

**Planning Commission
Regular Meeting
February 4, 2025 - 7:00 PM
City Hall Council Chambers**

AGENDA

PUBLIC PARTICIPATION

- A. The Planning Commission Meeting scheduled for February 4, 2025, at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

To listen to the meeting by phone or join webinar, follow instructions below:

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/88485072314>

Phone one-tap:

+12532050468,,88485072314# US

+12532158782,,88485072314# US (Tacoma)

Join via audio:

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

877 853 5257 US Toll Free

888 475 4499 US Toll Free

Webinar ID: 884 8507 2314

International numbers available: <https://us06web.zoom.us/u/kdNr618bD6>

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

AUDIENCE PARTICIPATION

This is the place on the agenda where the public is invited to speak to the Board on any issue.

- A. Comment from the audience on any proposal for action by the Commission. If the comment is related to an action subsequently listed here as a public hearing, the comment should be provided at the time of the public hearing.

The public can participate in-person or submit written comments in advance.

Participants can submit written comments via mail, fax, or email. All written comments must be received prior to 5:00 p.m. on the day before the scheduled meeting and must be 350 words or less.

Please mail written comments to:
City of Auburn
Attn: Tammy Gallier, Administrative Specialist
25 W Main St
Auburn, WA 98001

Please fax written comments to:
Attn: Tammy Gallier, Administrative Specialist
Fax number: 253-804-3114

Email written comments to: tgallier@auburnwa.gov

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day before the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the Community Development Department in person, by phone (253) 931-3090 or by email (tgallier@auburnwa.gov).

AGENDA MODIFICATIONS

APPROVAL OF MINUTES

- A. January 7, 2025 Draft Minutes from the Regular Planning Commission Meeting

OTHER BUSINESS

- A. **ZOA24-0005 Supportive Housing Types Text Amendment (Teague)**

- 1 Staff is proposing to amend Sections 18.46A.070, 18.52.020, 18.31.130, 18.23.030, and 18.07.020 of the Auburn City Code to comply with new state requirements generally related to supportive housing types.

- B. **ZOA24-0003 SEPA Code Update (Reed)**

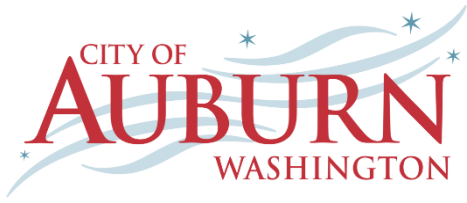
- 1 Staff is proposing to update the SEPA code (Chapter 16.06 ACC) to reflect the categorical exemption threshold increases as stated in WAC 197-11-800(d), to use the optional process consistent with WAC 197-11-335, and planned action project review consistent with WAC 197-11-172.

COMMUNITY DEVELOPMENT REPORT

ADJOURNMENT

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

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the City Council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

January 7, 2025 Draft Minutes from the Regular Planning Commission Meeting

Meeting Date:

February 4, 2025

Department:

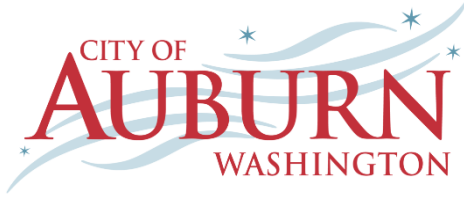
Community Development

Attachments:

1-7-2025 Planning Commission Meeting Minutes

Budget Impact:**Administrative Recommendation:****Background for Motion:****Background Summary:****Councilmember:**

Staff: Jason Krum



**Planning Commission
Regular Meeting
January 7, 2025 - 7:00 PM
City Hall Council Chambers**

MINUTES

PUBLIC PARTICIPATION

The City of Auburn Planning Commission Meeting was held in person and virtually.

CALL TO ORDER

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

ROLL CALL

Commissioners present: Chair Judi Roland, Julie Berry, Kent Sprague, Aaron Vanderpol, and Lynn Walters. Commissioner William Stewart was excused.

Staff members present: Planning Services Manager Alexandria Teague, Senior Staff Attorney Taryn Jones, and Deputy City Clerk Rebecca Wood-Pollock.

PLEDGE OF ALLEGIANCE

Chair Roland led those in attendance in the Pledge of Allegiance.

AGENDA MODIFICATIONS

There were no agenda modifications.

AUDIENCE PARTICIPATION

No public comments were received.

APPROVAL OF MINUTES

- A. December 3, 2024 Draft Minutes from the Regular Planning Commission Meeting

Chair Roland noted that Vice Chair Stephens' name was incorrectly noted in the minutes and moved to make that correction.

Commissioner Sprague moved and Commissioner Walters seconded to approve the December 3, 2024 meeting minutes as amended.

MOTION CARRIES. 4-0. Chair Roland abstained from voting.

OTHER BUSINESS

A. Planning Commission Chair and Vice Chair Selection for 2025

Commissioner Berry nominated Judi Roland as Planning Commission Chair. Commissioner Vanderpol seconded the nomination.
MOTION CARRIES UNANIMOUSLY. 5-0

Commissioner Walters nominated Kent Sprague as Vice Chair. Commissioner Vanderpol seconded the motion.
MOTION CARRIES UNANIMOUSLY. 5-0

B. Planning Commission Rules and Procedures (Teague) Staff to present the amended Rules and Procedures for 2025

Manager Teague presented the Commission with the proposed changes to the Planning Commission Rules of Procedure, including a new meeting time and returning to a one meeting per month schedule.

Commission discussed the new proposed meeting time and meeting length, 2025 meeting dates, roles of the Chair and Vice Chair, excused absences, quasi-judicial actions, agenda modifications, conflicts of interest, voting abstention, tie votes, public hearings, public comment and conduct, conflict of interest, and Commission conduct.

COMMUNITY DEVELOPMENT REPORT

Manager Teague presented the Commission with an overview of upcoming topics which will be brought before the Commission in future meetings, including a proposed increase to the State Environmental Policy Act (SEPA) exemptions threshold, temporary and permanent housing updates, battery storage systems, updates to the Downtown Plan, school impact fees, and annual amendments. She also provided an update on the Safe Auburn community meetings.

Commission discussed a bridge widening project over the White River, a driving range at the Auburn Golf Course, the Auburn Ave Theater, and upcoming downtown construction.

Chair Roland shared that the next meeting would be held on Tuesday, February 4, 2025.

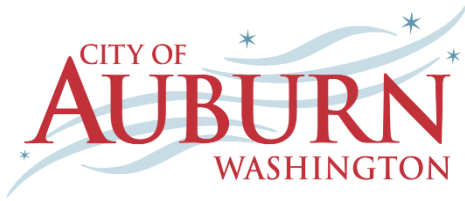
ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:17 p.m.

APPROVED this _____ day of _____, 2025

JUDI ROLAND, CHAIR

Rebecca Wood-Pollock, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

ZOA24-0005 Supportive Housing Types Text Amendment (Teague)

Meeting Date:

February 4, 2025

Department:

Community Development

Attachments:

ZOA24-0005 Supportive Housing
Types Text Amendments Memo,
ZOA24-0005 Text Amendment,
ZOA24-0005 Supportive Housing
Types PC Presentation

Budget Impact:

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

Administrative Recommendation:

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

Background for Motion:

N/A

Background Summary:

Staff is proposing to amend Chapter 18.04, Sections 18.07.020, 18.23.030, 18.25.020, 18.31.130, 18.31.160, 18.46A.070, 18.52.020 and create new Section 18.31.165 of the Auburn City Code to comply with new Revised Code of Washington (RCW) requirements. The topics of these sections cover a wide range of topics and are discussed below.

Councilmember:

Staff: Jason Krum



Memorandum

TO: Judi Roland, Chair, Planning Commission
Kent Sprague, Vice Chair Planning Commission
Planning Commission Members

FROM: Alexandria D. Teague, AICP, Planning Services Manager
Dept. of Community Development

DATE: January 22, 2025

RE: City File No. ZOA24-0005 – Supportive Housing Types Text Amendment

I. BACKGROUND & PURPOSE

Staff is proposing to amend Chapter 18.04, Sections 18.07.020, 18.23.030, 18.25.020, 18.31.130, 18.31.160, 18.46A.070, 18.52.020 and create new Section 18.31.165 of the Auburn City Code to comply with new Revised Code of Washington (RCW) requirements. The topics of these sections cover a wide range of topics and are discussed below.

II. SUMMARY OF CODE CHANGES

Chapter 18.04 ACC “Definitions.”

Definitions in Chapter 18.04 were either revised or added to address the new STEP (supportive, temporary, emergency, and permanent) housing types supplemental standards and homeless encampment standards.

Religious organization – new definition ACC 18.04.793

Transitional housing – new definition ACC 18.04.896.1

Homeless encampment – revised definition 18.04.465

Host agency – revised definition 18.04.485

Sponsoring agency – revised definition 18.04.828

ACC Section 18.07.020 “Uses.”

Permanent supportive housing – revise ACC Table 18.07.020 “Permitted Use Table – Residential Zones”

The residential use table provided in ACC 18.07.020 was revised to include “Permanent Supportive Housing” in any zones in which residential dwelling units allowed. This is required per RCW 35.21.683 (HB 1220). All the residential zones allow for residential dwelling units, therefore “Permanent Supportive Housing” is proposed as a permitted use in all residential zones. The use is still subject to the

standards contained in ACC 18.31.160.

ACC Section 18.23.030 “Uses.”

Permanent supportive housing – revise Table 18.23.030 “Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones”

The commercial and industrial use table provided in ACC 18.23.030 was revised to include “Permanent Supportive Housing” in any zones in which hotels are allowed. This is required per RCW 35.21.683 (HB 1220). The C-1 and C-2 zone allow for “Lodging – Hotel or motel” as a permitted use. The M-1 and M-2 zone allow for “Lodging – Hotel or motel” as an administrative use. Staff proposes to allow “Permanent Supportive Housing” as a permitted use in the C-1 and C-2 zone and as an administrative use in the M-1 and M-2 zones. The use is still subject to the standards contained in ACC 18.31.160.

Indoor emergency housing or shelter – revise Table 18.23.030 “Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones”

The commercial and industrial use table provided in ACC 18.23.030 was revised to include “Emergency housing or shelter” in any zones in which hotels are allowed. This is required per RCW 35.21.683 (HB 1220). The C-1 and C-2 zone allow for “Lodging – Hotel or motel” as a permitted use. The M-1 and M-2 zone allow for “Lodging – Hotel or motel” as an administrative use. Staff proposes to allow “Emergency housing or shelter” as a permitted use in the C-1 and C-2 zone and as an administrative use in the M-1 and M-2 zones. The use is still subject to the standards contained in ACC 18.31.160.

ACC Section 18.25.020 “Applicability.”

Middle housing – revise ACC 18.25.020(D) “Exceptions.”

Staff is proposing to remove provision (4) of ACC 18.25.020 “Middle Housing shall not be used to justify alteration of a regulated critical area per Chapter 16.10 ACC.” This provision was written more narrowly than the intent of the statute. The statute states that “any lots, parcels, and tracts designated with critical areas or their buffers that are exempt from the density requirements as provided in subsection (8) of this section” and “portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met”.

All developments, including middle housing, are currently subject to the standards contained in Chapter 16.10 ACC. This section contains provisions regarding the protection and development of critical areas, including sequencing for the modification of critical areas. Therefore, staff believes that the Chapter 16.10 ACC sufficiently protects critical areas without provision (4) of ACC 18.25.020.

ACC 18.31.130 “Communal residence standards.”

Communal residence occupancy limits - revise ACC 18.31.130(D) “Occupancy Limits.”

Per RCW 35A.21.314 code city may not limit number of unrelated persons occupying a household or dwelling unit. Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit. Staff proposes to remove the limit of four individual persons. The building and fire code will prevail in determining the number of occupants.

ACC 18.31.160 “Supportive housing development standards.”

Supportive housing development standards - revise ACC 18.31.160(A).

Per RCW 35.21.683 the city can impose reasonable occupancy, spacing, and intensity of use requirements on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. However, any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter.

Staff is proposing to revise ACC 18.31.160 to apply for all “transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing” to apply reasonable occupancy, spacing, and intensity of use standards.

Per Housing Needs Assessment adopted under the recent periodic comprehensive plan update, the City needs to accommodate 2,300 net new emergency housing units and 892 net new permanent supportive housing units. As shown in Figure 34, the greatest need for housing by affordability level is in the “extremely low” and “moderate” income levels. In addition to creating adequate capacity to accommodate the new housing units by 2024, goals and policies of the Comprehensive Plan were evaluated and amended where appropriate to assist in creating these new units.

Figure 34 – Housing Need by Income and County

County		Total	0-30%		>30% to 50%	>50% to 80%	>80% to 100%	>100% to 120%	>120%	Net New Emergency Housing Needs
			Non-PSH	PSH						
King	Supply (2019)	28,049	1,076	237	8,029	8,075	4,427	3,302	2,903	58
	Net New Need (2044)	12,000	1,543	812	309	616	1,146	1,299	6,275	2,293
Pierce	Supply (2019)	3,963	0	33	134	493	1,141	680	1,482	8
	Net New Need (2044)	112	14	20	21	16	7	6	27	7
Total	Net New Need (2044)	12,112	1,557	892	330	632	1,153	1,235	6,302	2,300

Source: King County Ordinance 19660, Countywide Planning Policies; Pierce County Ordinance 2023-22s, Countywide Planning Policies

ACC Section 18.31.165 “Homeless Encampment Hosted by a Religious Organization”.

Homeless encampment hosted by a religious organization – new section ACC 18.31.165

The purpose of this new section is to comply with RCW 36.01.290 “*Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions.*” The state has set forth standards and limitations on local jurisdiction regulation of religious organization’s ability host the homeless on property owned or controlled by the religious organization. Staff conferred with Building, Fire, Legal, Code Compliance, Anti-Homeless, and various PW staff to craft standards that comply with the RCW.

ACC Section 18.46A.070 “General and specific temporary use permits”.

Specific Type II Temporary Use Permit – Homeless Encampment– removed section ACC 18.46A.070(F)

Staff is proposing to remove the homeless encampments, not hosted by a religious organization from city code. Non-profits and other service organizations may work with religious organizations to provide services and support at homeless encampments hosted by religious organization.

ACC Section 18.52.020 “Number of off-street parking spaces required.”

Minimum residential parking requirements – revise Table 18.52.020 “Off-Street Parking Requirements by Land Use”

Per RCW 36.70A.620(2) for housing units specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units. However, a city may establish parking requirements for staff and visitors of such housing units. Also, a city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. Adult family homes and assisted living facilities are the two uses in Table 18.52.020 that are specifically for seniors or people with disabilities. Adult family homes currently require two spaces per dwelling unit. Staff believes this is sufficient and no change is needed. Assisted living facilities currently require 0.53 per unit and if near high-capacity transit then 1.1 stall per employee/visitor.

Per RCW 36.70A.620(3) market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit. The current parking rate for “Apartments (7 or more units)” is 1 per dwelling unit. Staff proposes reduce the parking to 0.75 parking spaces so that compliance with RCW is achieved regardless of transit frequency.

III. TEXT AMENDMENT

The text amendment is shown by strikeout/underline and is attached to this memo as Attachment 1.

IV. STAFF REQUEST

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

V. ATTACHMENTS

- 1 – ZOA24-0005 Text Amendment
- 2 – PowerPoint presentation

VI. GLOSSARY OF KEY TERMS (in alphabetical order)

- 1) ACC18.04.025 “Administrative use” means a use permitted in a zone only after review and approval by the planning director or designee. Administrative uses are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following

review by the city to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.

- 2) ACC 18.04.031 “Adult family home” means a residential home licensed by the state in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. Adult family homes are not communal residences.
- 3) ACC 18.04.125 “Assisted living facility” means a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An establishment with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. An assisted living facility is not a communal residence.
- 4) ACC 18.04.249 “Communal residence” is a business operated out of a single residential home without an owner occupant residing therein, where the residential home, or portions thereof, is/are rented to more than one individual through separate, unrelated lease or rental agreements. The fact that the individuals rent the residence or a portion thereof through separate, unrelated lease or rental agreements shall be prima facie evidence that the individuals are unrelated and do not meet the definition of “family” per ACC 18.04.360. Adult family homes, foster care homes, group residence facilities, special needs housing, and supportive housing are not communal residences.
- 5) ACC 18.04.359 “Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.
- 6) ACC 18.04.360 “Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
- 7) ACC 18.04.694 “Permanent Supportive Housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
- 8) ACC 18.04.696 “Permitted use” means a land use that is allowed outright within a zone.

Chapter 18.04 DEFINITIONS

Sections:

18.04.465 Homeless encampment.

18.04.485 Host agency.

18.04.792 Religious institution.

18.04.793 Religious organization.

18.04.828 Sponsoring agency.

18.04.891 Supportive housing.

18.04.896.1 Transitional housing.

18.04.465 Homeless encampment.

“Homeless encampment” means an emergency homeless encampment hosted by a religious organization~~church or other organization~~, which provides temporary housing to homeless persons. (Ord. 6245 § 3, 2009; Ord. 6014 § 2, 2006.)

18.04.485 Host agency.

“Host agency” means the owner of the property, being a religious institution or other organization, that joins a sponsoring agency in an application for a indoor emergency housing, indoor emergency shelters, permanent supportive housing, and transitional housing temporary use permit~~temporary use permit~~ for providing basic services and support to ~~homeless encampment~~ residents, such as hot meals, coordination of other needed donations and services, etc. (Ord. 6245 § 3, 2009; Ord. 6014 § 3, 2006.)

18.04.792 Religious institution.

“Religious institution” means an establishment, operated by a religious organization, that provides religious worship, religious services or religious ceremonies as its principal use with the sanctuary or principal place of worship contained within a principal building. Incidental and accessory uses that include chapels or subordinate places of worship, school rooms, daycares, classrooms, kitchens, library rooms or reading rooms, recreation halls or offices are permitted in the principal building or in separate buildings. Caretaker’s quarters or living quarters for employees are also permissible as an accessory use. The following incidental and

accessory uses to a religious institution are not permitted unless allowed under a valid temporary use permit issued pursuant to ACC [18.46A.070](#): (A) facilities for training of religious orders; (B) nonemployee rooms for rent, boarding rooms or similar facilities; or (C) public showers or other public health services. (Ord. 6245 § 3, 2009; Ord. 6014 § 1, 2006; Ord. 5550 § 1, 2001.)

18.04.793 Religious organization.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

18.04.828 Sponsoring agency.

"Sponsoring agency" means an organization that joins in an application with a host agency for ~~a temporary use permit~~indoor emergency housing, indoor emergency shelters, permanent supportive housing, and transitional housing and assumes responsibility for providing basic services and support to ~~homeless encampment~~ residents, such as hot meals, coordination of other needed donations and services, etc. (Ord. 6245 § 3, 2009; Ord. 6014 § 4, 2006.)

18.04.891 Supportive housing.

"Supportive housing" means a multiple-family dwelling owned or sponsored by a nonprofit corporation or government entity, designed for occupancy by individual adults that are either (A) homeless or at risk of homelessness; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services to be successful living in the community; ~~is permitted at a greater unit density than otherwise allowed within a particular zone; and is intended to provide long term, rather than transitional, housing. Long term housing is approximately longer than two years, whereas transitional housing is no more than two years.~~ Supportive housing is not a communal residence. (Ord. 6560 § 8, 2015; Ord. 6245 § 3, 2009; Ord. 6167 § 1, 2008.)

18.04.896.1 Transitional housing.

"Transitional housing" means a supportive housing for persons or families for up to two years for the purpose of facilitating the movement of persons and families into independent living.

Chapter 18.07 RESIDENTIAL ZONES

Sections:

18.07.010 Intent.

18.07.020 Uses.

18.07.030 Development standards.

18.07.020 Uses.

Table 18.07.020. Permitted Use Table – Residential Zones

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
A. Residential Uses.							
Accessory dwelling units subject to the provisions contains in Chapter 18.32	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P ¹	P
Apartments (7 units or more)	X	X	X	P ¹¹	P	P	X
Bed and breakfast or short-term rentals	P	P	P	P	P	X	P
Caretaker apartment	X	X	X	X	X	P	X
Communal residence four or less individuals	P	P	P	P	P	X	P

Foster care homes	P	P	P	P	P	X	P
Group residence facilities (7 or more residents)	X	X	X	P	P	P	P
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping of animals ⁴	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Middle housing subject to the provisions in Chapter 18.25 (2 to 6 units)	P	P	P	P	P	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	P	P	P	P	P
Single-unit detached dwellings, new	P	P	P	X	X	X	P
Supportive housing (<u>permanent</u>), subject to the provisions of ACC 18.31.160	<u>PX</u>	<u>PX</u>	<u>XP</u>	P	P	P	P

Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial recreation facility, indoor	X	X	X	X	P	P	X
Commercial retail establishment	X	X	A	A	P	P	A
Convenience store	X	X	X	X	P	P	X
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	P	P	P	P	P	P
Grocery or specialty food store	X	X	X	A	P	P	A
Home-based <u>(or family)</u> daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Marijuana cooperative	X	X	X	X	X	X	X
Marijuana processor	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X
Marijuana related business	X	X	X	X	X	X	X

Marijuana researcher	X	X	X	X	X	X	X
Marijuana retailer	X	X	X	X	X	X	X
Marijuana transporter business	X	X	X	X	X	X	X
Mixed-use development ^{3, 10}	X	X	X	P	P	P	P
Personal service shop	X	X	A	P	P	P	P
Nursing homes	X	X	X	X	C	C	C
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices	X	X	A	A	P ⁹	P	P
Restaurant, café, or coffee shop	X	X	A	A	P	P	A
Neighborhood retail establishment	X	X	A	A	P	P	P
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X

Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size ¹²	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size ¹²	C	C	C	C	C	C	C

Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communications facility (see ACC 18.04.912(W) and ACC 18.31.100)	P	P	P	P	P	P	P
Eligible facilities request (EFR) (wireless communications facility – See ACC 18.04.912(H))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵
Small wireless facilities (ACC 18.04.912(Q))	P	P	P	P	P	P	P

1 An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC [18.31.120](#).

2 Please see the supplemental development standards for animals in ACC [18.31.220](#).

3 Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

4 Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the board of health code.

5 Excludes all public and private utility facilities addressed under ACC [18.02.040\(E\)](#).

6 Administrative use permit not required when approved as part of a subdivision or binding site plan.

7 Agricultural enterprise uses are subject to supplemental development standards under ACC [18.31.210](#), Agricultural enterprises development standards.

8 An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.

9 As component of Mixed-use developments and/or office ground floor uses permitted up to 5,000 square feet.

10 Commercial uses permitted outright, or allowed administratively or conditionally in this table may be allowed as part of mixed-use development.

11 Apartment buildings and Mixed-use development consisting of no more than 20 units and 3-stories per lot is permitted.

12 Reference ACC 18.31.165 for standards related to homeless encampments hosted by a religious organization.

(Ord. 6799 § 5 (Exh. E), 2020; Ord. 6642 § 4, 2017; Ord. 6600 § 9, 2016; Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

Sections:

- 18.23.010 Purpose.**
- 18.23.020 Intent of commercial and industrial zones.**
- 18.23.030 Uses.**
- 18.23.040 Development standards.**
- 18.23.060 Additional development standards for the C-1, C-2, C-AG, and M-1 zones.**

18.23.030 Uses.

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

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

C. *Uses Affected by the Airport Overlay.* Refer to Chapter [18.38](#) ACC to determine whether uses are separately prohibited by that chapter or will be required to comply with additional regulations that are associated with the airport overlay.

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING								
Building contractor, light		X		P	X	P	P	
Building contractor, heavy		X		X	X	A	P	
Manufacturing, assembling and packaging – Light intensity		X		P	X	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity		X		A	X	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity		X		X	X	X	A	ACC 18.31.180
Marijuana processor		X		X	X	C	C	Chapter 18.59 ACC
Marijuana producer		X		X	X	C	C	Chapter 18.59 ACC
Marijuana researcher		X		X	X	C	C	Chapter 18.59 ACC
Marijuana retailer		X		C	X	C	C	Chapter 18.59 ACC

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Marijuana transporter business		X		X	X	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property		X		P	X	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)		P		P	X	P	P	ACC 18.57.020(B)
Warehousing and distribution		X		X	X	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone		X		P	X	P	P	
Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)		X		P	X	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES								
Commercial recreation facility, indoor		P		P	P	P	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Commercial recreation facility, outdoor		X		A	A	P	A	ACC 18.57.025(A)
Conference/convention facility		X		A	X	A	X	
Library, museum		A		A	X	A	X	
Meeting facility, public or private		P		P	X	A	A	
Movie theater, except drive-in		P		P	P	X	X	
Private school – Specialized education/training (for profit)		A		P	P	P	P	
Religious institutions, lot size less than one acre		P		P	A	A	A	ACC 18.31.165
Religious institutions, lot size more than one acre		P		P	A	A	A	ACC 18.31.165
Sexually oriented businesses		X		P	X	P	P	Chapter 18.74 ACC

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Sports and entertainment assembly facility		X		A	X	A	A	
Studio – Art, dance, martial arts, music, etc.		P		P	P	P	A	
RESIDENTIAL								
Apartment units, as part of a mixed-use development ²		X	X	P	P	P	X	ACC 18.57.030
Apartments, stand-alone		X	X	X	X	X	X	
Caretaker apartment		P		P	X	P	P	
<u>Indoor emergency housing or shelter</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>ACC 18.31.160</u>
Live/work unit, as part of a mixed-use development ²		X		P	P	P	X	
Live/work unit, stand-alone ³		X	X	X	X	X	X	
Work/live unit, as part of a mixed-use development ²		P		P	P	P	X	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Work/live unit, stand-alone ³		X		X	X	X	X	
Marijuana cooperative		X		X	X	X	X	
Nursing home, assisted living facility		P		P	C	X	X	
Senior housing ²		X		A	X	X	X	
<u>Supportive housing (permanent)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>ACC 18.31.160</u>
<u>Transitional housing</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>A</u>	<u>A</u>	<u>ACC 18.31.160</u>
RETAIL								
Building and landscape materials sales		X		P	X	P	P	ACC <u>18.57.035(A)</u>
Construction and heavy equipment sales and rental		X		X	X	A	P	
Convenience store		A		P	X	P	P	
Drive-through espresso stands		A		P	A	P	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Drive-through facility, including banks and restaurants		A		P	P	P	P	ACC 18.52.040
Entertainment, commercial		A		P	X	A	A	
Groceries, specialty food stores		P		P	P	P	X	
Nursery		X		P	A	P	P	ACC 18.57.035(C)
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)		P		P	P	P	P	ACC 18.57.035(D)
Restaurant, cafe, coffee shop		P		P	P	P	P	
Retail								
Community retail establishment		P		P	P	P	P	
Neighborhood retail establishment		P		P	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Regional retail establishment		X	X	P	P	P	A	
Tasting room		P	P	P	P	P	P	
Tavern		P	X	P	P	P	A	
Wine production facility, small craft distillery, small craft brewery		P	P	P	P	P	P	
SERVICES								
Animal daycare (excluding kennels and animal boarding)		A	A	P	A	P	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)		P	P	P	P	P	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities		P	P	P	P	P	P	
Catering service		P	P	P	A	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Daycare, including mini daycare, daycare center, preschools or nursery schools		P		P	P	P	X	
Dry cleaning and laundry service (personal)		P		P	P	P	P	
Equipment rental and leasing		X		P	X	P	P	
Kennel, animal boarding		X		A	X	A	A	ACC 18.57.040(C)
Government facilities; this excludes offices and related uses that are permitted outright		A		A	A	A	A	
Hospital		P		P	X	P	P	
Lodging – Hotel or motel		P		P	P	A	A	
Medical – Dental clinic		P		P	P	P	X	
Mortuary, funeral home, crematorium		P		P	X	P	X	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Personal service shops		P		P	P	P	X	
Pharmacies		P		P	P	X	X	
Print and copy shop		P		P	P	P	X	
Printing and publishing (of books, newspaper and other printed matter)		A		P	P	P	P	
Professional offices		P		P	P	P	P	
Repair service – Equipment, appliances		A		P	P	P	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital		P		P	P	P	X	
Youth community support facility		P		X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE								
Ambulance, taxi, and specialized transportation facility		X		A	X	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Broadcasting studio		P		P	X	P	P	
Heliport		X		C	X	C	C	
Motor freight terminal ¹		X		X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface		P		P	P	P	X	
Parking facility, public or commercial, structured		P		P	P	P	X	
Towing storage yard		X		X	X	A	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation		A		A	A	A	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))		*		*	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC 18.04.912(H))		P		P	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
Small wireless facilities (ACC 18.04.912(Q))		P		P	P	P	P	
VEHICLE SALES AND SERVICES								
Automobile washes (automatic, full or self-service)		A		P	P	P	P	ACC 18.57.050(A)
Auto parts sales with installation services		A		P	P	P	P	
Auto/vehicle sales and rental		A		P	X	P	P	ACC 18.57.050(B)
Fueling station		A		P	P	P	P	ACC 18.57.050(C)
Mobile home, boat, or RV sales		X		P	X	P	P	
Vehicle services – Repair/body work		X		P	X	P	P	ACC 18.57.050(D)
OTHER								
Any commercial use abutting a residential zone which has hours of		A		A	A	A	A	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE								P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation							Standards for Specific Land Uses
		C-1		C-2	C-AG	M-1	M-2	
operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.								
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6) , Unclassified Uses.		P		P	P	P	P	

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

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

3 Any stand-alone live/work units or stand-alone work/live units vested prior to the effective date of the ordinance codified in this chapter are outright permitted uses.

(Ord. 6885 § 1 (Exh. A), 2022; Ord. 6838 § 1 (Exh. A), 2021; Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

ORD. NO. 6959

Chapter 18.25

MIDDLE HOUSING DEVELOPMENT STANDARDS

Sections:

18.25.010	Purpose and intent.
18.25.020	Applicability.
18.25.030	Procedures.
18.25.040	Middle housing types.
18.25.050	Calculating parking requirements.
18.25.060	Accessory Dwelling Units.
18.25.070	Middle housing design standards.
18.25.080	Usable open space.
18.25.090	Courtyard housing standards.
18.25.0100	Lot splitting.

18.25.020 Applicability.

A. *Eligibility Criteria.* This chapter may be applied to development or redevelopment that meets the following criteria:

1. The lot is within one of the following zones: RC, R-1, R-2, R-3, R-4, R-NM

B. *Exceptions.* This chapter may be applied to development or redevelopment, except for the following below:

1. Middle Housing is not permitted within Urban Separators.
2. Middle Housing is not permitted in the R-HMC zone.
3. Middle Housing is not permitted on lots smaller than one thousand (1,000) square feet.

4. Middle Housing ~~middle housing provisions do not apply to portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. shall not be used to justify alteration of a regulated critical area—per Chapter 16.10 ACC.~~

ORD. NO. 6959

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

Sections:

18.31.010	Daycare standards.
18.31.020	Fences.
18.31.025	Retaining walls.
18.31.030	Height limitations – Exceptions.
18.31.040	Lots.
18.31.050	Single-unit detached dwelling siting and design standards.
18.31.060	Recreational vehicle parks.
18.31.070	Setbacks.
18.31.080	Heliports.
18.31.090	Work release, prerelease and similar facilities.
18.31.100	Wireless communications facilities siting standards.
18.31.110	Siting of small wireless facilities.
18.31.115	Wetland mitigation.
18.31.130	Communal residence standards.
18.31.140	Gated residential subdivisions.
18.31.150	Secure community transition facilities.
18.31.160	Supportive housing development standards.
18.31.170	<i>Reserved.</i>
18.31.180	Performance standards.
18.31.190	Supplemental standards for residential mobile home communities.
18.31.200	Architectural and site design review standards and regulations.
18.31.210	Agricultural enterprises development standards.
18.31.220	Permitted animals.
18.31.230	<i>Repealed.</i>

18.31.130 Communal residence standards.

A. *Parking Requirements.* There must be one off-street parking stall that meets city standards of ACC [18.52.050](#), Parking design, development, and maintenance standards, per tenant. The applicant must demonstrate that each off-site parking space is under their ownership. In condominium or townhouse communities the applicant can also provide legal documentation that demonstrates that they have exclusive use of a common area parking space. The city shall reduce the off-street parking requirement if the property owner provides and maintains a notarized affidavit signed separately by each tenant, certifying that a tenant does not own a vehicle or have control of a vehicle while at the residence. A copy of the affidavit must be provided to the city upon request.

B. *Solid Waste Management Requirements.*

1. ACC [8.08.070](#) requires all occupied communal residences to have minimum garbage service. The landlord is required to provide tenants with adequate garbage and recycle receptacles meeting the minimum garbage service level of this section.
2. The landlord is responsible to provide each tenant with the solid waste collection schedule at the time of the tenant's initial occupancy and that schedule is to be posted within the unit.

C. *Periodic Inspection Required.* Upon written request, the communal rental housing owner or manager shall allow inspection of the communal rental housing residential units consistent with their ability to do so under the requirements of the landlord-tenant statutes of the state of Washington and the Auburn City Code, including ACC [5.22.050\(C\)\(3\)](#). The city may, with the legally obtained consent of an occupant or owner or manager, or pursuant to a lawfully issued warrant, enter any building, structure or premises in the city to inspect or perform any duty imposed by this code.

D. *Occupancy Limits.*

1. International Property Maintenance Code occupancy requirements are applicable to a communal residence regardless of the number of individuals living in the residence.

~~2. The occupancy limit for a communal residence shall not exceed four people. (Ord. 6560 § 10, 2015; Ord. 6477 § 9, 2013; Ord. 6245 § 15, 2009.)~~

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

Sections:

18.31.010	Daycare standards.
18.31.020	Fences.
18.31.025	Retaining walls.
18.31.030	Height limitations – Exceptions.
18.31.040	Lots.
18.31.050	Single-family dwelling siting and design standards.
18.31.060	Recreational vehicle parks.
18.31.070	Setbacks.
18.31.080	Heliports.
18.31.090	Work release, prerelease and similar facilities.
18.31.100	Wireless communications facilities siting standards.
18.31.110	Siting of small wireless facilities.
18.31.115	Wetland mitigation.
18.31.120	Accessory dwelling units.
18.31.130	Communal residence standards.
18.31.140	Gated residential subdivisions.
18.31.150	Secure community transition facilities.
18.31.160	Supportive housing development standards. <u>Supplemental standards for transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing.</u>
18.31.170	<i>Reserved.</i>
18.31.180	Performance standards.
18.31.190	Supplemental standards for residential mobile home communities.
18.31.200	Architectural and site design review standards and regulations.
18.31.210	Agricultural enterprises development standards.
18.31.220	Permitted animals.
18.31.230	<i>Repealed.</i>

18.31.160 Supplemental standards for transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing. ~~Supportive housing development standards.~~

A. General Standards. Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing projects ~~Supportive housing projects~~ allowed pursuant to ACC [18.07.020](#) and ACC [18.23.020](#) shall comply with the following standards:

1. ~~With exception to indoor emergency shelters, the minimum~~ ~~Minimum~~ lot area per unit: 1,200 square feet.

2. ~~Must comply with the International Building Code (IBC) with relation to occupancy. For lots with an area of up to one acre, the maximum number of units allowed is 25; for lots with an area greater than one acre, the maximum number of units allowed is 50.~~

3. ~~Maximum lot size: threetwo~~ acres.

4. ~~Minimum separation from other supportive housing projects: five miles.~~

54. Maximum unit size: 450 square feet (on-site manager unit excepted).

65. Shall provide an on-site ~~resident~~ manager who is accountable to the owner or manager of the supportive housing project.

76. Appropriate on-site or off-site support services shall be available. ~~within 1,000 feet.~~ Off-site support services shall provide residents with case management services, medication monitoring, help with vocational training and goals, access to chemical dependency services, assistance with activities of daily living, etc.

8. ~~Registered sex offenders shall not be allowed to reside within supportive housing projects located within 880 feet of a school, church, daycare facility or public park.~~

~~97.~~ A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following:

- a. The specific nature of the supportive housing project and its intended occupants;
- b. Its potential impact on nearby residential uses and proposed methods to mitigate those impacts;
- c. Identification of the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility;
- d. Identification of staffing, supervision and security arrangements appropriate to the facility;
- e. If the planning director determines at any time there is evidence of fraud in obtaining the permit; concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports; or that the supportive housing project is found to be in violation of the approved plans, conditions of approvals, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the planning director may order ~~the closure of the project.~~

~~108.~~ If ~~a supportive~~the housing project is discontinued or abandoned, future use of the property shall be in conformance with the use and development standards of the ~~R-20-~~ zone. (Ord. 6245 § 15, 2009.)

B. Indoor overnight shelter specific standards. Where an indoor overnight shelter does not have sprinklers the following shall apply:

1. Has at least two accessible exits; and
2. Does not pose imminent danger to persons, as determined by Building Official; then
3. The organization must enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

a. Posted safe means of egress;

b. Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; and

c. A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department.

The Auburn City Code is current through Ordinance 6961, passed December 2, 2024.

Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.auburnwa.gov](http://www.auburnwa.gov)

[Hosted by General Code.](#)

Chapter 18.31

SUPPLEMENTAL DEVELOPMENT STANDARDS

Sections:

18.31.010	Daycare standards.
18.31.020	Fences.
18.31.025	Retaining walls.
18.31.030	Height limitations – Exceptions.
18.31.040	Lots.
18.31.050	Single-unit detached dwelling siting and design standards.
18.31.060	Recreational vehicle parks.
18.31.070	Setbacks.
18.31.080	Heliports.
18.31.090	Work release, prerelease and similar facilities.
18.31.100	Wireless communications facilities siting standards.
18.31.110	Siting of small wireless facilities.
18.31.115	Wetland mitigation.
18.31.130	Communal residence standards.
18.31.140	Gated residential subdivisions.
18.31.150	Secure community transition facilities.
18.31.160	Supportive housing development standards.
<u>18.31.165</u>	<u>Homeless encampment hosted by a religious organization standards.</u>
<i>18.31.170</i>	<i>Reserved.</i>
18.31.180	Performance standards.
18.31.190	Supplemental standards for residential mobile home communities.
18.31.200	Architectural and site design review standards and regulations.
18.31.210	Agricultural enterprises development standards.
18.31.220	Permitted animals.
<i>18.31.230</i>	<i>Repealed.</i>

18.31.165 Homeless Encampment Hosted by a Religious Organization.

A. . Homeless encampments hosted by a religious organization is allowed as an accessory use to a religious institution, subject to the following criteria and requirements:

1. Notice.

a. The religious organization shall notify the city of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment

for the homeless encampment and at least 14 days before encampment commences.
The advance notification shall contain the following information:

- i. The date the homeless encampment will encamp;
- ii. The length of the encampment;
- iii. The maximum number of residents proposed;
- iv. The host location; and
- v. Documentation that the host organization meets the definition of ACC 18.04.793.

b. The religious organization shall conduct at least one public informational meeting, at least one week but no later than 96 hours prior to commencing the encampment. The time and location of the meeting shall be agreed upon between the city and sponsoring agency. All property owners within 1,000 feet of the proposed homeless encampment shall be notified at least 14 days in advance of the meeting by the sponsoring agency. Proof of mailing shall be provided to the director of planning and development. At any time prior to the meeting the city will either:

- i. Display notice signage at the meeting site;
- ii. Display notice signage at the hosting site;
- iii. Post the notice on the city's website; or
- iv. Post the notice in the newspaper of local circulation.

c. A memorandum of understanding to protect the public health and safety of both the residents within and outside of the encampment. At a minimum, the agreement must include information regarding:

- a. The right of a resident in an outdoor encampment to seek public health and safety assistance;
- b. The resident's ability to access social services on-site, and the resident's ability to directly interact with the religious organization, including the ability to express any concerns regarding an sponsor agency to the religious organization;
- c. A written code of conduct agreed to by the religious organization, if any, sponsor religious organization, and all volunteers working with residents of the outdoor encampment; and

d. When a publicly funded managing agency exists, the ability for the religious organization to interact with residents of the outdoor encampment using a release of information.

2. Site Criteria.

a. The property must be owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

b. The property must be sufficient in size to accommodate tents and necessary on-site facilities, including, but not limited to, the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines;

ii. Hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles and trash enclosures;

c. If sanitary portable toilets are used, proof of service contract for maintenance must be submitted.

d. The religious organization shall provide an adequate water source to the homeless encampment, as approved by the provider as appropriate or other water service. Proof of contracted service of water vendor or proposed source of water must be depicted on site plan.

d. No homeless encampment shall be located within a critical area or its buffer as defined under Chapter 16.10 ACC.

e. No permanent structures will be constructed for the homeless encampment.

f. No more than 100 residents shall be allowed. The city may further limit the number of residents as site conditions dictate.

g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on site with another use, it shall be demonstrated that the homeless encampment parking will not create a shortage of code-required on-site parking for the other uses on the property.

h. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the city.

i. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.

j. The religious organization shall be responsible for the cleanup of the homeless encampment site within seven calendar days of the encampment's termination.

3. Security.

a. An operations and security plan for the homeless encampment shall be submitted and approved by the city.

b. The religious organization shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application.

c. All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.

d. The religious organization shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay.

e. The religious organization shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.

f. The religious organization will use identification to obtain sex offender and warrant checks from the Pierce County or King County sheriff's office or relevant local police department.

i. If said warrant and sex offender checks reveal either: (A) an existing or outstanding warrant from any jurisdiction or the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the religious organization shall immediately contact the Auburn police department if there is an active warrant, is due to the individual being a sex offender required to register and/or if, in the opinion of the on-duty executive committee member or the on-duty security staff, the person is a potential threat to the community.

g. The religious organization shall self-police and self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

h. The religious organization will appoint an executive committee member to serve on-duty at all times to serve as a point of contact for city of Auburn police and will orient the police as to how the security operates. The names of the on-duty executive committee members will be posted daily in the security tent. The city shall provide contact numbers of nonemergency personnel, which shall be posted at the security tent.

4. Timing.

a. The maximum consecutive duration of a homeless encampment shall be 120 days. Citywide, the total maximum number of days homeless encampments may operate in the city shall not exceed six months in any 24-month period (e.g., two homeless encampments each operating 1200 days (maximum 6-months total) may be allowed in a 24-month period).

b. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization.

5. Health and Safety.

a. All temporary structures within the homeless encampment shall conform to all adopted building codes and Washington State amendments.

b. The homeless encampment shall conform to the following fire requirements:

i. Material used as roof covering and walls shall be of flame-retardant material.

ii. There shall be no open fires for cooking or heating.

iii. No heating appliances within the individual tents are allowed unless the appliance is designed and licensed for that purpose.

iv. No cooking appliances other than microwave appliances are allowed.

v. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department.

vi. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department.

vii. Adequate separation between tents and other structures shall be maintained as determined by the fire department.

viii. Electrical service shall be in accordance with recognized and accepted practice; electrical cords are not to be strung together, and any cords used must be approved for exterior use.

c. The conduct of the homeless encampment must comply with ACC 8.12.020 "Nuisances affecting public health and safety" and 8.28.010 "Noise control".

d. The religious organization shall permit inspections by Auburn staff and the King County health department at reasonable times without prior notice for compliance.

6. Termination. If the religious organization fails to take action against a resident who violates the standards provided herein, it may result in immediate termination of the homeless encampment. If the city learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the encampment must be immediately terminated. (Ord. 6565 § 4, 2015; Ord. 6287 § 2, 2010; Ord. 6268 § 2, 2009.)

Chapter 18.46A

TEMPORARY USES

Sections:

18.46A.010	Intent.
18.46A.020	Permit approval required.
18.46A.030	Application and review for temporary use permits.
18.46A.040	Appeals of decisions.
18.46A.050	Exemptions.
18.46A.060	Coordination with other city codes.
18.46A.070	General and specific temporary use permits.
18.46A.080	Approval criteria.
18.46A.090	Performance standards.
18.46A.100	Time limitation.
18.46A.110	Limitation on activity.
18.46A.120	Permit revocation.
18.46A.130	Removal of temporary uses.
18.46A.140	Assurance device.

18.46A.070 General and specific temporary use permits.

~~F. Specific Type II Temporary Use Permit – Homeless Encampment. In accordance with ACC–18.46A.030, the planning director or designee may issue a Type II temporary and revocable use permit for a homeless encampment subject to the following criteria and requirements:~~

~~1. Procedural Approval.–~~

~~a. The sponsoring agency shall notify the city of the proposed homeless encampment a minimum of 30 days in advance of the proposed date of establishment for the homeless encampment and at least 14 days before submittal of the temporary use permit. The advance notification shall contain the following information:~~

~~i. The date the homeless encampment will encamp;~~

~~ii. The length of the encampment;~~

~~iii. The maximum number of residents proposed; and~~

~~iv. The host location.~~

~~b. The sponsoring agency shall conduct at least one public informational meeting within, or as close to, the neighborhood where the proposed homeless encampment will be located, a minimum of two weeks prior to the submittal of the temporary use permit application. The time and location of the meeting shall be agreed upon between the city and sponsoring agency. All property owners within 1,000 feet of the proposed homeless encampment shall be notified at least 14 days in advance of the meeting by the sponsoring agency. Proof of mailing shall be provided to the director of planning and development.~~

~~c. The temporary use permit application shall be accompanied by a hold harmless agreement whereby the host agency and sponsoring agency agree to indemnify the city of Auburn for, and hold it harmless from, all damages that may result from the operation of the homeless encampment by such permit grantee and shall pay all damages for which the permit grantee or the city of Auburn shall be held liable as the result of injuries suffered by any person, association or corporation by reason of the operation of the homeless encampment; provided, that in case any claim is filed with the city of Auburn or any suit or action is instituted against said city by reason of any such damage or injury, the city council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.~~

~~2. Site Criteria.—~~

~~a. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.~~

~~b. The property must be sufficient in size to accommodate tents and necessary on-site facilities, including, but not limited to, the following:~~

~~i. Sanitary portable toilets in the number required to meet capacity guidelines;~~

~~ii. Hand washing stations by the toilets and by the food areas;~~

~~iii. Refuse receptacles;~~

~~iv. Food tent and security tent.~~

~~c. The host and sponsoring agencies shall provide an adequate water source to the homeless encampment, as approved by the provider as appropriate or other water service.~~

~~d. No homeless encampment shall be located within a critical area or its buffer as defined under Chapter 16.10 ACC.~~

~~e. No permanent structures will be constructed for the homeless encampment.~~

~~f. No more than 100 residents shall be allowed. The city may further limit the number of residents as site conditions dictate.~~

~~g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on site with another use, it shall be demonstrated that the homeless encampment parking will not create a shortage of code-required on-site parking for the other uses on the property.~~

~~h. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).~~

~~i. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the city.~~

~~j. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.~~

~~k. The sponsoring agency shall be responsible for the cleanup of the homeless encampment site within seven calendar days of the encampment's termination.~~

~~3. Security.~~

- ~~a. An operations and security plan for the homeless encampment shall be submitted and approved by the city.~~
- ~~b. The host agency shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application.~~
- ~~c. All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.~~
- ~~d. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay.~~
- ~~e. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.~~
- ~~f. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Pierce County or King County sheriff's office or relevant local police department.~~
 - ~~i. If said warrant and sex offender checks reveal either: (A) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (B) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the sponsoring agency will reject the subject of the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.~~
 - ~~ii. The sponsoring agency shall immediately contact the Auburn police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant, is due to the individual being a sex offender required to register and/or if, in the opinion of the on-duty executive committee member or the on-duty security staff, the rejected/ejected person is a potential threat to the community.~~

~~g. The sponsoring agency shall self-police and self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.~~

~~h. The sponsoring agency will appoint an executive committee member to serve on-duty at all times to serve as a point of contact for city of Auburn police and will orient the police as to how the security operates. The names of the on-duty executive committee members will be posted daily in the security tent. The city shall provide contact numbers of nonemergency personnel, which shall be posted at the security tent.~~

~~4. *Timing.*~~

~~a. The maximum continuous duration of a homeless encampment shall be 90 days. Citywide, the total maximum number of days homeless encampments may operate in the city shall not exceed 180 days in any 24-month period (e.g., two homeless encampments each operating 90 days (maximum 180 days total) may be allowed in a 24-month period).~~

~~b. No more than one homeless encampment may be located in the city at any time.~~

~~5. *Health and Safety.*~~

~~a. All temporary structures within the homeless encampment shall conform to all building codes.~~

~~b. The homeless encampment shall conform to the following fire requirements:~~

~~i. Material used as roof covering and walls shall be of flame retardant material.~~

~~ii. There shall be no open fires for cooking or heating.~~

~~iii. No heating appliances within the individual tents are allowed unless the appliance is designed and licensed for that purpose.~~

~~iv. No cooking appliances other than microwave appliances are allowed.~~

~~v. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department.~~

~~vi. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department.~~

~~vii. Adequate separation between tents and other structures shall be maintained as determined by the fire department.~~

~~viii. Electrical service shall be in accordance with recognized and accepted practice; electrical cords are not to be strung together and any cords used must be approved for exterior use.~~

~~c. The sponsoring and host agencies shall permit inspections by Auburn staff and the King County health department at reasonable times without prior notice for compliance with the conditions of this permit.~~

~~6. *Termination.* If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the city learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the temporary use permit may be immediately terminated. (Ord. 6565 § 4, 2015; Ord. 6287 § 2, 2010; Ord. 6268 § 2, 2009.)~~

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[Hosted by General Code.](#)

Chapter 18.52

OFF-STREET PARKING AND LOADING

Sections:

- 18.52.005 Intent.
- 18.52.010 Applicability.
- 18.52.020 Number of off-street parking spaces required.
- 18.52.025 Disabled/handicapped parking requirements.
- 18.52.030 Reductions of the quantity of required parking.
- 18.52.040 Drive-through facilities.
- 18.52.050 Parking design, development, and maintenance standards.
- 18.52.065 Commercial vehicles in residential zones.
- 18.52.070 *Repealed.*
- 18.52.080 *Repealed.*
- 18.52.090 *Repealed.*
- 18.52.100 *Repealed.*
- 18.52.110 Fractional spaces.
- 18.52.120 *Repealed.*
- 18.52.125 Stacked parking.
- 18.52.130 Off-street loading space.
- 18.52.135 Alternate parking layouts.

18.52.020 Number of off-street parking spaces required.

Each principal use of the land, building, or structure shall provide the number of off-street parking spaces required by this section. The following standards are not applicable in the DUC, downtown urban center zone; refer to Chapter [18.29](#) ACC for specific requirements for that zone.

A. Parking Requirements by Land Use.

1. *Minimum Number of Parking Spaces.* Each land use shall provide the minimum number of off-street parking spaces required by Table 18.52.020, except where a greater number of spaces are required through a more specific approval process such as an administrative use permit or conditional use permit approval.
2. *Uses Not Listed.* Where a use is not listed in Table 18.52.020, the planning director shall determine the number of required parking and/or loading spaces. The planning director shall use the requirements in Table 18.52.020 as a guide in determining the number of off-street parking spaces required based on the similarity of uses or may consider a parking generation study.

B. *Maximum Number of Parking Spaces.* Except for required parking spaces for persons with disabilities, spaces provided in park and ride lots operated by a public transit agency, spaces for carpools, spaces for electric vehicle charging and spaces within structured parking with two or more levels, the maximum number of parking spaces for nonresidential uses shall not exceed 125 percent of the minimum spaces required by Table 18.52.020.

C. *Measurement of Floor Area.* In any case where Table 18.52.020 establishes a parking requirement based on floor area in square feet (for example: two spaces per 1,000 square feet (sf) of floor area), the floor area shall be construed to mean gross floor area (defined in ACC [18.04.430](#)).

D. *Use with Accessory Components.* A single use with accessory components shall provide parking for the primary use, and each component. For example, a hotel with a meeting room may be required to provide the parking spaces required by Table 18.52.020 for a hotel (i.e., the guest rooms), and for a meeting room.

E. *Obstruction.* Removal of required parking or loading spaces from practical use by obstruction, erection of buildings, or other actions as to reduce the parking or loading capacity or usefulness thereof below the minimum requirements established in this chapter is prohibited.

F. *Existing legally nonconforming gravel spaces.* Up to six legally nonconforming gravel parking spaces may be used to meet off-street parking requirement for residential development.

Table 18.52.020. Off-Street Parking Requirements by Land Use

Land Use Type:	Unit of Measure:	Required Parking Rate (spaces per unit of measure): ¹
Residential Categories		
Single-unit detached dwelling, adult family home, home based daycares	Dwelling unit	2.00
Middle housing (2 to 6 units)	See ACC 18.25 for Middle Housing parking requirements.	
Apartments (7 or more units)	Dwelling unit	1.00 <u>0.75</u>

Land Use Type:	Unit of Measure:	Required Parking Rate (spaces per unit of measure): ¹
Mobile home dwellings ¹²	Dwelling unit	2.00
Assisted living facilities	4 bedrooms Per unit	4.00 0.53 ^{6, 7} Plus one space for each two- employees
Group living (includes <u>permanent</u> supportive housing, boardinghouse)	4 bedrooms	1.00
Commercial Categories		
Auto sales and motorcycle, new	1,000 sf of floor area	2.29
Auto sales and motorcycle, used	1,000 sf of floor area	3.08
Daycare centers	Each 10 children in care	2.00
Eating and drinking establishments	1,000 square feet of floor area	8.00
Food retail stores and markets	1,000 square feet of floor area	5.00
Health and fitness clubs	1,000 square feet of floor area	5.00
Hotel or motel	Guest room or rental unit	1.00
Mini-marts and gas stations	1,000 square feet of floor area	5.00
Mortuaries or funeral homes	25 square feet of floor space	0.25
Motor vehicle repair and services	1,000 square feet of floor area	2.50
Personal service shops	1,000 square feet of floor area	2.50
Retail commercial establishments, less than 15,000 square feet of floor area	1,000 square feet of floor area	2.50

Land Use Type:	Unit of Measure:	Required Parking Rate (spaces per unit of measure):¹
Retail commercial establishments, greater than 15,000 square feet of floor area	1,000 square feet of floor area	4.00
Shopping centers ⁴	1,000 square feet of floor area	4.00
Office Categories		
Business and professional offices	1,000 square feet of floor area	2.00
Medical-dental clinic; urgent care	1,000 square feet of floor area	3.00
Manufacturing Processing and Warehousing Categories <i>(See also ACC 18.52.020(D))</i>		
All manufacturing, industrial, and processing uses, except the following:	1,000 square feet of floor area	1.00
Warehousing	2,000 square feet of floor area	1.00
Storage – Personal storage/mini-storage facilities	1,000 square feet of floor area ³	0.10
Recreation, Education, Public Assembly Categories		
Auditoriums, stadiums, and theaters	25 square feet of floor space	0.25
Commercial recreation facilities – Indoor, except for the following:	1,000 square feet of floor area	5.00
Bowling alleys	Lanes	5.00
Pool and billiard rooms	Table	2.00
Skating rinks	1,000 square feet of floor area	5.00
Commercial recreation facilities – Outdoor	1,000 square feet of usable recreational area	3.00

Land Use Type:	Unit of Measure:	Required Parking Rate (spaces per unit of measure): ¹
Hospitals	Bed	1.75
Library, museum	1,000 square feet of floor area	2.50
Meeting facility, public or private	25 square feet of floor space	0.25
Religious assembly	25 square feet of floor space	0.20
Schools (public and private)		
Preschool schools	Employee ³	1.00
Elementary/middle schools	Teaching station	1.20
Secondary (high) schools	Student	0.40
College or university (including trade and business schools)	Student	0.75
Studios (dance, martial arts, etc.)	1,000 square feet of floor area	5.00
Tennis/racquetball/handball or other sport courts	Court	2.00
	Each 300 sf of floor area for accessory uses	1.00
Recreational uses not listed elsewhere	Same as retail, based on size	

Notes:

¹ If the rate ends in an .5 and above the number of parking spaces is rounded up to the next full number to provide the total number of parking spaces required. _

⁴² Within mobile home parks, parking space shall not be allowed within the required setbacks. Guest parking shall be provided within the development: five percent of total requirement.

~~² Includes total on-site building square feet.~~

³ There shall be two visitor-parking stalls provided for each 10 required employee stalls.

⁴ Compliance with these standards is not required for a change of use within an existing building.

5 Employee and customer parking only.

6 Assisted living facilities located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, the minimum residential parking requirement shall be 1.1 stall per employee and visitor.

7 Continuing care type assisted living facilities require 1.2 stalls per unit unless within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, in which case the parking minimum is 1.1 stalls per employees and visitors.

(Ord. 6419 § 5, 2012; Ord. 6388 § 1, 2011; Ord. 6167 § 4, 2008; Ord. 6140 § 2, 2007; Ord. 6071 § 3, 2007; Ord. 5777 § 1, 2003; Ord. 5556 § 1, 2001; Ord. 5170 § 1, 1998; Ord. 4949 § 1, 1997; Ord. 4304 § 1(40), (41), 1988; Ord. 4229 § 2, 1987.)

PLANNING SERVICES

SUPPORTIVE HOUSING TYPES CODE UPDATE

PRESENTED BY
DEPARTMENT OF COMMUNITY DEVELOPMENT
ALEXANDRIA TEAGUE, AICP,
PLANNING SERVICES MANAGER

FEBRUARY 4, 2025

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

AUBURN
VALUES

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

PERMANENT SUPPORTIVE HOUSING

New definitions

- 18.04.793 "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
- 18.04.896.1 "Transitional housing" means a supportive housing for persons or families for up to two years for the purpose of facilitating the movement of persons and families into independent living.

Revised definitions

- 18.04.465 Homeless encampment
- 18.04.485 Host agency
- 18.04.828 Sponsoring agency
- 18.04.891 Supportive housing

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

PERMANENT SUPPORTIVE HOUSING

Requirements

- HB 1220 RCW 35.21.683
- City code shall not prohibit permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.

How it is implemented

- Revise ACC Table 18.07.020 “ Permitted Use Table – Residential Zones”
- Allow Permanent Supportive Housing is proposed for all residential zones.
- Revise ACC Table 18.23.030 "Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones”
- Allow Permanent Supportive Housing as a permitted use in the C-1 and C-2 zone and as an administrative use in the M-1 and M-2 zones.
- The use is still subject to the standards contained in ACC 18.31.160.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

TRANSITIONAL HOUSING

Requirements

- HB 1220 RCW 35.21.683
- City code shall not prohibit transitional housing in any zones in which residential dwelling units or hotels are allowed.

How it is implemented

- Revise ACC Table 18.07.020 “ Permitted Use Table – Residential Zones”
- Allow Permanent Supportive Housing is proposed for all residential zones.
- Revise ACC Table 18.23.030 "Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones”
- Allow Permanent Supportive Housing as a permitted use in the C-1 and C-2 zone and as an administrative use in the M-1 and M-2 zones.
- The use is still subject to the standards contained in ACC 18.31.160.
- Create new definition in Chapter 18.04 for Transitional Housing.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

PERMANENT SUPPORTIVE & TRANSITIONAL HOUSING SUPPLEMENTAL STANDARDS

Requirements

- HB 1220 RCW 35.21.683
- Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety.
- Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

How it is implemented

- Revise ACC 18.31.160 to apply for all “transitional housing , permanent supportive housing, indoor emergency shelters, and indoor emergency housing” to apply reasonable occupancy, spacing, and intensity of use standards.
- Remove provisions could prevent the siting of a sufficient number of these facilities.

Figure 34 – Housing Need by Income and County

County	Total	0-30%		>30% to 50%	>50% to 80%	>80% to 100%	>100% to 120%	>120%	Net New Emergency Housing Needs
		Non-PSH	PSH						
King	Supply (2019)	28,049	1,076	237	8,029	8,075	4,427	3,302	2,903
	Net New Need (2044)	12,000	1,543	812	309	616	1,146	1,299	6,275
Pierce	Supply (2019)	3,963	0	33	134	493	1,141	680	1,482
	Net New Need (2044)	112	14	20	21	16	7	6	27
Total	Net New Need (2044)	12,112	1,557	892	330	632	1,153	1,235	6,302

Source: King County Ordinance 19660, Countywide Planning Policies; Pierce County Ordinance 2023-22s, Countywide Planning Policies

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

INDOOR EMERGENCY HOUSING OR SHELTER

Requirements

- HB 1220 RCW 35.21.683
- Indoor emergency shelters and indoor emergency housing must be allowed in any zones in which hotels are allowed.

How it is implemented

- Revise ACC Table 18.23.030
- Allow Indoor Emergency Housing or Shelters outright in the C-1 and C-2 zone, and administratively in the M-1 and M-2 zones

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

MIDDLE HOUSING & CRITICAL AREAS

Requirements

- RCW 36.70A.635(4)(b)(iii) and (8)(b)
 - Any lots, parcels, and tracts designated with critical areas or their buffers that are exempt from the density requirements as provided in subsection (8) of this section;
 - Portions of a lot, parcel, or tract designated with critical areas designated under RCW [36.70A.170](#) or their buffers as required by RCW [36.70A.170](#), except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met;

How it is implemented

- Revise ACC 18.25.020
- Staff is proposing to remove provision (4) of ACC 18.25.020 “Middle Housing shall not be used to justify alteration of a regulated critical area per Chapter 16.10 ACC.”
- All developments, including middle housing, are currently subject to the standards contained in Chapter 16.10 ACC.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

COMMUNAL HOUSING OCCUPANCY LIMITS

Requirements

- SB 5235 RCW 35A.21.314
- Code city may not limit number of unrelated persons occupying a household or dwelling unit.

How it is implemented

- Revise ACC 18.31.130(D)
- Staff proposes to remove the limit of four individual persons. Building and fire codes will determine occupancy limits.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

HOMELESS ENCAMPMENTS HOSTED BY RELIGIOUS ORGANIZATIONS

Requirements

- RCW 36.01.290
- Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions.
- The state set standards and limitations on local jurisdiction regulation of religious organization's ability host the homeless on property owned or controlled by the religious organization.

How it is implemented

- Create new section ACC 18.31.165 to allow homeless encampment hosted by a religious organization" as an accessory use to religious institutions.
- Modify existing temporary regulations related to homeless encampments to comply with the RCW.
- Remove the Type II Temporary Use Permit requirement for homeless encampments hosted by non-religious organizations.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

HOSTING THE HOMELESS BY RELIGIOUS ORGANIZATIONS

Requirements

- RCW 36.01.290
- Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions.
- The state set standards and limitations on local jurisdiction regulation of religious organization's ability host the homeless on property owned or controlled by the religious organization.

How it is implemented

- Create new section ACC 18.31.165 "Specific Type II temporary use permit – homeless encampment hosted by a religious organization"
- Modify existing temporary regulations related to homeless encampments to comply with the RCW.

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

MINIMUM RESIDENTIAL PARKING REQUIREMENTS

Requirements

- RCW 36.70A.620(2)
- (2) No minimum residential parking requirements if housing units specifically for seniors or people with disabilities, if located within 1/4 mile of a transit stop that receives transit service at least 4 times per hour for twelve or more hours per day
- (3) market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit.

How it is implemented

- Revise Table 18.52.020 “Off-Street Parking Requirements by Land Use”
- (2) Instead of 1 parking space per 4 bedrooms and 1 parking space per each two employees change to 0.53 per unit (per ITE) and if near high-capacity transit then 1.1 space per employee/visitor.
- (3) Allow .75 parking rate for those multifamily housing units to comply with the statute regardless of transit frequency.

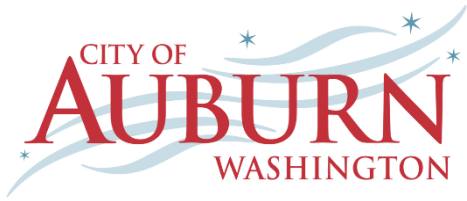
SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

THANK YOU!

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

AUBURN
VALUES

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



AGENDA BILL APPROVAL FORM

Agenda Subject:
ZOA24-0003 SEPA Code Update (Reed)

Meeting Date:
February 4, 2025

Department:
Community Development

Attachments:
ZOA24-0003 SEPA Code Text
Amendments Memo, Chapter
16.06 ACC 12.17.24 with track
changes, ZOA24-0003 SEPA
Code Update Presentation

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

Administrative Recommendation:

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

Background for Motion:

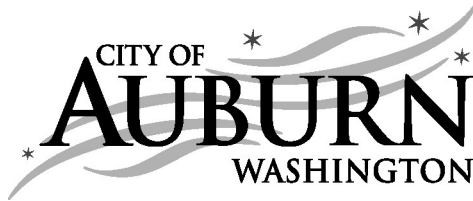
N/A

Background Summary:

Staff is proposing to amend Sections 16.06.020, 16.06.055 and 16.06.130 and add Sections 16.06.085 and 16.06.095 of the Auburn City Code to comply with Washington State's new thresholds of SEPA exemptions. The specific sections of the Environmental Review Procedures are outlined below.

Councilmember:

Staff: Jason Krum



Memorandum

TO: Judi Roland, Chair, Planning Commission
Kent Sprague, Vice Chair
Planning Commission Members

FROM: Dinah Reed, Senior Planner
Dept. of Community Development

DATE: January 23, 2025

RE: City File No. ZOA24-0003 – SEPA Code Update Text Amendment

I. BACKGROUND & PURPOSE

The State Environmental Policy Act (SEPA), enacted in 1971, was developed to recognize and evaluate the environmental or public health impacts of construction, proposed regulations, policies, and private projects. Today, SEPA often represents a duplicative and unnecessary requirement because state laws have been passed over the years that require local jurisdictions to enact their own regulations focused on environmental protection. Project review is subject to these additional regulations such as; the Growth Management Act (GMA), Critical Areas regulations, Stormwater Management regulations, and the Shoreline Management Act. These regulations capture the potential for adverse environmental impacts in most cases without the need for SEPA review. The City of Auburn also requires development regulations and standards such as Traffic Impact Assessment (TIA), geotechnical reports, and the International Building Code, and other performance standards (in the Zoning Code) which are used to mitigate project impacts.

The Washington State Legislature has recognized the need to reduce when SEPA is utilized, and in response developed SEPA categorical exemptions to remove projects below a specified number of units from being required to go under SEPA review. WAC 197-11-800 gives local jurisdictions the option to adopt new thresholds for SEPA exemptions for minor new construction which in turn helps to streamline the permitting process and lower costs to developers by allowing certain projects (particularly multiplex residential units) to be built without triggering a SEPA review.

The City will retain the authority to require a SEPA review in cases when the responsible official determines that a proposal has reasonable likelihood of causing more than a moderate adverse impact on environmental quality.

Staff is proposing to amend Sections 16.06.020, 16.06.055 and 16.06.130 and add Sections 16.06.085 and 16.06.095 of the Auburn City Code to comply with Washington State's new thresholds of SEPA exemptions. The specific sections of the Environmental Review Procedures are outlined below.

II. SUMMARY OF CODE CHANGES

Chapter 16.06. Environmental Review Procedures

Adoption by reference – Revise Section ACC 16.06.020

Additions to the list of sections adopted by reference include 197-11-172 Planned Actions – Project Review and 197-11-355 Optional DNS process.

Categorical Exemptions – Revise Section ACC 16.06.055

The purpose of the revisions in this section is to adopt the exemption levels for minor new construction flexible thresholds under WAC 197-11-800(1) to reflect the new State maximum exemption levels for the Incorporated UGA of fully planning GMA counties as follows:

1. For construction or location of single-unit residential dwelling units (formerly known as single family residential units) WAC 197-11-800(1): 30 dwelling units or less or 100 single-unit residential dwelling units where each is less than 1,500 square feet.
2. For construction or location of Multifamily residential units (Middle Housing, Apartments and Townhomes) in WAC 197-11-800(1)(d): 200 units or less.
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1): buildings of 30,000 square feet or less and with associated parking facilities designed for 90 or less automobiles.
4. For parking lots not associated with a structure in WAC 197-11-800(1): 90 or fewer automobile parking spaces.
5. For fill or excavations in WAC 197-11-800(1): 1,000 cubic yards or less.

Planned Actions – Add Section ACC 16.06.085

The purpose of this new section is to add Planned Actions as described by RCW 43.21C.440 and adopt by reference WAC 197-11-172.

Planned Actions are typically used for geographically larger area projects such as Sub-Area Plans or Master Plans. The City of Auburn used the Planned Action process with its Downtown Plan. Included in this process is a more comprehensive environmental review, an Environmental Impact Statement (EIS), where alternatives are identified, and any impacts and thresholds are assessed for the entire area. For the Downtown Plan these impacts were reviewed for higher density. Therefore, for example if a developer proposed a 6-7 story building they do not need to go through a SEPA review because the new development has essentially already been assessed by the EIS. Impacts such as traffic mitigation could still be assessed through a TIA and utilities could be assessed through the preliminary civil reviews.

Optional Determination of Non-Significance Process -- Add Section ACC 16.06.095

The purpose of this new section is to comply with WAC 197-11-355 Optional DNS Process requirements.

The proposal is to add the Optional Determination of Non-Significance section to the Environmental code which is already being used by the city. Type II, Type III, and Type IV Decisions per ACC 14.03.020 and 14.03.030 require a threshold determination under SEPA. When a project is deemed by the lead agency that adverse environmental impacts are unlikely, the project may be processed using a single integrated comment period to obtain comments on the Notice of Application and the threshold determination during one comment period. The Notice states that it expects to issue a Determination of Non-Significance (DNS) and that it may be the only opportunity to comment. Following close of the comment period the agency (i.e. Auburn) would issue the formal DNS without a second comment period.

Substantive authority – Revise Section ACC 16.06.130

The revisions in this section comply with updated names of the Auburn Transportation Program and the Auburn Capital Facilities Plan. The Energy Management Plan is no longer relevant and removed. Appendix B has been replaced with “all Appendices and Supplementary Reports”.

III. TEXT AMENDMENT

The text amendment is shown by strikeout/underline and is attached to this memo as Attachment 1.
A clean version of the text amendment is attached to this memo as Attachment 2.

IV. STAFF REQUEST

If the Planning Commission believes that the changes are ready to proceed, Staff will move forward with noticing and a public hearing.

V. ATTACHMENTS

- 1** – ZOA24-0003 Text Amendment with track changes
- 2** – PowerPoint presentation

VI. GLOSSARY OF KEY TERMS (in alphabetical order)

- 1) 18.04.300 Density – “Density” is a measure of population, housing units, or building area related to land area, and is expressed as a ratio, e.g., units per acres or square feet of lot area per unit. See ACC 18.02.065 for the methodology for calculating density.

Chapter 16.06

ENVIRONMENTAL REVIEW PROCEDURES

Sections:

- 16.06.010 Authority.
- 16.06.020 Adoption by reference.
- 16.06.030 Additional definitions.
- 16.06.040 Responsible official designated.
- 16.06.050 Timing of environmental review.
- 16.06.055 Categorical exemptions.
- 16.06.060 Determination of categorical exemption.
- 16.06.065 Environmentally sensitive areas.
- 16.06.070 Environmental checklist required.
- 16.06.080 Environmental impact statement.
- 16.06.090 Public notice.
- 16.06.095 Optional Determination of Non-Significance (ODNS) Process
- 16.06.100 Internal circulation of environmental documents.
- 16.06.110 Timing of decision on nonexempt action.
- 16.06.120 Authority to condition or deny proposals.
- 16.06.130 Substantive authority.
- 16.06.200 City responsibilities as consulted agency.
- 16.06.210 Use of non-SEPA documents.
- 16.06.220 Environmental appeals.
- 16.06.230 Time limitation on appeals.
- 16.06.240 Fee to accompany notice of appeal.
- 16.06.250 Notice of hearing.
- 16.06.260 Hearing.
- 16.06.270 Testimony – Recording.
- 16.06.300 Substantial weight – Burden of proof.
- 16.06.310 Decision of the hearing examiner.
- 16.06.320 Dismissal of appeal.
- 16.06.330 City council review – Limitations for appeals.
- 16.06.340 Violation – Penalty.

Prior legislation: Ords. 4009, 4054, 4351, 4504, 4792.

16.06.010 Authority.

The ordinance codified in this chapter is adopted under the authority of the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904, including any amendments thereto. (Ord. 4840 § 1, 1996.)

16.06.020 Adoption by reference.

The following sections of Chapter 197-11 WAC, including any amendments thereto, are adopted by reference as if fully set forth herein:

WAC	
197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-164	Planned actions – Definition and criteria.
<u>197-11-172</u>	<u>Planned Actions – Project Review</u>
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
<u>197-11-355</u>	<u>Optional DNS process</u>
197-11-360	

	Determination of significance (DS)/ initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement – Procedures.
197-11-625	Addenda – Procedures.
197-11-630	Adoption – Procedures.
197-11-635	Incorporation by reference – Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.

197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.
197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).

197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

(Ord. 6382 § 1, 2011; Ord. 4840 § 1, 1996.)

16.06.030 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, the following words and terms shall have the following meanings, unless the context indicates otherwise:

“Advisory body” means any body established by ordinance of the city council, whose responsibilities include the review of development proposals for the purpose of making recommendations to the city council.

“Aquifer recharge areas” means areas which recharge aquifers that are a source of drinking water vulnerable to contamination that would affect the portability of the water. These areas include: sole source aquifer recharge areas and wellhead protection areas designated pursuant to the Federal Safe Drinking Water Act; areas established for special protection pursuant to a ground water management program as described by Chapters 90.44, 90.48 and 90.54 RCW and Chapters 173-100 and 173-200 WAC; and any other area meeting the definition of “areas with a critical recharging effect on aquifers used for potable water” as described in Chapter 365-190 WAC and the Auburn comprehensive plan.

“Department” means any division, subdivision or organizational unit of the city established by ordinance, rules, or order.

“Development” means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alteration of the land which is subject to city approval and to the requirements of SEPA.

“Fish and wildlife habitat conservation areas” means lands which are important for the maintenance of fish and wildlife species in suitable habitats within the natural geographic distribution of the species. These areas include: areas with which endangered, threatened and sensitive species have a primary association; habitats and species of local importance; waters of the state; waters planted with game fish; and any other area meeting the definition of “fish and wildlife habitat conservation areas” as described in Chapter 365-190 WAC and the Auburn comprehensive plan.

“Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include: streams, rivers, lakes, wetlands and any other area meeting the definition of “frequently flooded areas” as described in Chapter 365-190 WAC and the Auburn comprehensive plan.

“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns. These areas include:

1. Erosion hazard areas: areas identified by the USDA Soil Conservation Service as having a severe rill and inter-rill erosion hazard;
2. Landslide hazard areas: areas potentially subject to landslides based on a combination of geologic, topographic and hydrologic factors;
3. Seismic hazard areas: areas subject to severe risk or damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or surface faulting;
4. Other geologic hazard areas: areas subject to volcanic activity and areas underlain by, adjacent to, or affected by mine workings; and
5. Any other area meeting the definition of “geologically hazardous areas” as described in Chapter 365-190 WAC and the Auburn comprehensive plan.

“Hearing examiner” means the city hearing examiner as established by Chapter 2.46 ACC.

“Ordinance” means an ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

“Project permit” or “project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, planned unit developments, conditional uses, shoreline development permits, site plan review, permits or approvals required by critical area ordinances, site specific rezones authorized by the comprehensive plan or a special planning area plan or other subarea plan, but excluding the adoption or amendment of a comprehensive plan, or a special area plan, subarea plan, or development regulations except as otherwise specifically included in this chapter.

“Regulations” includes regulations referenced in this chapter as well as development regulations as defined in RCW 36.70A.030 of the Growth Management Act.

“Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities. However, wetlands do include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted and required by the county or city. Artificial wetlands created from nonwetland areas for purposes of

wildlife enhancement, education, aesthetic or similar reasons, when not part of a compensatory (required) mitigation project, are not included within the wetland definition.

“SEPA” means Chapter 43.21C RCW.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology. (Ord. 4840 § 1, 1996.)

16.06.040 Responsible official designated.

The director of the Auburn department of planning and development, or designee, shall be the SEPA responsible official for the city and shall carry out the duties and functions of the city when it is acting as the lead agency or as a consulted agency under SEPA and the SEPA rules. (Ord. 6287 § 2, 2010; Ord. 4840 § 1, 1996.)

16.06.050 Timing of environmental review.

When a project permit application is filed with the city of Auburn the city shall analyze the permit’s environmental impacts in one project review process as provided in the Auburn City Code, hereinafter referred to as “ACC,” Title 14. The environmental review shall be integrated with and be processed concurrently with the attendant project permit application. (Ord. 4840 § 1, 1996.)

16.06.055 Categorical exemptions.

A. The city of Auburn adopts by reference WAC 197-11-300 and 197-11-800. In addition, thereto, Auburn establishes the following exempt levels for minor new construction under WAC 197-11-800(1) based on local conditions:

1. For construction or location of single-unit residential dwelling units in WAC 197-11-800(1)(~~bd~~)(~~+~~): 2030 dwelling units or less or 100 single-unit residential dwelling units where each is less than 1,500 square feet.
2. For construction or location of Multifamily residential units (Middle Housing, Apartments and Townhomes) in WAC 197-11-800(1)(d): 200 units or less.
23. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(~~bd~~)(~~iii~~): buildings of 12,00030,000 square feet or less and with associated parking facilities designed for 40-90 or less automobiles.

34. For parking lots not associated with a structure in WAC 197-11-800(1)(b)(ivd): 490 or fewer automobile parking spaces.

45. For fill and excavations in WAC 197-11-800(1)(bd)(v): 5001,000 cubic yards or less.

B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington under WAC 197-11-800(1)(c). (Ord. 5908 § 1, 2005; Ord. 5727 § 1, 2003.)

16.06.060 Determination of categorical exemption.

A. The city department which receives an application for a proposal, or initiates a proposal which is potentially subject to the environmental review requirements of SEPA, shall request the responsible official or the responsible official's designee to make the following determinations:

1. Whether the proposal is an "action" as defined by WAC 197-11-704; and
2. If the proposal is an "action," whether it is categorically exempt from the requirements of SEPA; and
3. If the proposal is a nonexempt action, whether appropriate environmental review of the project has been conducted or commenced.

B. The responsible official or the responsible official's designee shall be responsible for making the final decision required by this section.

C. The city recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of when a proposed project, regardless of its environmental impact, must comply with SEPA and this chapter. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderate adverse impact on environmental quality, whether that impact is direct, indirect or cumulative, environmental review under SEPA shall be conducted.

D. It is recognized that a particular development or land use, although otherwise consistent with city regulations and policies, may create adverse impacts upon facilities, services, natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments. The city shall evaluate such cumulative environmental impacts and make its environmental determinations and substantive decisions accordingly. (Ord. 4840 § 1, 1996.)

16.06.065 Environmentally sensitive areas.

A. The following areas of the environment are designated as environmentally sensitive areas pursuant to RCW 36.70A.060 and WAC 197-11-908:

1. Aquifer recharge areas;
2. Fish and wildlife habitat conservation areas;
3. Frequently flooded areas;
4. Geologically hazardous areas; and
5. Wetlands.

B. Within each of these environmentally sensitive areas, the responsible official shall implement city codes, ordinances, resolutions, plans and policies to conserve these areas and to preclude land uses and development which cause significant adverse impacts to these areas.

C. The city's "critical area maps" provides the general location of environmentally sensitive areas within the city and is adopted by this reference as if fully set forth in this chapter. Site specific studies will be needed to identify the precise location and to assess the characteristics of the environmentally sensitive area. Whenever there is evidence of an environmentally sensitive area located within or in proximity to a nonexempt action, the responsible official may require site specific studies to determine the location and characteristics of the environmentally sensitive area, and potential mitigating measures. (Ord. 4840 § 1, 1996.)

16.06.070 Environmental checklist required.

A. Whenever a department determines that a proposal is a nonexempt action for which appropriate environmental review has not been conducted or commenced, the department shall prepare or shall require the action proponent to prepare and submit an environmental checklist. Upon completion or receipt of a completed environmental checklist, the department shall immediately transmit the following to the responsible official or the responsible official's designee:

1. The original, signed copy of the environmental checklist; and
2. A copy of any completed application form in the department's possession relating to the proposal; and
3. A copy of any project description, conceptual plan or plot plan which may have been prepared or submitted; and
4. Any additional information in the department's possession touching upon the environmental impacts of the proposed action.

B. The environmental review process shall begin when an environmental checklist application is received by the responsible official. Incomplete applications shall be returned to the applicant for completion as directed by the responsible official as provided in ACC Title 14. Checklist applications include the completed environmental checklist form together with any site plans, studies or other information needed to adequately review the application.

C. A department initiating a nonexempt city action may request that the responsible official or the responsible official's designee assist the department in preparing the necessary environmental checklist.

D. The provisions of this section shall not apply when the responsible official and the proponent of a nonexempt action agree in writing that the proposal is likely to have significant adverse environmental impacts, and further agree that an environmental impact statement (EIS) will be prepared.

E. The responsible official may determine that the city will complete all or a part of an environmental checklist for a private proposal with its own staff, or may contract with one or more consultants to prepare or assist in preparation of a checklist, and may charge and collect fees from the applicant to cover costs incurred by the city in preparation of the checklist, if either of the following circumstances exist:

1. The city has technical information on a question or questions that is unavailable to the applicant; or
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration.

F. If fees are to be collected, the applicant shall be advised of the estimated costs, and shall be required to secure payment of such costs prior to the actual preparation of all or part of the environmental checklist. (Ord. 4840 § 1, 1996.)

16.06.080 Environmental impact statement.

A. Whenever the responsible official has issued a determination of significance for a nonexempt action, it shall be the responsibility of the individual, corporation, agency or city department initiating or proposing the action to prepare a draft EIS and a final EIS under the supervision of the responsible official. The proposing individual, corporation, agency or department may contract with one or more consultants to prepare or assist in the preparation of an EIS, subject to the approval of the responsible official. Consultants shall be selected based on their expertise and knowledge related to the scoped environmental elements to be analyzed in the EIS documents. Regardless of who is involved in the preparation of an EIS, it is the EIS of the city and the responsible official shall be satisfied that it complies with this chapter, with SEPA and with the SEPA rules before it is issued.

B. The responsible official may determine that the city will complete all or a part of an EIS for a private proposal with its own staff, or may contract with one or more consultants to prepare or assist in preparation of

an EIS, and may charge and collect fees from the applicant to cover costs incurred by the city in preparation of the EIS, if one or more of the following circumstances exist:

1. The city has technical information on a question or questions that is unavailable to the applicant;
2. The applicant has provided inaccurate or incomplete information on previous proposals or on proposals currently under consideration;
3. The responsible official and the applicant agree that the city will be responsible for completing the EIS.

C. If fees are to be collected, the applicant shall be advised of estimated costs, and shall be required to secure payment of such costs prior to the actual preparation of the EIS.

D. Prior to the preparation of an EIS the applicant and the city shall enter into a written agreement that shall at a minimum contain who is to prepare the EIS, its estimated cost, and estimated time frame to complete the EIS process. (Ord. 4840 § 1, 1996.)

16.06.085 Planned Actions

A. The city of Auburn adopted by reference WAC 197-11-172.

16.06.090 Public notice.

A. Whenever public notice is required under the SEPA rules, the responsible official shall cause notice to be given in the following manner:

1. By posting the subject property in accordance with the applicable provisions of Chapter 1.27 ACC (site-specific proposals only).

B. Additional public notice may be provided for proposals having or potentially having unusually widespread, unique or significant adverse impacts, or for other proposals, at the discretion of the responsible official.

C. Where notice is required for a proposed action which has been proposed or initiated by a party other than the city or a city department, the cost of newspaper publication of such notice or notices shall be borne by the city with fees paid by the proponent or applicant. (Ord. 5811 § 4, 2003; Ord. 4840 § 1, 1996.)

16.06.095 Optional Determination of Non-Significance Process

A. Projects that are defined as Type II, Type III, and Type IV Decisions, per ACC 14.03.020 and ACC 14.03.030& 030 respectively, in which a threshold determination under SEPA is required, may be processed under the Optional DNS process. This includes:

1.- Providing Notice of Application (NOA) in accordance with ACC 14.07

2. -Ensuring consistency with WAC 197-11-355 Optional DNS Process requirements

B. If the city as lead agency and has a reasonable basis for determining, significant adverse environmental impacts are unlikely, it may use a single integrated comment period to obtain comments on the Notice of Application and the threshold determination for the proposal. If this process is used, a second comment period will typically not be required at the time the DNS is issued.

C. If the lead agency uses the optional DNS process specified in subsection B of this section, the lead agency shall:

1. State on the first page of the Notice of Application that it expects to issue a DNS for the proposal, and that:

(a) The optional DNS process is being used;

(b) This may be the only opportunity to comment on the environmental impacts of the proposal;

(c) The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

(d) A copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the lead agency may choose to maintain a general mailing list for threshold determination distribution);

2. List in the Notice of Application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

3. Comply with the requirements for a Notice of Application and public notice in ACC 14.07; and public notice in RCW 36.70B.110; and

4. Send the Notice of Application and environmental checklist to:

(a) Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

(b) Anyone requesting a copy of the environmental checklist for the specific proposal (in addition, the lead agency may choose to maintain a general mailing list for checklist distribution).

D. If the lead agency indicates on the Notice of Application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application (WAC 197-11-948.)

E. The responsible official shall consider timely comments on the Notice of Application and either:

1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection F of this section;

2. Issue a DNS or mitigated DNS with a comment period using the procedures in subsection F of this section, if the lead agency determines a comment period is necessary;

3. Issue a DS; or

4. Require additional information or studies prior to making a threshold determination.

F. If a DNS or mitigated DNS is issued under subsection (E)(1) of this section, the lead agency shall send a copy of the DNS or mitigated DNS to the WA State Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

16.06.100 Internal circulation of environmental documents.

Relevant environmental documents shall accompany proposals through existing city project review processes. The responsible official shall ensure that environmental documents are provided to decision makers in the following manner:

A. Where a nonelected city official is to make a final decision on a nonexempt action, the responsible official shall provide that deciding official with a copy of a determination of nonsignificance (DNS) or a final EIS upon issuance of the DNS or FEIS.

B. Where the planning commission or hearing examiner is to make a recommendation on a nonexempt action, the responsible official shall transmit to the advisory body a copy of one of the following:

1. Environmental checklist;
2. Determination of nonsignificance (DNS);
3. Draft environmental impact statement (DEIS);
4. Final environmental impact statement (FEIS).

Transmittal of the appropriate environmental document shall either precede or accompany transmittal of a staff report or staff recommendation on the proposal.

C. A final staff recommendation to the hearing examiner or city council on a nonexempt major action should normally be preceded by, or accompanied by, either a final DNS or an FEIS. (Ord. 6186 § 1, 2008; Ord. 4840 § 1, 1996.)

16.06.110 Timing of decision on nonexempt action.

A. For nonexempt actions, the procedural requirements of SEPA, the SEPA rules and this chapter shall be completed prior to the city's issuance of a license, permit or other approval, prior to the city committing to a particular course of action, or prior to the city making a decision that would either have adverse environmental impacts or limit the choice of reasonable alternatives.

B. A final decision on a nonexempt action for which a DNS has been issued or EIS has been required shall not be made until after expiration of the environmental appeal period if not appealed or, if appealed, shall not be made until the decision on the appeal becomes final. (Ord. 4840 § 1, 1996.)

16.06.120 Authority to condition or deny proposals.

A. The policies and goals set forth in and referenced by this chapter are supplementary to those in the existing authorization of the city.

B. The city may attach conditions to a permit or approval for a proposal so long as:

-
1. Such conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this chapter; and
 2. Such conditions are in writing; and
 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 4. The city has considered whether other local, state, or federal mitigation measures applicable to the proposal are sufficient to mitigate the identified impacts; and
 5. Such conditions are based on one or more policies, plans, rules or regulations designated in ACC 16.06.130 as a basis for the exercise of substantive SEPA authority under RCW 43.21C.060, and cited in writing in the license, permit, ordinance or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to make the identified impact nonsignificant; and
3. The denial is based on one or more policies, plans, rules or regulations designated in ACC 16.06.130 as a basis for the exercise of substantive SEPA authority under RCW 43.21C.060, and cited in writing in the license, permit, ordinance or other decision document.

D. If the lead agency determines, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the city has authority other than SEPA to deny the proposal, the project can be denied outright without making a threshold determination, and shall be cited in writing. Proposed actions which are subsequently modified, amended or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA rules and this chapter.

E. Where the responsible official has issued a mitigated DNS, the decision maker shall not approve the associated proposal until:

1. The proponent has modified the proposal, either through modification of plans and other application materials or through a separate written instrument attached to the application, such that the mitigating measures of the mitigated DNS become part of the proposal; or
2. The decision maker has incorporated the mitigating measures of the mitigated DNS into the license, permit, ordinance or other approval, through conditions attached pursuant to this chapter; or

3. A combination of subdivisions 1 and 2 of this subsection.

F. Where mitigating measures are agreed to under subsection (E)(1) of this section, or imposed under subsection (E)(2) of this section, and where the proponent fails to implement such mitigating measures, the city shall have the authority to revoke any permit, license or other approval granted on the basis of such mitigating measures. (Ord. 4840 § 1, 1996.)

16.06.130 Substantive authority.

The city adopts by reference the following policies, plans, rules and regulations, as may be amended, as a basis for the exercise of substantive authority to approve, condition or deny proposed actions under RCW 43.21C.060 of SEPA:

- A. Auburn comprehensive plan and related reports and studies outlined in ~~Appendix B~~; all Appendices and Supplementary Reports
- B. Shoreline management master program;
- C. Auburn City Code;
- D. Auburn downtown plan;
- E. Auburn capital ~~improvements-facilities~~ plan;
- F. ~~Six-year street plan~~ Auburn Transportation Program;
- G. Auburn Municipal Airport master plan;
- H. ~~Energy management plan. (Ord. 4840 § 1, 1996.)~~

16.06.200 City responsibilities as consulted agency.

In carrying out the city's duties as a consulted agency, the responsible official shall request information from any department potentially affected by or having expertise on a proposal. Information timely received by the responsible official in response to such request shall be transmitted to the lead agency. The responsible official may transmit such information by forwarding copies of any department responses or by consolidating all department responses into a single city response. (Ord. 4840 § 1, 1996.)

16.06.210 Use of non-SEPA documents.

A. If determined by the responsible official, existing plans, regulations, rules, or other laws that provide a functionally equivalent analysis of the specific adverse impacts of a proposed project that has already occurred and is available or will occur before action is taken on a proposed project may be used to forego the environmental analysis required under this title. If non-SEPA documents are used the responsible official shall make appropriate findings and conclusions to support the use of such documents.

B. If determined by the responsible official, existing plans, regulations, rules, or other laws that adequately mitigate the projects specific adverse environmental impacts may be used, in lieu of SEPA mitigating conditions, as long as the project approval is explicitly conditioned on compliance with the requirements or mitigation measures so that the specific adverse environmental impacts are adequately mitigated. If non-SEPA documents are used, the responsible official shall make appropriate findings and conclusions to support the use of such mitigation and to ensure compliance with the requirements of the non-SEPA documents. (Ord. 4840 § 1, 1996.)

16.06.220 Environmental appeals.

Any person aggrieved of a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS may file an appeal with the city hearing examiner. Appeal of intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed. (Ord. 4840 § 1, 1996.)

16.06.230 Time limitation on appeals.

A written notice of appeal identifying the grounds for appeal must be filed with the city clerk, on forms provided by the city clerk, within 14 days of the date of mailing the final threshold determination of significance, final determination of nonsignificance or final EIS. The city shall extend the appeal period for an additional seven days for final mitigated determinations of nonsignificance and final EISs. (Ord. 4840 § 1, 1996.)

16.06.240 Fee to accompany notice of appeal.

An appeal fee as provided for in the city's adopted fee schedule shall accompany the written notice of appeal and be filed within the appeal period with the city clerk. No notice of appeal shall be accepted unless accompanied by full payment of the appeal fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal. (Ord. 6077 § 1, 2007; Ord. 4840 § 1, 1996.)

16.06.250 Notice of hearing.

A notice of appeal timely filed shall be transmitted by the city clerk to the hearing examiner and the SEPA responsible official. The hearing examiner shall determine the date, time, and place of a hearing to consider the appeal of final EISs, and shall notify the parties thereof. Other appeal hearings shall be scheduled in accordance with ACC 2.46.130. (Ord. 4840 § 1, 1996.)

16.06.260 Hearing.

A hearing upon an appeal shall be conducted by the hearing examiner and, where applicable, the appeal hearing shall be consolidated with any other hearing required on the related proposed action as required in ACC Title 14. (Ord. 4840 § 1, 1996.)

16.06.270 Testimony – Recording.

All testimony taken at any hearing shall be taken under oath. The hearing shall be recorded electronically. (Ord. 4840 § 1, 1996.)

16.06.300 Substantial weight – Burden of proof.

A threshold determination by the responsible official is entitled to substantial weight. The burden shall be on the appellant to establish that the determination is in error. (Ord. 4840 § 1, 1996.)

16.06.310 Decision of the hearing examiner.

A. Upon the basis of all of the information received in a hearing, and all information relied upon by the responsible official, the hearing examiner shall prepare a written decision, including findings of fact and conclusions.

B. The hearing examiner may sustain, sustain with conditions, reverse, or remand to the responsible official the threshold determination. (Ord. 4840 § 1, 1996.)

16.06.320 Dismissal of appeal.

The hearing examiner may summarily dismiss an appeal without hearing, when such appeal is determined by the hearing examiner to be without merit on its face, frivolous, or brought merely to impede a proposal or secure a delay. (Ord. 4840 § 1, 1996.)

16.06.330 City council review – Limitations for appeals.

A. The decision of the hearing examiner on a threshold determination appeal may be appealed to the superior court in the county in which the subject property is located, which appeal shall be in accordance with the provisions of RCW 43.21C.060 and 43.21C.075. Any such appeal allowed by RCW 43.21C.060 and 43.21C.075 must be brought within the time limits specified in Chapter 2.46 ACC.

B. Such city council review shall be conducted on the record compiled by the hearing examiner, consistent with other applicable law. (Ord. 6442 § 11, 2012; Ord. 6186 § 2, 2008; Ord. 4840 § 1, 1996.)

16.06.340 Violation – Penalty.

Any violation of this chapter or of the standards, regulations or procedures adopted pursuant to this chapter shall be enforced pursuant to the provisions of Chapter 1.25 ACC. (Ord. 4840 § 1, 1996.)

PLANNING SERVICES

STATE ENVIRONMENTAL POLICY ACT (SEPA) CODE UPDATE

PRESENTED BY
DEPARTMENT OF COMMUNITY DEVELOPMENT
DINAH REED
SENIOR PLANNER

FEBRUARY 4, 2025

Department of Community Development
Planning • Building • Development Engineering • Permit Center
Economic Development • Code Enforcement

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SEPA CODE UPDATE

BACKGROUND AND PURPOSE

- State Environmental Policy Act (SEPA) was enacted in 1971.
- SEPA was developed to recognize and evaluate the environmental or public health impacts of construction, proposed regulations, policies, and private projects.
- Over the past several years local jurisdictions have been required to enact their own regulations focused on environmental protection, such as:
 - Growth Management Act (GMA)
 - Critical Areas regulations
 - Stormwater Management
 - The Shoreline Master Plan

SERVICE ● ENVIRONMENT ● ECONOMY ● CHARACTER ● SUSTAINABILITY ● WELLNESS ● CELEBRATION

BACKGROUND & PURPOSE

- Projects with potentially adverse environment impacts are reviewed under the City's local regulations which typically require additional studies to provide where and how mitigation is needed to offset adverse impacts.
- The studies and/or reports that are required may include:
 - Traffic Impact Assessment (TIA)
 - Geotechnical Report
 - International Building Code
 - Performance Standards in the Zoning Code

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BACKGROUND & PURPOSE

- Based on the requirement of additional reports and studies for the purpose of mitigation, the SEPA review process is not always necessary in many cases.
- The WA State Legislature has recognized the need to reduce when SEPA is utilities, and in response developed SEPA categorical exemptions to remove projects below a specified number of units from undergoing SEPA review.
- WAC 197-11-800 gives local jurisdictions the option to adopt new thresholds for SEPA exemptions for minor new construction which not only streamlines the permitting process (essential with the new timelines) but concurs lower costs to developers, particularly for developments that are Multifamily Residential, including Middle Housing, Apartments and Townhomes.
- The City will continue to retain the authority to require SEPA review in cases when the responsible official determines that a proposal has reasonable likelihood of causing more than a moderate adverse impact on environmental quality.

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SEPA CODE AMENDMENTS

Summary of Code Changes

■ **Staff is proposing to Revise/Amend Sections:**

- 16.06.020 – Code that is adopted by reference sections in Chapter 197-11 WAC
- 16.06.055 – Categorical Exemptions
- 16.06.130 – Substantive authority

■ **Staff is proposing to Add Sections:**

- 16.06.085 – Planned Actions
- 16.06.095 – Optional Determination of Non-Significance Process

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SUMMARY OF CODE CHANGES

Adoption by Reference – Revise Section ACC 16.06.020

- Additions to the list of sections adopted by reference include:
 - 197-11-172 Planned Actions-Project Review
 - 197-11-355 Optional Determination of Nonsignificance (DNS) process.

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SUMMARY OF CODE CHANGES

Categorical Exemptions– Revise Section ACC 16.06.055

1. For construction or location of single-unit residential dwelling units (formerly known as single family residential units) WAC 197-11-800(1): 30 dwelling units or less or 100 single-unit residential dwelling units where each is less than 1,500 square feet.
2. For construction or location of Multifamily residential units (Middle Housing, Apartments and Townhomes) in WAC 197-11-800(1)(d): 200 units or less.
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1): buildings of 30,000 square feet or less and with associated parking facilities designed for 90 or less automobiles.
4. For parking lots not associated with a structure in WAC 197-11-800(1): 90 or fewer automobile parking spaces.
5. For fill or excavations in WAC 197-11-800(1): 1,000 cubic yards or less.

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SUMMARY OF CODE CHANGES

Substantive Authority– Revise Section ACC 16.06.130

- The revisions in this section comply with updated names of the --
 - Auburn Transportation Program
 - Auburn Capital Facilities Plan
- Energy Management Plan is no longer relevant and removed.
- Appendix B has been replaced with “all Appendices and Supplementary Reports”.

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SUMMARY OF CODE CHANGES

Planned Actions– Add Section ACC 16.06.085

- Planned Actions are typically used for geographically larger area projects such as Sub-Area Plans or Master Plans.
- The City of Auburn used the Planned Action process with its Downtown Plan. Included in this process is a more comprehensive environmental review, an Environmental Impact Statement (EIS), where alternatives are identified, and any impacts and thresholds are assessed for the entire area.
- For the Downtown Plan these impacts were reviewed for higher density. Therefore, for example if a developer proposed a 6-7 story building, they do not need to go through a SEPA review because the new development has essentially already been assessed by the EIS.
- Impacts such as traffic mitigation could still be assessed through a TIA and utilities could be assessed through the preliminary civil reviews.

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SUMMARY OF CODE CHANGES

Optional Determination of Nonsignificance Process– Add Section ACC 16.06.095

- The proposal is to add the Optional Determination of Non-Significance section to the Environmental code which is already being used by the city.
- Type II, Type III, and Type IV Decisions per ACC 14.03.020 and 14.03.030 require a threshold determination under SEPA. When a project is deemed by the lead agency that adverse environmental impacts are unlikely, the project may be processed using a single integrated comment period to obtain comments on the Notice of Application and the threshold determination during one comment period.
- The Notice states that it expects to issue a Determination of Non-Significance (DNS) and that it may be the only opportunity to comment. Following close of the comment period the agency (i.e. Auburn) would issue the formal DNS without a second comment period.

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