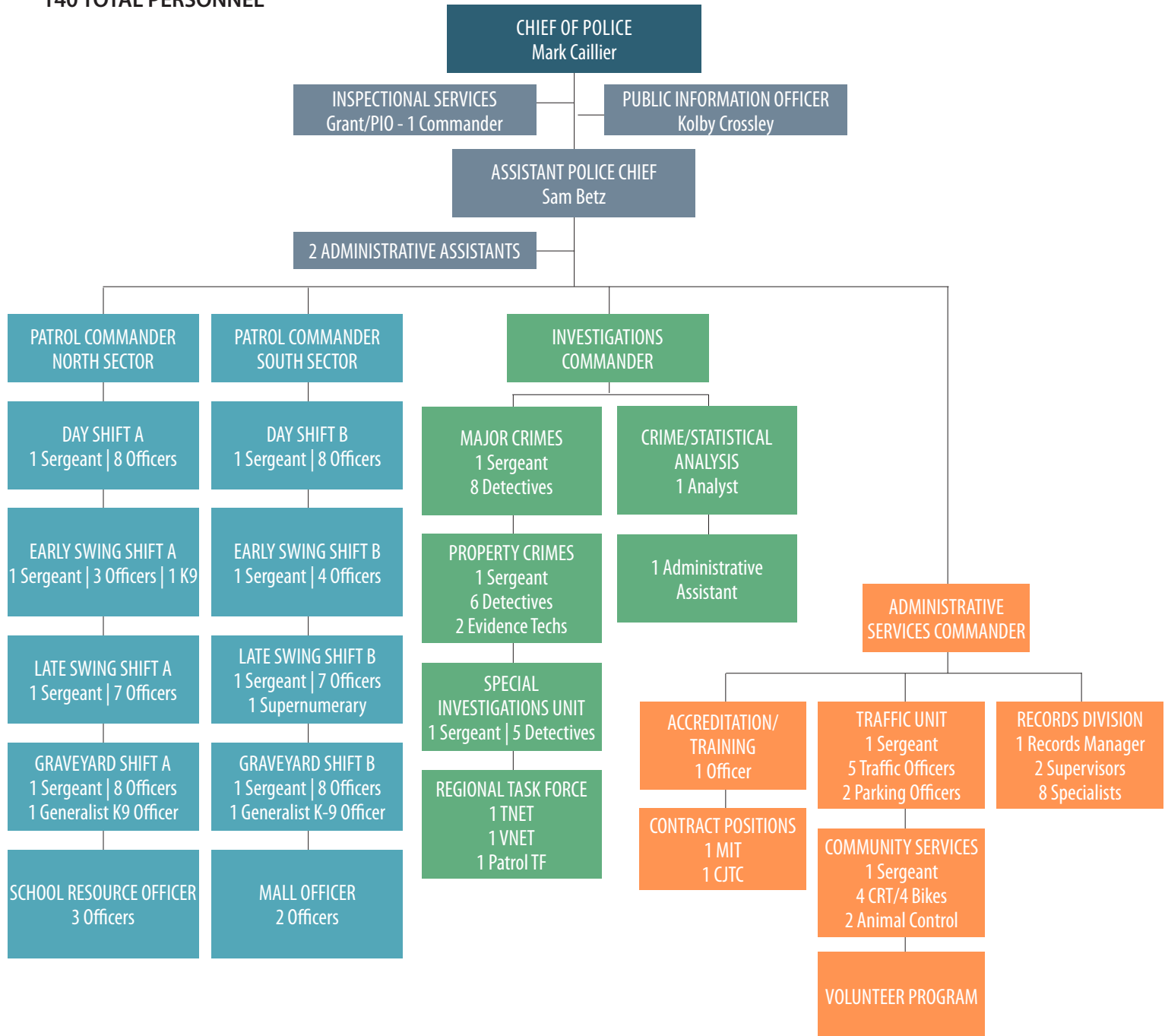
KATHY DIVELBISS



# ORGANIZATIONAL CHART

JANUARY 1, 2021 | AUTHORIZED STAFF POSITIONS

140 TOTAL PERSONNEL



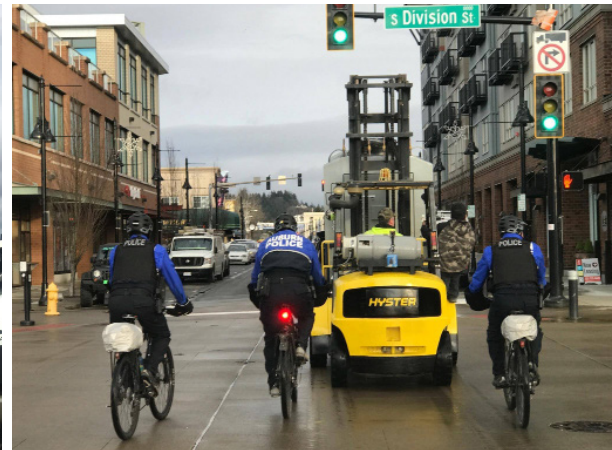
## COMMISSIONED STAFF | 119

|                    |                      |
|--------------------|----------------------|
| 1 CHIEF OF POLICE  | 21 DETECTIVES        |
| 1 ASSISTANT CHIEF  | 5 TRAFFIC OFFICERS   |
| 5 COMMANDERS       | 11 ADMIN COMM PRGS.  |
| 13 SERGEANTS       | 5 SPECIAL OPERATIONS |
| 56 PATROL OFFICERS | 1 SUPERNUMERARY      |

## NON-COMMISSIONED STAFF | 21

|                                 |
|---------------------------------|
| 1 RECORDS MANAGER               |
| 2 POLICE SERVICE SUPERVISORS    |
| 8 POLICE SERVICE SPECIALISTS    |
| 2 EVIDENCE/PROPERTY TECHNICIANS |
| 2 PARKING ENFORCEMENT OFFICERS  |
| 3 ADMINISTRATIVE ASSISTANTS     |
| 2 ANIMAL CONTROL OFFICER        |
| 1 CRIME ANALYST                 |

# INSPECTIONAL SERVICES



Commander Steve Stocker leads Inspectional Services. This department is responsible for managing commendations and allegations of misconduct. The Inspectional Services Commander is also responsible for staff inspections and serves as the Public Information Officer. The Inspectional Services Commander reports directly to the Chief.

Commendations, Inquiries and Allegations of Misconduct (CIA) investigations are designed to allow the agency to look at our department from the eyes of our community members. To meet these demands, we must be a disciplined and well-regulated organization. The report on the next page illustrates how well the Auburn Police Department is perceived to be following our Vision and Mission statements, as well as our stated Manual of Standards.

In 2021, Auburn Police Officers responded to 72,944 Computer Aided Dispatch (CAD) incidents and completed 15,295 case reports. Officers made 2,990 arrests, with 1,320 of those arrestees being booked into the SCORE Jail, and officers issued **8,110 infractions/citations**. All of this activity accounts for only a portion of the personal contacts with our community members that are made by our police officers throughout the year.

As outlined in the Auburn Police Department Manual of Standards (MOS), the CIA system provides a uniform means of reporting, investigating, and documenting Commendations, Inquiries, Allegations of Misconduct and Collision Reviews.

A Commendation is used to recognize actions or performances by members of the police department who act or perform in a manner that is outstanding or beyond what is normally expected. The Commendation process recognizes employees for Professionalism, Exemplary Job, Exemplary Actions, Life Saving and Heroism.

During 2021, there were 224 commendations awarded to a total of 99 employees.



## INSPECTIONAL SERVICES COMMANDER STEVE STOCKER

Commander Stocker has been with the Auburn Police Department for 30 years promoting from patrol officer to Sergeant and then Commander. Steve is also the Commander of the Valley Hostage Negotiation Team as a negotiator. Steve has a BA in Criminal Justice from the University of Washington, has attended the FBI National Academy and the Leadership in Police Organizations program.

The commendations included 7 Life Saving Medals (awarded to 13 employees), 2 Letters of Commendation (awarded to 18 employees), 2 Medals of Valor, 2 Medals of Merit, and 1 Tactical Medal.

A Supervisory Inquiry involves a complaint made regarding the quality of service delivery. These complaints vary in degrees from regarding an employee's demeanor, tardiness, related to customer service, or the nature of a department practice. The employee's immediate supervisor typically handles this type of complaint. At times, the outcome of the inquiry will be forwarded to the Inspectional Services office, but many times it is not. If an employee has multiple service delivery complaints where the conduct has been determined to be unacceptable then the complaint may be handled and documented as an Internal Investigation.

An Internal Investigation involves a complaint of a possible violation of department standards, written directive, City policy or applicable Civil Service Rules. These allegations include, but are not limited to, complaints of bias based profiling, excessive force, alleged corruption, insubordination, breach of civil rights, false arrest, and other types of allegations of serious misconduct. Below are the 2021 Investigations and Findings:

|                               |   |
|-------------------------------|---|
| No. of Investigations         | 6 |
| No. of Employees Investigated | 7 |
| Findings of Misconduct        | 5 |

A Collision Review is conducted whenever an Auburn Police Department employee is involved in a collision while the employee is the driver and on duty, or in a city-owned vehicle while driven by a police department employee. Below are the results of collision investigations:

|                        |    |
|------------------------|----|
| No. of Collisions      | 17 |
| Determined Preventable | 8  |

The number of sustained allegations compared to the number of contacts that employees make every year is extremely low.

The Auburn Police Department works diligently to maintain an open environment where our community members can freely tell us when they are pleased or dissatisfied with our performance. When we receive Commendations, Inquiries, Allegations of Misconduct or an officer is involved in a collision we thoroughly investigate the incident to determine the merit and appropriate response.

Although there is always room for improvement, we believe it can be concluded that we have been successful in fulfilling our Mission and Vision statements and have been providing the utmost in quality law enforcement service to our community.

## PUBLIC INFORMATION OFFICER

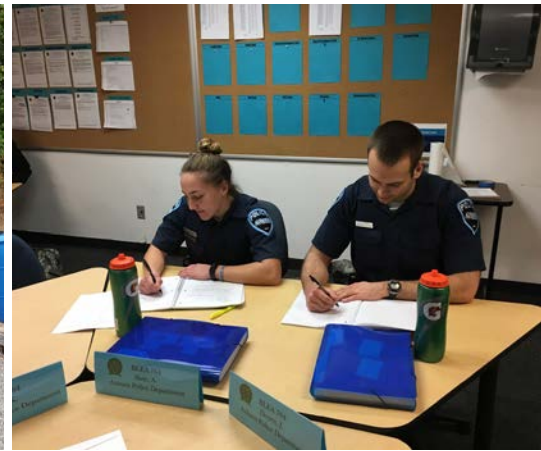
In 2021, the Auburn Police Department thought it was extremely important to add a new position at APD. This position would act as a single voice for the Department and would help with media requests and the managing of social media pages.



After multiple interviews, we hired Kolby Crossley a former reporter for the position. We felt it was important to hire someone who had prior media experience and knows exactly what the news is looking for when pursuing a story.

Kolby takes photos, creates videos and ultimately helps with engaging the Auburn Police Department in the Auburn Community.

# PATROL DIVISION



The Patrol Division is the Department's largest division. In 2021, Commanders Betz and Adams led a staff of 8 Patrol Sergeants, 1 Traffic Sergeant, 55 Patrol Officers, 5 Motor Officers, 3 K-9 Officers, 4 Bicycle Officers, 2 Mall Officers, 3 School Resource Officers, 2 Animal Control Officers and 2 Parking Enforcement Officers.

The Division is primarily responsible for handling 911 calls for service, traffic enforcement, as well as pro-active crime prevention in the City.

Commander Byers started his law enforcement career in 1987 when he became a Police Officer for the City of Las Cruces, NM. He transferred to the Auburn Police Department in November 1996. While working in the Patrol Division, Sergeant Byers became a Field Training Officer in 1998 and trained several Officers for the Department. Byers moved

to the Traffic Division as a motorcycle Officer and worked in that capacity until early 2000. In 2000, Sergeant Byers became a TAC Officer at the Washington Criminal Justice Training Commission and remained there until 2003 when he returned to the Auburn Police Department Traffic unit. Byers rotated back to the Patrol Division in January 2014 and was promoted to the rank of Sergeant in 2019. Todd has a Bachelor of Science in Criminal Justice from New Mexico State University.



**NORTH SECTOR COMMANDER  
TODD BYERS**

Commander Adams began his career with the Auburn Police Department November 21, 2005. He has served as a Detective, Defensive Tactics Instructor and Field Training Officer during those 12 years. He was promoted to Sergeant in July of 2017, becoming the first and only minority to join the supervision ranks of the history of the police department.

He was promoted to Commander on February 1, 2021 where he is currently assigned to the patrol division. He has been Commander for the Civil Disturbance Unit and Field Training Officer Program. He is currently the Commander for Unit Hostage Negotiation Team and Defensive Tactics.

Commander Adams is a Co-chair for the Police Advisory Committee and a member of the City of Auburn Diversity, Equity and Inclusion team.

Commander Adams holds a Bachelor of Arts in Law, Society and Justice from the University of Washington where he was a member for the track team specializing in the 400 meters and 1600 meter relay.



**SOUTH SECTOR COMMANDER  
CRISTIAN ADAMS**

# PATROL SERGEANTS

Patrol Sergeants supervise a shift of officers and are responsible for developing strategies to address on-going crime and related concerns in their respective districts.



## BRIAN ANDERSON

**DAY SHIFT A** | 8 OFFICERS

Sergeant Brian Anderson has been with the Auburn Police Department since July of 2007. As a Patrol Officer he was a member of the Crime Scene Response Team, Auburn Police Firearms Staff and the Valley SWAT Team. In 2015 he was assigned as a member of the CRT unit in admin services, after that three year assignment he spent a short time back in the patrol division as a temporary Sgt and then was selected for a Detective Division assigned to the property Crimes unit. Brian was promoted to Sergeant in May of 2021 and assigned to the Patrol Division.



## DAVID LIND

**EARLY SWING SHIFT A** | 3 OFFICERS, 1 K9 OFFICER

Sergeant Lind began his career with the Auburn Police Department on July 14th, 2007. He has served the residence of Auburn as a Patrol Officer, Property Crimes Detective, Major Crimes Detective, Explorer Advisor and Peer Support Officer. Additionally, from January 2013 through October 2020, Sergeant Lind was assigned to the Valley SWAT Team as an Entry Team Member and Explosive Breacher. Sergeant Lind eventually took on the role of Assistant Team Leader for Valley SWAT until his promotion to Sergeant on October 1st, 2020. Outside of work, Sergeant Lind is passionate about fitness and spending time with his wife and two children.



## BRANDON SKEEN

**LATE SWING SHIFT A** | 7 OFFICERS

Sergeant Skeen has been with the Auburn Police Department since 2008. Before joining the department, he was active duty Army for 4.5 years as a combat medic, and completed one deployment to Iraq in 2007. Brandon has been a member of the civil disturbance unit, a field training officer, Auburn Police Guild Executive Board member, master police officer, and member of the Valley Regional SWAT Team. In August 2020, Brandon was promoted to the rank of sergeant with the Auburn PD. Brandon holds a Bachelor's degree in Criminal Justice from Southern New Hampshire University.



## JOSH MATT

**GRAVE SHIFT A** | 8 OFFICERS, 1 K9 OFFICER

Sergeant Josh Matt started his career as a patrol officer with the Auburn Police Department in March of 2007. While in patrol he was part of the Crime Scene Response Team, Valley Civil Disturbance Unit, and was a Field Training Officer. In 2013 Sergeant Matt was assigned to the property crimes unit as a detective specializing in burglary and arson investigations. In 2015 he moved to the major crimes unit and became a part of the Valley Investigations Team. In 2017 Josh was assigned to investigate cold-case homicides and long-term missing persons cases. Sergeant Matt was selected to receive training to be a certified fitness instructor and provides support to officers in fitness and nutrition. Sergeant Matt holds a bachelor's degree in Sociology from the University of Washington. Josh has been a life-long Auburn resident and is proud to raise his family in the community.

# PATROL SERGEANTS



## CHRIS BURGER

**DAY SHIFT B** | 8 OFFICERS

Sergeant Burger was hired by the Auburn Police Department on 07/30/2007. Sergeant Burger has served as a Patrol Officer, Field Training Officer, Defensive Tactics Instructor, Emergency Vehicle Operations Instructor, Taser Instructor, Explorer Advisor, Crime Scene Response Team member, and a Major Crimes Detective. Sergeant Burger was promoted on February 1st, 2020 and is assigned to Day Shift Side B.



## JAMES FRITH

**EARLY SWING SHIFT B** | 4 OFFICERS

Sergeant Frith has been with the Auburn Police Department since 1997. Before joining the department, he served in the United States Army. In addition to working patrol, James was a member of the Honor Guard, the Civil Disturbance Unit and the Valley SWAT Team. He also served as a Narcotics Detective with the Special Investigations Unit and as a Field Training Officer. Sergeant Frith was promoted in 2010 and has been assigned to Patrol, Property Crimes, and Major Crimes. James is also a Defensive Tactics Instructor and an Emergency Vehicle Operations Instructor. Sergeant Frith holds a Bachelor's Degree from Central Washington University. He completed the IACP Leadership in Police Organizations course, and is a graduate of the Northwestern University School of Police Staff and Command class #422. Sgt. Frith is ABLE trained (Active Bystander for Law Enforcement).



## CHRIS BOLDMAN

**LATE SWING SHIFT B** | 7 OFFICERS

Sergeant Boldman has been with the Auburn Police Department since 2012. Before joining the department, he received his Bachelor of Arts Degree in Psychology from Seattle Pacific University. Sergeant Boldman has previously served as a Field Training Officer and an executive member of the Auburn Police Officers Guild. He has also served as a detective assigned to property crimes and the Puget Sound Auto Theft Task Force.



## TYSON LUCE

**GRAVE SHIFT B** | 8 OFFICERS, 1 K9 OFFICER

Sergeant Luce has been with the Auburn Police Department since 2013. As a Patrol Officer he was a member of the Crime Scene Response Team, Crime Scene Photographer, Vice President of the Auburn Police Officer's Association, and Auburn Police Guild Executive Board. In 2017, he was assigned to the Traffic Unit as a Motorcycle Officer. Tyson is a Collision Reconstructionist, Traffic Investigator, Emergency Vehicle Operations Course (EVOC) Instructor, Pursuit Immobilization Technique (PIT) Instructor, and a member of the Auburn Police Sergeant's Association Executive Board. Tyson was promoted to Sergeant in 2021 and assigned to the Patrol Division.

# TRAFFIC UNIT

The primary responsibility of the traffic officers is traffic enforcement and collision investigations. Advanced expertise includes Technical Collision Investigation, Collision Reconstruction, and Drug Recognition Enforcement. Patrol's Traffic Division investigated 1,381 traffic collisions in 2021.



## TRAFFIC SERGEANT JAMES NORDENGER

Sergeant Nordenger began his law enforcement career in 1993 in the City of Newport, Washington. He transferred to the Auburn Police Department in 1999 and has held many positions within the department. James was promoted to Sergeant in 2006. He holds a degree in Criminal Justice and is a graduate of the Leadership Institute of Puget Sound and Northwestern Command College.



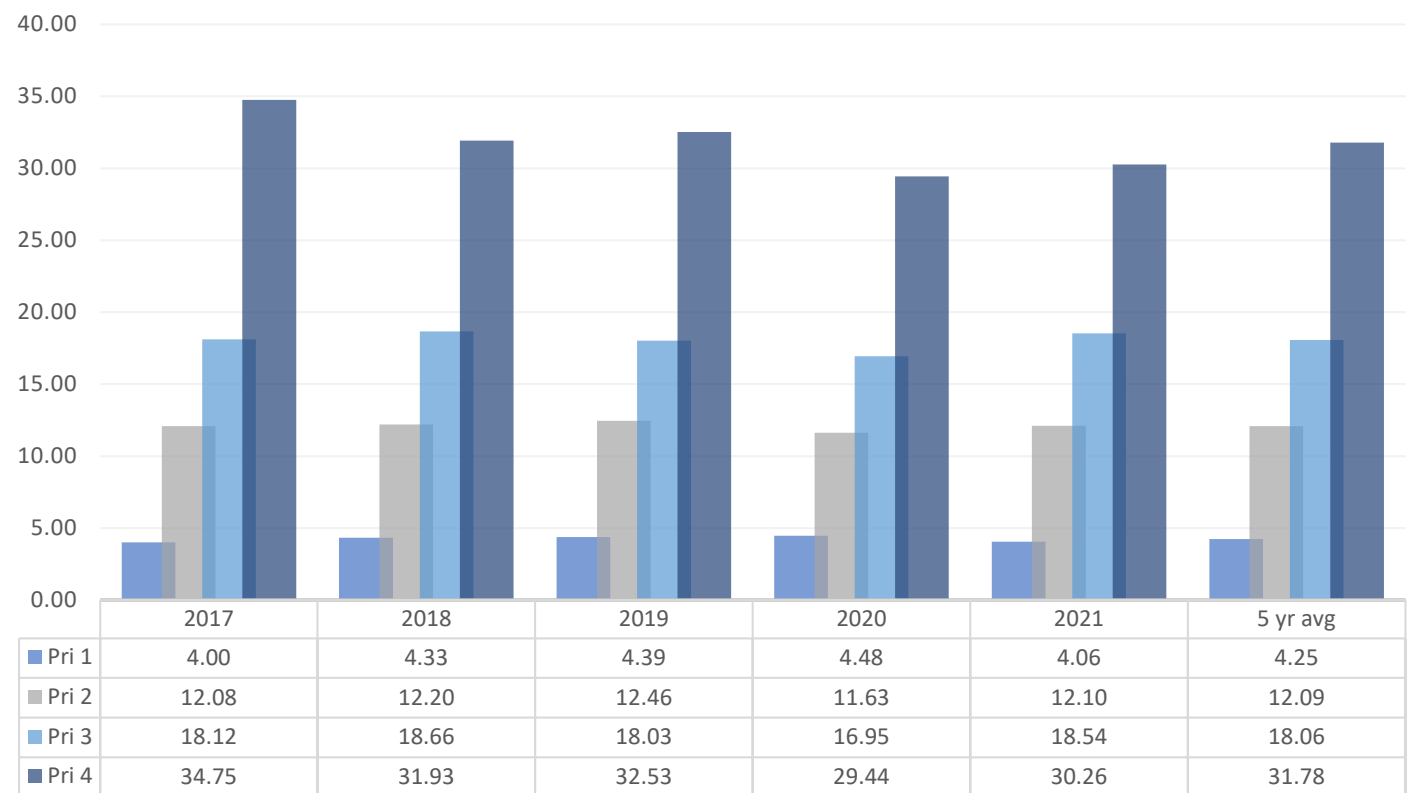
**Traffic Unit Officers** include James Nordenger, Derek Anderson, Tyson Luce and Patrick Douglas.



**Parking Control Officers** Ron Reardon and Suzette Conner. Their primary responsibility is to enforce the parking ordinances of Auburn and respond to abandoned vehicle complaints. In 2021, the Auburn Police Department wrote 3,013 parking tickets in the City of Auburn.

# RESPONSE TIMES

## RESPONSE TIMES (IN MINUTES)



### Definition of Response Times Priority ratings

PRI 1 = Highest priority, confirmed hazard which could result in extensive loss of life or property

PRI 2 = Minimal hazard with considerably less potential for loss of life or property

PRI 3 = Low hazard, non-life threatening

PRI 4 = Police reports or cold calls

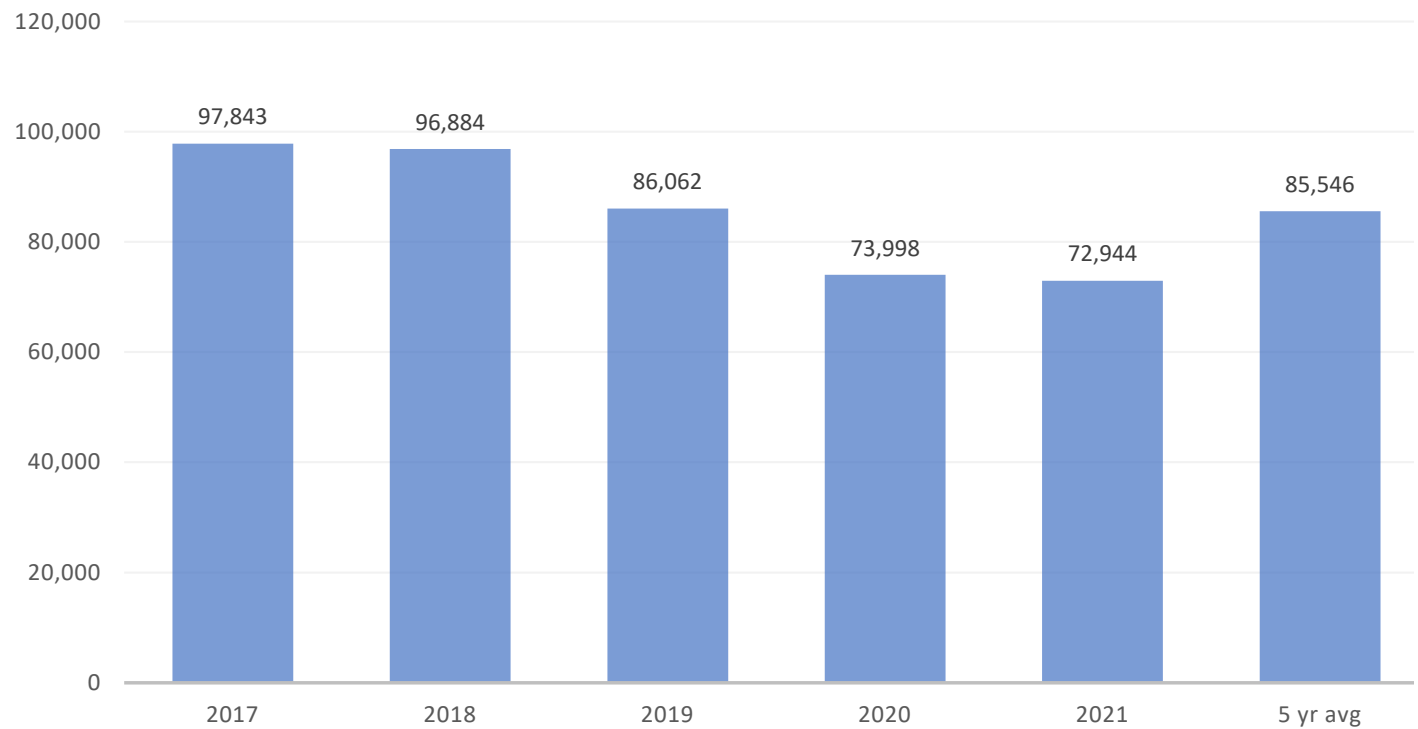
Our Bike Unit consists of Officers Sedillo, DeRoche, Kapule, and Pakney



# CALLS FOR SERVICE

Computer Aided Dispatch (CAD) calls for service have decreased over the past 5 years. Auburn police received 73,998 calls in 2021.

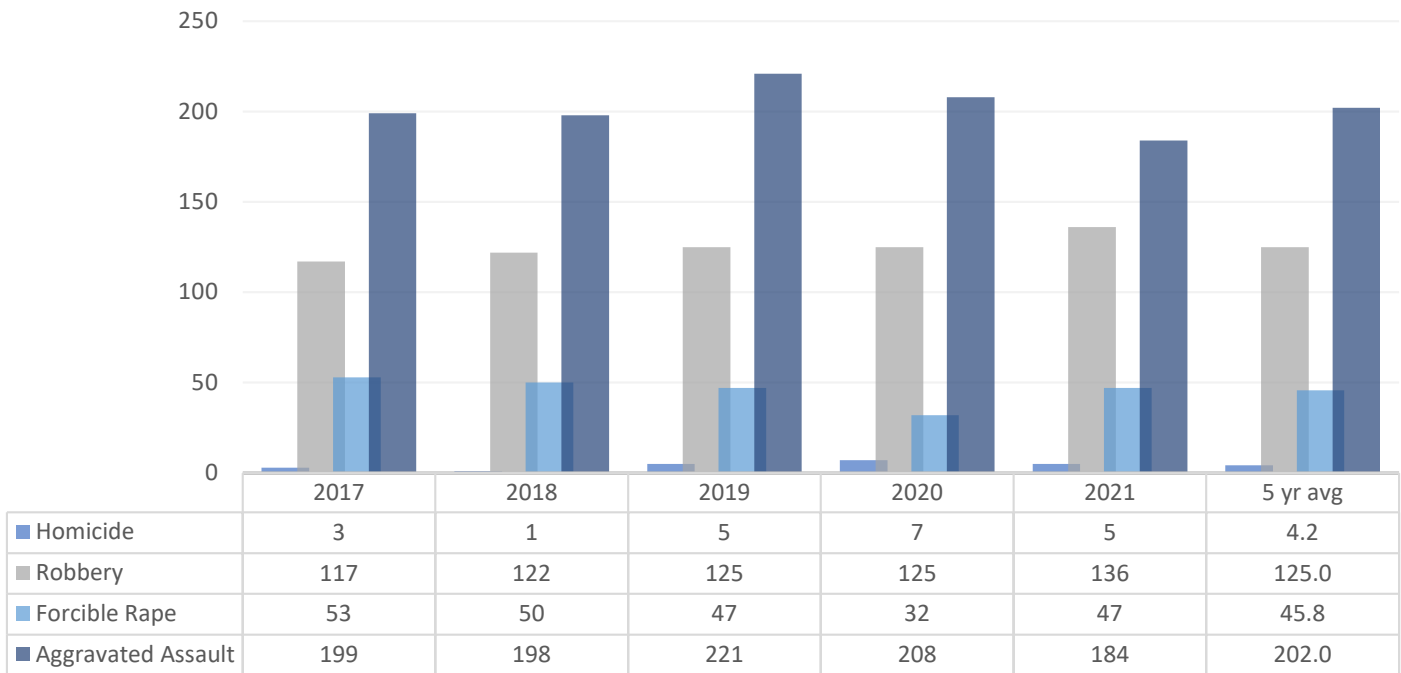
## CALLS FOR SERVICE



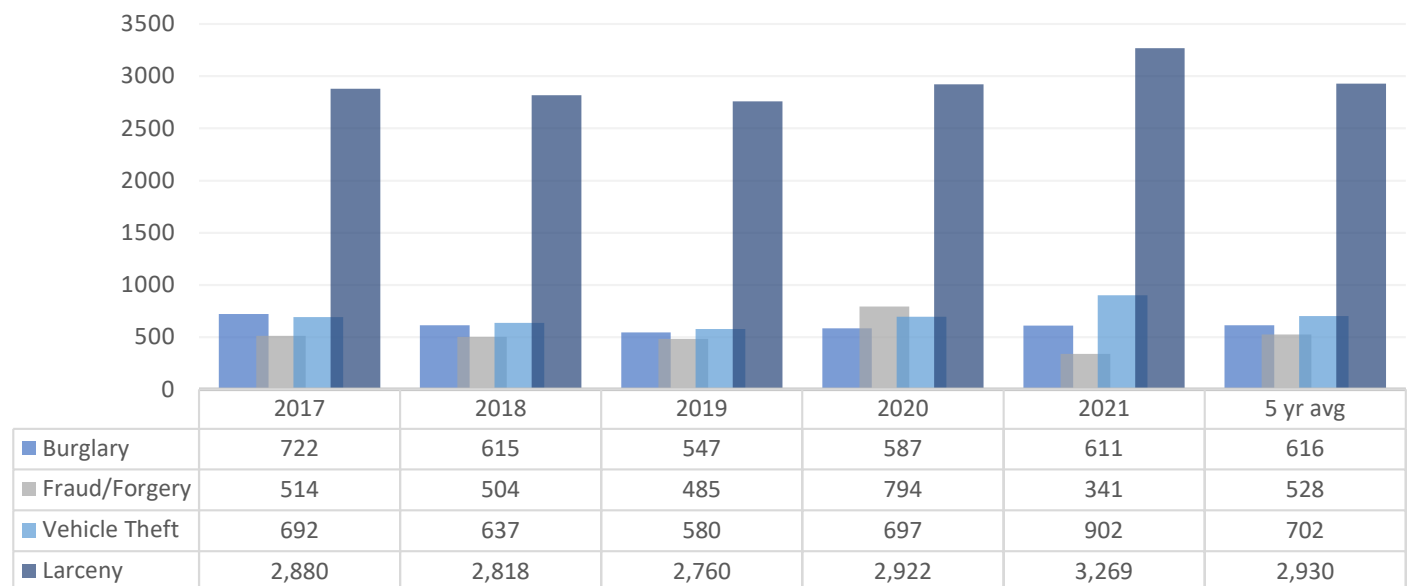
# 2021 CRIME STATISTICS

## PERSON CRIMES

Reported violent crimes in 2021.



## PROPERTY CRIMES



Larceny accounted for the largest number of reported property crimes in 2021. Larceny is defined as theft, which includes crimes like theft from vehicle, shoplifting, a bicycle being stolen, etc. Vehicle theft continues to be a hot topic for every agency, the prosecutor's office, and the legislature.



## TOTAL ARRESTED PERSONS



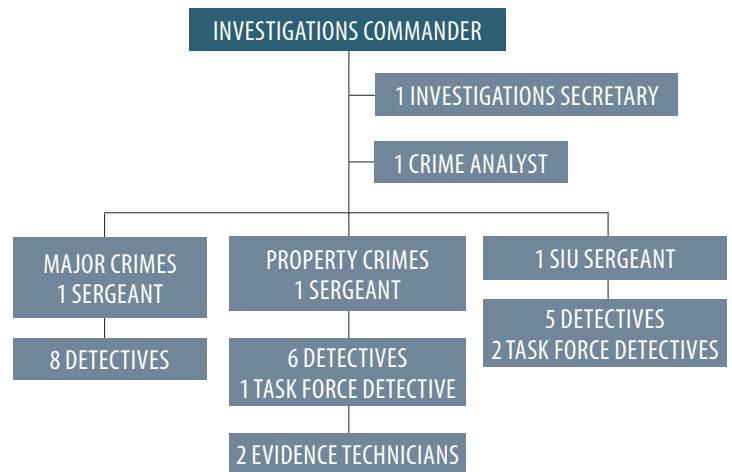
# INVESTIGATIONS DIVISION



**INVESTIGATIONS  
COMMANDER**

**DAVE COLGLAZIER**

Commander Dave Colglazier has over 29 years of law enforcement experience. Along with his duties as the Investigations Commander, he is the Commander over Drones, VIIT, and Peer Support. Dave has a BA in Psychology from the University of Washington. He has attended the Leadership Institute of South Puget Sound and the Leadership in Police Organization program.



**PROPERTY CRIMES SERGEANT  
ANDY CLAPP**

Sergeant Andrew Clapp graduated from Seattle University with a Bachelor of Arts degree in Humanities and a Bachelor of Arts in Criminal Justice. Andrew began his career in Law Enforcement in 1996 when he was hired by the Auburn Police Department as a Police Service Specialist. Sergeant Clapp became a commissioned Auburn Police Officer in 2000. Andrew joined the Crime Scene Team in 2007 specializing in photographing major crime scenes. The same year Andrew became a Field Training Officer. In 2010 he became a member of the Emergency Vehicle Operations Course (EVOC) staff as an instructor of both driving and Pursuit Immobilization Technique (PIT). He is also part of the Peer Support Team.



**MAJOR CRIMES SERGEANT  
SHAUN FEERO**

Sergeant Shaun Feero has been with the Auburn Police Department since 2007. Sergeant Feero graduated from American Military University with a Master of Arts degree in Criminal Justice and additionally received a Graduate Certificate in Executive Law Enforcement Leadership at AMU after attaining undergraduate degrees from Portland State University and the Community College of the Air Force. Sergeant Feero spent time on the Crime Scene Team, is part of the Auburn Police Sergeants Association Executive Board, Valley SWAT Team, Valley Civil Disturbance Unit, Field Training Officer, Firearms Instructor, Bicycle Unit, and was recognized as a Master Police Officer (MPO) in 2016. He is currently part of the APD Honor Guard. Sergeant Feero is Auburn PD's Military Liaison, providing resources to veterans and keeping the APD administration apprised of current reserve and guard commitments. Sergeant Feero is also a Senior Master Sergeant serving in the Air Force Reserve as an Operations Superintendant in the 446th Security Forces Squadron at Joint Base Lewis-McChord.



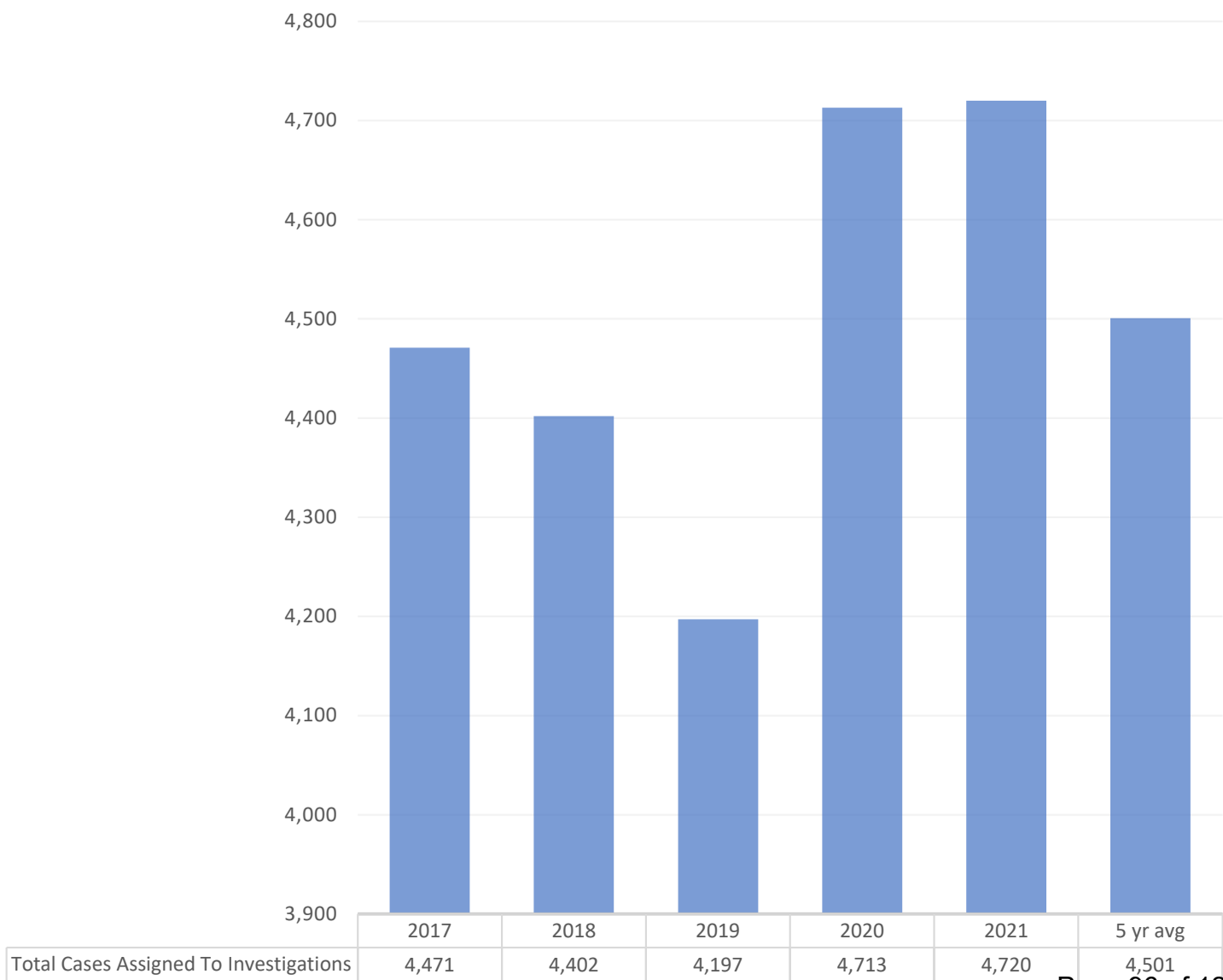
**SIU SERGEANT  
JAMES HOPPER**

After graduating from North Thurston High School, Sergeant James Hopper served in the United States Army for five years as an intelligence analyst and Arabic linguist. After military service, he earned a BS degree from Regents College (Albany, NY). He attended graduate school at Loyola College, Baltimore, MD, earning an M.Ed. in School Counseling. He worked in public schools for 10 years, and began his police career in 2008. Since that time, James has been a bicycle officer, field training officer, property crimes detective, and master police officer. He has been an active member of the Valley Civil Disturbance Unit, participating in annual trainings and crowd control events, such as Seattle's May Day protests. James was promoted to the rank of Sergeant in June 2016.

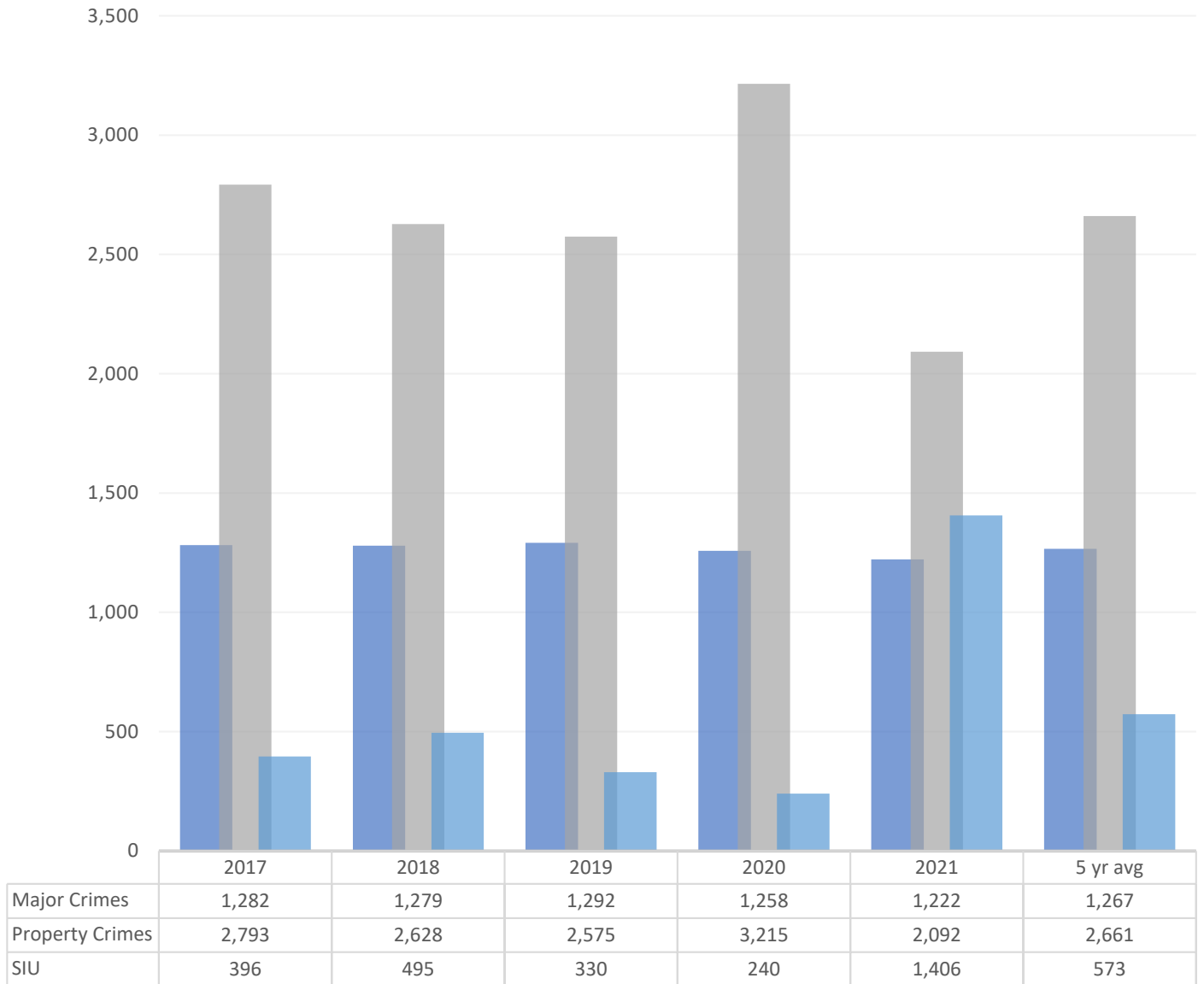


The Investigations Division remained very busy in 2021. All felony cases are assigned to a detective for review whether or not there is actual suspect information.

# ALL FELONY INVESTIGATIONS CASES ASSIGNED



## MAJOR CRIMES, PROPERTY CRIMES, AND SIU



## PROPERTY CRIMES UNIT

The Property Crimes Unit investigates the crimes of auto theft, felony theft, burglary, fraud, and forgery.

## SPECIAL INVESTIGATIONS UNIT

The Special Investigations Unit is responsible for investigating drug and vice complaints as well as directed enforcement for specific problems.

# EVIDENCE ROOM

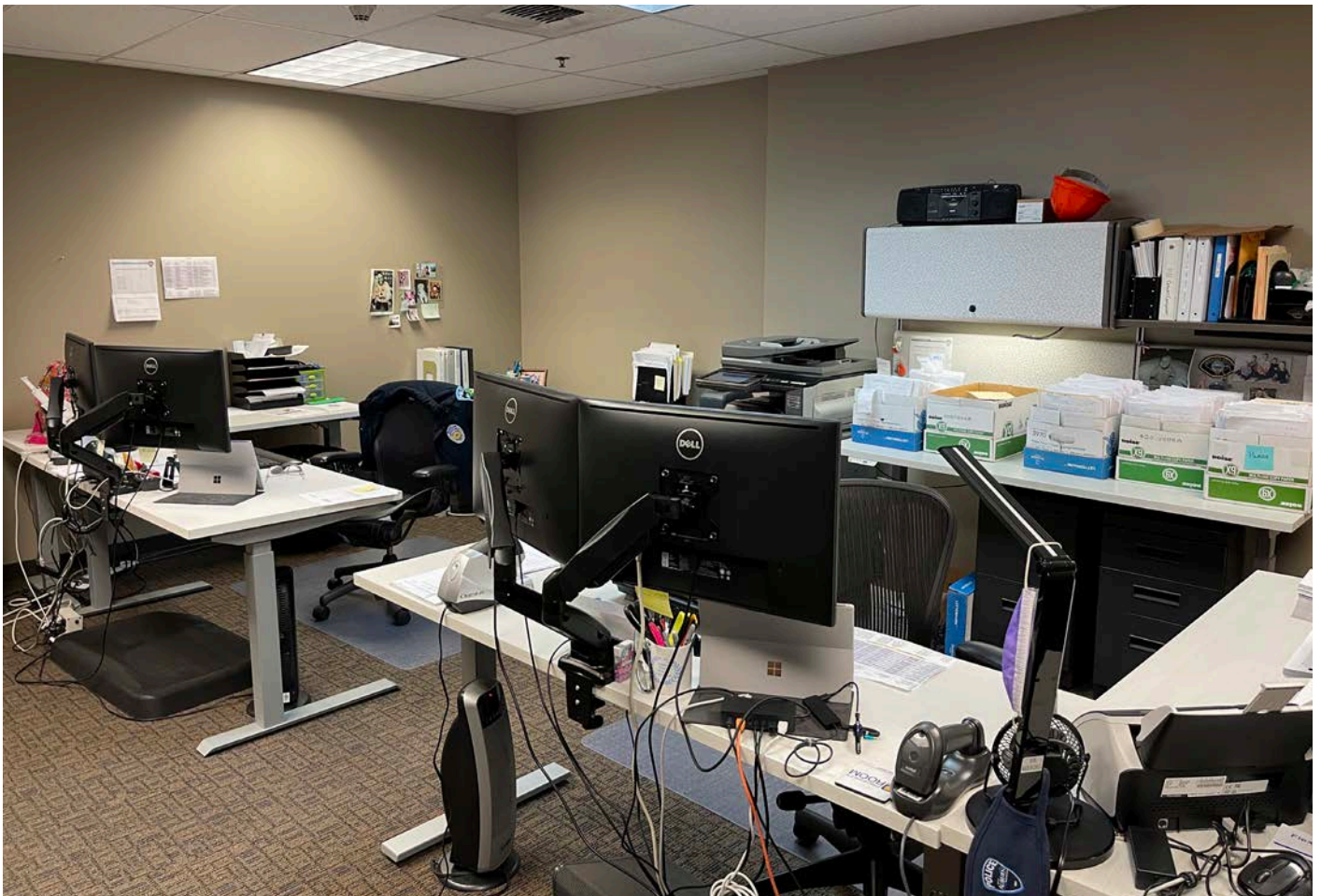


**EVIDENCE TECHNICIAN  
BETH BERGEON**



**EVIDENCE TECHNICIAN  
LISA DAVIES**

The evidence room is staffed by evidence technicians Lisa Davies and Beth Bergeon who are responsible for the proper storage, disposal, and destruction of all the evidence and property taken into custody by the Auburn Police Department. The evidence technicians received 6,011 items in 2021 and destroyed approximately 4,449 items.



# ADMINISTRATIVE SERVICES



## ADMINISTRATIVE SERVICES COMMANDER

### MIKE HIRMAN

Commander Mike Hirman came to the Auburn Police Department in 1992 after serving as a Special Agent with the US Army CID Command. Mike was a patrol officer and a detective until 1997 when he was promoted to Sergeant. He was assigned to patrol and then as the Major Crimes Sergeant until 1999 when he was promoted to the rank of Commander. Since 1999, Mike served as Commander of the following divisions: Patrol, Investigations, Administrative Services, Inspectional Services, and as the Jail Commander. Throughout these assignments, Mike assumed roles as SWAT Commander, Emergency Vehicle Operations Course Coordinator, overall Valley Independent Investigations Team Commander, and department Emergency Management Commander, among others. In late 2021, after a department restructure, in addition to his Administrative Services duties, Mike also assumed the Records Division, Bicycle Unit, Animal Control, Parking and the Traffic Unit. Mike earned his Master's degree in Administrative Leadership from the University of Oklahoma and a Bachelor's degree in Criminal Justice and Business Management from Metropolitan State University of Denver. He is a graduate of the 235th session of the FBI National Academy. Throughout his tenure, Mike has served on several local boards, is actively involved in the Washington State Special Olympics. He also enjoys sailing and is an avid runner.



## COMMUNITY PROGRAMS SERGEANT

### TYLER CHRISTIAN

Tyler Christian was hired by the Auburn Police Department in June, 2002 and currently holds the rank of Sergeant. Sgt Christian is currently assigned to our Training / Administrative Services division. He currently oversees our training program for all commissioned and non-commissioned staff alike and manages the administrative duties necessitated by law, accreditation standards and record keeping. He is also the department's lead firearms instructor and Range Master. Tyler's other assignments have included Patrol, Civil Disturbance Team, SWAT, Special Investigations Unit, Firearms Instructor and department armorer. He holds numerous instructor certifications from firearms to martial arts and has been able to share his knowledge and expertise in certain aspects of law enforcement on both a regional and national stage. He has completed numerous leadership schools to include Northwestern University Staff and Command College, South Puget Sound Leadership Institute, Leadership in Police Organizations, SWAT Team Leader and he holds a BA in Criminal Justice Administration from Columbia Southern University.

ADMINISTRATIVE SERVICES  
COMMANDER

ACCREDITATION/TRAINING  
1 OFFICER

CONTRACT POSITIONS  
1 MIT  
1 CJTC

TRAFFIC UNIT  
1 SERGEANT  
5 TRAFFIC OFFICERS  
2 PARKING OFFICERS

VOLUNTEER  
PROGRAM

RECORDS DIVISION  
2 SUPERVISORS  
8 SPECIALISTS

COMMUNITY SERVICES  
1 SERGEANT  
4 CRT / 4 BIKES  
2 ANIMAL CONTROL

# TRAINING ACCREDITATION



## TRAINING ACCREDITATION OFFICER DOUG KOCH

Officer Koch began his law enforcement career with the Auburn Police Department in 1989 and has over 31 years of law enforcement experience. Officer Koch has served as a Patrol Officer, Field Training Officer, Firearms Instructor and Armorer. He holds a Bachelor's Degree in Criminal Justice from Washington State University. In his current assignment as the Community Services Officer and Accreditations Manager he maintains the accreditations files with WASPC, oversees the police volunteer program, attends career and recruitment fairs, assists with the Citizen's Academy and organizes police department events held outside of the department.

# VOLUNTEER PROGRAM

The Auburn Police Volunteer Program remained very vibrant and supportive in 2021. 25 volunteers contributed 586.5 hours throughout the year supporting numerous community program events, as well as many of the above listed Citizens on Patrol missions. The Citizens on Patrol (COP) division of the volunteer program drove 814 miles in 2021.



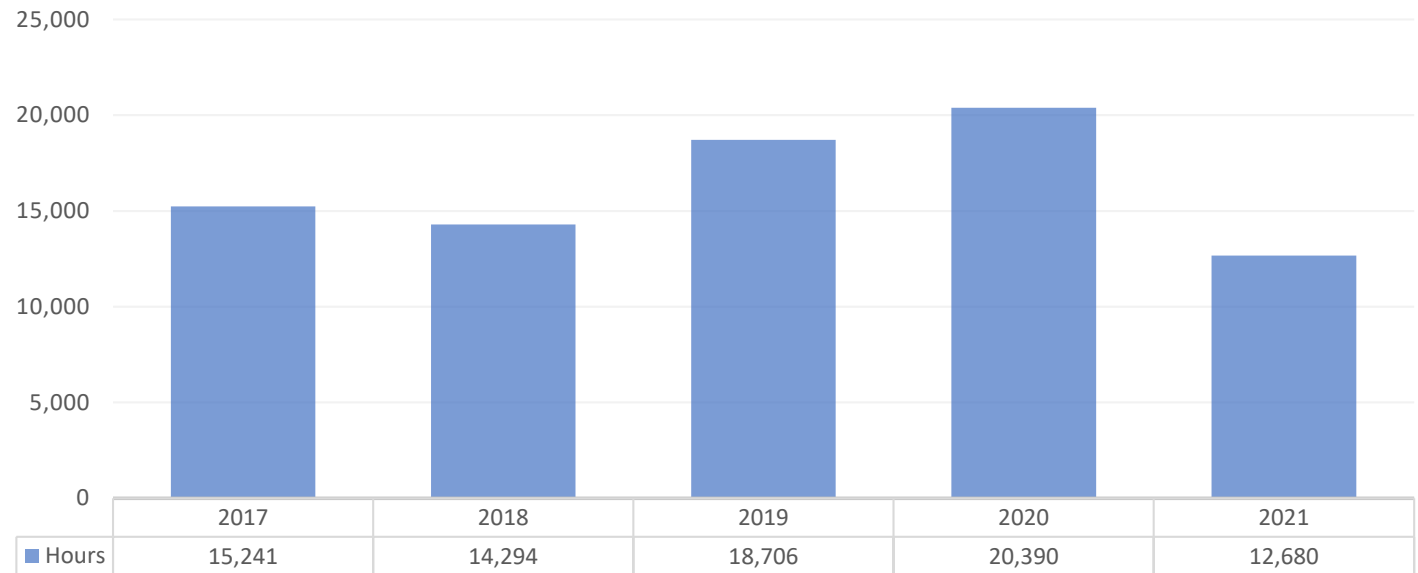
Along with the Citizens on Patrol division, we also have volunteers who help with events and fingerprinting. Volunteers also assist the department with projects of many different levels. We are actively seeking new volunteers. For more information on volunteering with the Auburn Police Department, visit [auburnwa.gov/police](http://auburnwa.gov/police).

# TRAINING HOURS

Training by the different divisions in 2021 was comprehensive. All commissioned staff are tasked to achieve a minimum of 30 training hours per year. Non-commissioned staff receive a minimum of 20 hours per year. The patrol hours also include training provided to new recruits at the State Basic Law Enforcement Academy and post academy training.

## TOTAL TRAINING HOURS

The Department demonstrated its commitment to maintaining a high level of competence and professionalism to serve the Auburn Community.



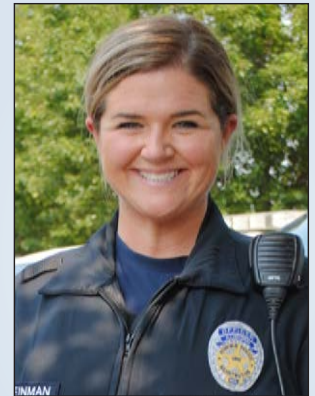
# CRT

The Community Response Team is a significant resource within the police department to problem solve issues that arise within the city. Problem solving and reducing crime is addressed through tracking all rental properties throughout the city and taking an active role in enforcing the Multi-housing ordinance. CRT Officers review police activity through reports and crime analysis to identify ongoing difficulties and coordinate efforts utilizing all city, county and state resources. CRT Officers make every effort to initiate contacts in the city through community meetings and Blockwatch efforts.

CRT Officers perform a slightly different role from officers in the Patrol Division, as they are able to be more pro-active in their duties. They are, however, in uniforms and assigned patrol vehicles. CRT Officers are visible in the community and take an enforcement role to address problems that are identified and will work with the Patrol Division in a collaborative effort.



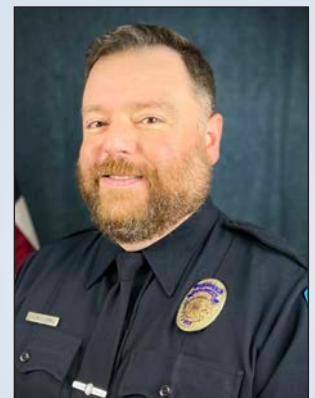
**CRT OFFICER  
STEPHANIE BENNETT**



**CRT OFFICER  
APRIL STEINMAN**

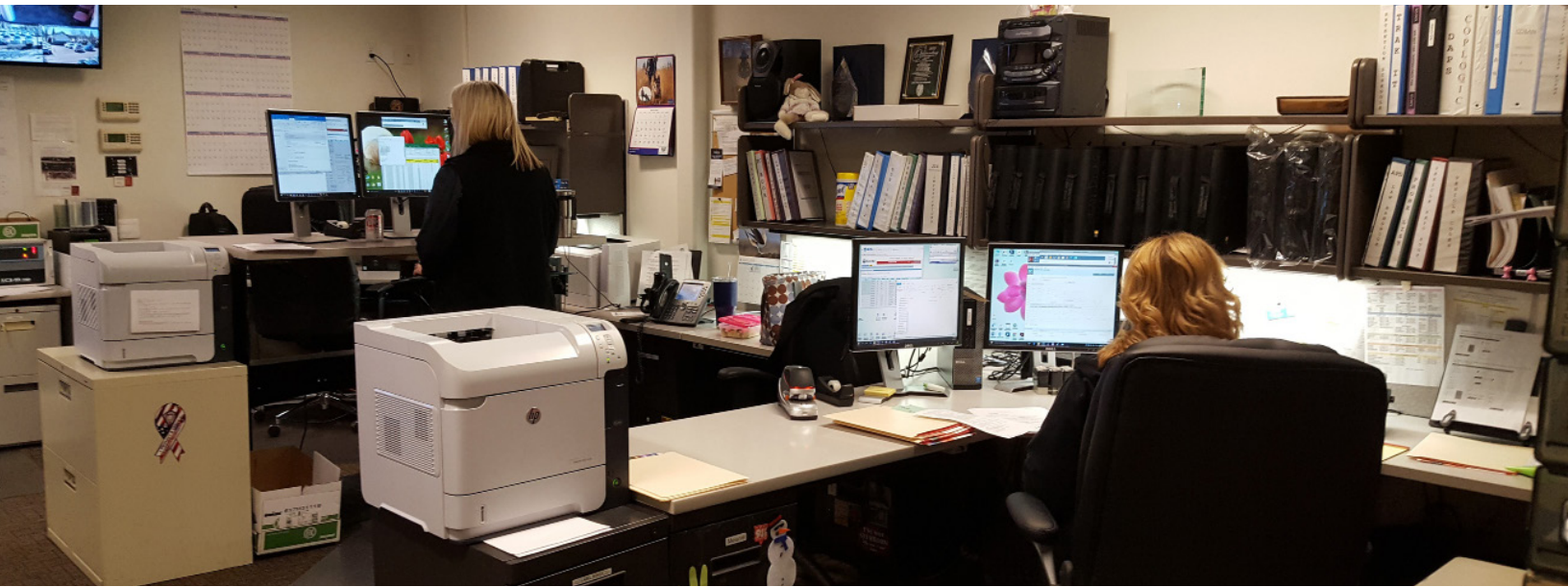


**CRT OFFICER  
CHRIS MAST**



**CRT OFFICER  
AARON WILLIAMS**

# RECORDS DIVISION



The Records Division consists of a commander, 2 supervisors, and 8 specialists. The Records Division processed over 15,299 police reports in 2021 and is responsible for records retention along with providing statistical data for the National Incident-Based Reporting System (NIBRS). In addition, they process warrants and court mandated orders. They administered 1,520 concealed pistol licenses, 5,080 firearm transfers, and 22 dealer licenses.



**RECORDS SUPERVISOR**  
**HEATHER WALBURN**

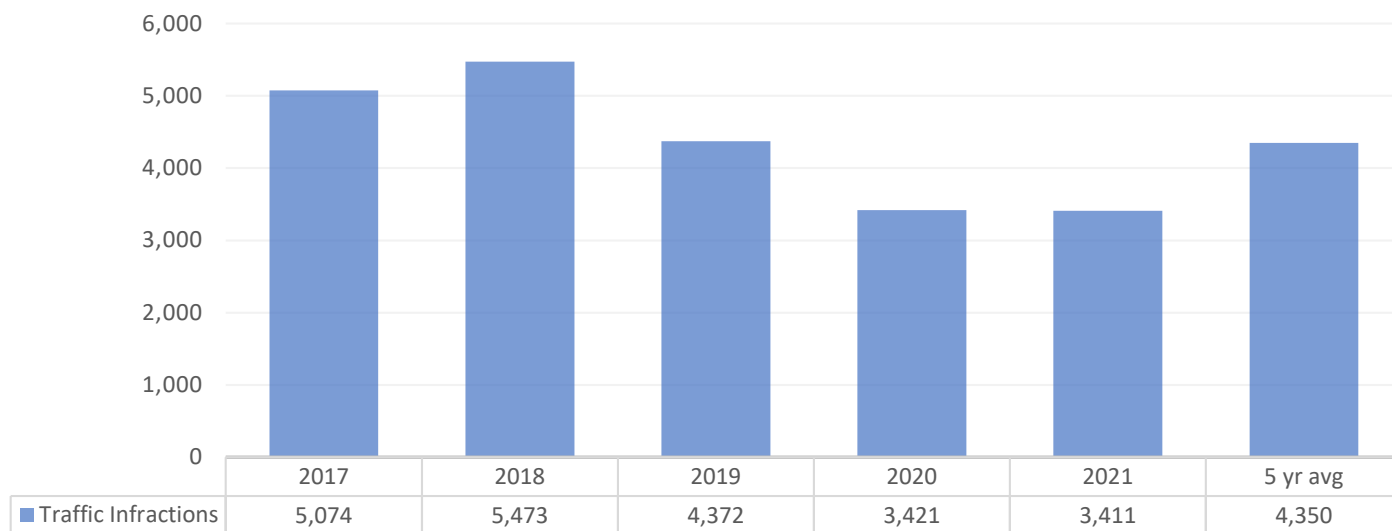


**RECORDS SUPERVISOR**  
**TRACY CARTER**

# PROCESSED REQUESTS

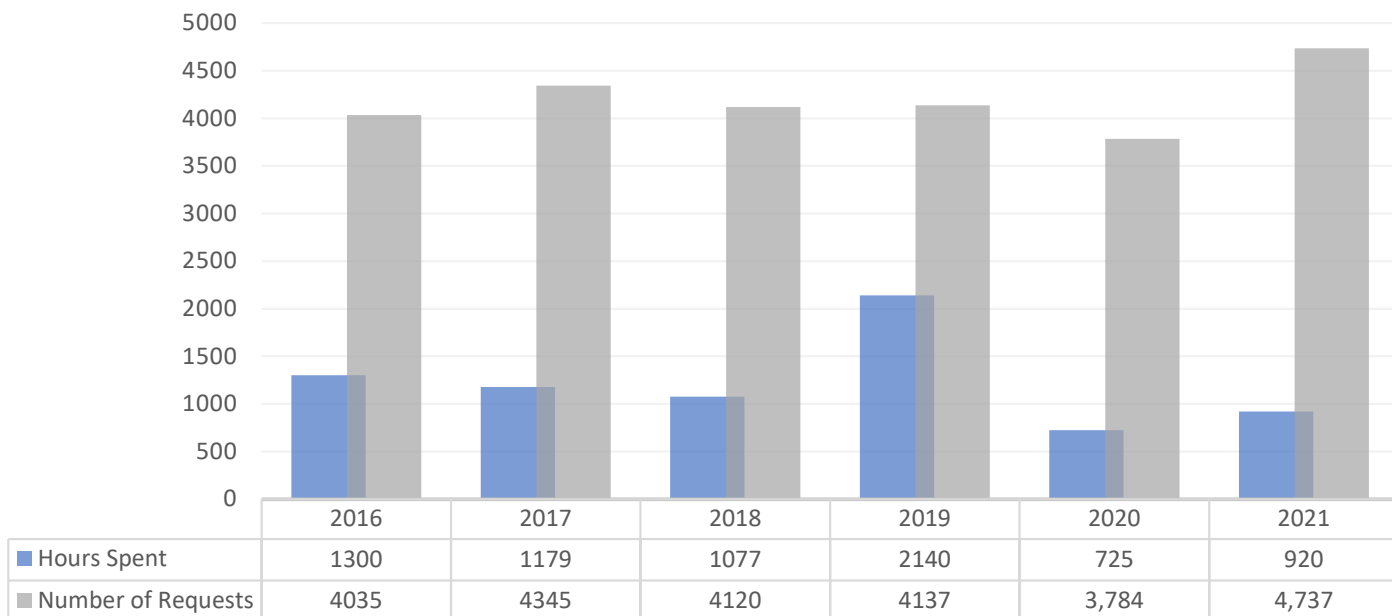
In addition to the 15,299 case reports, the Records Division processed thousands of citations, infractions, arrest warrants and protections orders.

## RECORDS PROCESSED



# PUBLIC RECORDS REQUESTS

Gathering information for Public record requests has become a large part of the Records Division duties.



# SPECIALTY UNITS



The Auburn Police Department supported the City and greater law enforcement community with a variety of well trained and equipped specialty units. They include, but are not limited to, the following:

- SWAT team
- Crime Scene Response Team
- Bicycle Unit
- Crisis Communications Unit (CCU – Hostage Negotiator)
- Civil Disturbance Unit (CDU – Riot Control)
- Honor Guard
- K-9 Officers
- VIT - Valley Investigations Team (Officer Involved Incident)



## SWAT TEAM

The SWAT team trains three times a month and completes a team training week every year. The team was called out to execute 45 actual missions during 2021. Auburn is part of Valley SWAT, comprised of the cities of Auburn, Kent, Renton, Tukwila, Federal Way, Des Moines, and the Port of Seattle.



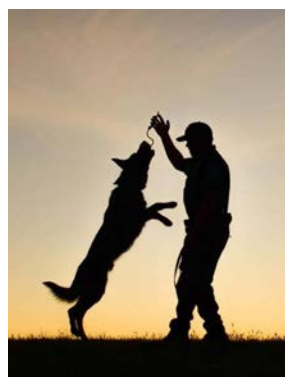
## HONOR GUARD



The Auburn Police Honor Guard performs in numerous community events such as :

- Auburn Days Parade
- Veterans Day Parade
- Officer's Funerals

## K-9 UNITS



The Auburn Police Department has three K-9 Units. All are generalists (tracking dogs).

## CIVIL DISTURBANCE UNIT (CDU)



The Auburn Police Department is part of the Valley Civil Disturbance Unit (VCDU). Auburn partners with the other valley agencies; Federal Way, Renton, Kent, Tukwila and the Port of Seattle. As a team we provide a well trained and equipped civil disturbance/civil disobedience response for South King County. The Auburn CDU responded to demonstrations in Seattle, Tukwila, Bellevue, Federal Way and in Auburn. During the two Auburn demonstrations there was no property damage, no injuries and no arrests made.



## ANIMAL CONTROL



**ANIMAL CONTROL OFFICER  
RAY PECKHAM**

Animal services in the City of Auburn are provided by the Auburn Police Department's Animal Control officers. If you are experiencing a life-threatening animal-related emergency, call 911. For non-emergency animal control service, please call 253-931-3062 or the non-emergency police line at 253-288-2121. The Animal Control Officers respond to the following requests:

- Vicious animal complaints
- Animal complaints/bites
- Disruptive animals
- Injured wildlife
- Injured animal rescues
- Dead-on-arrival livestock/cats/dogs
- Police department calls for assistance
- Loose livestock on roadways
- Aggressive or sick animal pickup
- Animal cruelty investigations
- Wildlife in the living area of a home



**ANIMAL CONTROL OFFICER  
SARAH CATTANEO**



### TOTALS FOR 2021

Calls ..... 1,506

Calls include impounds, self-initiated contacts, citations & infractions, and warnings.

## MUCKLESHOOT OFFICER



**MIT OFFICER  
ANDY GOULD**

The Auburn Police Department continues a positive relationship with the Muckleshoot Indian Tribe with its law enforcement partnership. The department has an officer assigned full time as the Muckleshoot Indian Tribe Officer who acts as a liaison between the Auburn Police, the Tribe and the King County Sheriff's Office Muckleshoot Detachment.

Officer Andy Gould has been the department's MIT liaison officer since September 9, 2018.

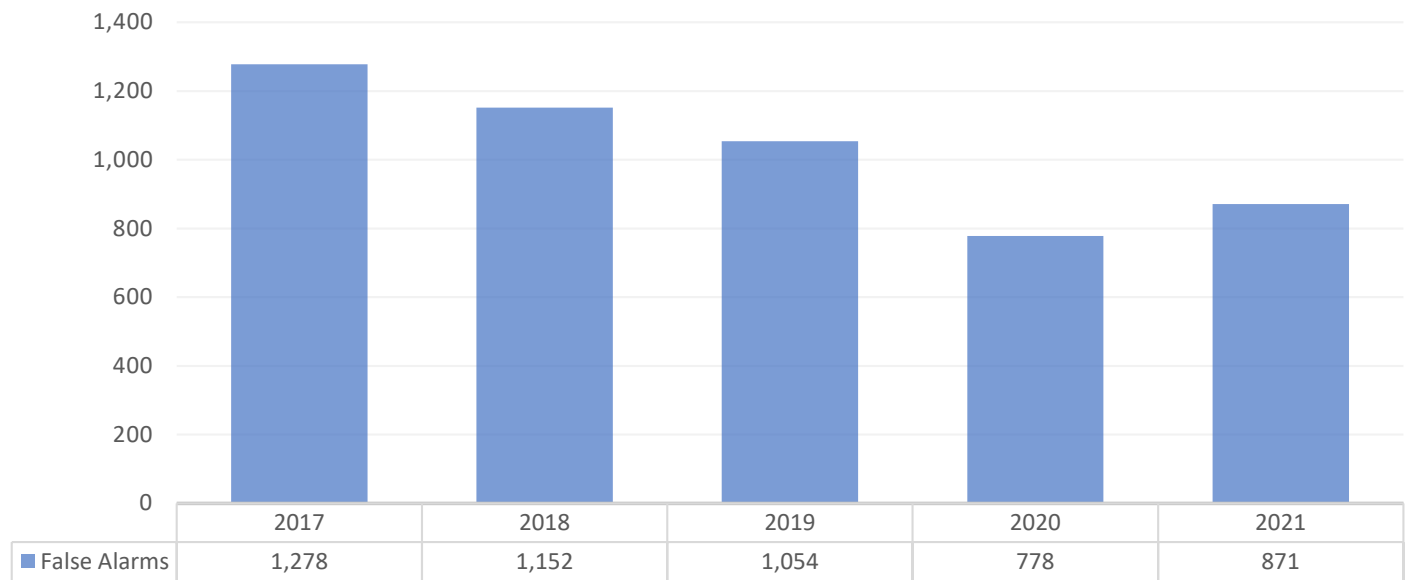
Officer Gould is primarily responsible for incidents involving tribal members inside the city limits, but also assists the King County Deputies outside the city limits with Muckleshoot related matters. Some of his daily responsibilities include working with the King County Deputies on joint projects, as well as interacting with the Muckleshoot Tribal Council, Child and Family Services, Elder Services, Security, Code Enforcement, and Housing. Officer Gould's office is located in the Muckleshoot Community building at Auburn Way S and Fir St SE.



# FALSE ALARMS

Scarce resources combined with an increased demand for services make responding to false alarms an extreme burden for public safety agencies. Non-critical calls for service, such as false alarms, decrease the amount of time officers spend responding to true emergencies and reduce the number of staff available for crime prevention. Without effectively managing false alarms, the number of false alarms continues to increase every year. With the comprehensive false alarm ordinance in place by the City of Auburn, our officers are freed to spend more time proactively patrolling their districts.

## FALSE ALARMS



# HAIL AND FAREWELL

## THE FOLLOWING PERSONNEL JOINED THE AUBURN POLICE DEPARTMENT IN 2021



MIKE SMITH



PAUL ROELLER



JULIE JACOBO



KYLE GRUBER



JAMIE DUBOIS



JORDAN ZUEGER

## THE FOLLOWING PERSONNEL RETIRED FROM THE AUBURN POLICE DEPARTMENT IN 2021



JON (JT) THORNTON



JOE VOJIR



STEVE STOCKER



## OUR VISION

To be a premier law enforcement agency that is trusted, supported and respected.

## OUR MISSION

To provide professional law enforcement services to our community.

## CORE VALUES - CHIP

### COURAGE

Bravely standing up to danger and adversity

### HONOR

Serving a noble purpose, we hold this profession in high esteem

### INTEGRITY

Our decisions and actions are based on trust and honesty

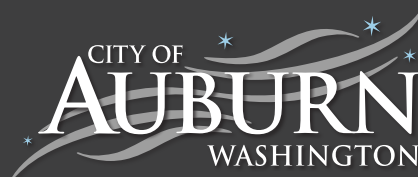
### PROFESSIONALISM

Our sense of duty to conduct ourselves to the highest level of competence and character



## THE AUBURN POLICE DEPARTMENT IS A STATE ACCREDITED AGENCY

The Auburn Police Department is actively looking for volunteers. If you are interested in being a part of our volunteer program please visit our website at [www.auburnwa.gov/police](http://www.auburnwa.gov/police)



AUBURN POLICE DEPARTMENT  
340 EAST MAIN STREET, SUITE 201, AUBURN, WA 98002



## AGENDA BILL APPROVAL FORM

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**Agenda Subject:**

Ordinance No. 6866 (Caillier/Comeau) (5 Minutes)

**Date:**

May 18, 2022

**Department:**

Police

**Attachments:**

[Ordinance No. 6866](#)

[Exhibit A, Ordinance No. 6866](#)

[Exhibit B, Ordinance No. 6866](#)

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

Ordinance No. 6866 amends ACC 9.26.900 and ACC 9.42.900 related to domestic violence enforcement in the City. These amendments are required to conform to recent state law changes in ESSHB 1320, which moved several current RCW's related to domestic violence to newly created RCW chapter 7.105. Ordinance No. 6866 updates current City Code to make the correct references to the new RCW chapter, which takes effect on July 1<sup>st</sup>, 2022. Staff recommends the adoption of this ordinance.

**Reviewed by Council Committees:**

**Councilmember:** Jeyaraj

**Staff:**

Caillier/Comeau

**Meeting Date:** May 23, 2022

Item Number:

## **ORDINANCE NO. 6866**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS OF THE AUBURN CITY CODE TO CONFORM TO RCW CHANGES RESULTING FROM ESSHB 1320

WHEREAS, Auburn City Code (ACC) sections 9.26.900 and 9.42.900 adopt by reference several sections of RCW 10.14 and RCW 26.50 pertaining to domestic violence and harassment enforcement;

WHEREAS, on May 10, 2021, the State Legislature passed ESSHB 1320, which moves the RCW sections adopted by ACC 9.26.900 and 9.42.900 from RCW chapters 10.14 and 26.50 to RCW 7.105, a newly created RCW chapter. This State law change takes effect on and after July 1, 2022;

WHEREAS, revising ACC 9.26.900 and 9.42.900 is necessary to update these adopted RCW references to conform with the RCW changes resulting from the passage of ESSHB 1320.

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

**Section 1. Amendment to City Code.** Section 9.26.900 of the Auburn City Code is amended to read as set forth in Exhibit A to this Ordinance.

**Section 2. Amendment to City Code.** Section 9.42.900 of the Auburn City Code is amended to read as set forth in Exhibit B to this Ordinance.

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

**Section 4. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective date.** Upon its passage, approval, and publication as provided by law, and to coincide with the effective date in ESSHB 1320, this Ordinance will take effect and be in force on and after July 1, 2022.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

\_\_\_\_\_  
Kendra Comeau, City Attorney

Published: \_\_\_\_\_

## EXHIBIT A—ORDINANCE NO. 6866

### ACC 9.26.900 Statutes incorporated by reference.

The following statutes are incorporated in this chapter by reference, as now enacted or hereafter amended:

#### RCW

|                      |                                                                                                                                                      |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>RCW</u> 9A.36.150 | Interfering with the reporting of domestic violence                                                                                                  |
| <u>RCW</u> 9A.42.080 | Abandonment of a dependent person in the third degree                                                                                                |
| <u>RCW</u> 10.99.010 | Purpose— <del>I and intent</del>                                                                                                                     |
| <u>RCW</u> 10.99.020 | Definitions                                                                                                                                          |
| <u>RCW</u> 10.99.040 | <del>Restrictions upon and d</del> Duties of court— <u>No-contact order</u>                                                                          |
| <u>RCW</u> 10.99.045 | Appearances by defendant— <u>Defendant's history</u> — <del>No-</del><br>contact order                                                               |
| <u>RCW</u> 10.99.080 | <del>Domestic violence) p</del> Penalty assessments                                                                                                  |
| <u>RCW</u> 26.09.300 | Restraining orders—Notice—Refusal to comply—Arrest—<br>Penalty—Defense—Peace officers, immunity                                                      |
| <u>RCW</u> 7.105     | <u>All sections within RCW Chapter 7.105</u>                                                                                                         |
| <del>26.50.010</del> | <del>Definitions</del>                                                                                                                               |
| <del>26.50.020</del> | <del>Commencement of action—Jurisdiction—Venue</del>                                                                                                 |
| <del>26.50.030</del> | <del>Petition for order for protection—Availability of forms and—<br/>instructional brochures—Filing fee, when required—<br/>Bond not required</del> |
| <del>26.50.040</del> | <del>Application for leave to proceed in forma pauperis</del>                                                                                        |
| <del>26.50.050</del> | <del>Hearing—Service—Time</del>                                                                                                                      |
| <del>26.50.060</del> | <del>Relief—Realignment of designation of parties</del>                                                                                              |
| <del>26.50.070</del> | <del>Ex parte temporary order for protection</del>                                                                                                   |
| <del>26.50.080</del> | <del>Issuance of order—Assistance of peace officer—<br/>Designation of appropriate law enforcement agency</del>                                      |
| <del>26.50.090</del> | <del>Order—Service—Fees</del>                                                                                                                        |
| <del>26.50.110</del> | <del>Violation of order—Penalties</del>                                                                                                              |
| <del>26.50.130</del> | <del>Order—Modification—Transmittal</del>                                                                                                            |
| <del>26.50.140</del> | <del>Peace officers—Immunity</del>                                                                                                                   |
| <del>26.50.200</del> | <del>Title to real estate—Effect</del>                                                                                                               |
| <del>26.50.210</del> | <del>Proceedings additional</del>                                                                                                                    |

## EXHIBIT B—ORDINANCE NO. 6866

### ACC 9.42.900 Statutes incorporated by reference.

The following statutes are incorporated in this chapter by reference, as now enacted or hereafter amended:

#### RCW

|                         |                                                                       |
|-------------------------|-----------------------------------------------------------------------|
| <u>RCW</u> 9.61.240     | Telephone harassment – Permitting telephone to be used                |
| <u>RCW</u> 9.61.250     | Telephone harassment – Offense, where deemed committed                |
| <u>RCW</u> 9A.46.030    | Place where committed                                                 |
| <u>RCW</u> 9A.46.040    | Court-ordered requirements upon person charged with crime – Violation |
| <u>RCW</u> 9A.46.050    | Arraignment – No-contact order                                        |
| <u>RCW</u> 9A.46.060    | Crimes included in harassment                                         |
| <u>RCW</u> 9A.46.080    | Order restricting contact – Violation                                 |
| <u>RCW</u> 9A.46.090    | Nonliability of peace officer                                         |
| <u>RCW</u> 9A.46.100    | “Convicted,” time when                                                |
| <u>RCW</u> 9A.46.110(6) | Stalking <del>[Definitions]</del>                                     |
| <u>RCW</u> 7.105.455    | <u>Enforcement and penalties—Antiharassment protection orders</u>     |
| <del>10.14.170</del>    | <del>Criminal penalty [Harassment]</del>                              |



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Ordinance No. 6867 (Caillier/Comeau) (5 Minutes)

**Department:**

Police

**Attachments:**

[Ordinance No. 6867](#)

**Date:**

May 18, 2022

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

Ordinance No. 6867 repeals ACC section 9.34.030 which regulates discharging firearms in the City. Similarly, RCW 9.41.230 regulates discharging firearms throughout the State. ACC 9.34.900 has already adopted RCW 9.41.230 by reference. The 2022 State Supreme Court ruling in Bass v. City of Edmonds declared the State fully occupies and preempts the field of firearms regulation. This decision establishes that ACC 9.34.030 is preempted by State RCW and staff recommends the adoption of this ordinance.

**Reviewed by Council Committees:**

**Councilmember:** Jeyaraj

**Staff:**

Caillier/Comeau

**Meeting Date:** May 23, 2022

Item Number:

**ORDINANCE NO. 6867**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, REPEALING SECTION 9.34.030 OF THE AUBURN CITY CODE, RELATED TO DISCHARGING FIREARMS WITHIN THE CITY

WHEREAS, Auburn City Code (ACC) section 9.34.030 regulates discharging firearms in the City. RCW 9.41.230 similarly regulates discharging firearms throughout the State. The City has adopted RCW 9.41.230 by reference in ACC 9.34.900;

WHEREAS, RCW 9.41.290 provides that the State fully occupies and preempts the field of firearms regulation;

WHEREAS, in Bass v. City of Edmonds (No. 99596-6, Wash. April 21, 2022), the Washington Supreme Court invalidated an Edmonds firearms ordinance that conflicted with State firearms law. The Court ruled that RCW 9.41.290 preempted the Edmonds ordinance;

WHEREAS, the Bass decision establishes that ACC 9.34.030 is similarly preempted by State law and should be repealed.

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

**Section 1. Repeal of City Code Section.** Section 9.34.030 of the Auburn City Code is hereby repealed.

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

**Section 3. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision,

section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 4.** **Effective Date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

Introduced: \_\_\_\_\_

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

CITY OF AUBURN

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

\_\_\_\_\_  
Shawn Campbell, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kendra Comeau, City Attorney

PUBLISHED: \_\_\_\_\_



## AGENDA BILL APPROVAL FORM

**Agenda Subject:**

Ordinance No. 6869 (Caillier/Comeau) (5 Minutes)

**Department:**

Police

**Attachments:**

[Ordinance No. 6869](#)

[Exhibit A, Ordinance No. 6869](#)

**Date:**

May 18, 2022

**Budget Impact:**

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

**Administrative Recommendation:**

For discussion only.

**Background for Motion:****Background Summary:**

Ordinance No. 6869 amends ACC 10.36.263 to add enforcement measures related to repeat parking violations in City parking facilities. The Ordinance defines a "multiple offender" within a 24 hour period and a corresponding infraction. The amendment adds the ability of the City to issue a trespass admonishment to an individual associated with a vehicle, after being found by a court to have committed 3 or more separately issue parking infractions at the specific location. It also adds the ability to impound a vehicle that has been found by a court to have committed 3 or more separately issued parking infractions at a specific location.

**Reviewed by Council Committees:**

**Councilmember:** Jeyaraj

**Staff:**

Caillier/Comeau

**Meeting Date:** May 23, 2022

Item Number:

**ORDINANCE NO. 6869**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
AUBURN, WASHINGTON, AMENDING SECTION 10.36.263  
OF THE AUBURN CITY CODE RELATED TO CONTINUOUS  
OR MULTIPLE VEHICLE PARKING VIOLATIONS ON CITY  
OWNED OR CONTROLLED PROPERTY

WHEREAS, Auburn City Code (ACC) section 10.36.263 regulates continuous and multiple parking violations on City owned or controlled property as a \$50.00 infraction;

WHEREAS, repeat and ongoing parking violations at various locations in the City continue to impact motorists and the community despite the provisions of ACC 10.36.263;

WHEREAS, ACC 10.63.263 should be updated to add potential enforcement measures that will more effectively address repeat and ongoing parking violations within the City. Adopting such measures would be in the best interests of the City and its residents.

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

**Section 1. Amendment to City Code.** Section 10.36.263 of the Auburn City Code is amended to read as set forth in Exhibit A to this Ordinance.

**Section 2. Implementation.** The Mayor is authorized to implement the administrative procedures necessary to carry out the directives of this legislation.

**Section 3. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 4.** **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Shawn Campbell, MMC, City Clerk

\_\_\_\_\_  
Kendra Comeau, City Attorney

Published: \_\_\_\_\_

# EXHIBIT A—ORDINANCE NO. 6869

## ACC 10.36.263      Continuous or multiple parking—~~Multiple~~ violations.

A. Continuous or multiple parking violations. Any person or vehicle in continuous violation of any parking restriction in this title within a single 24 hour period, or any person or vehicle found in violation of in continuous violation of any the parking restriction in time limit provisions of this title 3 or more separate times within a single 24-hour period, or any person who commits multiple violations of the parking time limit provisions of this title, within the same 24-hour period, may also be additionally cited under this section as a multiple offender. This offense is and such act shall be an infraction which shall be punishable by a \$50.00 fine of \$50.00.

### B. Additional penalties for multiple parking violations.

1. Trespass admonishment. In addition to the subparagraph A penalties, City officials may issue trespass admonishments to any person owning, operating or otherwise associated with a vehicle parked at a City owned or controlled parking lot or facility after being found by a court to have committed 3 or more separately issued parking infractions at the location. The issued admonishment may prohibit the person from returning to the location for a time period specified in the admonishment.-

2. Vehicle impound. Vehicles parked on a City right of way or at a City owned or controlled parking lot or facility after being found by a court to have committed 3 or more separately issued parking infractions at the location may be impounded by the Chief of Police or designee. Redemption of any such impounded vehicle shall be as provided in RCW 46.55 and other applicable law.