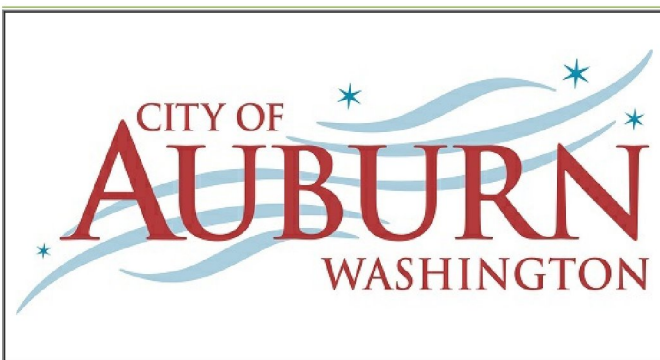


	City Council Study Session PWCD SFA February 26, 2018 - 5:30 PM Council Chambers - City Hall AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

- A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. Developer Fee Cost of Service Study (30 Minutes) (Coleman)
- B. BIA Update (15 Minutes) (Hinman)
- C. Resolution No. 5350 (10 Minutes) (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, approving the Lodging Tax Grant disbursements recommended by the Auburn Lodging Tax Advisory Committee

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

- A. Ordinance No. 6675 (10 Minutes) (Tate)
Ordinance No. 6675, City-initiated Rezones to implement previous Annual Comprehensive Plan Amendments
- B. Mobile Home Closure Process (20 Minutes) (Tate)
Overview of the City and State regulations that define the requirements and process for closing an existing mobile home park
- C. Capital Project Status Report (15 Minutes) (Gaub)
- D. Ordinance No. 6672 (10 Minutes) (Gaub)
An Ordinance of the City Council of the City of Auburn, Washington, amending Chapter 12.12 of the City Code relating to public sidewalks
- E. Ordinance No. 6679 (10 Minutes) (Gaub)
An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 3.10.020, 3.10.025, 3.10.026, 3.12.020, 3.12.030, 3.12.060, 3.12.070 And 3.12.080 of the City Code and creating a new Section 3.10.060 of the City Code relating to public contracting
- F. IT Update (15 Minutes) (Haugan)

V. OTHER DISCUSSION ITEMS

VI. NEW BUSINESS

VII. MATRIX

A. Matrix

VIII. 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:

Developer Fee Cost of Service Study (30 Minutes) (Coleman)

Date:

February 21, 2018

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:**Administrative Recommendation:**

Information only

Background Summary:

In May 2017, the City contracted with Financial Consulting Services Group (FCS) to perform a study to determine the cost of providing developer fee-related services, compare those costs to actual fees charged, and provide recommendations for establishing cost recovery policies for future developer fees. During the Council study session, the consultant will discuss their approach, provide preliminary results and a comparison of Auburn's fees to other area cities, and identify key policy issues for Council consideration.

The consultant's presentation will focus on overall program level results (i.e., building, planning, and engineering) but the analysis determined the cost recovery for each individual fixed fee.

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

Coleman

Meeting Date: February 26, 2018

Item Number:



AGENDA BILL APPROVAL FORM

Agenda Subject:

BIA Update (15 Minutes) (Hinman)

Department:

Administration

Attachments:

[BIA Update](#)

Date:

February 21, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: February 26, 2018

Staff:

Hinman

Item Number:

Business Improvement Area Committee of Ratepayers

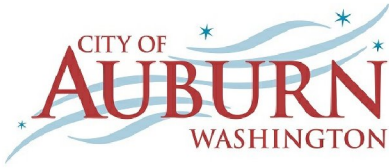
February 26 City Council Study Session

- **New Business BIA Fees**

A new start-up business within the BIA that is not exempt will have the first year fee prorated through the end of the current year.

- **Current Items under study by BIA Committee**

- Additional security lighting
- Nightly garbage pickup & removal of trash containers
- Hanging planters throughout the entire BIA
- Lighting in trees
- Lighting across streets
- New banners down Main Street and Division Street
- Replacement of Christmas decorations
- Better maintenance on existing street lights
- Establish an infrastructure in the downtown area that provides accessible power, restrooms, etc., to allow for events and activities in the downtown area
- Tables, chairs, tents for event activities
- Permit parking for downtown employees



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5350 (10 Minutes) (Hinman)

Department:

Administration

Attachments:

[Resolution No. 5350](#)

[Exhibit A](#)

Date:

February 21, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: February 26, 2018

Staff:

Hinman

Item Number:

RESOLUTION NO. 5350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, APPROVING THE LODGING
TAX GRANT DISBURSEMENTS RECOMMENDED BY THE
AUBURN LODGING TAX ADVISORY COMMITTEE

WHEREAS, the City of Auburn has businesses within its corporate limits that collects lodging tax dollars in accordance with Chapter 67.28 of the Revised Code of Washington (RCW); and

WHEREAS, the City of Auburn has a lodging tax advisory committee, the Auburn Lodging Tax Advisory Committee, established pursuant to Chapter 2.77 of the Auburn City Code (ACC), in accordance with RCW 67.28.1817; and

WHEREAS, pursuant to ACC 2.77.060, the Lodging Tax Advisory Committee makes recommendations to the City Council on tourism promotion and tourism related issues; and

WHEREAS, also pursuant to ACC 2.77.060 , the Tourism Board shall assist the City Council in formulating strategies for tourism related activities and programs geared to promote the city of Auburn as a tourist destination, and shall make recommendations to the City Council on tourism promotion and tourism related issues; and

WHEREAS, on February 6, 2018, the Auburn Lodging Tax Advisory Committee met to consider proposals for expending lodging tax dollars (taxes collected in accordance with Chapter 67.28 RCW), and consider proposals from various different potential recipients in terms of expanding lodging tax dollars in a way to promote the City of Auburn as a tourist destination; and

WHEREAS, after the February 6, 2018 meeting, the Lodging Tax Advisory Committee voted on the proposals and requests they received for expenditure of lodging tax dollars; and

WHEREAS, the Lodging Tax Advisory Committee have submitted their recommendations for expenditure of lodging tax dollars to the City Council for consideration and approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. Approval of Recommendations. The City Council hereby approves and endorses the expenditure of lodging tax dollars in accordance with the lodging tax disbursements recommended by the Auburn Lodging Tax Advisory Committee as shown on the lodging tax grants/recommended disbursements list, a copy of which is attached hereto, marked as exhibit "A" and Incorporated herein by this reference.

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

Section 3. Effective Date. This Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2018.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

RESOLUTION NO. 5350 EXHIBIT A

2018 Lodging Tax Grants

Motion: Committee Member Faltenburger moved to recommend giving a \$7,500.00 grant to the Tough Mudder, Inc., \$3,500.00 to the City of Auburn Parks, Arts and Recreation for the City of Auburn Petpalooza, \$2,000.00 to the Seattle Parrot Expo, and \$3,500.00 to the City of Auburn Parks, Arts and Recreation for the 2018 City of Auburn Veterans Parade and Observance. Committee Member Sohal seconded the motion. Motion passed unanimously.

Event: Veterans Day Parade

Amount Requested: \$3,500.00

**Approved Amount
\$3,500.00**

- Funds for digital marketing on social media throughout the state focusing on Veterans, supporters of Veterans, active military, the military base cities outside of a 50+ mile radius.
- Event to be held November 10, 2018.
- Previous parades with 25,000 people in attendance and 6,000 parade participants.
- Puts heads in beds with from parade participants and band competition.

Event: Petpalooza

Amount Requested: \$5,000.00

**Approved Amount
\$3,500.00**

- 2017 Attendance: 9,000 attendance
- Event is on May 19, 2018.
- Funds are for advertising event
- This beloved Auburn annual event puts heads in beds.

Event: Tough Mudder

Amount Requested: \$7,500.00

**Approved Amount
\$7,500.00**

- Two Day Event, it is a team oriented obstacle course challenge
- 2017 Attendance 9,172
- Event is on September 22 & 23, 2018
- 55% of out of market attendees stayed in hotels for the event at 1.6 average length of stay.
- Will use funds for Digital Advertising for national promotional advertising on Facebook, Google AdWords and Bing advertising, and Google Display Network digital advertising and video promotional campaigns.

Event: Seattle Parrot Expo

Amount Requested: \$2,000.00

**Approved Amount
\$2,000.00**

- Free to the Public, three day event on October 12, 13, 14, 2018
- 2017 Attendance 1,200 during the two day event
- The event is organized to open communication about parrots in the wild, as pets via a 25 bird aviary; educational games, children's story time, and free-flying parrots.
- Will use funds for event promotion, directional signage, and ad in the Auburn Reporter.

2018 Total Grants Recommended by the LTAC: \$16,500.00



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6675 (10 Minutes) (Tate)

Date:

February 14, 2018

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 - Agenda Bill](#)
[Exhibit 2 - Ordinance No. 6675](#)
[Exhibit 3 - Vicinity Maps for both sites](#)
[Exhibit 4 - Zoning Maps for current and proposed zoning](#)
[Exhibit 5 - 2015 Arial Photograph for both sites](#)
[Exhibit 6 - Determination of Non-Significance \(DNS\) for SEP17-0014](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

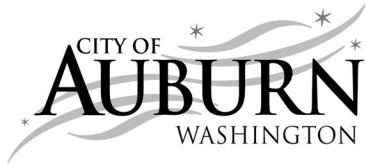
Please see the attached Agenda Bill.

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

Tate

Meeting Date: February 26, 2018

Item Number:



AGENDA BILL APPROVAL FORM

Agenda Subject Ordinance No. 6675, City-initiated Zoning Map Amendment (Rezone), REZ18-0001		Date: February 20, 2018
Department: Community Development & Public Works	Attachments: See listing at end of report	Budget Impact: N/A
Administrative Recommendation: City Council to introduce and adopt Ordinance No. 6675 approving the City-initiated Zoning Map Amendment (Rezone)		

APPLICANT:	City of Auburn Planning Division Dept. of Community Development & Public Works 25 West Main ST Auburn, WA 98001-4998
REQUEST:	File No. REZ18-0001 City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments; The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 0.98-acre city-owned park parcel from "R-20, Residential Zone, 20 units to the acre" to "I, Institutional" in response to recent City ownership as a developed park.
LOCATION:	The four contiguous parcels located on the east of C ST NW between W Main ST and 3rd ST NW, with the following parcel numbers and addresses: 5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) within the NE quarter of Section 13, Township 21 North, Range 4 East, W.M. The remaining parcel is located south of SE 310th ST, approx. 820 feet west of 124th Ave SE, with the following Parcel No. 0921059073 (no address) within the NW quarter of Section 9, Township 21 North, Range 5 East, W.M.

Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☐ Hearing Examiner ☐ Human Services ☐ Park Board ☒ Planning Comm.	Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☒ Fire ☒ Legal ☒ Public Works ☐ M&O ☐ Mayor ☒ Parks ☒ Planning ☐ Police ☐ Human Resources
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Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Tabled _____		Call for Public Hearing ____/____/____ Until ____/____/____ Until ____/____/____
Councilmember:	Staff: Tate	
Meeting Date: February 26, 2018	Item Number:	

EXISTING ZONING: The first group is 4 privately-owned, parcels currently zoned "DUC, Downtown Urban Center".

The other location is a 0.98-acre city-owned park parcel currently zoned "R-20, Residential Zone, 20 dwelling units to the acre".

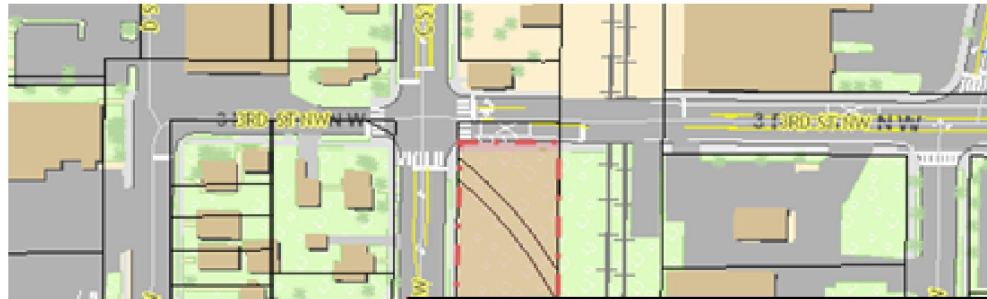
EXISTING COMPREHENSIVE PLAN DESIGNATION: The first group is 4 privately-owned, previously developed parcels that have a comprehensive plan designation of "Light Industrial". The other location is a 0.98-acre city-owned park parcel that has a comprehensive plan designation of "Institutional". Both locations were recently changed as part of the City's Annual Comprehensive Plan amendments adopted by Ordinance No. 6667 on December 18, 2017.

SEPA STATUS: A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **first group of 4 parcels** are as follows:

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	"Light Industrial"	DUC, Downtown Urban Center	Warehouse, bulk propane tank, storage building, parking lot.
North	"Heavy Industrial"	M1, Light Industrial,	Single-family residences & vehicle fueling station
South	"Downtown Urban Center"	DUC, Downtown Urban Center	Auto body repair shop
East	"Light Industrial"	DUC, Downtown Urban Center with M1, Light Industrial, beyond	Railroad line and vehicle fuel distribution business
West	"Downtown Urban Center"	DUC, Downtown Urban Center	single-family residences and irrigation contractor business across C ST NW

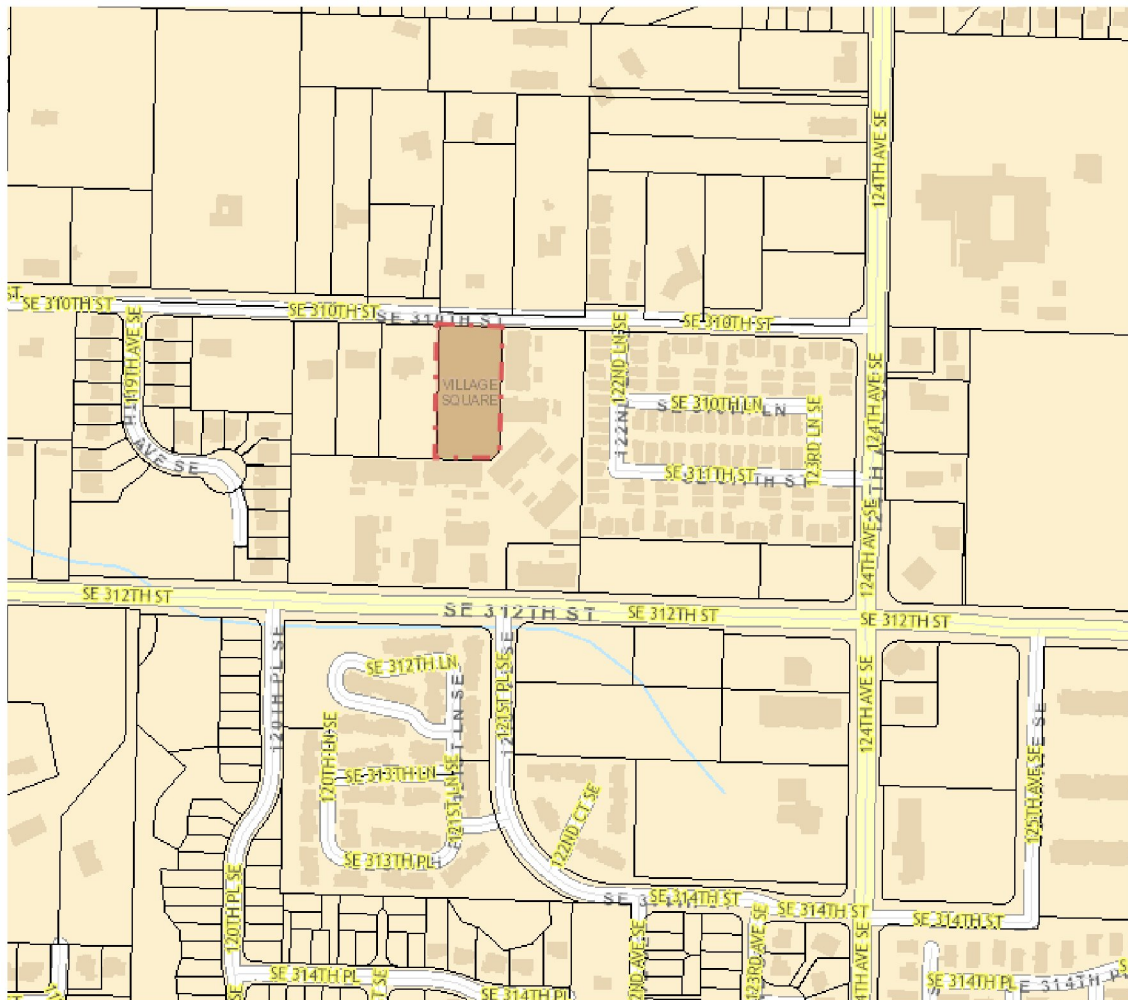
VICINTY MAP



The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **second location is as follows:**

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	"Institutional"	R-20, Residential (Twenty dwelling units per acre)	City-owned park
North	"Single-Family Residential"	R5, Residential (Five dwelling units per acre)	Multiple family apartments
South	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
East	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
West	"Single-Family Residential"	R5, Residential (Five dwelling units to the acre)b	Single-family residences

VICINITY MAP



A. FINDINGS

The City identified the Comprehensive Plan Map Amendment and associated step of rezoning these parcels as part of the actions for the annual Comprehensive Plan amendments. This City-initiated proposal consists of changing the zoning classification of the following 5 properties:

Parcel ID Number/ address	Property owner	Parcel Size	Comprehensive Plan Designation	Existing Zoning Classification	Current Land Use
5401600175/ 232 C ST NW	Ho & Nancy Kim	0.7 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former Del's Farm Supply consisting of 5,238 sq. ft. of warehouse & 1,500 sq. ft. of attached office/store. Currently unoccupied/
5401600200/ (No address)	Ho & Nancy Kim	0.06 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former railroad spur line bisecting parcel -0200 currently vacant
5401600235/ 301 2nd ST NW	CHS Inc.	0.34 acres	Downtown Urban Center	DUC, Downtown Urban Center	Cenex bulk propane storage tanks
5401600260/ (No address)	Gary & Karen Stamps	0.24 acres	Downtown Urban Center	DUC, Downtown Urban Center	Parking lot /vacant

Parcel ID Number/ address	Property owner	Parcel Size	Comprehensive Plan Designation	Existing Zoning Classification	Current Land Use
Parcel No. 0921059073 (no address)	City of Auburn	0.98 acres	Institutional	R-20, Residential (Twenty dwelling units per acre)	Developed city park

1. The first group of parcels border C ST NW, which is classified by the City's Comprehensive Transportation Plan as a "Minor Arterial". The northern most parcel also borders 3rd ST NW, which is also classified as a "Minor Arterial". The second location borders SE 310th ST, which is classified as a "Local Residential" street.
2. All of the properties are developed, or if now vacant, have previously been developed. All the sites are relatively flat and do not contain environmentally critical areas.

History of Existing Development

3. The first group of parcels were part of the oldest city limits originally incorporated in 1890. Ordinance No. 6121 annexed the second location to the City as part of Lea Hill annexation area effective in 2008.

4. For the **first group of parcels**, the land use designations and zoning for the subject properties have not been re-evaluated for many years and therefore have not considered the continued appropriateness of the land use designations. The boundaries of the DUC, Downtown Urban Center zoning district were originally adopted in 2007 when the city was desirous of establishing a downtown center zoning classification over a broad area. While the justification for the establishment of the boundaries cannot be precisely recreated, it may have been contemplated that the properties would likely redevelop, but this has not happened.

The contiguous sites are located at the northern margin of the "Downtown Urban Center" Comprehensive Plan designation and bordered to the north and the east by properties with an "Industrial" designation. The sites align in a row north to south and are bordered by public streets of C ST NW to the west, 3rd ST NW to the north and by the Burlington Northern railroad to the east. The automobile body shop of A-1 Collision borders the sites to the south.

The two largest parcels, Parcel No. 5401600175 (0.7 acres) and Parcel No. 5401600235 (0.34 acres) have been developed for more than 25 years with structures and facilities that are more appropriate characterized as "industrial uses" than suburban downtown development. The configuration and location of the properties sandwiched between transportation corridors makes them less suitable for redevelopment as downtown service or retail type uses geared to leisure shopping and that would be appropriately subject to strict architectural and site design requirements. Due to the number of recent zoning inquiries, the City staff has increasingly become aware of the difficulty of the property owner in finding tenants that can occupy the former Del's Farm Supply building and meet the zoning use regulations of the DUC zoning district. Few uses are capable of using the building with few physical alterations in order to avoid triggering consistency with Downtown Design Standards and significant upgrades.

5. Related to the **second site**, in 1996 the 0.98-acre property was part of a larger 2.23-acre property ownership by Schneider Homes Inc. that was proposed for development as the 'Pasafino Apartments' while in unincorporated King County prior to annexation to the City of Auburn. In 1996 a 'Petition for Annexation Agreement and Declaration of Covenant' was executed between the City and Schneider Homes Inc. in order for the City to provide water and sewer services to the proposed apartment development located outside the city, but within the city's established utility service area. An 'Amended Petition for Annexation Agreement and Declaration of Covenant' was executed on April 21, 1997. The Agreements provided that as a condition of the City providing water and sewer utility services, Schneider Homes Inc. would develop a park, and after annexation, convey the developed park land to the City of Auburn without obligation or cost. At the time of transfer, the city parks department would assume maintenance responsibility. Ordinance No. 6121 annexed the property to the City of Auburn effective in 2008; however, the transfer of ownership of the park land did not take place for many more years since the park land was not a separate parcel that could be deeded separately to the City. Schneider Homes Inc. filed a Boundary Line Adjustment (BLA) application (File #BLA14-0005) in May of 2014 to establish the park land as a separate parcel. The processing of the BLA was delayed due to changes in property ownership interest on the part of Schneider Homes Inc. for refinancing purposes. The BLA was subsequently approved by the City and recorded on November 2, 2016 (Recording #20161102900004) and the property subsequently conveyed to the City. The park is depicted as "Village Square Park" on the city website.

It was previously appropriate to have the Comprehensive Plan land use designation of "Multiple Family Residential" applicable to the site when it was privately-owned and part of a larger parcel that is mainly developed with apartments. However, now that Parcel No. 0921059073 is a separate parcel (as a result of the boundary line adjustment and deed), owned by the City and developed for park purposes, it is appropriate for it to have the zoning classification be: "I, Institutional" to implement and correspond with the "Institutional" land use designation of the Comprehensive Plan. This is the same zoning classification applied to other City park properties.

Relationship of Comprehensive Plan Annual Amendments and the Rezone Processing

6. At its October 18, 2017 public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #3 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of the 4 parcels from "Downtown Urban Center" to "Light Industrial" to recognize and be more compatible with developed status of the properties.

At this same public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #2 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of a 0.98-acre city-owned park parcel from "Multiple Family Residential" to "Institutional" in response to recent City ownership as a developed park.

At the conclusion of the hearing, the Planning Commission forwarded its recommendation for approval of the comprehensive plan map changes to the City Council.

7. At its November 27, 2017 Study Session, the City Council reviewed the Amendments and the draft Ordinance No. 6667. On December 18, 2017, the City Council approved Ordinance No. 6667 approving both sets of Comprehensive Plan Map amendments, among others.

These proposed rezones implement the corresponding Comprehensive Plan designations of "Light Industrial" as identified on Page LU-11; and of the "Institutional" as found on Page LU-14, of the Comprehensive Plan.

8. In June 2017 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comprehensive Plan and Zoning map amendments), concurrently. This eliminates the need for the rezone (zoning map amendment) to subsequently be heard and decided by the Planning Commission or Hearing Examiner through a separately scheduled hearing when it is related to a Comprehensive Plan map amendment.

While several Comprehensive Plan and Zoning map amendments were concurrently considered at the Planning Commission at their October 18, 2017 hearing and by the City Council approval of Ordinance No. 6667, on December 18, 2017. The public noticing step was not performed for the rezoning associated with these changes and as a result, they are being considered in sequence, rather than concurrently in order to ensure that the proper procedures are followed.

9. On February 6, 2018, the Planning Commission conducted a duly noticed public hearing on the rezone. There were no public comments submitted and no one testified at the hearing.
10. Pursuant to ACC 18.68.030 ((Zoning Amendments) Public hearing process) provides that the city may initiate rezone actions.
11. Pursuant to ACC 18.68.030 and ACC 18.68.040, for all rezones initiated by the City, the Planning Commission shall conduct a public hearing and make a recommendation to the City Council.

“18.68.030 Public hearing process.

B. Zoning Map Amendments.

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2. Areawide Zoning and Rezoning, Initiated by the City. *The planning commission shall conduct a public hearing and make a recommendation to the city council. If applicable, a comprehensive plan amendment may also be processed.*

C. City Council Decision. *The city council may affirm, modify or disaffirm any recommendation of the planning commission or hearing examiner with regard to amendments of the text or map of this title. (Ord. 6655 § 1, 2017; Ord. 6442 § 26, 2012; Ord. 6198 § 4, 2008; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)”*

12. Pursuant to 18.68.040, ((Zoning Amendments) Public hearing notice requirements) the following public notice is required.

B. Zoning Map Amendments.

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2. Rezones, Including Area wide Zoning, Initiated by the City.

a. Planning Commission. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing. Additional mailing or posting of notices may, at the option of the planning commission, be required.

b. City Council. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing. Additional mailing or posting of the notices may, at the option of the city council, be required. (Ord. 6655 § 2, 2017; Ord. 6198 § 5, 2008; Ord. 6185 § 9, 2008; Ord. 5811 § 8, 2003; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

13. A notice of public hearing was issued and published in the Seattle Times on January 23, 2018 and on the same date mailed to the property owners within 300 feet of the subject site, and posted at 3 public locations meeting the notification requirements.
14. Per ACC 18.23.020(G), the stated purpose of the “M-1, Light Industrial” zoning district is to:

“G. M-1, Light Industrial Zone. The intent of the M-1 zone is to accommodate a variety of industrial, commercial, and limited residential uses in an industrial park environment, to

preserve land primarily for light industrial and commercial uses, to implement the economic goals of the comprehensive plan and to provide a greater flexibility within the zoning regulations for those uses which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The light industrial/commercial character of this zone is intended to address the way in which industrial and commercial uses are carried out rather than the actual types of products made.”

“The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.”

15. Per ACC 18.35.020(D), the stated intent of the “I, Institutional” zoning district is to:

“D. I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.”

16. A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

B. CONCLUSIONS:

Chapter 18.68 ACC ((Zoning Code) Amendments) provides very limited criteria for approval of a rezone. Following is a Staff analysis of the requested change with the criteria.

1. The rezone must be consistent with the Comprehensive Plan.

Staff analysis: The purpose of the City’s Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following City Code section:

“ACC 14.22.050 Conformance and consistency.

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

On December 18, 2017, the City Council approved Ordinance No. 6667 approving the change in Comprehensive Plan designation for both locations.

Related to this first set of property changes, the Comprehensive Plan contains policy guidance. Specifically, Volume 1, “Land Use”, starting at Page LU-11 provides the following purpose and description of the ‘Light Industrial’ Comprehensive Plan designation:

“Light Industrial Designation

Description

This category is intended to accommodate a wide range of industrial and commercial uses. This designation is intended to provide an attractive location for manufacturing, processing and assembling land use activities that contribute to quality surroundings. A wide variety of appropriate commercial uses in this designation benefit from the location, access, physical configuration, and building types of these properties. It is distinguished from heavier industrial uses by means of performance criteria. All significant activities shall take place inside buildings, and the processing or storage of hazardous materials shall be strictly controlled and permitted only as an incidental part of another use”

“Designation Criteria

- 1. Previously developed light industrial areas; or*
- 2. Located along high-visibility corridors;*
- 3. Provides buffering for heavy industrial areas or is buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and*
- 4. Meets the development parameters of the Light Industrial designation.”*

“Implementing Zoning Designations

“M-1, Light Industrial”

Consistent with policy discussion in the Comprehensive Plan, the first set of properties proposed for rezoning are already developed with industrial uses and the sites are located along heavily traveled roadway corridors, as evidenced by their “Minor Arterial” classification.

The Comprehensive Plan document provides various policies, which address light industrial development in order to meet community goals. The following policy applicable to light industrial areas is relevant to the rezoning request.

“LU-82 A wide range of commercial activities may be allowed to provide increased opportunities for sales tax revenue.”

Related to this second location, the Comprehensive Plan contains policy guidance. Volume 1, Land Use, starting at Page LU-14 provides the following purpose and description of the “Institutional” Comprehensive Plan designation:

“Institutional Designation

Description

This category includes those areas that are reserved for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation.

For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institution of a residential character are included in the residential designation.”

“Designation Criteria

Previously developed institutional uses; or located along major arterial streets; Properties that are buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and meets the development parameters of the Institutional designation. Properties identified in the Airport Master Plan as “Landing Field.”

“Implementing Zoning Designations

I, Institutional

LF, Landing Field”

Consistent with policy discussion in the Comprehensive Plan, this second location is proposed for rezoning to “I, Institutional” and is already developed as a public park. While the site borders single family uses to the west and multiple family uses to the east and south; the low development intensity as a public park with passive recreational uses and mature landscaping serve to make the use compatible with adjacent residential uses.

“LU-103 This designation permits a wide array of uses that tend to be located in the midst of other dissimilar uses. For this reason, special emphasis should be directed at the following:

- a. The appropriateness of new requests for this designation and the impacts that it may have on the surrounding community.*
- b. Site-specific conditions that should be attached to the granting of new requests for this designation that are designed to mitigate impacts on the surrounding community.*
- c. Site-specific conditions that should be attached to development proposals that are designed to mitigate impacts on the surrounding community.*

The proposed “I, Institutional” zoning is different than surrounding zoning classifications. The site borders single-family uses to the west and multiple family uses to the east and south and the low development intensity as a public park, along with the passive recreational uses with mature landscaping serve to make the use compatible with adjacent residential uses.

2. The rezone must be initiated by the City in order for the Planning Commission to provide a recommendation on the request.

Staff Analysis: The rezone application was initiated by the City. The property owners and nearby property owners received notice of the Comprehensive Plan amendments prior to the Planning Commission's hearing in October of 2017 and prior to the rezone hearing in February 6, 2018.

3. Any changes or modifications to a rezone request made by either the Hearing Examiner or City Council will not result in a more intense zone than the one requested.

Staff Analysis: Further changes or intensification beyond the change in designation as proposed are not anticipated.

In addition, Washington case law has identified other criteria for rezone applications (See *Parkridge v. Seattle*, 89 Wn.2d 454; 573 P.2d 359 (1978) (Conditions must have changed since the original zoning was established and the proposed rezone must bear a substantial relationship to the general welfare of the community); *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001) (Proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare; provided, that a showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.)

a. Conditions in the area must have changed since the original zoning was established.

Staff Analysis: The rezone proposal implements the Comprehensive Plan land use designation for the subject properties. As mentioned under the Findings of Fact, a Comprehensive Plan map amendment was processed at the end of 2017 and approved by the City Council Ordinance No. 6667, as a changed condition. The proposed rezone would adjust the zoning of the property to correspond and be consistent with the Comprehensive Plan designation. Showing that a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.

b. The proposed rezone must bear a substantial relationship to the general welfare of the community.

Staff Analysis: Rezoning the subject properties from "DUC, Downtown Urban Center" to "M-1, Light Industrial" and from "R-20, Residential Zone 20 units to the acre" to "I, Institutional" will align the zoning district to the already changed Comprehensive Plan designation. As noted above, Volume 1, 'Land Use', provides various policies related to meeting community and growth management goals. The zoning change will assist in implementing these goals benefitting the community and general welfare.

C. PLANNING COMMISSION RECOMMENDATION

The Planning Commission issued a recommendation of **approval** on February 6, 2018 without conditions.

D. EXHIBIT LIST

Exhibit 1 Staff Report
Exhibit 2 Ordinance No. 6675
Exhibit 3 Vicinity Map for both sites

- Exhibit 4 Zoning Map showing the current and proposed zoning for both sites
- Exhibit 5 2015 Aerial Photograph for both sites
- Exhibit 6 Determination of Non-Significance (DNS) (File No. SEP17-0014) dated
September 19, 2017.

ORDINANCE NO. 6 6 7 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE CITY-INITIATED REZONING OF FOUR PARCELS TOTALING APPROXIMATELY 1.34 ACRES LOCATED EAST OF C ST NW, BETWEEN W MAIN ST AND 3RD ST NW FROM DUC, DOWNTOWN URBAN CENTER TO M1, LIGHT INDUSTRIAL, AND THE CITY-INITATED REZONING OF AN APPROXIMATELY 0.98-ACRE PARCEL ON THE SOUTH SIDE OF SE 310TH ST, WEST OF 124TH AV SE FROM R-20, RESIDENTIAL ZONE 20 UNITS TO THE ACRE, TO I, INSTITUTIONAL TO IMPLEMENT THE COMPREHENSIVE PLAN AND AMENDING THE CITY'S ZONING MAPS

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on August 18, 1986, a Comprehensive Plan by Resolution No. 1703, which included a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995, the City Council of the City of Auburn adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, on September 5, 1995, the City of Auburn reaffirmed that action with the adoption of Ordinance No. 4788; and

WHEREAS, on December 14, 2015, the City Council of the City of Auburn adopted a substantially revised Comprehensive Plan by Ordinance No. 6584 to comply with the periodic update required by the Washington State Growth Management Act; and

WHEREAS, on February 5, 2018, the City of Auburn reaffirmed that action with the adoption of Resolution No. 5341; and

Ordinance No. 6675
February 12, 2018
Page 1

WHEREAS, the City initiated a rezone application (File #REZ18-0001) on December 18, 2017, for four parcels located east of C ST NW identified by King County, Washington tax parcel numbers 5401600175, 5401600200, 5401600235, and 5401600260 and for a parcel located south of SE 310th ST identified by King County, Washington tax parcel number 0921059073; and

WHEREAS, the environmental impacts of proposed rezone were considered in accordance with procedures of the State Environmental Policy Act; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of hearing, the City of Auburn Planning Commission on February 6, 2018 conducted a public hearing on the proposed City-Initiated Rezone; and

WHEREAS, at the public hearing the City of Auburn Planning Commission heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, thereafter the City of Auburn Planning Commission made a recommendation to the City Council on the proposed City-Initiated Rezone; and

WHEREAS, on, February 26, 2018, the Auburn City Council considered the proposed City-Initiated Rezone; as recommended by the City of Auburn Planning Commission; and

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

Section 1. The City Council ("Council") adopts and approves the City-Initiated Rezone to change four parcels totaling approximately 1.34 acres located east of C ST NW from "DUC, Downtown Urban Center", to "M-1, Light Industrial" and to change an

approximately 0.98-acre parcel located south of SE 310th St from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" and directs that the rezone application and all related documents be filed along with this Ordinance with the Auburn City Clerk and be available for public inspection.

Section 2. The Zoning Map amendment is herewith designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) by the City's responsible environmental official in accordance with RCW 43.21C.060.

Section 3. The Council adopts the Findings of Fact and Conclusions of Law in the Planning Commission's recommendations, as set forth below:

FINDINGS OF FACT

Procedural:

1. Applicant. The Applicant is the City of Auburn.
2. Hearing. A public hearing was held by the Planning Commission on the proposed rezone on February 6, 2018 at 7:00 p.m. at the City Council Chambers at Auburn City Hall.

Substantive:

3. Site/Proposal Description. The City as applicant has requested a rezone of five parcels in two locations; four privately-owned, developed parcels totaling approximately 1.34 acres changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is an approximately 0.98-acre city-owned parcel changing from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" in response to recent City ownership as a developed park. The underlying comprehensive plan land use map designations of the parcels were amended to "Light Industrial" and to "Institutional", respectively, by City Ordinance No. 6667 adopted on December 18, 2017.
4. Characteristics of the Areas. For the first group of parcels, the land use designations and zoning for the subject properties have not been re-evaluated for many years and therefore have not considered the continued appropriateness of the land use

designations. The boundaries of the DUC, Downtown Urban Center zoning district were originally adopted in 2007 when the city was desirous of establishing a downtown center zoning classification over a large area. While the justification for the establishment of the boundaries cannot be precisely recreated, it may have been contemplated that the properties would redevelop, but this has not happened.

The contiguous sites are located at the northern margin of the "Downtown Urban Center" Comprehensive Plan designation and bordered to the north and the east by properties with an industrial designation. The sites align in a row north to south and are bordered by public streets of C ST NW to the west, 3rd ST NW to the north and by the Burlington Northern railroad to the east. The automobile body shop of A-1 Collision borders the sites to the south.

The two largest parcels, Parcel No. 5401600175 (0.7 acres) and Parcel No. 5401600235 (0.34 acres) have been developed for more than 25 years with structures and facilities that are more appropriate characterized as "industrial uses" than suburban downtown development. The configuration and location of the properties sandwiched between transportation corridors makes them less suitable for redevelopment as downtown service or retail type uses geared to leisure shopping and that would be subject to strict architectural and site design requirements. Also, due to the number of recent zoning inquiries, the City staff has increasingly become aware of the difficulty of the property owner in finding tenants that can occupy the former farm supply building and meet the zoning use regulations of the DUC zoning district. Also, few uses are capable of using the building with few physical alterations in order to avoid triggering consistency with Downtown Design Standards and significant upgrades.

Related to the second site, in 1996 the 0.98-acre property was part of a larger 2.23-acre property ownership by Schneider Homes Inc. that was proposed for development as the 'Pasafino Apartments' while in unincorporated King County prior to annexation to the City of Auburn. In 1996 a 'Petition for Annexation Agreement and Declaration of Covenant' was executed between the City and Schneider Homes Inc. in order for the City to provide water and sewer services to the proposed apartment development located outside the city, but within the city's established utility service area. An 'Amended Petition for Annexation Agreement and Declaration of Covenant' was executed on April 21, 1997. The Agreements provided that as a condition of the City providing water and sewer utility services, Schneider Homes Inc. would develop a park, and after annexation, convey the developed park land to the City of Auburn without obligation or cost. At the time of transfer, the city parks department would assume maintenance responsibility. The property was annexed to the City of Auburn effective in 2008 by Ordinance No. 6121; however, the transfer of ownership of the park land did not take place for many more years since the park land was not a separate parcel that could be deeded separately to the City. A Boundary Line Adjustment (BLA) application (File #BLA14-0005) was filed by Schneider Homes Inc. in May of 2014 to establish the park land as a separate parcel. The processing of the BLA was delayed due to changes in property ownership interest on the part of Schneider Homes Inc. for

refinancing purposes. The BLA was subsequently approved by the City and recorded on November 2, 2016 (Recording #20161102900004) and the property subsequently conveyed to the City. The park is depicted as "Village Square Park" on the city website.

It was previously appropriate to have the Comprehensive Plan land use designation of "Multiple "Family Residential" applicable to the site when it was privately-owned and part of a larger parcel that is mainly developed with apartments. However, now that Parcel No. 0921059073 is a separate parcel (as a result of the boundary line adjustment), owned by the City and developed for park purposes, it is appropriate for it to have the zoning classification be "I, Institutional" to implement and correspond with the "Institutional" land use designation of the Comprehensive Plan.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

CONCLUSIONS OF LAW

Procedural:

1. Authority of the Planning Commission. ACC 18.68.030(B)(2) grants the Planning Commission with the authority to review and make a recommendation to the City Council on rezone requests if the rezone is initiated by the City.

Substantive:

2. Comprehensive Plan Land Use Map Designation. The Comprehensive Plan Land Use Map designation for the four the four parcels is "Light Industrial" and the Land Use Map designation for the other parcel is "Institutional".

3. Case Law Review Criteria and Application. The Auburn City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See *Ahmann-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.

The proposed rezone from "DUC, Downtown Urban Center" to "M1, Light Industrial" and from "R-20, Residential Zone 20 Units to the Acre" to "I, Institutional" clearly meets the judicial criteria for a rezone. There is no question that the proposal is necessary to implement the comprehensive plan, as the comprehensive plan land use map designations for the parcels are "Light Industrial" and the Land Use Map

designation for the other parcel is “Institutional”, respectively. The proposed zoning appropriately implements the land use designations.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. 5 while at the same time being consistent with the developed status of the properties and uses.

Section 4. 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 Recorder.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any of the Zoning Map amendments adopted herein, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Section 7. 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: _____

NANCY BACKUS, Mayor

ATTEST:

Danielle E. Daskam,
City Clerk

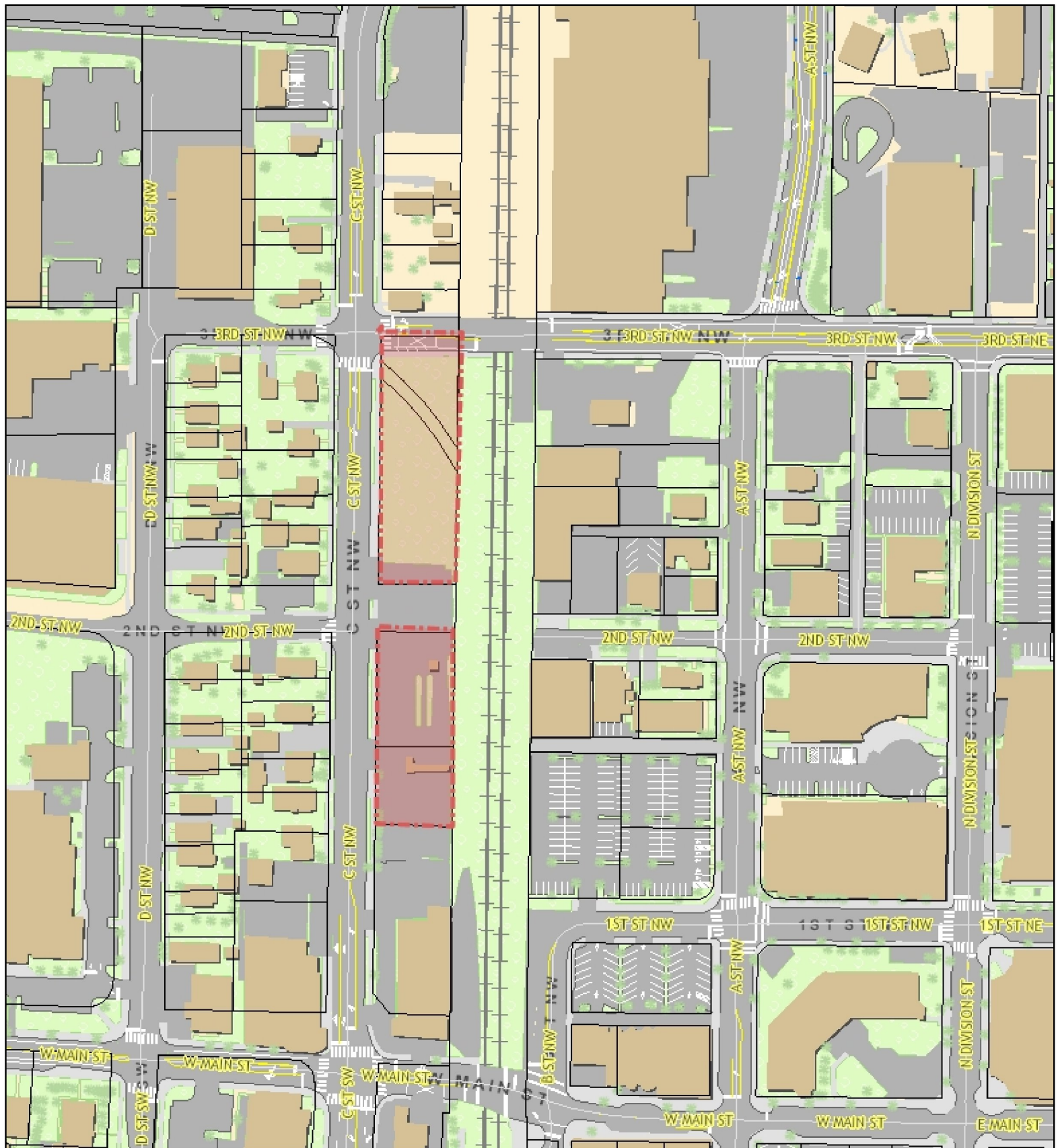
APPROVED AS TO FORM:

Daniel B. Heid,
City Attorney

Published: _____

City-Initiated Rezones REZ18-0001 - C ST NW

Printed Date: 1/23/2018
Map Created by City of Auburn eGIS
Imagery Date: May 2015



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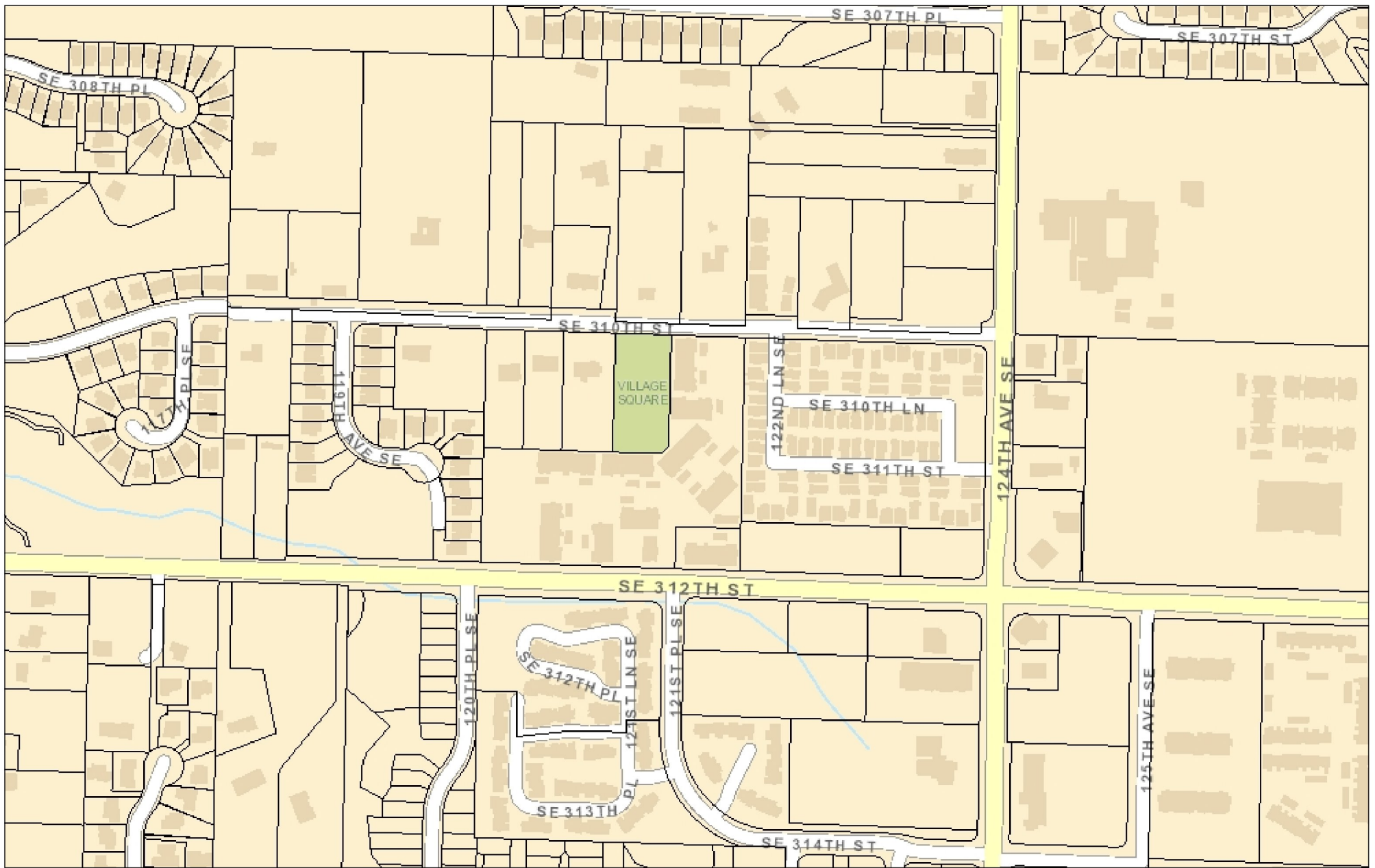
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Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



City-Initiated Rezones REZ18-0001 - SE 310th ST

Printed Date: 1/23/2018
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.1 0 0.1 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in	=	0	ft
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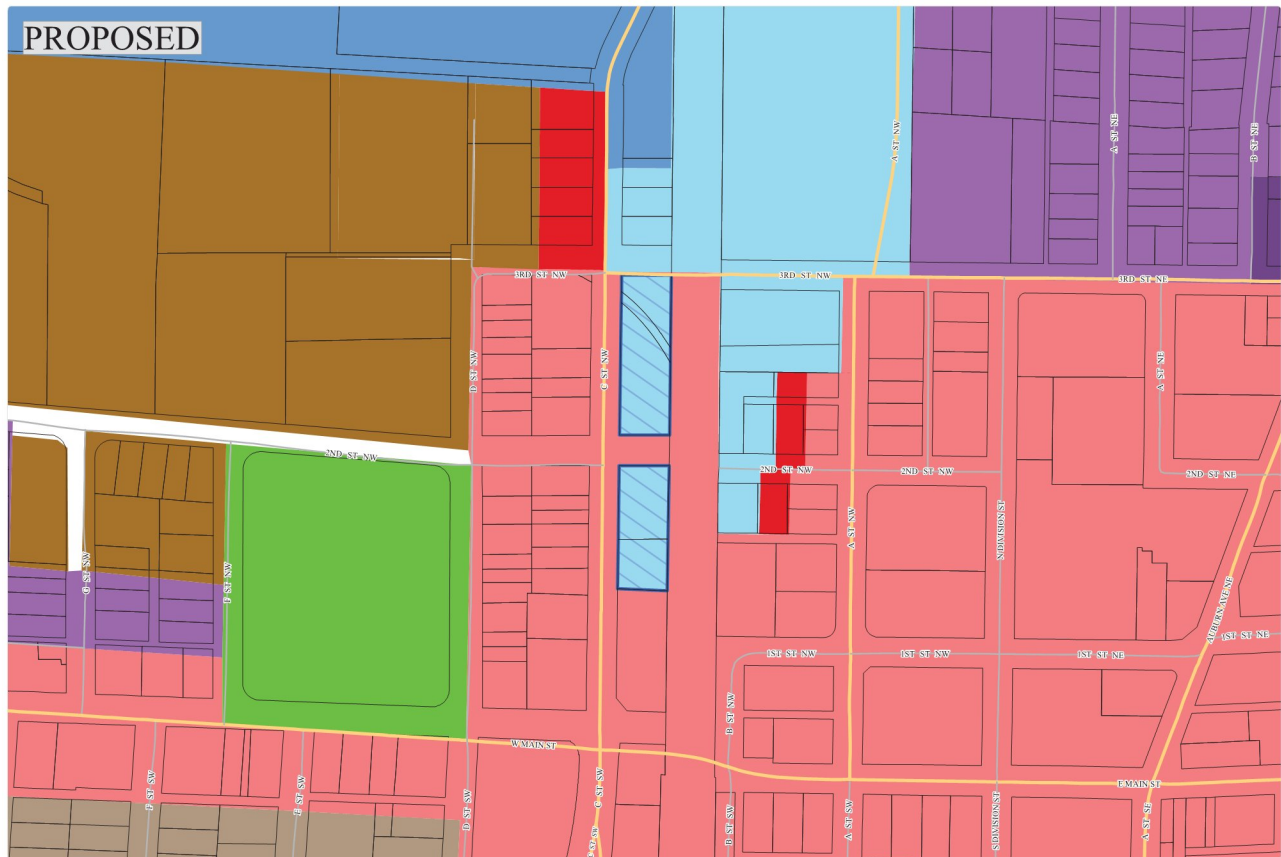
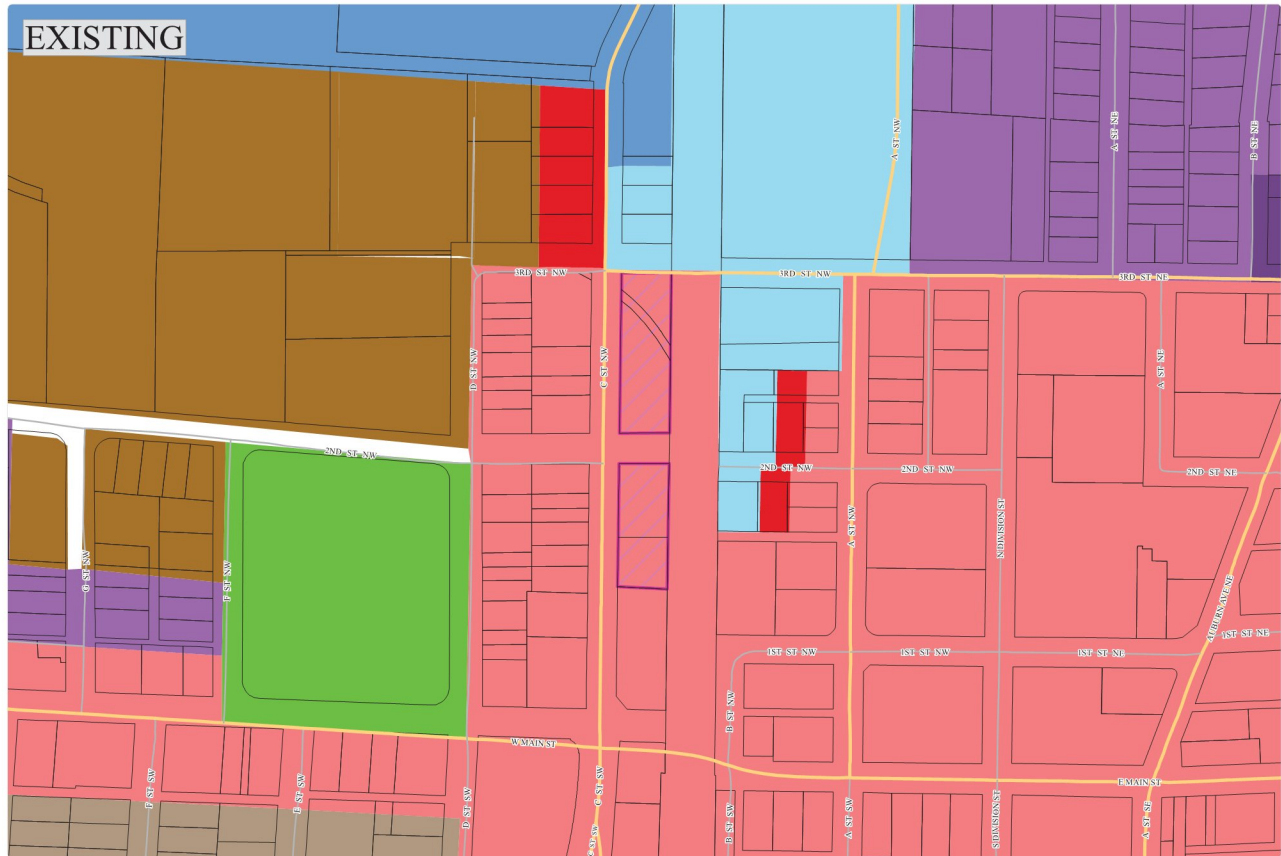
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City –Initiated Rezone REZ18-0001 – C ST NW



- Zoning**
- C2 Central Business District
 - C3 Heavy Commercial District
 - M1 Light Industrial District
 - P1 Public Use District
 - R0 Residential Office District
 - R0-H Residential Office District (Hospital)
 - R20 Residential 20 DU/Acre
 - M2 Heavy Industrial District

- Existing Zoning
- Proposed Zoning
- Parcels

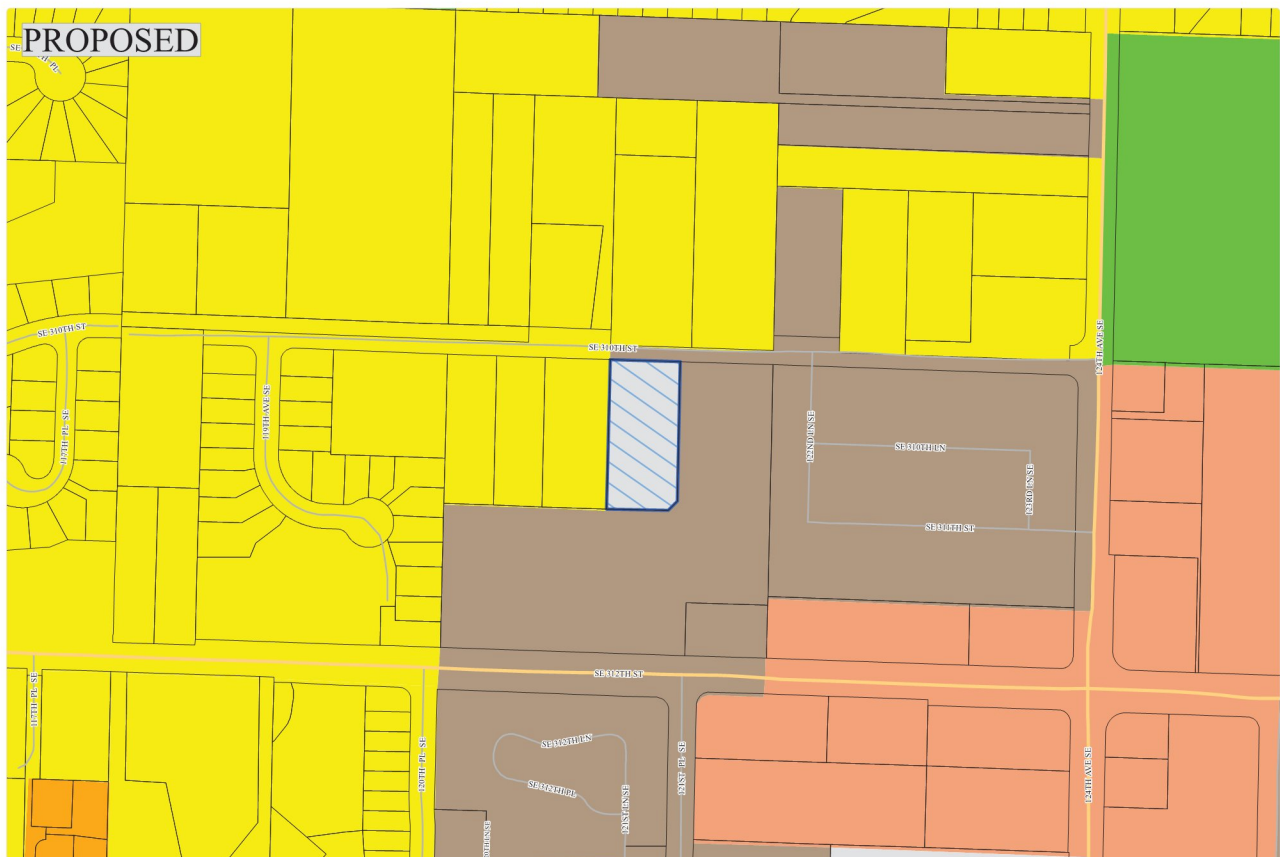
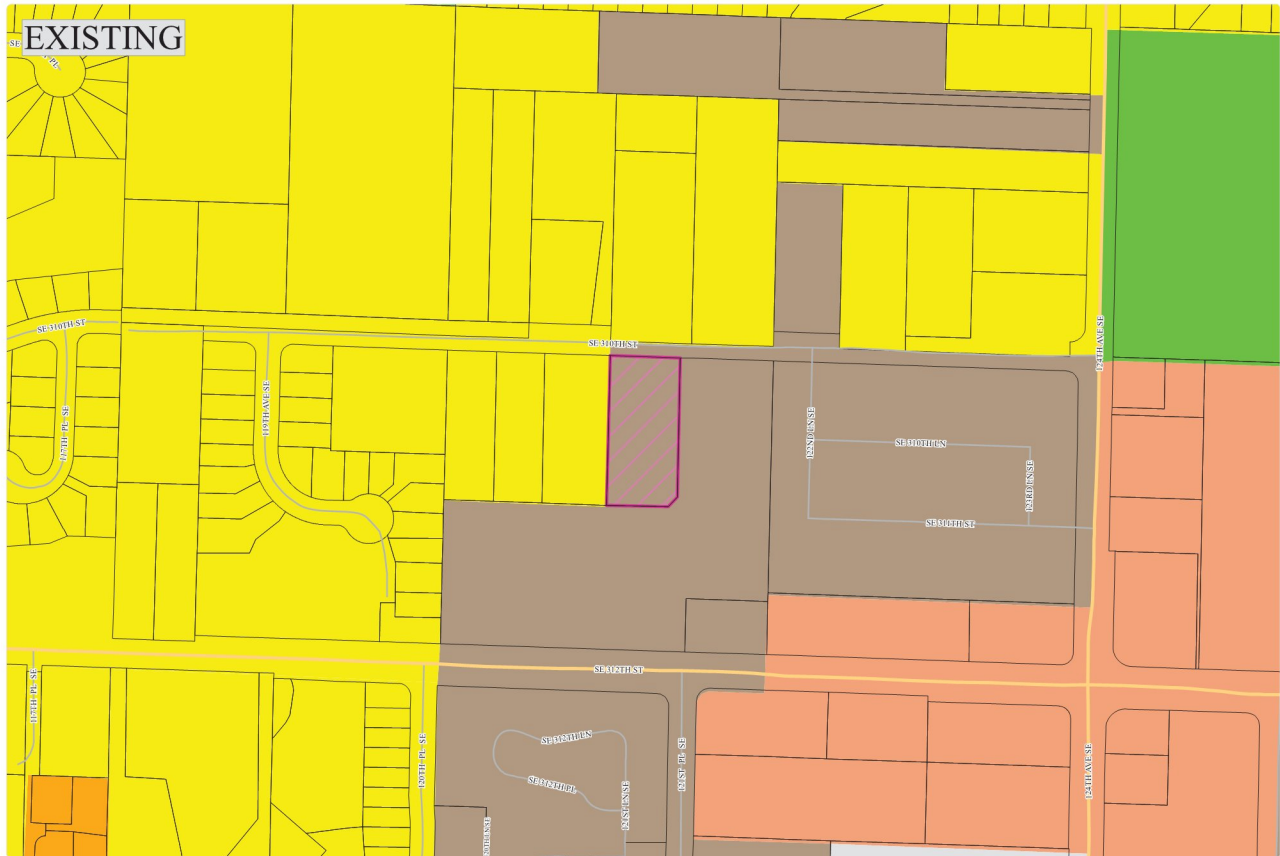


Printed On: 01/23/2018
Map ID: 5965



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City –initiated Rezone REZ18-0001 - SE 310th ST



Printed On: 01/23/2018
Map ID: 5966



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City-Initiated Rezones REZ18-0001 - C ST NW

Printed Date: 1/23/2018
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.1 0 0.0 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 0 ft

1:2,000

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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.

City-Initiated Rezones REZ18-0001 - SE 310th ST

Printed Date: 1/23/2018
Map Created by City of Auburn eGIS
Imagery Date: May 2015



0.1 0 0.0 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 0 ft

1:2,000

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**NOTICE OF APPLICATION (NOA) and
DETERMINATION OF NON-SIGNIFICANCE (DNS)
Annual Comprehensive Plan Text & Map Amendments
and related zoning map amendments**

SEP17-0014 / CPA17-0001, REZ17-0002 (CPM#6), REZ17-0003 (CPM#7), & REZ17-0004 (CPM#8)

The City of Auburn is issuing a Notice of Application (NOA) and Determination of Non-Significance (DNS) for the following described proposal. The applications and listed studies may be reviewed at the Community Development & Public Works Department at One E Main St., 2nd Floor, Customer Service Center, Auburn, WA 98001.

Proposal and Location: Adopt amendments to the City's Comprehensive Plan consisting of the following Text (P/T) and Map (CPM) Amendments and amendments to zoning map (rezone) to implement:

P/T #5 – City of Auburn 2018-2023 Capital Facilities Plan

P/T #6 - Remove the discussion of a "Mixed Use" land use designation from the text of the Plan and from the Land Use Map. The R10, R16, and R20 residential zoning districts already allow for mixed uses (comprised of residential & commercial) as permitted uses (See Table 18.07.020, Permitted Use Table).

P/T #7 - Add text to add back the R5, Residential zoning district back in as an implementing zone for the "Single Family" Land Use Designation. A significant portion of the city is zoned R5, Residential. However, in the 2015 Comp Plan this zone was inadvertently omitted as an implementing zoning district of any Comp. Plan land use designation and must be corrected by adding it as an implementing zone of the "Single Family" Land Use Designation.

P/T #8 - Change the title of the land use designation of "Residential Transition" to "Moderate Density Residential". Requested to revert to pre-2015 title of the category. Provide more logical title for the category to address and reflect the range of residential densities.

P/T #9 - Add the "R10, Residential" and R16, Residential" zoning districts back as implementing zones for the "Residential Transition" or if recommended, to the "Moderate Density Residential" Land Use Designation. Areas of the city are zoned "R10, Residential" but no areas are currently zoned "R16, Residential". However in the 2015, Comp Plan these zoning districts were inadvertently omitted as an implementing zoning districts of any Comp. Plan land use designation.

CPM #1 - Remove the discussion of a "Mixed Use" land use designation from the text of the Plan and remove category from the Land Use Map. "The R10, R16, and R20 Residential zoning districts already allow for mixed uses residential & commercial) as permitted uses (See Table 18.07.020, Permitted Use Table). Thus it was unnecessary to establish a unique land use designation to achieve a zoning district to allow (See also related P/T #6).

CPM #2 - Change the mapped land use designation of a 2.23-acre city-owned park parcel from "Multiple Family Residential" to "Institutional". Parcel No. 0921059073 is located south of SE 310th ST, 820 feet west of 124th Ave SE. The creation of the park was a requirement of a pre-annexation utility agreement between the city and the developer of the adjacent apartments. It is now appropriate to change the land use designation to be consistent with the purpose of the land use designation, ownership status & Parks Plan.

CPM #3 - Change the mapped land use designation of a group of 4 privately-owned, previously developed parcels from "Downtown Urban Center" to "Light Industrial". Parcel No. 5401600200, of 0.06 acres and Parcel No. 5401600175 of 0.7 acres are owned by In Ho & Nancy Kim. Parcel No. 5401600235 of 0.34 acres is owned by CHS Inc. Parcel No. 5401600260 of 0.34 acres is owned by Gary & Karen Stamps. Proposed to change the Comp. Plan land use map designation to recognize and be more compatible with developed status of the properties at the perimeter of the land use designation. The sites contain existing uses of warehouses, bulk propane tank distribution and outdoor storage.

CPM #4 - Change the mapped land use designation of south part of 2.15-acre, privately-owned developed parcel from "Residential Transition" to "Heavy Commercial". Parcel No. 8695200020 owned by Quality

Fence Co. and located on south side of 21st ST SE 390 feet east of A ST SE. Avoid split zoning where warranted by existing development pattern.

CPM #5 - Change the mapped land use designation of 3 parcels (2 privately owned and 1 city-owned) from the "Open Space" to "Downtown Urban Center" land use designation. Private parcels Nos. are 7815700095 and 7815700135 owned by Levan Auburn Development LLC and City-owned parcel No. 7815700085. Parcels are located across street, south of City Hall. "Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Downtown Urban Center". These 3 vacant parcels are currently zoned DUC, Downtown Urban Center. Note, these parcels are not currently included in the Open Space Zoning Amendment per recent Planning Commission recommendation."

* CPM #6 - Change the mapped land use designation (and zoning district) of the following 46 city-owned, parks properties from "Open Space" to "Institutional" land use designation: Parcel Nos. 0821059017, 7345300160, 6347000055, 6347000065, 0001000081, 1313500310, 3021059044, 3021059080, 3021059089, 1421049011, 1821059117, 0520061060, 0721059038, 7749501070, 0521059010, 0521059029, 0421059062, 0421059061, 0421059060, 0421059071, 0421059004, 3845000080, 7299602140, 4137070990, 7002181950, 0520051035, 0520051006, 0921059018, 6655000105, 6655000021, 1421049067, 9262800330, 9262800341, 1421049017, 9262800285, 0721059020, 8669150810, 6655000024, 6655000030, 3021059325, 3121059017, 3021059375, 8581400530, 1821059327, 0821059017, & 0621059007. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Institutional". Several of the city-owned, developed and active parks properties were assigned the land use designation of "Open Space" by adoption of the 2015 plan land use map. Thus, the land use designation is inconsistent with the designation criteria and purpose of the "Open Space" land designation of the Comprehensive Plan (e.g. cemeteries and active parks should not be designated "Open Space"). Also, change the zoning designation from "OS, Open Space" to "I, Institutional" to agree.

* CPM #7 - Change the mapped land use designation of 3 Tribal Jurisdiction parcels from the "Open Space" to the "Institutional" Land Use designation. Parcel No. 2021059041, 2021059047, & 2021059037 owned by US GOV in Trust status or by the Muckleshoot Indian Tribe. The 3 parcels controlled by the Muckleshoot Tribe are developed as a cemetery and thus, the land use designation is inconsistent with the designation criteria and purpose of the "Open Space" land designation of the Comprehensive Plan (e.g. cemeteries and active parks should not be designated "Open Space"). Also, change the zoning designation from "OS, Open Space" to "I, Institutional" to agree.

* CPM #8 - Change the mapped land use designation of 2 parcels from "Single Family Residential" to "Light Commercial". Parcels Nos. are 3121059069, 1.79 acres owned by Alan Clayton and 3121059027 3.67 acres owned by John Nixon both, located on east side of A ST SE, south of Lakeland Hills WY SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Commercial". Also, change the zoning designation from "R5, Residential" to "C1, Light Commercial" to agree.

CPM #9 - Change the mapped land use designation of 2 privately owned vacant parcels from "Multiple Family Residential" to "Light Commercial". 1.75 -acre Parcel No. 0921059042 owned by Highlane Prop. LLP and 0.81-acre parcel No. 0921059113 owned by Jennifer & James Hunt both are located at SE corner of SE 312th ST & 121st PL SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Commercial".

CPM #10 - Change the mapped land use designation of a privately owned 0.91-acre parcel containing a single family house from "Multiple Family Residential" to "Single Family Residential". Parcel No. 0921059101 owned by Ram Singh Dhaliwal located 130 feet south of intersection of 124th AV SE & SE 307th PL. (30811 124TH AVE SE). Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Single Family Residential".

CPM #11 - Change the mapped land use designation of a privately-owned, 13.84 -acre parcel developed with a warehouse from "Heavy Industrial" to "Light Industrial". Parcel No. 1321049019 owned by Western B NW WA LLC located south of SR 18 at west end of 8th ST SW. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Light Industrial".

CPM #12 - Change the mapped land use designation of 7.2-acre private developed parcel from "Single Family Residential" to "Multiple Family Residential". Parcel No. 5530200000 owned by Lois Maathuis located NW of intersection of Mill Pond DR SE and Kennedy AV SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Multiple Family Residential".

CPM #13 - Change the mapped land use designation of a group of 10 parcels from "Single Family Residential" to "Multiple Family Residential". Parcel Nos. 2721059053, 2721059063, 2721059066, 2721059126, 2721059156, 2721059157, 2721059162, 2721059168, 2721059179, & 2721059197 owned by various property owners & located on the north side of Auburn WY S, east of Academy DR SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan adoption. Requested to revert to pre-2015 designation of "Multiple Family Residential".

CPM #14 - Change the mapped land use designation of 23 parcels from "Institutional" to "Downtown Urban Center". Some are City-owned; others are privately owned. Parcel Nos. 0492000460, 0492000461, 0492000463, 7816200100, 7816200060, 0498500005, 0492500100, 0303450000, 0492500240, 0492500275, 0492500260, 0483000085, 0483000080, 0489000040, 7331400135, 0489000005, 7331400460, 7331400485, 7331400486, 7331400500, 8698100030, 8698100035, & 8698100040. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Downtown Urban Center".

CPM #15 - Change the mapped land use designation of numerous parcels within the Lakeland Hills South PUD from "Residential Transition" to "Moderate Density Residential". Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Moderate Density Residential".

CPM #16 - Change the mapped land use designation of 0.21-acre city-owned stormwater facility serving a plat from "Institutional" to "Multiple Family Residential" to agree with rest of the plat. Parcel No. 1877100170 is owned by the City and located on south side of 35th St SE, 290 feet west of D ST SE. "Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Multiple Family Residential". The lot for the stormwater facility was created from the "D ST SE Plat" and should retain the same comprehensive plan designation as the balance of the plat.

CPM #17 - Change the mapped land use designation of a 0.71-acre privately-owned and developed parcel from "Residential Transition" to "Multiple Family". Parcel No. 1921059271 owned by Mayfield TNC LLC is located east of end of B ST SE between 15th and 16th ST SE. Remedy an inadvertent change of mapped land use designation with adoption of map as part of 2015 plan. Requested to revert to pre-2015 designation of "Multiple Family Residential". According to KC Assessor records, the property is developed with two, 2-story buildings as the "Mayfield Apartments" containing 31 dwelling units.

Notice of Application: September 19, 2017
Application Complete: September 5, 2017
Permit Application: August 31, 2017

File Nos. SEP17-0014
CPA17-0001
REZ17-0002 (CPM#6), REZ17-0003 (CPM#7), & REZ17-0004 (CPM#8)

Applicant: Jeff Dixon, Planning Services Manager
Community Dev. & Public Works
City of Auburn
25 W Main ST
Auburn, WA 98001

Studies/Plans Submitted With Application:

- None

Other Permits, Plans, and Approvals Needed:

- Comprehensive Plan Land Use Amendment, Rezone

Statement of Consistency and List of Applicable Development Regulations: This proposal is subject to and shall be consistent with the Auburn City Code, Comprehensive Plan, and Public Works Design and Construction Standards.

Lead Agency: City of Auburn

The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Public Comment Period: This may be your only opportunity to comment on the environmental impact of the proposal. All persons may comment on this application. This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date issued below. Comments must be in writing and submitted by 5:00 pm on **October 3, 2017** to the mailing address of 25 W Main ST, Auburn, WA, 98001 or emailed to the contact below. Any person wishing to become a party of record, shall include in their comments that they wish to receive notice of and participate in any hearings, if relevant, and request a copy of decisions once made.

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk at 25 West Main Street, Auburn, WA 98001- 4998 within 14 days of the close of the comment period, or by 5:00 p.m. on **October 17, 2017**.

For questions regarding this project, please contact Jeff Dixon, Planning Svcs. Manager, at jdixon@auburnwa.gov or 253-804-5033.

Public Hearing: A public hearing is required, however, the date has not yet been set.

RESPONSIBLE OFFICIAL:	Jeff Tate
POSITION/TITLE:	Assistant Director, Community Dev. & Public Works Dept.
ADDRESS:	25 West Main Street Auburn, Washington 98001 253-931-3090

DATE ISSUED: **September 19, 2017**

SIGNATURE: _____



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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Mobile Home Closure Process (20 Minutes) (Tate)

Date:

February 13, 2018

Department:

Community Development &
Public Works

Attachments:

[Attachment A - Ordinance No. 5746](#)
[Attachment B - RCW 59.20](#)
[Attachment C - RCW 59.21](#)

Budget Impact:

Current Budget: \$0
Proposed Revision: \$0
Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

City Council has requested an overview of the regulations and procedures that govern the closure of mobile home parks in Auburn. Regulations have been established at both the state and city level. Chapter 14.20 of the Auburn City Code specifically addresses the local requirements for mobile home closures. Chapter 59.20 of the State RCW establishes a chapter of state law that is entitled "Manufactured/Mobile Home Landlord-Tenant Act" which is a different set of rules than the State's residential landlord tenant laws. Chapter 59.21 of the State RCW established a chapter of state law entitled "Mobile Home Relocation Assistance".

The purpose of this memo is to provide an overview of the regulatory requirements related to mobile home closures. The City of Auburn has not had reason to apply Chapter 14.20 therefore, staff is unable to provide information regarding practical application of the adopted rules.

SUMMARY OF CITY ORDINANCE – CHAPTER 14.20

Chapter 14.20 of the Auburn City Code was adopted under Ordinance No. 5746 adopted by City Council on March 17, 2003. A copy of Ordinance No. 5746 is provided under cover of this memo as Attachment A. The purpose of providing Ordinance No. 5746 is to offer both the city code language and the "Whereas" recital statements which provide useful background information. Chapter 14.20 has not been substantively amended since it was adopted under Ordinance No. 5746. As indicated above, the City has yet to implement Chapter 14.20 due to the fact that there have not been any mobile home park closures since 2003. While the full content of Chapter 14.20 is provided under Attachment A, the following is the table of contents excerpt which helps provide a sense of the types of regulations and procedures that are established along with some annotations that highlight key components (*shown in italics*):

- [14.20.010](#) Purpose.
- [14.20.020](#) Scope.
- [14.20.030](#) Enforcement – Inspection.
- [14.20.040](#) Exceptions.

14.20.050 Penalties. *(failure to comply is a misdemeanor and results in a fine of up to \$1,000 or imprisonment for a period up to 90 days)*

14.20.060 Liability.

14.20.070 Eviction notices for change of use or closure of a mobile home park. *(before closure, a plan must be submitted to the city; plan must include relocation report and plan; establishes a requirement that a 12 month notice of closure must be provided to park tenants)*

14.20.080 Relocation report and plan. *(outlines the details of the closure report and plan; park owners are required to assist tenants with relocation; once the city approves the report and plan it must be provided to tenants within 14 days)*

14.20.090 Certificate of completion of the relocation report and plan. *(city has authority to certify that relocation report and plan is complete which then allows owner to move forward with development proposal)*

14.20.100 Notice of provisions.

14.20.110 Administration.

14.20.120 Appeal.

14.20.130 Closure and government sponsorship.

SUMMARY OF STATE REGULATIONS – RCW 59.20 AND RCW 59.21

- Chapter 59.20 of the RCW is entitled “Manufactured/Mobile Home Landlord-Tenant Act”. This law originally took effect in 1977. Attachment B provides the table of contents to Chapter 59.20 RCW. While the City does not enforce these laws, it is an important companion piece of legislation that outlines the rights of both the park owners and the tenants that reside within the park. The full legislation is provided at the following website:

<http://app.leg.wa.gov/RCW/default.aspx?cite=59.20>

Reviewing the table of contents provided in Attachment B provides a concise summary of the types of provisions that are contained within this statute.

- Chapter 59.21 of the RCW is entitled “Mobile Home Relocation Assistance”. This law originally took effect in 1991. Attachment C provides the table of contents to Chapter 59.21 RCW. This too, is legislation that is not administered by the City of Auburn. The full text of this Chapter of the RCW is available at the following website:

<http://app.leg.wa.gov/RCW/default.aspx?cite=59.21>

In addition to the table of contents, the purpose statement of Chapter 59.21 RCW helps capture the intent of this statute:

“The legislature recognizes that it is quite costly to move a mobile home. Many mobile home tenants need financial assistance in order to move their mobile homes from a mobile home park. The purpose of this chapter is to provide a mechanism for assisting mobile home tenants to relocate to suitable alternative

sites when the mobile home park in which they reside is closed or converted to another use.”

Mobile home park owners are required to contribute funds to a State managed mobile home relocation fund. Tenants can apply for financial assistance when a mobile home park is closed. The law establishes priorities that can be applied when determining who is eligible to receive funds (e.g. highest priority are tenants of parks that close due to fraudulent activities of the park owner). Additionally, eligibility is limited to tenants that qualify as a low income household (adjusted income is less than 80% of the median family income within the county that the park is located). The mobile home park relocation fund is maintained and administered by the State Treasurer.

In addition to the fund that is established in this Chapter, there is also an exemption offered to mobile home owners whose home no longer meets modern fire, safety and construction codes. The effect of this exemption is to allow a mobile home owner to move their home from one park to another without upgrading the home to modern codes. The State legislature took this action due to the cost associated with updating a home to meet modern codes. The exemption precludes cities from adopting codes that are contrary to this exemption.

Reviewed by Council Committees:

Councilmember:

Staff:

Tate

Meeting Date: February 26, 2018

Item Number:

ORDINANCE NO. 5746

AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON
AUTHORIZING A NEW SECTION AND CHAPTER 14.20 OF THE
AUBURN CITY CODE AND AMENDING SECTION 14.03.010 OF
THE AUBURN CITY CODE, RELATING TO CLOSURE OF MOBILE
HOME PARKS

WHEREAS, the closure of mobile home parks creates a harm to the public interest, health, safety, and general welfare through the displacement of low-income households and the possible loss of a significant personal property investment; and

WHEREAS, many tenants of long-established mobile home parks own dwelling units that could be determined by the Washington State Department of Labor and Industries to be incapable or ineligible for relocation from mobile home parks; and

WHEREAS, many tenants of long established mobile home parks own dwelling units deemed unacceptable by other mobile home parks due to considerations of style, appearance, or condition and have difficulty finding vacant spaces due to the high demand for existing mobile home spaces; and

WHEREAS, the City of Auburn Comprehensive Plan includes policy direction to assist low-income households displaced as a result of redevelopment to find affordable housing in accordance with state and federal laws and regulations; and

WHEREAS, the City recognizes the property rights of owners of property in the City, and also recognizes the need to balance those rights with the public impacts of displacing a large number of households in a short period of time; and

WHEREAS, the City of Auburn seeks to establish regulations for the closure of a mobile home park that will mitigate the effects on the tenants of the mobile home park;
NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DOES
HEREBY ORDAIN as follows:

SECTION ONE. – Creation of Chapter to Auburn Municipal Code. A new Chapter 14.20 of the Auburn City Code is created to read as follows:

CHAPTER 14.20
MOBILE HOME PARK CLOSURE

Sections

14.20.010	Purpose.
14.20.020	Scope.
14.20.030	Enforcement.
14.20.040	Exceptions.
14.20.050	Penalties.
14.20.060	Liability.
14.20.070	Eviction notices for change of use or closure of a mobile home park.
14.20.080	Relocation report and plan.
14.20.090	Certificate of completion of the relocation report and plan.
14.20.100	Notice of provisions.
14.20.110	Administration.
14.20.120	Appeal.
14.20.130	Closure and government sponsorship.

14.20.010 Purpose.

The purpose of this Chapter is to provide rules, regulations, requirements, and standards for the closure or change of use of mobile home parks in the City, insuring that the public health, safety, and general welfare of the City shall be promoted and protected; that orderly growth, development, and proper use of land shall be insured; and that conformance with provisions set forth in the City comprehensive plan are followed.

14.20.020 Scope.

This Chapter applies to the closure or change in use of mobile home parks. This Chapter shall apply to all lands within the corporate boundaries of the City. Where this Chapter imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, codes or restrictive covenants, the provisions of this Chapter shall prevail.

14.20.030 Enforcement.

Inspection. Regarding the closure of mobile home parks, it shall be the duty of the Planning Director to enforce the applicable provisions of this Chapter. The Planning Director and/or his/her designee may inspect any mobile home park in order to verify compliance with this Chapter. Failure to make such inspection shall not constitute a waiver of any of the provisions of this Chapter. For inspection purposes, the Planning Director and/or his/her duly authorized representative shall have the right and is hereby empowered to enter any mobile home park.

14.20.040 Exceptions.

Upon proper application by the affected property owner to the City's Hearing Examiner, pursuant to the provisions of the Auburn City Code (ACC), and following a public hearing on the application, the Hearing Examiner may grant an exception from the requirements of this Chapter when undue hardship may be created as a result of strict compliance with the provisions of this Chapter. In deciding any exception, the Hearing Examiner may prescribe conditions that he/she deems necessary to or desirable for the public interest. No exceptions shall be granted unless the Hearing Examiner finds that:

1. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use or development of his land; and

2. The exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity and under similar circumstances; and

3. The granting of the exception will not be detrimental to the public health, safety and welfare or injurious to the property in the vicinity.

14.20.050 Penalties.

Any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed One Thousand Dollars (\$1,000) for each such violation, or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment

14.20.060 Liability.

This Chapter shall not be construed to relieve from or lessen the responsibility of any person closing a mobile home park in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein.

14.20.070 Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under RCW Chapter 59.21, the mobile home park owner must first submit to the Planning and Community Development Department a relocation report and plan that meets the requirements of ACC 14.20.080. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with all other necessary applications. Once the Planning Director determines that the relocation report and plan meets the requirements of ACC 14.20.080, the Planning Director shall approve the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Planning Director determines that

the relocation report and plan does not meet the requirements of ACC 14.20.080, the Planning Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this Chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the twelve (12) month closure notice to the mobile home park tenants. The closure notice shall comply with RCW 59.20.080 and RCW 59.21.030, as amended. No mobile home owner who rents a mobile home lot may be evicted until the twelve (12) month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter 59.20 RCW.

14.20.080 Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with RCW Chapters 59.20 and 59.21, relating to mobile home relocation assistance, and with ACC 14.20.070 through 14.20.120. The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate, in addition to making any State or Federal required relocation payments. Such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance, and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household, and the expiration date of the lease for each household;
2. The condition, size, ownership status, HUD and/or State Department of Labor & Industries certification status, and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner currently has in place with mobile home park tenants;

4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including space rent, mobile home rent or other payments and utilities, for each mobile home park tenant household;

5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of gross annual income for each mobile home park tenant household;

6. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap and Pierce Counties, as well as mobile home age or size restrictions each park may have in place;

7. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;

8. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park;

9. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park; and

10. A statement of the anticipated timing for park closure.

B. The Planning Director may require the mobile home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants, the Planning and Community Development Department, and other City and State offices to ensure compliance with the relocation report and plan and with State laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Within fourteen (14) days of the Planning Director's approval of the relocation report and plan, a copy of the approved relocation report and plan shall be mailed by the owner to each mobile home park tenant.

D. The mobile home park owner shall update with the Planning and Community Development Department the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

14.20.090 Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park, or obtain final approval of a comprehensive plan or zoning redesignation until the mobile home park owner obtains a certificate of completion from the Planning and Community Development Department. The Planning Director shall issue a certificate of completion only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, the eviction notice requirements of RCW 59.20.080 and 59.21.030, the relocation assistance requirements of RCW 59.21.021, and any additional requirements imposed in connection with required City applications.

14.20.100 Notice of provisions.

It is unlawful for any party who is required to submit a relocation report and plan to the City pursuant to this Chapter to sell, lease or rent any mobile home or mobile home park rental space without providing a copy of such relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the provisions of ACC 14.20.070 through 14.20.120 and the status of such relocation report and plan.

14.20.110 Administration.

The Planning Director shall administer and enforce ACC 14.20.070 through 14.20.120. Whenever an owner or an owner's agent fails to comply with the provisions of ACC 14.20.070 through 14.20.120, the following may occur:

A. The Planning Director may deny, revoke, or condition a certificate of completion, a permit, or another approval;

B. Any other City permits or approvals may be conditioned on the owner's successful completion of remedial actions deemed necessary by the Planning Director to carry out the purposes of ACC 14.20.070 through 14.20.120.

14.20.120 Appeal.

Any appeal from a determination of the Planning Director under ACC 14.20.070.A., 14.20.090, and 14.20.110.A shall be filed within fourteen (14) days of the determination and shall be processed in accordance with the procedures established for appeals of administrative decisions under ACC 18.70.050.

14.20.130 Closure and government sponsorship.

A. If an eminent domain action by a Federal, State or local agency causes closure of a mobile home park and the procedures set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 USC 4601 et seq., and the regulations of 49 CFR Part 24 or the Relocation Assistance – Real Property Acquisition Policy Act of Chapter 8.26 RCW and the regulations of Chapter 468-100 WAC are followed, the requirements of those acts and regulations will supersede the requirements of ACC 14.20.070 through 14.20.120.

B. If a condemnation action of the City causes closure of a mobile home park, the City will be responsible for fulfilling the requirements of the standards contained herein. If the City chooses to follow portions of the State act and regulations and the Planning Director determine that there is a conflict or redundancy between the portions of the State act and regulations being followed by the City, and the standards contained herein, the State act shall take precedence in such areas of conflict or redundancy. If the State act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein.

SECTION TWO Code Amendment. Section 14.03.010 of the Auburn City Code is hereby amended to read as follows:

14.03.010 Type I decisions.

Type I decisions are administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act (SEPA) codified at Chapter 43.21C RCW. Type I decisions include, but are not limited to, the following project applications:

- A. Building permit;
- B. Plumbing permit;
- C. Mechanical permit;
- D. Utility permit;
- E. Special permit;
- F. Excavation permit;
- G. Land clearing permit;
- H. Grading permit;
- I. Flood control zone permit;
- J. Public facility extension agreement;
- K. Right-of-way use permit;
- L. Lot line adjustment;
- M. Home occupation permit;
- N. Temporary use permit (administrative);
- O. Administrative use permit;
- P. Short subdivision (plat).

Q. Mobile Home Closure Plans

(Ord. 4835 § 1, 1996.)

SECTION THREE. – Implementation. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation, including measures to verify compliance with the provisions hereof.

SECTION FOUR. – Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect

the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION FIVE. – Effective Date. This ordinance shall take effect and be in force five (5) days after publication as provided by law.

INTRODUCED: MAR 17 2003
PASSED: MAR 17 2003
APPROVED: MAR 17 2003



PETE B. LEWIS, MAYOR

ATTEST:



DANIELLE DASKAM, CITY CLERK

APPROVED AS TO FORM:



DANIEL B. HEID, CITY ATTORNEY *Asst City Atty*

PUBLISHED: 3/21/03

Attachment B
Chapter 59.20 RCW – Manufactured/Mobile Home Landlord-Tenant Act

Sections

<u>59.20.010</u>	Short title.
<u>59.20.020</u>	Rights and remedies—Obligation of good faith required.
<u>59.20.030</u>	Definitions.
<u>59.20.040</u>	Chapter applies to rental agreements regarding mobile home lots, cooperatives, or subdivisions—Applicability of and construction with provisions of chapters <u>59.12</u> and <u>59.18</u> RCW.
<u>59.20.045</u>	Enforceability of rules against a tenant.
<u>59.20.050</u>	Written rental agreement for term of one year or more required—Waiver—Exceptions—Application of section.
<u>59.20.060</u>	Rental agreements—Required contents—Prohibited provisions.
<u>59.20.070</u>	Prohibited acts by landlord.
<u>59.20.073</u>	Transfer of rental agreements.
<u>59.20.074</u>	Rent—Liability of secured party with right to possession.
<u>59.20.075</u>	Presumption of reprisal or retaliatory action.
<u>59.20.080</u>	Grounds for termination of tenancy or occupancy or failure to renew a tenancy or occupancy—Notice—Mediation.
<u>59.20.090</u>	Term of rental agreements—Renewal—Nonrenewal—Termination—Armed forces exception—Notices.
<u>59.20.100</u>	Improvements.
<u>59.20.110</u>	Attorney's fees and costs.
<u>59.20.120</u>	Venue.
<u>59.20.130</u>	Duties of landlord.
<u>59.20.134</u>	Written receipts for payments made by tenant.
<u>59.20.135</u>	Maintenance of permanent structures—Findings and declarations—Definition.
<u>59.20.140</u>	Duties of tenant.
<u>59.20.145</u>	Live-in care provider—Not a tenant—Agreements—Guest fee.
<u>59.20.150</u>	Service of notice on landlord or tenant.
<u>59.20.155</u>	Seizure of illegal drugs—Notification of landlord.
<u>59.20.160</u>	Moneys paid as deposit or security for performance by tenant—Written rental agreement to specify terms and conditions for retention by landlord.
<u>59.20.170</u>	Moneys paid as deposit or security for performance by tenant—Deposit by landlord in trust account—Receipt—Claims.
<u>59.20.180</u>	Moneys paid as deposit or security for performance by tenant—Statement and notice of basis for retention.
<u>59.20.190</u>	Health and sanitation standards—Penalties.
<u>59.20.200</u>	Landlord—Failure to carry out duties—Notice from tenant—Time limits for landlord's remedial action.
<u>59.20.210</u>	Landlord—Failure to carry out duties—Repairs effected by tenant—Bids—Notice—Deduction of cost from rent—Limitations.
<u>59.20.220</u>	Landlord—Failure to carry out duties—Judgment by court or arbitrator for diminished rental value and repair costs—Enforcement of judgment—Reduction in rent.
<u>59.20.230</u>	Defective condition—Unfeasible to remedy defect—Termination of tenancy.
<u>59.20.240</u>	Payment of rent condition to exercising remedies.
<u>59.20.250</u>	Mediation of disputes by independent third party.
<u>59.20.260</u>	Arbitration—Authorized—Selection of arbitrator—Procedure.
<u>59.20.270</u>	Arbitration—Application—Hearings—Decisions.
<u>59.20.280</u>	Arbitration—Fee.
<u>59.20.290</u>	Arbitration—Completion of arbitration after giving notice.
<u>59.20.300</u>	Manufactured/mobile home communities—Notice of sale.
<u>59.20.305</u>	Manufactured/mobile home communities—Good faith negotiations.
<u>59.20.901</u>	Effective date—1999 c 359.
<u>59.20.902</u>	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

Attachment C

Chapter 59.21 RCW – Mobile Home Relocation Assistance

Sections

<u>59.21.005</u>	Declaration—Purpose.
<u>59.21.006</u>	Declaration—Intent—Purpose—1995 c 122.
<u>59.21.010</u>	Definitions.
<u>59.21.021</u>	Relocation assistance—Eligibility after December 31, 1995—Amounts of assistance—Priority for distribution of assistance.
<u>59.21.025</u>	Relocation assistance—Sources other than fund—Reductions.
<u>59.21.030</u>	Notice—Requirements.
<u>59.21.040</u>	Relocation assistance—Exemptions.
<u>59.21.050</u>	Relocation fund—Administration—Tenant's application—Form.
<u>59.21.070</u>	Rental agreement—Covenants.
<u>59.21.100</u>	Tenants—Waiver of rights—Attorney approval.
<u>59.21.105</u>	Existing older mobile homes—Forced relocation—Code waiver.
<u>59.21.110</u>	Violations—Penalty.
<u>59.21.905</u>	Effective date—1995 c 122.
<u>59.21.906</u>	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Capital Project Status Report (15 Minutes) (Gaub)

Department:

CD & PW

Attachments:

[Capital Project Status Report](#)

Date:

February 15, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

The purpose of this discussion is to inform the Council and Public of the overall status of the City's Capital Project program managed by the Community Development & Public Works (CDPW) Department.

The Capital Projects Group of CDPW is currently managing 34 active projects with a total cost of \$55.3 million. Of these projects, 18 are in the design phase and 16 are under construction. Within the next 3 months, 8 additional projects are expected to enter the construction phase. The total value of Capital Project expenditures by year is as follows:

2013 = 20.7 million

2014 = 12.6 million

2015 = 32.5 million

2016 = 23.0 million

2017 = 28.5 million

2018 = 16.2 (anticipated)

Reviewed by Council Committees:**Councilmember:**

Meeting Date: February 26, 2018

Staff:

Gaub

Item Number:

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1407	MARCHINI MEADOWS This project will complete the required public improvements that the developer for the Marchini Meadows did not complete. Improvements are prioritized and will be completed based on available funds.		70,000 (Developer Settlement)	70,000	70,000	85%	TBD 17	0%	TBD 18	Aleksey Koshman	Overlay of 132nd Ave completed by project CP1402 (2014 Pavement Patching & Overlay). Replacing broken sidewalks and driveways was completed by Project CP1710 (2017 Citywide Sidewalk R&R). Design and Construction finish dates are shown as unknown because this work is being completed in phases.	N/A	Various
CP1218	Auburn Way South Corridor Safety (Muckleshoot Plaza to Dogwood St SE) This project will construct corridor improvements to AWS between Muckleshoot Plaza and Dogwood Street SE. Improvements include designated U-turns, access management, driveway consolidation, addition of a 2nd left turn lane from eastbound AWS into the MIT Casino, bus pull-outs, medians, signal improvements, and sidewalks.	1,284,027 (Streets) 1,161,340 (Water)	2,333,108 (Federal) 466,191 (WSDOT) 57,015 (Other Reimbursements)	5,301,681	5,291,830	100%	JAN 17	80%	APR 18	Matt Larson	Contractor completing traffic signal work at Auburn Way South and Dogwood St SE and installing street lights throughout the project.	CH2M	Miles Resources
C222A	277TH-AUBURN WAY N TO GREEN RIVER BRIDGE This project will complete the widening of S 277th from the intersection of Auburn Way North to L Street NE, including the construction of a pedestrian trail and relocation of the floodway along S 277th.	1,539,186 (Streets)	1,020,700 (Federal) 2,300,000 (Developer) 3,933,990 (TIB)	8,928,876	8,895,956	100%	MAY16	95%	MAR18	Kim Truong	Construction is in suspension for procurement of materials and for weather. Work is expected to resume in early Spring 2018. Remaining work includes installation of the crosswalk striping, center island curbing, and installation of a flashing beacon traffic sign.	Parametrix	Scarsella Bros.
C410A	277TH WETLAND MITIGATION MONITORING This project will complete wetland mitigation enhancements at the S 277th wetland mitigation sites.	55,000 (Streets)		55,000	55,000	100%		100%		Shannon Howard	Monitoring work in progress. Actively seeking mitigation acceptance from Corps to end monitoring period.		

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1507	Auburn Way North Pavement Preservation This project will rehabilitate and preserve the existing pavement on Auburn Way North between 22nd St NE and 45th St NE. This work will also upgrade traffic signals and sidewalk curb ramps.	972,500 (Streets) 42,500 (Storm) 75,000 (Sewer) 16,000 (Water)	967,500 (Federal)	2,073,500	2,138,426	100%	FEB 17	100%	OCT 17	Kevin Thompson	Final pay approved by Council on February 20, 2018. Project Complete.	N/A	Tucci and Sons, Inc.
CP1107	FULMER WELLFIELD IMPROVEMENT PROJECT This project will be done in phases. The first phase 1A will complete investigation of the Fulmer Wellfield area to determine the required analysis and drilling program needed to utilize the full water rights. Phase 1B will complete a drilling and testing program as well as an alternatives analysis. Phase 2 will complete the physical improvements.	2,320,315 (Water)		2,660,315	2,659,550	100%	APR 17	95%	MAR 18	Luis Barba	Project is in Suspension for City programming. Contractor is completing electrical work at the site and other minor items in preparation for commissioning phase.	Phase 2: Carollo Engineers	Award Construction
CP1406	MAIN ST SIGNAL UPGRADES This project will reconstruct the existing signal at C Street SW and Main Street.	638,802 (Street)		638,802	636,489	100%	SEP 17	1%	JUL 18	Kevin Thompson	Construction Contract is in suspension for traffic signal equipment procurement. Work is expected to resume in May 2018.	DKS	West Coast Signal, Inc.
CP1502	37TH ST SE AND A ST TRAFFIC SIGNAL This project will improve the safety at the intersection by installing a traffic signal, improving ADA ramps, widening the northeast corner of the intersection to accommodate U-turns, and pavement restoration.	142,240 (Streets)	792,260 (Federal)	934,500	1,003,162	100%	SEP 17	1%	APR 18	Luis Barba	Construction in suspension for traffic signal equipment procurement. Work is expected to resume at the end of February 2018.	KPG	Road Construction Northwest

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1317	Water Meter and Billing System Improvements This project will install automated meter reading infrastructure and software, and will replace all water meters.	6,000,000 (Water)		6,000,000	6,000,000	100%	JUL 15	85%	MAR 18	Susan Fenhaus	Work is underway. Schedule updated.	Ferguson	Ferguson
CP1513	22nd St NE and I St NE Intersection Improvements This project will construct a round-a-bout and complete the design of intersection bicycle and pedestrian safety improvements at 22nd St NE and I St NE.	315,000 (Streets) 29,890 (Sewer) 405,000 (Water)	200,000 (State Grant) 940,000 (Federal Grant)	1,889,889	1,784,015	100%	JUN 17	8%	APR 18	Seth Wickstrom	Construction is underway. Contractor installing storm drainage improvements at the intersection.	Reid Middleton	DPK, Inc.
CP1520	B St NW Reconstruction Project This project will complete the reconstruction of B St NW between 37th St NW and 49th St NW, including replacing sanitary sewer and addressing storm drainage needs.	2,867,829 (Streets) 985,607 (Sewer)		3,853,436	3,273,613	100%	MAY 17	100%	FEB 18	Jai Carter	Final pay in process.	KPG	Johansen
CP1617	Lea Hill PRV Stations Project replaces 5 Pressure Reducing Valve (PRV) stations in the Lea Hill service area that have exceeded their useful life with 3 new stations.	1,032,300 (Water)		1,032,000	1,063,339	100%	JUN 17	60%	APR 18	Matt Larson	Construction is underway. Contractor installing the last of 3 new Pressure Reducing Valve (PRV) Stations. The construction finish date was revised to account for weather delays.	BHC	NOVA Contracting

Capital Project Status Report Community Development And Public Works Department - Engineering General Services Division

Project Status: CONSTRUCTION

Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	% Complete	Design Finish Date	% Complete	Construction Finish Date	Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget									
CP1614	2017 Local Street Reconstruction and Preservation Project This project will reconstruct the 28th St SE loop east of R St., 27th St SE, 26th St SE, S St SE, T St SE and U St SE; reconstructed 19th St SE and G St SE near Olympic Middle school, and preserve 53rd Ave S, S 302nd Pl and associated cul-de-sacs in the Westhill.	2,556,000 (Streets) 500,000 (Water) 200,000 (Storm)		3,256,000	2,900,000	100%	MAY 17	80%	APR 18	Jai Carter	Construction is in suspension until the first part of March 2018 until the weather is suitable for paving.	Jacobs Engineering, Inc.	Tucci and Sons
CP1710	2017 Citywide Sidewalk Repairs and Improvement Project This project will reconstruct sections of sidewalk that are in poor condition or pose a risk as tripping hazards. The project will also improve connectivity where sections of sidewalk are missing from the pedestrian network. The project will add curb ramps where barriers exist or rebuild existing curb ramps to meet ADA standards.	204,000 (Capital Improvement Fund)	50,000 (General Fund)	254,000	191,348	100%	JUN 17	100%	NOV 17	Aleksey Koshman	Final Payment approved by Council on February 5, 2018. Project Complete.	N/A	K&A Communications
MS1716	37th St NE / "I" St NE Curb Ramp Improvements This project will construct curb ramp and crosswalk marking improvements at the intersection of 37th Street NE and I Street NE.		15,000 (Streets) 40,000 (CDB Grant) 15,000 (Engineering General Fund)	70,000	70,000	100%	SEP 17	85%	FEB 18	Aleksey Koshman	Construction is underway. Remaining work is weather dependent. Finish date updated to reflect weather related work.	N/A	K&A Communications LLC
CP1605	Les Gove Crescent This project constructs a concrete plaza area, trail, and lighting at the Les Gove Community Campus.		661,542 (Parks)	661,542	726,226	100%	JAN 18	0%	JUN 18	Jacob Sweeting	Contract execution underway. Project construction to start in early March.	Berger Group	HB Hansen

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

Project Status: DESIGN													
Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1316	EAST RIDGE MANOR STORM IMPROVEMENTS This project will complete improvements to the East Ridge Manor storm system in the Lea Hill area.	1,120,000 (Storm)		1,120,000	1,110,000	25%	MAY 18	0%	DEC 18	Kevin Thompson	Design is underway. Schedule adjusted to reflect phasing approach to minimize impacts to golf course patrons.	Brown and Caldwell	TBD
CP1416	F ST SE NON-MOTORIZED IMPROVEMENTS This project will reconstruct F St SE from 4th St SE to Auburn Way South, including adding new sidewalks, curb and gutter, bike lanes, wayfinding signage, street lighting, streetscape elements, and safety improvements, and will include a bike share program with bike boulevard components. Some ROW acquisition is necessary. Some sections of water and sewer lines will be replaced on F St SE between 4th St SE and Auburn Way S.	170,000 (Streets) 100,000 (Water) 24,000 (Sewer)	520,000 (Federal)	814,000	2,727,000	55%	JUN 18	0%	TBD 21	Seth Wickstrom	Design and Environmental documentation work is underway. Construction funding is not yet secured. City will apply for a construction grant through PSRC in 2018 and these construction grant funds would be available in 2021.	Jacobs	TBD
CP1312	STORM REPAIR & REPLACEMENT This project will replace and/or repair aging and damaged storm lines throughout the City.	898,166 (Storm)		898,166	898,166	90%	MAR 18	0%	JUL 18	Seth Wickstrom	Design is underway.	N/A	TBD
CP1516	Auburn Municipal Airport Runway Enhancements The purpose of the project is to improve safety and the ability to accommodate the current and forecast fleet of multi-engine piston aircraft for both takeoff and accelerate-stop distances at the Auburn Municipal Airport by extending both ends of Runway 16/34.		1,365,000 (Airport)	1,365,000	1,365,000	16%	APR 18	0%	DEC 18	Seth Wickstrom	Consultant scope and fee negotiations underway.	CenturyWest	TBD

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

Project Status: DESIGN													
Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1603	Coal Creek Springs Transmission Main Repair The project will construct a second, parallel transmission pipeline under the White River, inspect the existing steel transmission main for possible leaks and repair the leaks, if any, and line the portion of the existing steel transmission main to improve its structural integrity and prevent leaks, and to construct another 12" to 18" parallel river crossing casing for providing water service and utility conduit to wilderness game farm park.	1,340,000 (DWSRF) 185,000 (Water)		1,525,000	1,525,000	17%	MAR 18	0%	JUL 18	Seth Wickstrom	Project design is on hold pending authorization and availability of State funding.	JACOBS	TBD
CP1521	15th Street NE/NW Preservation Project This project will rehabilitate and preserve the existing pavement in the 15th Street NW/NE and Harvey Road SE corridor between State Route 167 and 8th Street NE. Furthermore, grind and overlay 15th Street NW/NE from State Route 167 to Auburn Way N., and grind and overlay Harvey Road NE from Auburn Way N to 8th Street NE.	817,500 (Streets) 50,000 (Storm) 50,000 (Sewer)	817,500 (Federal Grant)	1,735,000	1,735,000	80%	FEB 18	0%	SEP 18	Kim Truong	Design is underway. Design finish date updated to reflect advertising the project for construction bids during a more favorable weather season given the work involved.	N/A	TBD
CP1709	Reservoir 1 Seismic Control Valve This project will design and construct a seismic control valve on the City's largest reservoir.	175,000 (Hazard Mitigation Grant) 25,000 (Water)		200,000	200,000	70%	APR 18	0%	AUG 18	Kevin Thompson	Design is underway.	Parametrix	TBD
CP1707	A St. SE Corridor Signal Safety & Operations Improvements This purpose of this project is to design for and improve traffic signal timing and operations, corridor coordination, traffic signal head visibility, and pedestrian accessibility along the A St SE Corridor between 3rd St SE and East valley Highway Access Road.	45,850 (Street)	412,650 (Federal Grant)	458,500	458,500	50%	MAY 18	0%	SEP 18	Kim Truong	Design is underway.	PH Consulting, LLC & DKS Associates	TBD

Capital Project Status Report Community Development And Public Works Department - Engineering General Services Division

Project Status: DESIGN													
Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1705	Auburn Way South (SR164) Sidewalk Improvements This project will construct the missing gap of sidewalk along the north side of Auburn Way South between the existing sidewalk terminations near 17th St SE to the west and Muckleshoot Plaza to the east. The project length is approximately 1,700 feet.	400,000 (TIB Grant) 430,000 (Streets)		830,000	830,000	35%	TBD 18	0%	TBD 18	Matt Larson	Design Underway; Coordinating design improvements with WSDOT. Design and construction finish dates changed to TBD during WSDOT coordination effort.	N/A	TBD
CP1719	Sewer Pump Station Telemetry (SCADA) Improvements This project will add telemetry and SCADA capabilities to the 22nd Street NE and R Street NE Sewer Pump Stations.	290,000 (Sewer)		290,000	338,400	1%	SEP 18	0%	DEC 18	Matt Larson	Executing Consultant Contract.	Parametrix	TBD
CP1717	2018 Local Streets Pavement Reconstruction This project will reconstruct selected streets that are in very poor condition, as well as improve City owned utilities, rebuild curb ramps to meet ADA standards, and overlay selected streets that are in fair condition. The work at each location varies and may include water infrastructure, a potential sanitary sewer Local Improvement District (LID), and storm drainage improvements as needed for each project street.	1,400,000 (Streets) 65,000 (Water) 80,000 (Sewer) 100,000 (Storm)		1,665,000	1,732,431	60%	JUN 18	0%	DEC 18	Matt Larson	Design is underway.	Jacobs Engineering	TBD
CP1114	WSDOT SR164 Overlay - SR18 to 17th St SE This is a WSDOT project that will replace the roadway surface on Auburn Way South from SR-18 to 17th St SE. WSDOT is also constructing City requested and funded improvements at 12th St SE (Project CP1114).	200,000 (Streets)	213,600 (WSDOT)	413,600	200,000	95%	APR 18		NOV 18	Jacob Sweeting	WSDOT finalizing contract documents and preparing to advertise for bids.	WSDOT	TBD

Capital Project Status Report Community Development And Public Works Department - Engineering General Services Division

Project Status: DESIGN													
Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1802	Green River Pump Station Emergency Power This project will provide back up power to the existing Green River Pump Station located at Isaac Evans Park.	1,000,000 (Water)	N/A	1,000,000	1,000,000	1%	NOV 18	0%	JUN 19	Luis Barba	Project is currently in pre design status. Consultant Scope and Fee negotiations underway.	BHC	TBD
CP1718	S 277th Street Preservation Project The purpose of the project is to rehabilitate and preserve the existing pavement on S 277th between Auburn Way North and the SR167 North Bound Off Ramp.	662,380 (Streets)	662,380 (Federal)	1,324,760	1,324,760	18%	MAY 18	0%	SEP 18	Luis Barba	Design underway.	N/A	TBD
CP1724	37th St NW Flood Control The purpose of the project is to alleviate significant annual flooding at the 1000 block of 37th St NW of Auburn, Washington, by upgrading the drainage system with a box culvert.	81,000 (Storm)	200,000 (Grant)	291,000	218,942	0%	MAY 18	0%	OCT 18	Luis Barba	Design is underway. Completing storm modeling in support of the design effort.	N/A	TBD
CP1804	AWN Sidewalk Improvement Project The purpose of the project is to construct two missing sections of sidewalk, construct ADA improvements, construct a Rectangular Rapid Flashing Beacon (RRFB) at the intersection of Auburn Avenue and 5th Street NE, and install LED lighting along Auburn Way North between E Main St and 5th St NE	351,000 (Streets)		351,000	391,045	1%	JUN 18	0%	SEP 18	Luis Barba	Design is underway.	N/A	TBD

Capital Project Status Report

Community Development And Public Works Department - Engineering General Services Division

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Project Number	Project Name & Description	Street/Utilities	Project Budget		Total Estimated Costs	Design		Construction		Project Manager	Status	Design Consultant	Contractor
			Other	Total Budget		% Complete	Finish Date	% Complete	Finish Date				
CP1726	2019 Local Street Reconstruction Reconstruct selected streets that are in very poor condition, as well as improve utilities, and rebuild curb ramps to meet ADA standards. The improvement at each project sites varies and may include a potential sewer Local Improvement District, storm drainage and water improvements. Improvements are proposed at the following streets: 4th St NE (R St to 4th PI NE), 4th PI NE, M St SE (25th St SE to 28th St SE), 28th St SE (M St SE to R St SE), O St SE, Pike St SE	103 Local Fund 1,400,000 460 Water Fund 265,000 461 Sewer Fund 80,000 462 Storm Fund 100,000		1,845,000	1,845,000	1%	MAR 19	0%	SEP 19	Kim Truong	Project Management Plan being developed. Survey work is underway.	KPG	TBD
CP1812	SEWER PUMP STATION ELECTRICAL IMPROVEMENTS The purpose of this project is to update the electrical systems at sewer pump stations throughout the City to meet current electrical code, improve safety and increase the efficiency of maintenance.	641,000 (Sewer)		641,000	641,000	0%	NOV 18	0%	APR 19	Luis Barba	Project Management Plan being developed	TBD	TBD



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6672 (10 Minutes) (Gaub)

Department:

CD & PW

Attachments:

[Ordinance No. 6672](#)

Date:

February 15, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

Ordinance No. 6672 amends Chapter 12.12 of the Auburn City Code relating to Public Sidewalks. The purpose of these revisions are to bring this code in line with current practices and options regarding installation and maintenance of sidewalk areas within the public Right-of-Way since much of this chapter has not been revised since it's codification in 1957.

Please note that there are a significant number of deletions of code being proposed that relate to a Local Improvement District (LID) process for sidewalks. Since this code was create, state law has been modified and addresses the requirements for creation of an LID and therefore specific City code is no longer required and could create conflicts with state law.

Other significant revisions include clarification of the definition of a sidewalk, maintenance, installation and replacement responsibilities of adjacent property owners and the City, and the allowance for private irrigation systems within the public right-of-way for better maintenance of landscaped areas.

These changes will be discussed at the Special Focus Area Study Session on February 26, 2018 and are tentatively schedule for adoption by Council on March 5, 2018.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: February 26, 2018

Staff:

Gaub

Item Number:

ORDINANCE NO. 6 6 7 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 12.12 OF THE CITY CODE RELATING TO PUBLIC SIDEWALKS

WHEREAS, the current provisions of Chapter 12.12 of the City Code provide for improvement and maintenance responsibilities for sidewalk areas within the City; and

WHEREAS, many of the provisions of this chapter have been unchanged for decades, and may not be as reflective of current practices and options regarding installation and maintenance of sidewalks and other appurtenances within the sidewalk area; and

WHEREAS, it is appropriate to update the provisions of Chapter 12.12 of the City Code to incorporate provisions more consistent with other sections of the City Code and contemporary practices.

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

Section 1. AMENDMENT TO CITY CODE. Chapter 12.12 of the Auburn City Code is amended to read as follows:

Chapter 12.12 PUBLIC SIDEWALKS¹

Sections:

~~I. Improvements and Assessments~~

- 12.12.010 Purposes.
- 12.12.020 Definitions.
- 12.12.030 ~~Improvement—Maintenance responsibility~~Repealed.
- 12.12.040 Improvement – Responsibility.
- 12.12.050 ~~Improvement—Order—Notice~~Repealed.
- 12.12.060 ~~Improvement—Necessity report~~Repealed.
- 12.12.070 ~~Improvement—Order by council~~Repealed.
- 12.12.080 ~~Improvement—Hearing~~Repealed.
- 12.12.090 ~~Sidewalk construction fund~~Repealed.

¹ For statutory provisions on sidewalks applicable to code cities, see RCW 35A.47.020. For provisions related to sidewalks applicable to cities generally, third-class cities, see Chapters 35.68, 35.69 and 35.70 RCW, as well as RCW Sections 35.22.280, 35.23.440 and 35.27.370, and RCW 58.17.110; for provisions on sidewalks in code cities, see RCW 35A.47.020.

- 12.12.100 ~~Assessment—Roll preparation—Hearing~~Repealed.
12.12.110 ~~Assessment—Payment method determination~~Repealed.
12.12.120 ~~Assessment—Collection~~Repealed.
~~II. Construction~~
12.12.130 ~~Definitions~~Repealed.
12.12.140 ~~Specifications~~Repealed.
12.12.150 Requirement generally.
12.12.160 Permit – Procedure generally.
12.12.170 Permit – Fees.
12.12.180 ~~Barricades~~Repealed.
12.12.190 Guarantee by contractor.
12.12.200 Monument disturbance during construction.
12.12.210 Confinement with right-of-way lines and easements.
12.12.220 Acceptance prerequisites.
12.12.230 Administration.
12.12.232 Maintenance responsibility.
12.12.234 Repair and Replacement responsibility.
12.12.236 Private Irrigation Systems.
12.12.240 Violation – Penalty.

~~I. Improvements and Assessments~~

12.12.010 Purposes.

~~A.—ACC 12.12.040 and 12.12.050 are enacted in order to enable the city to exercise the powers and authority granted by Chapter 203, Laws of Washington, 1927 (Chapter 35.69 RCW), and to provide for the application and enforcement of said act in the city.~~

~~B.—The purpose of ACC 12.12.060 through 12.12.120 is to enable the city to exercise the powers and authority granted by Chapter 35.68 RCW and to provide for the application and enforcement of Chapter 35.68 RCW this chapter is to provide for improvements to and the responsibilities for the sidewalk areas within public rights-of-way, as well as penalties for failure to comply. (1957 code §§ 8.10.030, 8.10.040.)~~

12.12.020 Definitions.

~~For the purpose of this article (ACC 12.12.010 through 12.12.120), t~~The following words and phrases shall have the meanings respectively ascribed to them in this section, unless expressly indicated otherwise or where used the context clearly indicates to the contrary an alternate meaning:

A. “Abutting property” includes all property having a frontage on ~~the sidewalk margin of any~~ street or public place.

B. “Sidewalk” includes ~~any and all structures or forms of street improvement included in the space between the street margin~~ any landscaping, driveway, driveway apron, pedestrian pathway, curb ramp, and pedestrian curb between the edge of pavement or back of curb along any public street ~~and the roadway, known as the sidewalk~~

~~area, including sidewalks, gutters and curbs along all driveways across sidewalks abutting property boundary, excluding street tree grates.~~

~~C. "Street" includes boulevard, avenue, street, alley, way, lane, square or place.~~

~~D. "Contractor" means the person, firm or corporation doing or performing work for the property owner, city or other municipal corporation. A "bonded contractor" shall be adequately bonded to the city.~~

~~E. "Permittee" means the person, firm or corporation who is applying for a permit or to whom a permit has been issued for sidewalk area construction pursuant to this article.~~

~~F. "Property owner" means the person, firm or corporation who has legal title to the adjacent property on which the improvements to be constructed fronts or is being made, including his legal agents. ([See prior ACC 12.12.130] 1957 code § 8.10.050.)~~

~~12.12.030 Improvement—Maintenance responsibility~~*Repealed.*

~~Whenever any street, lane, square, place or alley in the city has been improved by the construction of a sidewalk along either side thereof, the duty, burden and expense of the maintenance, cleaning, repair and renewal of such sidewalk, including the erection and maintenance of suitable barriers of wood, iron or masonry along the outer margin of such sidewalk where the same is elevated more than two feet above the abutting property, shall devolve upon the owner of the private property directly abutting on the sidewalk, and the improvement shall be made by the owner in the manner provided by the ordinances of the city and the laws of the state. (1957 code § 8.10.005.)~~

~~12.12.040 Improvement – Responsibility.~~

~~Whenever a portion, not longer than one block in length, of any street is not improved by the construction of a sidewalk thereon, or the sidewalk thereof has become unfit or unsafe for purposes of public travel, and such street adjacent to both ends of the portion is so improved and in good repair, and the city council by resolution finds that the improvement of such portion by the construction or reconstruction of a sidewalk thereon is necessary for the public safety and convenience, the duty, burden and expense of constructing or reconstructing such sidewalk shall devolve upon the property directly abutting upon such portion; provided, that such abutting property shall not be charged with any costs of construction or reconstruction in excess of 50 percent of the valuation of such abutting property, exclusive of improvements thereon, according to the valuation last placed upon it for purposes of general taxation of the sidewalk is unimproved, at such time as development or redevelopment triggers the requirement for the improvement per ACC 12.64A, it shall be the responsibility of the adjacent property owner to improve the sidewalk per the adopted city codes, including the engineering standards that are incorporated by reference in ACC 12.04.010. (1957 code § 8.10.010.)~~

~~12.12.050 Improvement—Order—Notice~~*Repealed.*

~~Whenever the city council has adopted such resolution, the city engineer shall cause to be served on the owner of the abutting property a notice instructing the owner to construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which shall be attached to such notice. Such notice shall be served by~~

~~delivering it in person to the owner or leaving it at his home with a person of suitable age and discretion then resident therein, or with an agent of such owner authorized to collect rentals on such property, or, if such owner is a nonresident of the state, by mailing a copy to his last known address, or, if such owner is unknown or if his address is unknown, then by posting a copy in a conspicuous place on such portion of the street where such improvement is to be made. Such notice shall specify a reasonable time within which such construction or reconstruction shall be made, and shall state that in case the owner fails to make the same within such time, the city will proceed to make the same through the city engineer, and at a subsequent date, to be definitely stated in the notice, the city engineer will report to the city council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such improvement, the name of the owner, if known, and that the city council at the time stated in the notice, or at the time or times to which the same may be adjourned, will hear any and all protests against the proposed assessment. Upon the expiration of the time fixed within which the owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such work, the city shall proceed to perform such work and shall, within the time fixed in the notice, report to the city council an assessment roll showing the lot or parcel of land directly abutting on such portion of such street so improved, the cost of such work, and the name of the owner, if known. The city council shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such improvement against the abutting property and shall fix the time and manner for payment thereof, which assessment shall become a lien upon the property and shall be collected in the manner provided by law for special assessments under RCW Title 35. (1957 code § 8.10.020.)~~

12.12.060 Improvement—Necessity report~~Repealed~~.

~~If, in the judgment of the city engineer, public convenience or safety requires the construction, reconstruction or repair of any sidewalk within the city limits, he shall report such fact to the city council immediately. (1957 code § 8.10.060.)~~

12.12.070 Improvement—Order by council~~Repealed~~.

~~A.—If, upon receiving a report from the city engineer, the city council deems such construction, reconstruction or repair necessary for the public safety or convenience, it shall, by resolution, order the abutting property owner to perform the necessary construction, reconstruction or repair.~~

~~B.—The resolution shall:~~

~~1.—Specify the time within which the work shall be commenced and completed by the abutting property owner;~~

~~2.—State that if the improvement is not completed within the time specified that the city will perform and complete the improvement and assess the cost against the abutting property owner;~~

~~3.—Fix a time from and after its passage, and a place for a public hearing on the resolution;~~

~~4.—Be published for two consecutive weeks in the official newspaper of the city;~~

5. ~~Provide that a notice of the date of such public hearing shall be given each owner or reputed owner of property abutting the proposed improvement, as shown on the tax rolls of the county treasurer, by mailing to the owner or reputed owner of the property, at the address shown thereon, a notice of the date of hearing. Such mailing shall be made at least 10 days before the date fixed for such hearing.~~

C. ~~Proof of the publication of the resolution and the mailing of the notices to abutting property owners shall be filed with the city clerk prior to the hearing on the proposed improvement. (1957 code § 8.10.070.)~~

12.12.080 Improvement—Hearing Repealed.

~~At the time of hearing, the council shall hear persons appearing for or against the improvement, and shall determine whether it will or will not proceed with the improvement, whether it will make any changes in the original plan, and what the changes will be. This action may be taken by motion adopted in the usual manner; provided, however, that the hearing may be postponed from time to time to a definite date until the hearing is held. (1957 code § 8.10.080.)~~

12.12.090 Sidewalk construction fund Repealed.

~~The city council may create a sidewalk construction fund designated as "sidewalk construction fund No. ____" to be numbered differently for each improvement, and with warrants drawn on this fund the costs of the respective improvements may be paid. The city may advance as a loan to the sidewalk construction fund, from any available funds, the amounts necessary to pay any cost of the improvement. When any assessment is made for the improvement, payments therefor shall be paid into the particular sidewalk improvement fund; and whenever any funds are available over the amounts necessary to pay outstanding warrants, any advances or loans made to the fund shall be repaid. Whenever warrants are drawn on any fund which are not paid for want of sufficient funds, they shall be so stamped and shall bear interest until called and paid at a rate established by the city council by resolution. (1957 code § 8.10.090.)~~

12.12.100 Assessment—Roll preparation—Hearing Repealed.

~~Where all or any portion of the costs are to be assessed against the abutting property, an assessment roll shall be prepared by the city engineer which shall, to the extent necessary, be based on benefits, and which shall describe the property assessed, the name of the owner, if known (otherwise stating that the name of the owner is unknown), and fixing the amount of the assessment. The assessment roll shall be filed with the city clerk, and when so filed the council shall, by resolution, fix a date of hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. The notice of hearing shall be mailed to the person whose name appears on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown thereon, and shall be published before the date fixed for the hearing for two consecutive weeks in the official newspaper of the city. The notice shall be mailed and first publication made at least 10 days before the hearing date. Proof of mailing and publication shall be made by affidavit and shall be filed with the city clerk before the date fixed for the hearing. Following the hearing, the city council shall, by ordinance, affirm, modify or reject or order~~

~~recasting of the assessment roll. An appeal may be taken to the superior court from the ordinance confirming the assessment roll in the same manner as is provided for appeals from the assessment roll by Chapters 35.43 to 35.54 RCW. (1957 code § 8.10.100.)~~

12.12.110 ~~Assessment—Payment method determination~~Repealed.

~~The city council shall, by resolution, provide whether the full amount of the assessments shall be paid in one payment or whether it may be paid in installments and shall prescribe the time and amount of such payments; and if more than one payment is provided for, the city council may, by resolution, provide for interest on unpaid installments and fix the rate thereof. (1957 code § 8.10.110.)~~

12.12.120 ~~Assessment—Collection~~Repealed.

~~The assessment roll as affirmed or modified by the city council shall be filed with the finance director for collection, and the amount thereof, including interest, if any, shall become a lien against the property described therein from the date of such filing. Whenever any payment on any assessment or installment is delinquent and unpaid for a period of 30 days or more, the lien may be foreclosed in the same manner and with the same effect as is provided by Chapters 35.43 to 35.54 RCW. Whenever the deed is issued after the sale therein provided, the regularity, validity and correctness of the proceedings relating to such improvement and the assessment therefor shall be final and conclusive and no action shall thereafter be brought by or on behalf of any person to set aside the deed. (1957 code § 8.10.120.)~~

~~II. Construction~~

12.12.130 ~~Definitions~~Repealed.

~~Except where specifically defined in this section, all words used in this article shall carry their customary meaning.~~

~~A.——“Contractor” means the person, firm or corporation doing or performing work for the property owner, city or other municipal corporation. A “bonded contractor” shall be adequately bonded to the city.~~

~~B.——“Permittee” means the person, firm or corporation who is applying for a permit or to whom a permit has been issued for sidewalk construction pursuant to this article.~~

~~C.——“Property owner” means the person, firm or corporation who has legal title to the property on which the sidewalk to be constructed fronts or is being made, including his legal agents.~~

~~D.——A “sidewalk” means and will be considered as any thoroughfare, the primary function of which is to serve pedestrian traffic. (Ord. 3926 § 1, 1983.)~~

12.12.140 ~~Specifications~~Repealed.

~~Any and all sidewalks required to be constructed pursuant to the terms in this article shall be constructed in accordance with the specifications that are incorporated by reference in ACC 12.04.010. (Ord. 3926 § 2, 1983.)~~

12.12.150 Requirement generally.

Whenever an improvement of a sidewalk ~~and/or driveway~~ is installed, it shall be installed in accordance with the specifications that are incorporated by reference in ACC 12.04.010 and in conformance with a valid permit issued pursuant to this article, except as otherwise required under Chapter 12.64 ACC. (Ord. 3926 § 3, 1983.)

12.12.160 Permit – Procedure generally.

The ~~building official~~city engineer shall grant such permits only upon compliance with the following terms and conditions:

A. The party requesting the permit shall make application therefor in writing, and will file with the city engineer drawings showing the location and plan of the sidewalk, as defined in this chapter, to be constructed, together with a full description of the nature of such work.

B. The city engineer or his/her designee shall ~~thereupon examine review~~ and approve such application, and drawings and plans and shall recommend issuance of the permit to the building official prior to permit issuance.

C. Such permit shall specify the place where such sidewalk is to be constructed, together with a description of the proposed construction to be done under such permit, and the length of time allowed for the completion thereof. (Ord. 3926 § 4, 1983.)

12.12.170 Permit – Fees.

A. Permit fees to cover permit processing and inspection shall be applicable for all sidewalks ~~s and associated curb and gutter improvements.~~

B. The fees shall be as shown in the city of Auburn fee schedule as adopted by ~~Ordinance 5707~~city council, and any amendments thereto. (Ord. 5817 § 1, 2004; Ord. 3945 § 1, 1984; Ord. 3926 § 5, 1983.)

12.12.180 ~~Barricades~~Repealed.

~~The person, firm or corporation constructing a sidewalk pursuant to the terms of this article shall erect and, so long as conditions exist and any danger may continue, maintain along the property upon which the sidewalk is to be constructed a good and substantial barrier. This barrier is to be in compliance with Chapter 12.28 ACC. The above persons shall cause to be maintained during every night from sunset to sunrise around the obstruction sufficient warning lights or flares, including any requested by the city engineer. In the event the permittee is not immediately available, the city engineer may install, at permittee's expense, additional barricades, lights and/or safety devices to protect the public.~~ (Ord. 3926 § 6, 1983.)

12.12.190 Guarantee by contractor.

Any sidewalk constructed under a permit authorized by this ~~article~~chapter shall be ~~backfilled, tamped and settled in such manner that the new sidewalk and constructed so that the sidewalk or~~ any abutting sidewalks, whether public or private, shall not become undermined, and should the sidewalk settle or crack within a period of one year, it shall be repaired at the expense of the ~~original contractor~~permittee. (Ord. 3926 § 7, 1983.)

12.12.200 Monument disturbance during construction.

The permittee shall not disturb any survey monuments or hubs found within the boundaries of the sidewalk to be constructed unless authorized to do so by the city engineer. In the event that such monuments or hubs are to be removed because of the sidewalk construction, they must be replaced under the supervision of the city engineer at the permittee's ~~or his agent's~~ expense. (Ord. 3926 § 8, 1983.)

12.12.210 Confinement with right-of-way lines and easements.

It shall be the permittee's responsibility to confine his ~~or her~~ construction activities within the street right-of-way lines and limits of easements described on the permit. Any damage resulting from trespassing beyond these limits shall be the sole responsibility of the permittee. (Ord. 3926 § 9, 1983.)

12.12.220 Acceptance prerequisites.

No sidewalk improvement constructed pursuant to the terms of this ~~article~~ chapter will be accepted until the city engineer is satisfied that the work has been performed according to the requirements of this ~~article and to the lines and grades as established and staked~~ chapter. (Ord. 3926 § 10, 1983.)

12.12.230 Administration.

The mayor is authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation. (Ord. 3926 § 12, 1983.)

12.12.232 Maintenance responsibility.

The maintenance of the area of the sidewalk along either side of any street shall be the duty, burden and expense of the abutting property owner. Maintenance shall include removal of debris, moss, snow and ice, cleaning of sidewalks, maintenance of vegetation, including but not limited to maintenance of vegetation consistent with sight distance and vegetation clearances in accordance with any other city code, and maintaining barriers or fences along the sidewalk where the sidewalk is elevated more than two feet above the abutting property.

12.12.234 Repair and Replacement responsibility.

The repair and/or replacement of sidewalk, as defined by this section, shall be the responsibility of the abutting property owner unless determined otherwise by the city engineer. If a property owner believes the damaged sidewalk and/or sidewalk needing replacement is/are the cities or someone else's responsibility, the property owner must notify the city engineer in writing with sufficient documentation of the cause of the damage and justification of why the repair and/or replacement should not be considered the responsibility of the abutting property owner.

Damage caused to the sidewalk by vegetation located on private property, lack of regular maintenance by the abutting property owner, or damage that is any way caused by the abutting property owner shall be the responsibility of the private property owner to repair subject to ACC 12.66.

12.12.236 Private Irrigation Systems.

Construction of private irrigation systems within the public right-of-way is required to be completed by construction permit per ACC 12.66 or included in a facility extension permit per ACC 13.40. The Owner shall apply for and obtain a Permit from the City prior to doing any work for installation, repairs, abandonment or removal performed on the irrigation facilities in the City's right-of-way.

A. All future maintenance, repairs, abandonment or removal performed on the irrigation facilities located in the City's rights-of-way shall be performed by a licensed and bonded contractor in the State of Washington.

B. The applicant shall be responsible for all permits, maintenance, repairs, cost and water usage of the irrigation facilities.

C. The Owner shall provide the City with information specifying the location of the facilities placed under the permit, including as-built drawings showing general location.

Owner shall relocate their facilities at their cost if the City determines they are in conflict with public improvements being constructed in association with future projects. Such relocation work shall be completed within 45 days of written notification by the City in accordance with this section. The City may allow the owner additional time to relocate the facilities depending upon the project's scheduling needs.

Owner of the private irrigation system shall register with Washington 811 for locate services for underground facilities. The Owner is responsible for meeting the requirements of RCW 19.122 for locating and keeping accurate records of utility locations, protecting and repairing damage to existing underground facilities. All elements of the irrigation system shall be detectable for locate purposes.

Owner shall be responsible for any maintenance, repairs or damage to public facilities within the right-of-way that is caused by the private irrigation system, including the maintenance of or repairs to the irrigation system. Such public facilities shall include but are not limited to pavement, sidewalks, curbs, gutters, underground utilities such as water, sewer and storm, electrical, street lighting, fiber, conduit, landscaping and subgrades.

12.12.240 Violation – Penalty.

A. Violation of the provisions of this chapter is an infraction, subject to penalties in accordance with ACC 1.25.050, and each day in violation shall be considered a separate offense.

B. In addition to the penalties provided in subsection A of this section, if the owner, ~~abutting owner~~, or permittee fails to construct a sidewalk in the time and manner specified in the permit issued pursuant to ~~this article~~the city code, ~~the city council~~, ~~pursuant to Chapter 35.70 RCW~~, ~~shall order the sidewalk to be constructed under the supervision of the city engineer, and the costs shall be assessed against and become a lien upon the land of the property owner abutting the sidewalk to be constructed~~ it shall constitute a public nuisance as defined in ACC 8.12.020. The city shall utilize the provisions of ACC 8.12.080 to abate the violation by ordering the sidewalk to be constructed under the supervision of the city engineer or his/her designee. The

abatement order, and all requirements and provisions of ACC 8.12.080, shall be directed to the owner, abutting owner, or permittee. (Ord. 5683 § 33, 2002; Ord. 3926 § 11, 1983.)

Section 2. ADMINISTRATIVE PROCEDURES. 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

ATTEST:

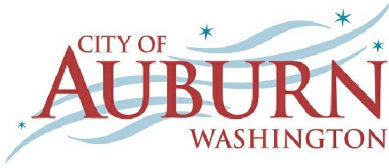
NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No.6679 (10 Minutes) (Gaub)

Date:

February 15, 2018

Department:

CD & PW

Attachments:

[Ordinance No. 6679](#)

Budget Impact:**Administrative Recommendation:**

City Council to discuss Ordinance No. 6679

Background Summary:

Ordinance No. 6679 proposes to modify portions of Auburn City Code, Sections 3.10 (Purchasing Policy) and 3.12 (Public Contracts). Updates related to retainage requirements are necessary to remain consistent with recent changes to Washington State law. In addition, revising certain portions of the purchasing and contracting code will allow the City to more efficiently and effectively procure and administer consultant and construction contracts. Updating the dollar amount thresholds so authorization limits are consistent between the purchasing and contract sections, is needed.

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

Gaub

Meeting Date: February 26, 2018

Item Number:

ORDINANCE NO. 6 6 7 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 3.10.020, 3.10.025, 3.10.026, 3.12.020, 3.12.030, 3.12.060, 3.12.070 AND 3.12.080 OF THE CITY CODE AND CREATING A NEW SECTION 3.10.060 OF THE CITY CODE RELATING TO PUBLIC CONTRACTING

WHEREAS, the current provisions of the Auburn City Code address requirements for public contracting and purchasing; and

WHEREAS, updates related to retainage requirements are necessary to remain consistent with recent changes to Washington State law; and

WHEREAS, revising certain portions of the purchasing and contracting code will allow the City to more efficiently and effectively procure and administer consultant and construction contracts; and

WHEREAS, updating the dollar thresholds so authorization limits are consistent between the purchasing and contacting sections is needed.

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

Section 1. AMENDMENT TO CITY CODE. Section 3.10.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.10.020 Contract authorization limits.

A. The following authorization approval limits shall apply for all city contracts. For contracts with total dollar amounts up to \$10,000.00, authority rests at the department director level. All contracts over \$10,000.00, up to \$50,000.00, and contracts that have been individually and separately listed in the city's annual budget shall be approved and signed by the mayor. For all unbudgeted expenditures not individually and separately listed in the city's annual budget in excess of \$50,000.00, approval shall be obtained from the mayor and the city council.

B. For purposes of this section, a contract is "individually and separately listed" if it is:

1. Expressly identified, in writing, defining or describing the expenditure or project as a line-item in the budget;

2. Identified by express reference to the ~~CPF-CFP~~ or TIP project, or other specific project in the budget.

C. If a contract does not provide for cash consideration, the responsible department will estimate the value of the contract as if there was cash consideration. Authorization authority will be based on that estimated value.

D. If a contract does not provide for cash consideration, but requires the city to indemnify the other party, the responsible department, in consultation with the risk manager, shall determine the value of the city's possible indemnification risk. Authorization authority will be based on that estimated value.

E. Unless the value is \$25,000.00 or less, or unless required for a budgeted project, or unless otherwise authorized in this code or otherwise expressly authorized by the city council, all contracts that convey an interest in real estate shall be approved by the city council. (Ord. 6528 § 2, 2014; Ord. 6147 § 1, 2008; Ord. 5778 § 2, 2003; Ord. 5490 § 1, 2000.)

Section 2. AMENDMENT TO CITY CODE. Section 3.10.025 of the Auburn City

Code be, and the same hereby is, amended to read as follows:

3.10.025 Professional and personal services.

A. Professional and personal services are those services involving specialized skill, education, and special knowledge. These services include, but are not limited to, architectural, engineering, design services, accounting, art, real estate appraisal, relocation assistance, title abstracts, surveying, soils analysis, and core testing.

B. Procurement and administration of such contracts are the responsibility of the mayor or the department director. The mayor/designees may sign professional or personal service contracts in conformity with ACC 2.03.030 and 3.10.020. Council action will be required to authorize amendments to contracts that are either not included in the budget or exceed the approved budget as follows:

1. When the original contract is under ~~\$25,000~~\$50,000.00 and was not included in the budget and the total of the amendment(s) will increase the total contract amount to more than ~~\$25,000~~\$50,000.00.

2. When the original contract is ~~\$25,000~~\$50,000.00 or more and was not included in the budget and the total of the amendment(s) will increase the total contract amount by more than ~~\$25,000~~\$50,000.00 and the amendment(s) are also not budgeted.

3. When the original contract was included in the budget and the total of the amendment(s) to the contract will increase the total contract amount to more than ~~\$25,000~~\$50,000.00 above the amount included in the budget.

C. Council action is required for the initial authorization of contracts for on-call services. For contracts solicited for a contract period of up to 5 years, each on-call contract may be amended by the mayor on an annual basis to extend the contract duration by up to 1-year for a total duration not to exceed the original solicited contract period and may be amended by the mayor to increase the contract amount by an amount

equal to or less than the original contract amount authorized by the city council. (Ord. 6147 § 1, 2008; Ord. 5640 § 1, 2002; Ord. 5490 § 1, 2000.)

Section 3. AMENDMENT TO CITY CODE. Section 3.10.026 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.10.026 Public work projects – Contract amendment – Conditions.

A. Construction contracts which have been initially authorized by the city council or the mayor or mayor's designee may be amended administratively by the mayor/designees by change order, letter of instruction, or other legally appropriate form, up to the total maximum contract amounts set forth below:

1. Awarded contract amount plus up to 20-twenty percent (20%) for contracts originally awarded for up to \$200,000.00.

2. Awarded contract amount plus up to 15-fifteen percent (15%) or \$40,000.00, whichever is greater, for contracts originally awarded for between \$200,000.00 and \$500,000.00.

3. Awarded contract amount plus up to 10-ten percent (10%) or \$75,000.00, whichever is greater, for contracts originally awarded for between \$500,000.00 and \$1,000,000.00.

4. Awarded contract amount plus up to five percent (5%) or \$100,000.00, whichever is greater, for contracts originally awarded for between \$1,000,000.00 and \$5,000,000.00.

5. Awarded contract amount plus up to two and one-half percent (2½%) or \$250,000.00, whichever is greater, for contracts originally awarded for over \$5,000,000.00.

B. If available budget contingency remains after the authorized total maximum contract amount, as defined in subsection A of this section, is reached, additional authorization to increase the total contract amount shall be obtained from the appropriate city council committee.

C. No administrative action is authorized, the result of which would be to amend a contract to increase the authorized total maximum contract amount, as defined in subsection A of this section, beyond funds approved by the city council. (Ord. 6147 § 1, 2008; Ord. 5525 § 1, 2001.)

Section 4. AMENDMENT TO CITY CODE. Section 3.12.020 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.12.020 Bid solicitation.

A. Formal Advertisement Required. Except as otherwise authorized in Chapters 39.04 and 39.28 RCW or RCW 35.23.352, relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public work and improvements shall be done by contract pursuant to public notice and call for competitive bids whenever the estimated cost of such public work or improvement,

including the cost of materials, supplies, equipment and labor, will exceed the limits for competitive bid as stated in RCW 35.23.352 as now enacted or as hereafter amended, provided the city may use a small works roster pursuant to RCW 35.23.352.

Where formal bidding is required, a call for bids shall be issued in accordance with the provisions herein before any contract is let for the performance of any public work.

B. Formal Advertising Procedures. For projects requiring formal advertisement per this section, a notice of a call for bids, stating the nature of the contract to be let and the time on or before which sealed bids for the same must be filed with the city clerk, shall be given by posting notice thereof on the bulletin board in the lobby of City Hall. The notice shall also be published in the official newspaper, and a newspaper of general circulation most likely to bring responsive bids, at least 13 days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done, where the plans and specifications may be seen or obtained, and a specified hour and date when such bids shall be opened, and that the sealed bids be filed with the city clerk within the time specified therein. The clock within the city clerk's office shall be the official time used for determining receipt of bids.

C. Council Approval. Issuance of solicitations for bids shall require city council consent approval unless the solicitation is for a project identified in the city's current approved budget at the time of bid solicitation or if the estimated contract amount is within the budget authority of the mayor as provided in Chapter 3.10 ACC.

D. For the purposes of determining whether or not bidding contractors must declare the names of subcontractors for certain work based on the amount of the contractor's expected costs per RCW 39.30.060, the expected costs of the contract shall be the engineer's estimate of the contract work plus the amount of any work added by addenda to the bid documents, plus any applicable sales tax computed at the rate in place at the time of bid opening.

E. For ~~projects-contracts~~ not required to be formally advertised, the city shall issue an invitation to bid, request for quote or other form as determined appropriate by the city engineer ~~and in accordance with the requirements of.~~ Non-formal advertised contracts may conform to the small works roster or limited public works process described in RCW 39.04.155 or other procurement process as deemed appropriate by the city engineer. (Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.011 and 3.12.020.)

Section 5. AMENDMENT TO CITY CODE. Section 3.12.030 of the Auburn City

Code be, and the same hereby is, amended to read as follows:

3.12.030 Bid opening.

A. For ~~projects-contracts~~ utilizing a formal advertisement process per ACC 3.12.020, bids shall be opened and publicly read aloud by the city clerk at the time and location as set forth in the contract advertisement.

B. For ~~projects-contracts~~ not utilizing a formal advertisement process, the city engineer shall determine whether a public reading of the bids is required and indicate this in the new invitation to bidders or request for quote documents. (Ord. 6545 § 1, 2014.)

Section 6. AMENDMENT TO CITY CODE. Section 3.12.060 of the Auburn City

Code be, and the same hereby is, amended to read as follows:

3.12.060 Award.

For contracts greater than the bid limits as provided in RCW 35.23.352, as now enacted or as hereafter amended, the city council shall award the contract to the lowest responsible bidder. For contracts less ~~then~~ than the bid limits provided in RCW 35.23.325, as now enacted or as hereafter amended, the director or his/her designee shall have the authority to award the contract. (Ord. 6545 § 1, 2014.)

Section 7. AMENDMENT TO CITY CODE. Section 3.12.070 of the Auburn City

Code be, and the same hereby is, amended to read as follows:

3.12.070 Contractor's bond.

A. Whenever the city shall contract with any person or corporation to do any work, the city shall require the person or persons with whom such contract is made to make, execute, and deliver to the city clerk a sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work. Said security company in accordance with RCW 39.08.010 shall be bound by the laws of the state of Washington and subject to the jurisdiction of the state of Washington. The provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work.

B. For contracts using the limited public works process, the city may waive the payment and performance bond requirements of Chapter 39.08 RCW and retainage requirements of Chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under RCW Title 82 that may be due from the contractor for the limited public works project; however, the city shall have the right of recovery against the contractor for any payments made on the contractor's behalf. The city engineer shall have the authority to waive the payment and performance bond requirements and retainage requirements based on his/her evaluation of the project and determination of risk.

C. On contracts of ~~\$35,000~~ \$150,000.00 or less, upon ~~mutual agreement~~ request by the contractor, the city may, in lieu of the bond, retain ~~50-ten~~ (10%) percent of the contract amount for a period of 30 days after the date of final acceptance, or until receipt of all necessary releases from the Department of Revenue, Employment Security Department, and the Department of Labor and Industries receipt of all affidavits of wages paid for the prime and subcontractors, and settlement of any liens filed under Chapter 60.28 RCW, whichever is later.

D. For the purposes of determining the timeframe required for notices of claims against retainage and release of retainage, the city engineer shall have the authority to take affirmative action to determine that a contract is complete and to accept the contract work. (Ord. 6545 § 1, 2014; Ord. 5866 § 1, 2004; Ord. 4924 § 2, 1997; Ord. 4581 § 2, 1992. Formerly 3.12.040.)

Section 8. AMENDMENT TO CITY CODE. Section 3.12.080 of the Auburn City Code be, and the same hereby is, amended to read as follows:

3.12.080 Contractor evaluation form.

A. After work is performed by a contractor, the ~~inspector, project manager, and contract administrator for the project city~~ shall evaluate the contractor's work performance as to certain criteria but not limited to the following:

- A1. Progress of the work, including:
 - 4a. The ability, capacity and skill of the contractor to perform the work;
 - 2b. Whether the contractor performed the work promptly and within the time specified without delay or interference;
- B2. Quality of the work;
- C3. Equipment;
- D4. Administration/management/supervision;
- E5. Coordination and control of subcontractors;
- F6. Whether the contractor provided a safe working environment for his/her employees and the general public;
- G7. Whether the contractor stood behind his/her service or work performed.

B. A copy of the contractor evaluation form will be sent to the contractor ~~if requested~~ and any contractor responses will be added to the evaluation. The contractor evaluation form may be used by the city to determine whether or not the contractor is a responsible bidder who should be considered for further public works projects. The city may also complete evaluations for subcontractors utilizing the same process described herein for contractors and then utilize the subcontractor evaluations to determine bidder responsibility and in determining whether or not to approve a contractor's request to sublet. (Ord. 6545 § 1, 2014; Ord. 4924 § 3, 1997. Formerly 3.12.025.)

Section 9. NEW SECTION TO CITY CODE. That a New Section 3.10.060 of the Auburn City Code be, and the same hereby is created to read as follows:

3.10.060 Sole Source Purchases of Equipment and Materials – Authorization

The mayor is hereby authorized to waive competitive bidding requirements for purchases of equipment or material when the purchase is limited to a single source of supply as determined by the city engineer, pursuant to RCW 39.04.280. A single source of supply shall be defined as either 1) only one available brand, manufacturing company, or vendor from which the city may purchase the needed material or 2) city engineer has

determined that it is in the public's best interest to purchase only one particular brand, type, or model of material for maintenance and/or quality performance reasons.

Section 10. ADMINISTRATIVE PROCEDURES. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 11. 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 12. 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

ATTEST:

NANCY BACKUS, MAYOR

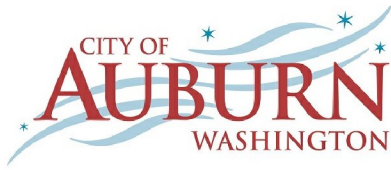
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____

Ordinance No. 6679
February 16, 2018
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AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

February 22, 2018

Department:**Attachments:**

[SFA SCoPe](#)

[Matrix](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: February 26, 2018

Item Number:

SPECIAL FOCUS AREAS

HEALTH & HUMAN SERVICES	FINANCE & ECONOMIC DEVELOPMENT	PUBLIC WORKS & COMMUNITY DEVELOPMENT	MUNICIPAL SERVICES
HUMAN SERVICES FUNDING PUBLIC WELLNESS DOMESTIC VIOLENCE SERVICES HOMELESSNESS SERVICES AFFORDABLE HOUSING COMMUNITY SERVICES HUMAN RESOURCES MEDICAL COMMUNITY RELATIONS	CITY BUDGET & AMENDMENTS RISK MANAGEMENT EQUIPMENT RENTAL FACILITIES CITY REAL PROPERTY LEGAL DEVELOPMENT INCENTIVES BUSINESS DEVELOPMENT ECONOMIC DEVELOPMENT STRATEGIES	UTILITIES ZONING, CODES & PERMITS INNOVATION & TECHNOLOGY TRANSPORTATION STREETS ENGINEERING CAPITAL PROJECTS SUSTAINABILITY ENVIRONMENTAL PROTECTION CULTURAL ARTS & PUBLIC ARTS PLANNING	POLICE SCORE JAIL DISTRICT COURT PARKS & RECREATION ANIMAL CONTROL SOLID WASTE EMERGENCY PLANNING AIRPORT AIRPORT BUSINESSES SISTER CITIES MULTIMEDIA
Councilmember Trout-Manuel, Chair Councilmember Wales, Vice Chair	Councilmember Holman, Chair Councilmember Brown, Vice Chair	Councilmember DaCorsi, Chair Deputy Mayor Baggett, Vice Chair	Councilmember Brown, Chair Councilmember Pelozo, Vice Chair
2018 MEETING DATES January 22, 2018 March 26, 2018 May 29, 2018 July 23, 2018 September 24, 2018 November 26, 2018	2018 MEETING DATES February 12, 2018 April 9, 2018 June 11, 2018 August 13, 2018 October 8, 2018 December 10, 2018	2018 MEETING DATES February 26, 2018 April 23, 2018 June 25, 2018 August 27, 2018 October 22, 2018 December 24, 2018	2018 MEETING DATES January 8, 2018 March 12, 2018 May 14, 2018 July 9, 2018 September 10, 2018 November 13, 2018

COUNCIL MATRIX

NO.	TOPIC	Chair	STAFF LEAD(S)	STUDY SESSION REVIEW DATE(S)	COUNCIL DISCUSSION SUMMARY	ACTION DATE
1	Capital Projects Update and Featured Capital Project Discussion	Chair DaCorsi Vice Chair Deputy Mayor Baggett	Asst. Director Gaub	2/26/2018		
2	Community Sustainability Series: Economic and Statutory Considerations for Municipalities	Chair DaCorsi Vice Chair Deputy Mayor Baggett	Asst. Director Tate	TBD		
3	Centers Designation Overview	Chair DaCorsi Vice Chair Deputy Mayor Baggett	Asst. Director Snyder	TBD		
4	IT Update	Chair DaCorsi Vice Chair Deputy Mayor Baggett	Director Haugan	2/26/2018		
5	Airport Facilities Assessment Report	Chair Brown Vice Chair Peloza	Asst. Director Gaub	3/12/2018		
6	Airport Capital Needs Update	Chair Brown Vice Chair Peloza	Asst. Director Gaub	3/12/2018		
7	Homelessness Update	Chair Trout-Manuel Vice Chair Wales	Director Hinman	TBD		
8	Update on Court-DV Filings/Hearings and DV Model Firearms Program	Chair Trout-Manuel Vice Chair Wales	City Attorney Heid	TBD		
9	READY Program Update	Chair Trout-Manuel Vice Chair Wales	Pat Bailey and City Attorney Heid	TBD		
10	Streamlined Sales Tax Update	Chair Holman Vice Chair Brown	Finance Director Coleman	2/12/2018		
11	Cost of Service Study - Planning and Development Fees	Chair Holman Vice Chair Brown	Finance Director Coleman	2/12/2018		
12	Livable Cities Update	Chair Holman Vice Chair Brown	Asst. Director Tate	TBD		