

**City Council
Regular Meeting
August 4, 2025 - 7:00 PM
City Hall Council Chambers**

AGENDA

CALL TO ORDER

LAND ACKNOWLEDGEMENT

We would like to acknowledge the Federally Recognized Muckleshoot Indian Tribe, the ancestral keepers of the land we are gathered on today. We thank them for their immense contributions to our state and local history, culture, economy, and identity as Washingtonians.

PUBLIC PARTICIPATION

- A. The Auburn City Council Meeting scheduled for Monday, August 4, 2025 at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

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

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

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

Telephone: 253 205 0468

Toll Free: 888 475 4499

Zoom: <https://us06web.zoom.us/j/84305128028>

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

- A. Emergency Management Awareness Month
Mayor Backus to proclaim August 2025 as "Emergency Management Awareness Month" in the City of Auburn

AGENDA MODIFICATIONS

AUDIENCE PARTICIPATION

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

- A. 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 of the scheduled meeting and must be 350 words or less.

Please mail written comments to:
City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax written comments to:
Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email written comments to: publiccomment@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 of the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the City Clerk's Office in person, by phone (253) 931-3039, or by email (publiccomment@auburnwa.gov).

CORRESPONDENCE

COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their Ad Hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

- A. Council Rules of Procedure Ad Hoc Committee (Baldwin)

CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes from the July 21, 2025, City Council Meeting
- B. Minutes from the July 28, 2025, Study Session Meeting
- C. Claims Vouchers (Thomas)
One wire transfer dated July 8, 2025, in the amount of \$659,620.25
- D. Claims Vouchers (Thomas)
Claims voucher list dated July 22, 2025 which includes voucher numbers 480554 through voucher 480630, in the amount of \$3,403,305.57
- E. Claims Vouchers (Thomas)
Claims voucher list dated July 30, 2025 which includes voucher numbers 480631 through voucher 480753, in the amount of \$5,126,359.23, eleven electronic fund transfers in the amount of \$8,469.29 and three wire transfers in the amount of \$1,990,929.60
- F. Payroll Voucher (Thomas)

Payroll check numbers 539703 through 539710 in the amount of \$202,668.96, electronic deposit transmissions in the amount of \$3,056,406.67, also a special payroll for a found Parks timecard with an electronic deposit transmission in the amount of \$858.32 for a grand total of \$3,259,933.95 for the period covering July 3, 2025 to July 16, 2025

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

UNFINISHED BUSINESS

NEW BUSINESS

ORDINANCES

- A. Ordinance No. 6985 (Krueger)
An Ordinance relating to the Park Impact Fees Code, and amending Chapter 19.08 of the Auburn City Code

(RECOMMENDED ACTION: Move to approve Ordinance No. 6985.)

- B. Ordinance No. 6991 (Thomas)
An Ordinance amending the City's 2025-2026 Biennial Budget

(RECOMMENDED ACTION: Move to approve Ordinance No. 6991.)

- C. Ordinance No. 6992 (Gaub)
An Ordinance amending Chapter 19.04 Transportation Impact Fees of the Auburn City Code

(RECOMMENDED ACTION: Move to approve Ordinance No. 6992.)

RESOLUTIONS

- A. Resolution No. 5849 (Martinson)
A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and the Office of Public Defense to accept and expend grant funds for public defense services

(RECOMMENDED ACTION: Move to adopt Resolution No. 5849.)

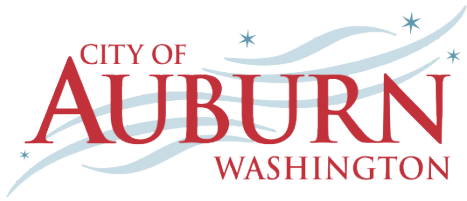
MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

- A. From the Council
- B. From the Mayor

ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office and on the City website (<http://www.auburnwa.gov>).



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes from the July 21, 2025, City Council Meeting

Meeting Date:

August 4, 2025

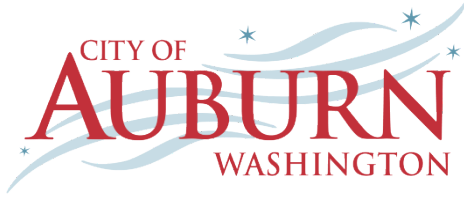
Department:

City Council

Attachments:

07-21-2025 Minutes

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



**City Council
Regular Meeting
July 21, 2025 - 7:00 PM
City Hall Council Chambers**

MINUTES

CALL TO ORDER

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

LAND ACKNOWLEDGEMENT

Mayor Backus acknowledged the Federally Recognized Muckleshoot Indian Tribe as the ancestral keepers of the land we are gathered on today.

PUBLIC PARTICIPATION

The City Council Meeting was held in person and virtually.

PLEDGE OF ALLEGIANCE

Mayor Backus led those in attendance in the Pledge of Allegiance.

ROLL CALL

Councilmembers present: Deputy Mayor Cheryl Rakes, Hanan Amer, Kate Baldwin, Clinton Taylor, and Tracy Taylor. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following staff members present included: Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Director of Human Services Kent Hay, Director of Parks, Arts, and Recreation Julie Krueger, and City Clerk Shawn Campbell.

ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

A. Parks and Recreation Month

Mayor Backus proclaimed July 2025, as "Parks and Recreation Month" in the City of Auburn.

Director Krueger and Matt Jennings, Chair of the Auburn Parks, Arts, and Recreation Board, accepted the proclamation and thanked Mayor and Council

for recognizing Parks and Recreation Month.

APPOINTMENTS

- A. Auburn Tourism Board
City Council to approve the appointments of Jeannie Alexander, Kenia Chavez, Jacob Plancich, and Taj Wallace to the Auburn Tourism Board for a three-year term expiring December 31, 2027

Councilmember Stirgus moved and Deputy Mayor Rakes seconded to approve the appointment of Jeannie Alexander, Kenia Chavez, Jacob Plancich, and Taj Wallace to the Auburn Tourism Board for a three-year term expiring December 31, 2027.

MOTION CARRIED UNANIMOUSLY. 6-0

- B. Human Services Committee
City Council to approve the appointment of Ashley Samuel to the Human Services Committee for a three-year term expiring December 31, 2027

Councilmember Amer moved and Councilmember Baldwin seconded to approve the appointment of Ashley Samuel to the Human Services Committee for a three-year term expiring December 31, 2027.

MOTION CARRIED UNANIMOUSLY. 6-0

- C. Lodging Tax Advisory Committee
City Council to approve the appointment of Ronald Oh to the Lodging Tax Advisory Committee for a three-year term expiring December 31, 2027

Deputy Mayor Rakes moved and Councilmember C. Taylor seconded to approve the appointment of Ronald Oh to the Lodging Tax Advisory Committee for a three-year term expiring December 31, 2027.

MOTION CARRIED UNANIMOUSLY. 6-0

- D. Planning Commission
City Council to approve the appointment of Ajay Ganesan to the Planning Commission for a three-year term expiring December 31, 2027

Councilmember Amer moved and Deputy Mayor Rakes seconded to approve the appointment of Ajay Ganesan to the Planning Commission for a three-year term expiring December 31, 2027.

MOTION CARRIED UNANIMOUSLY. 6-0

AGENDA MODIFICATIONS

There were no modifications to the agenda.

AUDIENCE PARTICIPATION

Written Comments:

The City Clerk's Office received written comments from Darwin Sorensen and Mark Celich, which were forwarded to the Mayor and Council for review prior to the meeting.

In-Person Comments:

Virginia Haugen provided public comment.

CORRESPONDENCE

There was no correspondence for Council to review.

COUNCIL AD HOC COMMITTEE REPORTS

A. Council Rules of Procedure Ad Hoc Committee (Baldwin)

Councilmember Baldwin, Chair of the Council Rules of Procedure Ad Hoc Committee, reported there are no updates.

CONSENT AGENDA

A. Minutes from the June 16, 2025, City Council Meeting

B. Minutes from the June 23, 2025, Study Session Meeting

C. Minutes from the July 14, 2025, Study Session Meeting

D. Claims Vouchers (Thomas)

Claims voucher list dated June 18, 2025 which includes voucher numbers 480087 through voucher 480258, in the amount of \$7,872,388.17, eighteen electronic fund transfers in the amount of \$10,502.03, and one wire transfer in the amount of \$728,764.05

E. Claims Vouchers (Thomas)

Claims voucher list dated June 30, 2025 which includes voucher numbers 480259 through voucher 480372, in the amount of \$6,081,161.05, twelve electronic fund transfers in the amount of \$3,486.91, and three wire transfers in the amount of \$982,335.23

F. Claims Vouchers (Thomas)

Claims voucher list dated July 16, 2025 which includes voucher numbers 480373 through voucher 480422, voucher numbers 480424 through voucher 480553, in the amount of \$5,293,472.71, seventeen electronic fund transfers in the amount of \$25,781.52, and three wire transfers in the amount of \$1,143,516.88

- G. Claims Voucher (Thomas)
Claims voucher list dated July 16, 2025 which includes voucher number 480423 in the amount of \$9,035.24
- H. Payroll Voucher (Thomas)
Payroll check numbers 539699 through 539702 in the amount of \$695,017.17, electronic deposit transmissions in the amount of \$2,836,250.89, also a special payroll for late submitted Parks timecards with an electronic deposit transmission in the amount of \$15,756.92 for a grand total of \$3,547,024.98 for the period covering June 12, 2025, to July 2, 2025
- I. Payroll Voucher (Thomas)
Payroll check numbers 539703 through 539710 in the amount of \$202,668.96, electronic deposit transmissions in the amount of \$3,056,406.67, also a special payroll for a found Parks timecard with an electronic deposit transmission in the amount of \$858.32 for a grand total of \$3,259,933.95 for the period covering July 3, 2025, to July 16, 2025

Deputy Mayor Rakes moved and Councilmember C. Taylor seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 6-0

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

ORDINANCES

- A. Ordinance No. 6980 (Gaub)
An Ordinance adopting the City's Amended 2024 Comprehensive Water Plan

Councilmember T. Taylor moved and Councilmember Baldwin seconded to approve Ordinance No. 6980.

MOTION CARRIED UNANIMOUSLY. 6-0

- B. Ordinance No. 6983 (Gaub)
An Ordinance amending Sections within Chapter 10.42 of the Auburn City Code related to the use of automated traffic safety cameras to detect traffic violations

Councilmember T. Taylor moved and Councilmember Baldwin seconded to approve Ordinance No. 6983.

Council discussed a thirty-day warning window.

MOTION CARRIED UNANIMOUSLY. 6-0

RESOLUTIONS

A. Resolution No. 5840 (Gaub)

A Resolution setting a Public Hearing to consider the vacation of City right-of-way located within a portion of the northwest corner of 1st Street NW and B Street NW within the City of Auburn, Washington

Councilmember T. Taylor moved and Councilmember Stirgus seconded to adopt Resolution No. 5840.

MOTION CARRIED UNANIMOUSLY. 6-0

B. Resolution No. 5844 (Gaub)

A Resolution authorizing the Mayor to enter into an Agreement with KGCAL Sumner Meadows LLC Related to the Previous Boundary Adjustment with the City of Sumner

Councilmember T. Taylor moved and Councilmember Baldwin seconded to adopt Resolution No. 5844.

MOTION CARRIED UNANIMOUSLY. 6-0

C. Resolution No. 5846 (Hay)

A Resolution authorizing the Mayor to sign the King County Regional Interlocal Agreement enabling the City to receive its share of the opioid settlement funds

Councilmember Amer moved and Councilmember Stirgus seconded to adopt Resolution No. 5846.

MOTION CARRIED UNANIMOUSLY. 6-0

D. Resolution No. 5847 (Gaub)

A Resolution adopting the City of Auburn Automated Traffic Safety Camera 2025 Program Expansion Study and Program Overview (Study) and affirming that speed enforcement with automated traffic safety cameras at the locations recommended in the Study is consistent with State law

Councilmember C. Taylor moved and Councilmember T. Taylor seconded to adopt Resolution No. 5847.

Council discussed the proposed locations.

MOTION CARRIED UNANIMOUSLY. 6-0

MAYOR AND COUNCILMEMBER REPORTS

A. From the Council

Councilmembers provided reports on events that they attended.

B. From the Mayor

Mayor Backus provided a report on the events she attended.

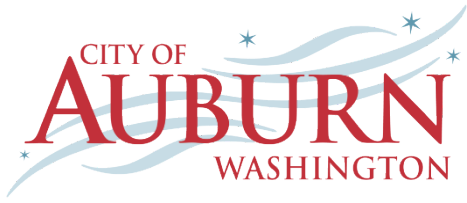
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:38 p.m.

APPROVED this 4th day of August 2025.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes from the July 28, 2025, Study Session Meeting

Meeting Date:

August 4, 2025

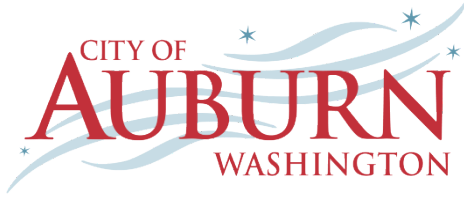
Department:

City Council

Attachments:

07-28-2025 Minutes

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



**City Council
Study Session
PW & CD Special Focus Area
July 28, 2025 - 5:30 PM
City Hall Council Chambers**

MINUTES

CALL TO ORDER

Deputy Mayor Cheryl Rakes called the meeting to order at 5:30 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

PUBLIC PARTICIPATION

The Study Session Meeting was held in person and virtually.

ROLL CALL

Councilmembers present: Deputy Mayor Cheryl Rakes, Hanan Amer, Kate Baldwin, Lisa Stirgus, Clinton Taylor, Tracy Taylor, and Yolanda Trout-Manuel.

Mayor Nancy Backus and the following staff members present included: City Attorney Jason Whalen, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Assistant Director of Public Works Jacob Sweeting, Director of Parks, Arts, and Recreation Julie Krueger, Director of Finance Jamie Thomas, Senior Project Engineer Matt Larson, Transportation Planner Veronica Bean, Right-of-Way Specialist Amber Olds, Senior Traffic Engineer James Webb, Parks Planning and Development Manager Thaniel Gouk, and Deputy City Clerk Hannah Scholl.

AGENDA MODIFICATIONS

There were no modifications made to the agenda.

ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There were no announcements, reports, or presentations.

PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

A. Pierce Transit Destination 2045 Long Range Plan (Gaub) (15 Minutes)

Councilmember T. Taylor, Chair of the Public Works and Community Development Special Focus Area, chaired this portion of the meeting.

Planner Bean introduced Ryan Wheaton from Pierce Transit who provided Council with an overview of the Pierce Transit Destination 2045 Long Range Plan, including community outreach and input, additions to the second draft of the Plan, service hours, baseline scenarios, and next steps.

Council discussed service hours.

B. King County Metro South Link Connections Project Update (Gaub) (15 Minutes)

Planner Bean introduced Genevieve Jones and Nicole Aguirre with King County Metro who provided Council with an overview of the King County Metro South Link Connections Project Update including project scope, mobility priorities, engagement timeline, and the Phase 2 engagement, outreach, and survey results. They discussed the Phase 3 network highlights, changes from Phase 2, impacts on the City of Auburn, and Phase 3 engagement.

Council discussed Metro Flex Pilots and timelines.

C. Capital Projects Status Report and Feature Project: Neighborhood Traffic Safety Program (Gaub) (20 Minutes)

Engineer Larson provided Council with an overview of the Capital Project Status Report including current status and the Capital Project Interactive Map tool. He discussed the projects currently under construction, including: CP2328 A Street SE Preservation, CP2123 C Street SW Preservation, CP2107 Public Works M&O Facility Improvements, CP1622 Auburn Way South Improvements, and CP2321 Downtown Infrastructure Improvements.

Planner Bean provided Council with an overview of the Featured Program: Neighborhood Traffic Safety Program including program objectives, and prior, current, and future focus areas.

Council discussed the Rapid Ride I-Line, raised crosswalks, B Street Plaza timeline, streetlights, and bicycle lanes.

D. Ordinance No. 6984 (Gaub) (5 Minutes)

An Ordinance vacating City Right-of-Way located within a portion of the Northwest corner of 1st Street NW and B Street NW within the City of Auburn, Washington

Specialist Olds provided Council with an overview of Ordinance No. 6984 including location, application review, staff recommendations, benefits, and the upcoming Public Hearing.

- E. Transportation Impact Fee Program Update and Ordinance No. 6992 (Gaub) (20 Minutes)

An Ordinance amending Chapter 19.04 Transportation Impact Fees of the Auburn City Code

Director Gaub, Assistant Director Sweeting, and Engineer Webb provided Council with an overview of the Traffic Impact Fee Program Update and Ordinance No. 6992 including previous discussions and actions, alignment with the Comprehensive Transportation Plan, growth trips, project costs, updated approach, and proposed fee per trip. They discussed fee schedule factors, transit factors, other changes, and examples. They discussed downtown fee comparisons to other jurisdictions, credit assessments, transparency, predictability, and flexibility. They also discussed funding, Code updates, and next steps.

Council discussed the process for businesses not listed, stakeholders, business outreach and education, and deferrals and payment plans.

- F. Ordinance No. 6985 (Krueger) (10 Minutes)

An Ordinance relating to the Park Impact Fees Code, Chapter 19.08 of the Auburn City Code

Manager Gouk provided Council with an overview of Ordinance No. 6985 including Code updates and next steps.

AGENDA ITEMS FOR COUNCIL DISCUSSION

- A. Ordinance No. 6991 (Thomas) (30 Minutes)

An Ordinance amending the City's 2025-2026 Biennial Budget

Director Thomas provided Council with an overview of Ordinance No. 6991 including the summary of changes, details, and fund balance impacts to the General Fund and all other funds.

Council discussed the Court Administrator position and the Temporary Communications position.

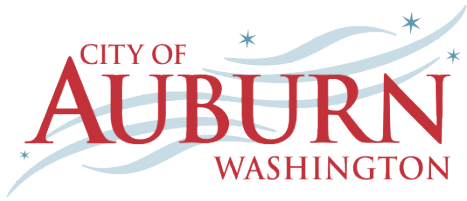
ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:04 p.m.

APPROVED this 4th day of August 2025.

CHERYL RAKES, DEPUTY MAYOR

Hannah Scholl, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
One wire transfer dated July 8, 2025, in the amount of \$659,620.25

Meeting Date:

August 4, 2025

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

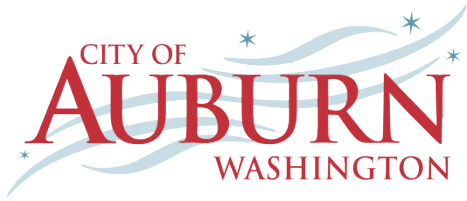
City Council to approve Claim Vouchers.

Background for Motion:**Background Summary:**

One wire transfer dated July 8, 2025, in the amount of \$659,620.25.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
Claims voucher list dated July 22, 2025 which includes voucher numbers
480554 through voucher 480630, in the amount of \$3,403,305.57

Meeting Date:

August 4, 2025

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

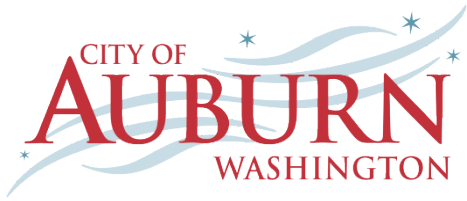
City Council to approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated July 22, 2025 which includes voucher numbers 480554 through voucher
480630, in the amount of \$3,403,305.57.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)

Claims voucher list dated July 30, 2025 which includes voucher numbers 480631 through voucher 480753, in the amount of \$5,126,359.23, eleven electronic fund transfers in the amount of \$8,469.29 and three wire transfers in the amount of \$1,990,929.60

Meeting Date:

August 4, 2025

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

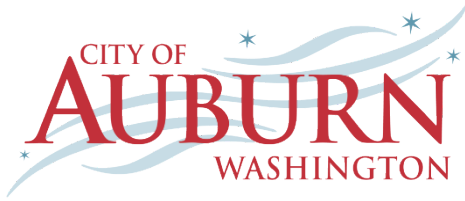
City Council to approve Claim Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated July 30, 2025 which includes voucher numbers 480631 through voucher 480753, in the amount of \$5,126,359.23, eleven electronic fund transfers in the amount of \$8,469.29 and three wire transfers in the amount of \$1,990,929.60.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)
Payroll check numbers 539703 through 539710 in the amount of \$202,668.96, electronic deposit transmissions in the amount of \$3,056,406.67, also a special payroll for a found Parks timecard with an electronic deposit transmission in the amount of \$858.32 for a grand total of \$3,259,933.95 for the period covering July 3, 2025 to July 16, 2025

Meeting Date:

August 4, 2025

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

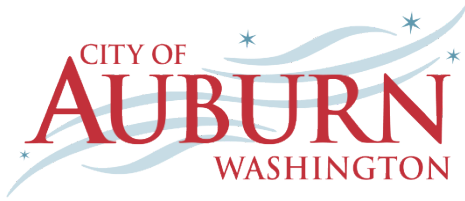
City Council to approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539703 through 539710 in the amount of \$202,668.96, electronic deposit transmissions in the amount of \$3,056,406.67, also a special payroll for a found Parks timecard with an electronic deposit transmission in the amount of \$858.32 for a grand total of \$3,259,933.95 for the period covering July 3, 2025 to July 16, 2025.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6985 (Krueger)
An Ordinance relating to the Park Impact Fees Code, and amending
Chapter 19.08 of the Auburn City Code

Meeting Date:

August 4, 2025

(RECOMMENDED ACTION: Move to approve Ordinance No. 6985.)

Department:

Parks, Arts & Recreation

Attachments:

ORD 6985 Amending 19.08
ACC, Ordinance No. 6985
Exhibit A (ACC 19.08 Proposed
Revisions)

Budget Impact:**Administrative Recommendation:**

City Council to approve Ordinance No. 6985.

Background for Motion:

Ordinance No. 6985 will codify changes to Chapter 19.08 of the Auburn City Code pertaining to housekeeping updates consistent with recent changes in State and Local laws.

Background Summary:

Chapter 19.08 of the Auburn City Code (ACC) relating to Parks Impact Fees was codified in 2006 and last updated in 2011. Since that time, there have been many changes to State and Local laws, causing certain portions of this Code section to be out of date. The attached Code changes have been prepared for City Council consideration to update certain text making this Code consistent with other Codes (e.g. Ch. 19.04 ACC 'Transportation Impact Fees' and Title 18 ACC 'Zoning') which have been updated multiple times over the last several years.

Councilmember: Tracy Taylor

Staff: Julie Krueger

ORDINANCE NO. 6985

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE PARK IMPACT FEES CODE, AND AMENDING CHAPTER 19.08 OF THE AUBURN CITY CODE

WHEREAS, in 2006, the City Council created and codified the Parks Impact Fee, Chapter 19.08 Auburn City Code (ACC) through Ordinance No. 6063; and

WHEREAS, in 2011, the City Council amended the Parks Impact Fee code to allow payment options as set forth in in ACC 19.08.030(G); and

WHEREAS, in June 2025, the City Council passed Resolution 5833 amending the Fee Schedule to update Parks Impact Fees; and

WHEREAS, changes in State laws and City codes since 2011 have caused Ch. 19.08 ACC to have many internal code inconsistencies; and

WHEREAS, Staff recommends that Ch. 19.08 ACC, Parks Impact Fee code, be updated to reflect these changes and to use consistent verbiage as is used in other Code sections.

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

Section 1. Amendment to City Code. Chapter 19.08 of the Auburn City Code is amended to read as shown in Exhibit A.

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

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

Published: _____

Chapter 19.08

PARKS IMPACT FEES

Sections:

19.08.010	Findings and authority.
19.08.020	Definitions.
19.08.030	Assessment of impact fees.
19.08.040	Independent fee calculations.
19.08.035	Deferral of Payment.
19.08.050	Credits and adjustments.
19.08.060	Exemptions.
19.08.070	Appeals.
19.08.080	Establishment of impact fee account for parks and recreation.
19.08.090	Refunds.
19.08.100	Use of funds.
19.08.110	Review and update of impact fees.
19.08.120	Miscellaneous provisions.

19.08.010 Findings and authority.

The council of the city of Auburn (the "council") hereby finds and determines that new ~~growth-and~~ residential development in the city of Auburn will create additional demand and need for parks and recreation facilities in the city of Auburn, and the council finds that new ~~growth-and~~ development should pay a proportionate share of the cost of parks and recreation facilities needed to serve the new ~~growth-and~~ development. The city of Auburn has conducted ~~a~~ study~~ies~~ documenting the procedures for measuring the impact of new developments on parks and recreation facilities. This~~e~~ study~~ies~~ has~~ve~~ contributed to the rates ~~as~~ established in the fee schedule of the city of Auburn. Therefore, pursuant to Chapter [82.02](#) RCW, the council adopts this chapter to assess impact fees for parks and recreation facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (~~Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.~~)

19.08.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW [82.02.090](#) or given their usual and customary meaning.

A. "Act" means the Growth Management Act, Chapter [36.70A](#) RCW, as now in existence or as hereafter amended.

~~B. "Applicant" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity, commencing a Development Activity and which requires the issuance of a Building Permit.~~

~~BC.~~ "Building permit," ~~for the purposes of this chapter only,~~ means an official document or certification which is issued by the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

~~CD.~~ "Capital facilities plan" means the capital facilities plan element of the city's comprehensive plan adopted pursuant to Chapter [36.70A](#) RCW, known as the city of Auburn parks, recreation and open space plan, and such plan as amended.

~~DE.~~ "Change in use," ~~for the purposes of this chapter,~~ means use of a different property changing from a non-residential use to a use that qualifies as a ~~single or multiple family dwelling unit as defined in this chapter.~~

~~E. "City" means the city of Auburn.~~

~~F. "Council" means the city council of the city of Auburn.~~

G. "Department" means the department of parks, arts, and recreation.

H. "Development activity" means ~~any construction or expansion of any type of dwelling listed in ACC 18.04.340 building, structure, or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for parks and recreation facilities.~~

I. "Director" means the director of the department of parks, arts, and recreation or ~~the~~ ~~director's~~ designee.

J. "Dwelling unit" ~~as defined in ACC 18.04.350.; means a building, or portion thereof, designed for residential occupancy consisting of one or more rooms which are arranged, designed or used as living quarters for one family only~~ An "accessory dwelling unit", as defined in ACC 18.04.018, shall be considered a dwelling unit. A manufactured home shall be considered a dwelling unit, if sited per Chapter 18.31.050 ACC.

K. "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for parks and recreation facilities.

L. "Fee ~~schedule~~payer" ~~means, the city of Auburn Fee Schedule in effect at the time of a complete Building Permit application or, if payment of fees is deferred, the city of Auburn Fee Schedule in effect at the time of a complete Building Permit application is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity commencing a land development activity which creates the demand for additional parks and recreation facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.~~

M. "GrandfatheringVesting" means that the existing land use of a developed property in effect on January 1, 2007, the initial effective date of the impact fees ordinance, is entitled to system capacity credits determined by the adopted impact fees rate schedule.

N. "Hearing examiner" means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter 2.46 ACC. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

O. "Impact fee" means a payment of money imposed by the city of Auburn on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the parks and recreation facilities needed to serve new growth and development.

P. "Impact fee account" or "account" means the account established for the parks and recreation facilities' impact fees collected. The account shall be established pursuant to ACC 19.08.080 and comply with the requirements of RCW 82.02.070.

Q. "Independent fee calculation" means the parks and recreation impact calculation prepared by a feepayer to support the assessment of an impact fee other than by the use of the fee schedule.

R. "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

~~XX. "Living Space" means the space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.~~

S. "Multifamily dwelling" means a building designed exclusively for occupancy by two or more families living independently of each other, and containing two or more residential dwelling units.

T. "Owner" means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

U. "Parks and recreation facilities" means neighborhood and community parks, open space, recreational trails, athletic fields, swimming pools, and community centers, and any furnishings and equipment that are used at such locations and which can be capitalized.

V. "Parks and recreation project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project and are not parks and recreation system improvements. No parks and recreation improvement or facility included in a capital facilities plan approved by the council shall be considered a parks and recreation project improvement.

W. "Parks and recreation system improvements" means parks and recreation facilities that are either included in the city of Auburn's capital facilities plan and/or are designed to provide service to service areas within the community at large, in contrast to parks and recreation project improvements.

~~X. "Single-family dwellingResidential" means as defined in ACC 18.04.800, to include residential units in a mixed-use development, work/live units, and live/work units. This definition does not include group residence facilities or residential care facilities, a detached building designed exclusively for occupancy by one family and containing one residential dwelling unit. A manufactured home may be considered a one-family dwelling, if sited per Chapter 18.31 ACC.~~

~~Y. "State" means the state of Washington.~~

Z. "Surplus credits" means credits over and above those calculated as an impact fee. For example:

1. In grandfathering-vesting calculations, if the difference between a proposed use fee minus existing use credit results in a positive number, the result is the impact fee due.
2. In grandfathering-vesting calculations, if the difference between a proposed use fee minus existing use credit results in a negative number, the result is the surplus credit and no impact fee would be due.

~~AA. "Downtown catalyst park service area" means the areas defined by (1) the boundary of West Main Street/East Main Street to the north, "A" Street SE to the east, 2nd Street SE/2nd Street SW to the south, and "A" Street SW to the west; and (2) the boundary of East Main Street to the south, Auburn Avenue to the east, 1st Street NE to the north, and North Division Street to the west; and (3) the boundary of 2nd Street SW to the north, South Division Street to the east, 3rd Street SW, and "A" Street SW to the south. (Ord. 6637 § 2, 2017; Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.).~~

19.08.030 Assessment of impact fees.

A. ~~Effective January 1, 2007, t~~The city shall collect park impact fees as a condition of issuing any building permit for residential development, based on the fee schedule in effect at the time of building permit application. ~~of the city of Auburn, from any applicant seeking development approval from the city for any development activity that includes dwelling units within the city.~~

The park impact fees established hereby shall be listed on the city of ~~Auburn fee~~ schedule according to square footage of service arealiving space within the dwelling unit. ~~Two service areas are established within Auburn. The downtown catalyst park service area, as defined in ACC 19.08.020(AA), and the city-wide service area, which is defined as all other property within the city boundaries that is outside the downtown catalyst park service area. Credits, adjustments, and exemptions set forth in this chapter shall apply equally to both areas.~~

B. ~~Effective January 1, 2007, w~~Where a change in use increases housing capacity by more than or equal to one dwelling unit, the director shall calculate a parks and recreation impact fee based on the increase in the housing capacity.

~~C. Except when fees are deferred, the parks impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit, or pursuant to an independent fee calculation accepted by the director pursuant to ACC 19.08.040, and adjusted for any credits pursuant to ACC 19.08.050. When fees are deferred, the assessment will be based on the fees in effect at the time of payment.~~

~~D. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.~~

EC. Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC [19.08.050](#) shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC [19.08.050](#) setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the feepayer at the time the building permit is issued.

~~FD. The department shall not issue a b~~Building permits shall not be issued unless and until the impact fees have been paid or ~~credit(s) awarded~~deferred.

19.08.035 Deferral of Payment.

AG. For complete ~~single-family~~ building permit applications ~~the Applicant for new development, redevelopment or a change in use, and prior to or at the time of issuance of any single-family residential building permit for a dwelling unit that is being constructed, the applicant~~ may elect to record a covenant against title to the property on forms prepared and provided by the city. The forms shall that requires payment of parks impact fees due and owing, ~~less any credits awarded, by providing for~~ automatic payment through escrow ~~of these development charges due and owing to be paid~~ no later than: (a) at time of closing of the sale of the unit; (b) or at final inspection or issuance of certificate of occupancy; (c) or 18 months from the date of ~~issuance of~~ the original building permit was issued, whichever comes first.

B. Failure to pay park impact fees in accordance with ACC 19.08.035(A) shall result in the following:

1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC [1.25.030](#) and [1.25.065](#). Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC [1.25.030](#) and [1.25.065](#), the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.
2. Any unpaid ~~charges-fees~~ adopted by this chapter that are outstanding 30 days from the date the charges are due shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid ~~chargesfees~~. In addition to the actions authorized in ~~subsection (G)(1) of~~ this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid ~~charges-fees~~ and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding ~~water, sanitary sewer and storm drainage development chargesfees~~ are paid in full.
3. The appeals process authorized in ACC [19.08.070](#) shall not apply to determinations made pursuant to this section.

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

- ~~1. If 30 days after the city has sent the responsible party written notification of its obligation to pay the charges established in this chapter the full amount remains unpaid, the responsible party shall be subject to the enforcement provisions of ACC [1.25.030](#) and~~

~~1.25.065. Written notification shall be by regular and certified mail and to the most current available contact information on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.~~

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

~~3. The appeals process authorized in ACC 19.08.070 shall not apply to determinations made pursuant to this section. (Ord. 6843 § 4, 2021; Ord. 6637 § 3, 2017; Ord. 6455 § 5, 2013; Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)~~

19.08.040 Independent fee calculations.

A. If, in the judgment of the director, none of the fee categories or fee amounts set forth in the fee schedule accurately describes or captures the impacts of the new development, the applicant shall conduct an independent fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the city.

B. ~~Fee~~feepayers~~Applicants~~ may opt not to have the impact fees determined according to the fee schedule. Such ~~feepayers~~ shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.

C. A nonreimbursable administrative fee shall be charged for each independent fee calculation. The fee shall be deposited with the city to pay for city review of the independent fee calculation upon submittal of the documented independent fee study.

D. After the city completes its review, the actual fees and expenses will be determined and the cash deposit shall be adjusted to provide for a refund by the city or additional payment by the feepayer.

~~E. While there is a presumption that the calculations set forth in the fee schedule are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or where adjustment is deemed by the director to be appropriate based on principles of fairness under the circumstances of the case.~~

~~F. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in ACC 19.08.070. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)~~

19.08.050 Credits and adjustments.

A. ~~An feepayer applicant can may request the Director consider that~~ a credit ~~or credits~~ for parks and recreation impact fees ~~be awarded to them for~~ parks and recreation improvement projects provided by the ~~feepayer Applicant~~ in excess of the standard requirements for the ~~feepayer's development if the land, improvements, and/or the facility constructed are identified as parks and recreation system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at their discretion, makes the finding that such land, improvements, and/or facilities would serve the parks and recreation goals and objectives of the capital facilities plan.~~ Credit for park and recreation improvement projects above and beyond the amount required shall be determined by the Director based on an appraisal paid for and provided by the Applicant.

~~B. For each request for a credit or credits, the director shall determine the value of dedicated land by using available documentation or selecting an appraiser from a list of independent appraisers maintained by the department to determine the value of the land being dedicated. The value of improvements will be determined through documentation submitted by the feepayer.~~

~~C. The feepayer shall pay the cost of the appraisal and shall deposit on account the estimated cost of the appraisal as determined by the city at the time the feepayer requests consideration for a credit.~~

~~D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating their agreement to the terms of the letter or certificate and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.~~

~~E. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.~~

~~F~~B. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in ACC [19.08.070](#).

~~G. Pursuant to and consistent with the requirements of RCW [82.02.060](#), the fee rate in the fee schedule has been reasonably adjusted for other revenue sources which are earmarked for, or proratable to, funding parks and recreation facilities.~~

H. In order to grandfather-vest the capacity rights of existing developments, the director will utilize the adopted rates to calculate any impact fee credits and to determine any surplus credits for off-site system improvements made by the property owner.

Only in a situation when a property owner makes off-site system capacity improvements that qualify in accordance with subsection A of this section will any surplus credits (value computed during the permit year and not adjusted for inflation) remain with the property or any

subdivision of that property to benefit future development where a parks and recreation impact fee is determined to be due. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

19.08.060 Exemptions.

A. The following shall be exempted from the payment of parks and recreation impact fees:

1. Replacement of a structure with a new structure of the same use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
2. Alterations~~, or~~ expansion~~, or~~ enlargement~~, or~~ remodeling, or rehabilitation~~, or~~ ~~conversion~~ of an existing dwelling unit where no additional dwelling units are created and the land use is not changed.
3. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
4. A change in use where the increase in housing capacity is less than the threshold stated in ACC [19.08.030\(B\)](#).
5. Demolition or ~~moving~~ relocation of a structure out of the city.
- ~~6. Any building permit application that has been submitted to the department before 5:00 p.m. the business day before the first effective date of the park impact fee rate schedule and subsequently determined to be a complete application by the city.~~

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in ACC [19.08.070](#). (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

19.08.070 Appeals.

A. Any ~~feepayer~~ Applicant may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be made by the ~~feepayer~~ Applicant of the property where such development activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any ~~feepayer~~ Applicant may appeal the impact fees determined by the director without first paying the fees, providing the applicant is willing to provide a satisfactory security of the appealed fee amount in accordance with the requirements of ACC [17.14.010\(A\)](#) prior to issuance of the building permit. Alternatively, any ~~feepayer~~ Applicant may appeal the impact fees determined by the director without first paying the fees, provided the applicant is willing to postpone issuance of the building permit until after the appeal process when the revised final fee is known.

B. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision with respect to the independent fee calculation, or any other determination which the director is authorized to make pursuant to this chapter, can be appealed to the hearing examiner.

~~C. Appeals shall be taken within 10 days of the director's decision issuance of a written determination by filing with the office of the hearing examiner a notice of appeal specifying the grounds thereof and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of administrative decisions. The director shall transmit to the office of the hearing examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.~~

~~D. The hearing examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in Chapter [2.46](#) ACC. At the hearing, any party may appear in person or by agent or attorney.~~

~~E. The hearing examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the hearing examiner shall be final, except as provided in subsection [G](#) of this section.~~

~~F. The hearing examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the~~

~~director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter.~~

~~G. Any feepayer aggrieved by any decision of the office of the hearing examiner may appeal the hearing examiner's final decision as provided in Chapter 2.46 ACC. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)~~

19.08.080 Establishment of impact fee account for parks and recreation.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the city.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter: the parks and recreation facilities impact fee account. Funds withdrawn from these accounts must be used in accordance with the provisions of ACC [19.08.100](#). Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the financial director shall provide a report to the council on the parks and recreation impact fee account showing the source and amount of all moneys collected, earned, or received, and the parks and recreation system improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within six years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the delay. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

19.08.090 Refunds.

- A. If the city fails to expend or encumber the impact fees within six years of when the fees were paid or, where extraordinary or compelling reasons exist, such other time periods as established pursuant to ACC [19.08.080](#), the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis; provided, that any party that voluntarily elects to use the alternative fee payment method specified in ACC [19.08.030](#) shall sign as a condition of use of the alternative fee payment method a waiver of right on a form prepared and provided by the city to recovery of park impact fees not spent within the statutory six-year timeframe.
- B. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.
- C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.
- D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on the appropriate parks and recreation facilities.
- E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.
- F. If and when the city seeks to terminate any or all components of the parks and recreation impact fee program, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon ~~the~~ finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for the appropriate parks and recreation facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

G. The city shall also refund to the developer of property for which impact fees have been paid, all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

19.08.100 Use of funds.

A. Pursuant to this chapter, impact fees:

1. Shall be used for parks and recreation system improvements that will reasonably benefit the new development within the city; and
2. Shall not be imposed to make up for deficiencies in parks and recreation facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, parks and recreation impact fees may be used for any parks and recreation system improvements which could otherwise be funded by a bond issue of the city.

C. Parks and recreation facilities impact fees may be spent for parks and recreation system improvements, including but not limited to neighborhood and community parks, recreational trails, athletic fields, swimming pools, and community centers, including planning, land acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of parks and recreation system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

19.08.110 Review and update of impact fees.

- A. The fee ~~rate schedule~~ set forth in the fee schedule of the city of Auburn shall be reviewed periodically by the council ~~no later than two years after the effective date of the fee rate schedule attached to the ordinance codified in this chapter, and no more than every two years thereafter.~~
- B. The fee ~~schedule~~ set forth in the fee schedule of the city of Auburn shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan. (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)

~~19.08.120 Miscellaneous provisions.~~

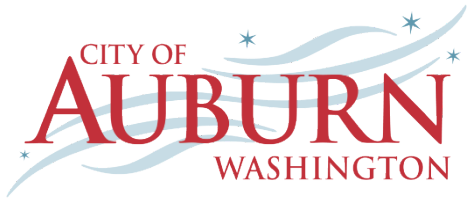
- ~~A. *Existing Authority Unimpaired.* Nothing in this chapter shall preclude the city from requiring the feepayer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050(1)(c).~~
- ~~B. *Captions.* The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.~~
- ~~C. *Severability.* If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.~~
- ~~D. *Short Title.* This chapter shall be known and may be cited as "the city of Auburn parks and recreation impact fee ordinance." (Ord. 6341 § 5, 2011; Ord. 6063 § 1, 2006.)~~

The Auburn City Code is current through Ordinance 6976, passed April 7, 2025.

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.](#)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6991 (Thomas)
An Ordinance amending the City's 2025-2026 Biennial Budget

Meeting Date:

August 4, 2025

(RECOMMENDED ACTION: Move to approve Ordinance No. 6991.)

Department:

Finance

Attachments:

3 - Ord 6991 BA#2 Ordinance,
2025 BA2 Ord No 6991 Schedule 2026:
A, 2025 BA2 Ord No 6991
Schedule B, 2026 BA2 Ord No
6991 Schedule C, 2026 BA2 Ord
No 6991 Schedule D

Budget Impact:

2025: \$1,721,659
2026: **-\$112,933**

Administrative Recommendation:

City Council to approve Ordinance No. 6991.

Background for Motion:

Ordinance No. 6991 is the second amendment to the City of Auburn's 2025-2026 biennial budget, and authorizes the adjustment to capital project budgets, recognition of new grants and adjustments to existing estimated grant budgets, authorization for one new full-time employee (FTE) position, and limited requests for new budget authority.

Background Summary:

Ordinance No. 6991 (Budget Amendment #2) represents the second budget amendment for the 2025-2026 biennium. This amendment consists of adjustments to capital project budgets; recognition of new grant awards and their associated expenditures, and adjustment of estimated grant amounts to awarded amounts when necessary; authorization for one new full-time employee (FTE); and new expenditures offset by by new revenues, adjustments to existing programs, and limited requests for new budget authority.

Councilmember: Kate Baldwin

Staff: Jamie Thomas

ORDINANCE NO. 6991

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING THE CITY'S 2025-2026
BIENNIAL BUDGET**

WHEREAS, at its November 18, 2024 regular meeting, the Auburn City Council enacted Ordinance No. 6848, which adopted the City's 2025-2026 Biennial budget (Budget); and

WHEREAS, the City Council has amended the Budget one time since adoption (by enacting Ordinance No. 6975 on May 19, 2025); and

WHEREAS, the City deems it necessary to amend the Budget to appropriate additional funds into the various Budget funds outlined in the schedules attached to this Ordinance; and

WHEREAS, the City Council has approved this Ordinance by one more than its majority in accordance with RCW 35A.34.200.

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

Section 1. Amendment of the 2025-2026 Biennial Budget. Pursuant to RCW 35A.34, the City hereby amends its 2025-2026 Biennial Budget to reflect the revenues and expenditures shown on Schedules "A", "B", "C" and "D" attached hereto and incorporated herein by reference.

Section 2. Implementation. The Mayor is authorized to utilize the revenue and expenditure amounts shown on Schedules "A", "B", "C" and "D" attached to this Ordinance. A copy of these Schedules are on file with the City Clerk and available

for public inspection. The Mayor is further authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

Published: _____

Schedule A
Summary of 2025 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
General Fund (#001)				
2025 Adopted Budget	38,910,092	103,396,310	109,147,872	33,158,530
Previous Budget Amendments	22,033,911	2,535,849	10,499,318	14,070,442
2025 Amended Budget	60,944,003	105,932,159	119,647,190	47,228,972
BA#2 (Ordinance #6991, Proposed):	-	327,513	441,054	(113,541)
Mayor/Council				
Communications Part-Time Employee Request	-	-	12,635	(12,635)
Municipal Court				
Court & Probation Services Administrator	-	-	85,906	(85,906)
Community Development				
SSHA3P Professional Services – 2024 Carry Forward	-	-	15,000	(15,000)
Police				
Accreditation Award reimbursement	-	43,480	43,480	-
pd2503 True-up ICAC Grant	-	10,000	10,000	-
Public Works				
Signal Repair Consulting	-	20,000	20,000	-
Parks, Arts & Rec				
Recreation Program Funding	-	33,000	33,000	-
gr2503 Cascade Bike WSDOT Grnt	-	212,033	212,033	-
gr2504 KC Grant Summer Ride	-	9,000	9,000	-
Revised 2025 Budget - Fund 001	60,944,003	106,259,672	120,088,244	47,115,431
General Transportation Fund (#102)				
2025 Adopted Budget	5,721,099	16,841,954	17,394,289	5,168,764
Previous Budget Amendments	5,665,221	22,889,568	30,110,154	(1,555,365)
2025 Amended Budget	11,386,320	39,731,522	47,504,443	3,613,399
BA#2 (Ordinance #6991, Proposed):	-	1,070,662	1,070,662	-
CP1622 WSDOT Grant True-up	-	93,662	93,662	-
CP2311 FMSIB WSDOT Grant EVH	-	700,000	700,000	-
C St Ph2 ICON Mitigation Pymt	-	277,000	277,000	-
Revised 2025 Budget - Fund 102	11,386,320	40,802,184	48,575,105	3,613,399

Schedule A
Summary of 2025 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
Hotel/Motel Tax Fund (#104)				
2025 Adopted Budget	483,780	171,000	177,100	477,680
Previous Budget Amendments	(13,549)	-	27,450	(40,999)
2025 Amended Budget	470,231	171,000	204,550	436,681
BA#2 (Ordinance #6991, Proposed):	-	-	115,000	(115,000)
LTAC – Pacific Raceways Sponsorship	-	-	115,000	(115,000)
Revised 2025 Budget - Fund 104	470,231	171,000	319,550	321,681
Capital Improvements Fund (#328)				
2025 Adopted Budget	1,541,064	8,195,500	8,175,000	1,561,564
Previous Budget Amendments	22,569,620	21,849,354	40,894,653	3,524,321
2025 Amended Budget	24,110,684	30,044,854	49,069,653	5,085,885
BA#2 (Ordinance #6991, Proposed):	-	55,241	55,241	-
CP1612 True-up Heritage Grant	-	47,241	47,241	-
CP2309 WSDOT Grant True-up	-	8,000	8,000	-
Revised 2025 Budget - Fund 328	24,110,684	30,100,095	49,124,894	5,085,885
Local Revitalization Fund (#330)				
2025 Adopted Budget	16,333	1,001,000	1,000,000	17,333
Previous Budget Amendments	351,676	2,329,342	2,651,014	30,004
2025 Amended Budget	368,009	3,330,342	3,651,014	47,337
BA#2 (Ordinance #6991, Proposed):	-	156,300	156,300	-
D/T Infrast Imprv – JUT Pymts	-	156,300	156,300	-
Revised 2025 Budget - Fund 330	368,009	3,486,642	3,807,314	47,337

Schedule A
Summary of 2025 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
Water Fund (#430)				
2025 Adopted Budget	5,361,267	20,710,000	22,689,605	3,381,662
Previous Budget Amendments	16,342,581	3,270,799	14,578,929	5,034,451
2025 Amended Budget	21,703,848	23,980,799	37,268,534	8,416,113
BA#2 (Ordinance #6991, Proposed):	-	71,922	71,922	-
CP1603 DWRF Loan True-up	-	62,334	62,334	-
CP1603 PIVETTA REFUND 2024	-	9,588	9,588	-
Revised 2025 Budget - Fund 430	21,703,848	24,052,721	37,340,456	8,416,113
Airport Fund (#435)				
2025 Adopted Budget	1,692,950	2,319,760	2,602,859	1,409,851
Previous Budget Amendments	233,793	1,070,635	1,375,915	(71,487)
2025 Amended Budget	1,926,743	3,390,395	3,978,774	1,338,364
BA#2 (Ordinance #6991, Proposed):	-	22,886	22,886	-
CP2213 Tucci & Son Refund 2024	-	22,886	22,886	-
Revised 2025 Budget - Fund 435	1,926,743	3,413,281	4,001,660	1,338,364
Innovation & Technology Fund (#518)				
2025 Adopted Budget	2,535,458	9,242,800	9,046,689	2,731,569
Previous Budget Amendments	896,743	2,505,600	3,468,697	(66,354)
2025 Amended Budget	3,432,201	11,748,400	12,515,386	2,665,215
BA#2 (Ordinance #6991, Proposed):	-	17,135	17,135	-
Communications Part-Time Employee Request	-	12,635	12,635	-
Court & Probation Services Administrator	-	4,500	4,500	-
Revised 2025 Budget - Fund 518	3,432,201	11,765,535	12,532,521	2,665,215

Schedule A
Summary of 2025 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
Grand Total - All Funds				
2025 Adopted Budget	159,056,171	273,573,960	291,103,958	141,526,173
Previous Budget Amendments	102,582,206	79,972,881	154,249,307	28,305,780
2025 Amended Budget	261,638,377	353,546,841	445,353,265	169,831,953
Total BA#2 (Ordinance #6991, Proposed):	-	1,721,659	1,950,200	(228,541)
Revised 2025 Budget	261,638,377	355,268,500	447,303,465	169,603,412
		616,906,877		616,906,877

Schedule B
2025 Ending Fund Balance/Working Capital
by Fund

Fund	2025 Amended Beginning Balance	2025 Amended Ending Balance	BA#2 (ORD #6991) Revenues	BA#2 (ORD #6991) Expenditures	BA#2 (ORD #6991) Net Change in Fund Balance	Revised Ending Balance
General Fund (#001)	60,944,003	47,228,972	327,513	441,054	(113,541)	47,115,431
General Transportation Fund (#102)	11,386,320	3,613,399	1,070,662	1,070,662	-	3,613,399
Hotel/Motel Tax Fund (#104)	470,231	436,681	-	115,000	(115,000)	321,681
Arterial Street Preservation Fund (#105)	5,519,945	5,123,346	-	-	-	5,123,346
American Rescue Plan Act Fund (#106)	-	-	-	-	-	-
Drug Forfeiture Fund (#117)	888,582	725,649	-	-	-	725,649
Recreation Trails Fund (#120)	53,723	61,223	-	-	-	61,223
BIA Fund (#121)	-	-	-	-	-	-
Cumulative Reserve Fund (#122)	33,434,636	26,992,492	-	-	-	26,992,492
Mitigation Fees Fund (#124)	16,082,277	4,262,088	-	-	-	4,262,088
2020 LTGO A&B Refunding Bonds Fund (#232)	476,000	476,100	-	-	-	476,100
SCORE Debt Service Fund (#238)	-	-	-	-	-	-
LID Guarantee Fund (#249)	-	-	-	-	-	-
Golf/Cemetery 2016 Refunding Fund (#276)	-	-	-	-	-	-
Parks Construction Fund (#321)	751,444	566,475	-	-	-	566,475
Capital Improvements Fund (#328)	24,110,684	5,085,885	55,241	55,241	-	5,085,885
Local Revitalization Fund (#330)	368,009	47,337	156,300	156,300	-	47,337
Real Estate Excise Tax Fund (#331)	-	10,940,954	-	-	-	10,940,954
Water Fund (#430)	21,703,848	8,416,113	71,922	71,922	-	8,416,113
Sewer Fund (#431)	31,021,956	17,784,287	-	-	-	17,784,287
Storm Drainage Fund (#432)	23,011,582	9,279,829	-	-	-	9,279,829
Sewer Metro Sub Fund (#433)	4,879,211	4,918,211	-	-	-	4,918,211
Solid Waste Fund (#434)	1,816,469	2,282,491	-	-	-	2,282,491
Airport Fund (#435)	1,926,743	1,338,364	22,886	22,886	-	1,338,364
Cemetery Fund (#436)	1,588,649	1,024,921	-	-	-	1,024,921
Insurance Fund (#501)	1,313,034	1,150,034	-	-	-	1,150,034
Workers' Comp Fund (#503)	3,889,479	3,964,579	-	-	-	3,964,579
Facilities Fund (#505)	118,406	17,665	-	-	-	17,665
Innovation & Technology Fund (#518)	3,432,201	2,665,215	17,135	17,135	-	2,665,215
Equipment Rental Fund (#550)	8,070,671	6,999,309	-	-	-	6,999,309
Fire Pension Fund (#611)	1,839,705	1,799,765	-	-	-	1,799,765
Cemetery Endowment Fund (#701)	2,540,569	2,630,569	-	-	-	2,630,569

Schedule C
Summary of 2026 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

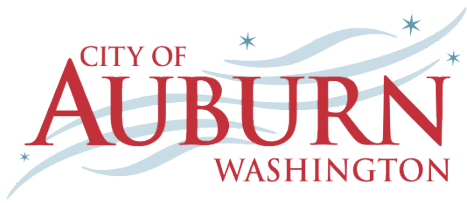
	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
General Fund (#001)				
2026 Adopted Budget	33,158,530	106,950,907	114,023,485	26,085,952
Previous Budget Amendments	14,070,442	296,333	230,029	14,136,746
2026 Amended Budget	47,228,972	107,247,240	114,253,514	40,222,698
BA#2 (Ordinance #6991, Proposed):	(113,541)	78,300	373,771	(409,012)
Mayor/Council				
Communications Part-Time Employee Request	(12,635)	-	37,308	(49,943)
Municipal Court				
Court & Probation Services Administrator	(85,906)	-	258,163	(344,069)
Community Development				
SSHA3P Professional Services – 2024 Carry Forward	(15,000)	-	-	(15,000)
Parks, Arts & Rec				
Recreation Program Funding	-	45,000	45,000	-
gr2502 Historical Society Grt	-	33,300	33,300	-
Revised 2026 Budget - Fund 001	47,115,431	107,325,540	114,627,285	39,813,686
Hotel/Motel Tax Fund (#104)				
2026 Adopted Budget	477,680	178,500	177,100	479,080
Previous Budget Amendments	(40,999)	-	-	(40,999)
2026 Amended Budget	436,681	178,500	177,100	438,081
BA#2 (Ordinance #6991, Proposed):	(115,000)	-	-	(115,000)
LTAC – Pacific Raceways Sponsorship	(115,000)	-	-	(115,000)
Revised 2026 Budget - Fund 104	321,681	178,500	177,100	323,081

Schedule C
Summary of 2026 Budget Adjustments by Fund
Budget Amendment #2 (Ordinance #6991)

	<u>Beg. Fund Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Ending Fund Balance</u>
Innovation & Technology Fund (#518)				
2026 Adopted Budget	2,731,569	9,455,300	9,246,580	2,940,289
Previous Budget Amendments	(66,354)	-	-	(66,354)
2026 Amended Budget	2,665,215	9,455,300	9,246,580	2,873,935
BA#2 (Ordinance #6991, Proposed):	-	37,308	37,308	-
Communications Part-Time Employee Request	-	37,308	37,308	-
Revised 2026 Budget - Fund 518	2,665,215	9,492,608	9,283,888	2,873,935
Grand Total - All Funds				
2026 Adopted Budget	141,526,173	280,938,953	289,766,103	132,699,023
Previous Budget Amendments	28,305,780	296,333	230,029	28,372,084
2026 Amended Budget	169,831,953	281,235,286	289,996,132	161,071,107
Total BA#2 (Ordinance #6991, Proposed):	(228,541)	115,608	411,079	(524,012)
Revised 2026 Budget	169,603,412	281,350,894	290,407,211	160,547,095
		450,954,306		450,954,306

Schedule D
2026 Ending Fund Balance/Working Capital
by Fund

Fund	2026 Amended Beginning Balance	2026 Amended Ending Balance	BA#2 (ORD #6991) Revenues	BA#2 (ORD #6991) Expenditures	BA#2 (ORD #6991) Net Change in Fund Balance	Revised Ending Balance
General Fund (#001)	47,228,972	40,222,698	(35,241)	373,771	(409,012)	39,813,686
General Transportation Fund (#102)	3,613,399	5,054,072	-	-	-	5,054,072
Hotel/Motel Tax Fund (#104)	436,681	438,081	(115,000)	-	(115,000)	323,081
Arterial Street Preservation Fund (#105)	5,123,346	5,105,346	-	-	-	5,105,346
American Rescue Plan Act Fund (#106)	-	-	-	-	-	-
Drug Forfeiture Fund (#117)	725,649	580,863	-	-	-	580,863
Recreation Trails Fund (#120)	61,223	68,723	-	-	-	68,723
BIA Fund (#121)	-	-	-	-	-	-
Cumulative Reserve Fund (#122)	26,992,492	26,246,892	-	-	-	26,246,892
Mitigation Fees Fund (#124)	4,262,088	2,704,615	-	-	-	2,704,615
2020 LTGO A&B Refunding Bonds Fund (#232)	476,100	476,200	-	-	-	476,200
SCORE Debt Service Fund (#238)	-	-	-	-	-	-
LID Guarantee Fund (#249)	-	-	-	-	-	-
Golf/Cemetery 2016 Refunding Fund (#276)	-	-	-	-	-	-
Parks Construction Fund (#321)	566,475	592,775	-	-	-	592,775
Capital Improvements Fund (#328)	5,085,885	5,106,385	-	-	-	5,106,385
Local Revitalization Fund (#330)	47,337	48,337	-	-	-	48,337
Real Estate Excise Tax Fund (#331)	10,940,954	11,211,254	-	-	-	11,211,254
Water Fund (#430)	8,416,113	7,329,442	-	-	-	7,329,442
Sewer Fund (#431)	17,784,287	16,864,059	-	-	-	16,864,059
Storm Drainage Fund (#432)	9,279,829	8,007,955	-	-	-	8,007,955
Sewer Metro Sub Fund (#433)	4,918,211	4,961,211	-	-	-	4,961,211
Solid Waste Fund (#434)	2,282,491	3,108,961	-	-	-	3,108,961
Airport Fund (#435)	1,338,364	877,739	-	-	-	877,739
Cemetery Fund (#436)	1,024,921	623,480	-	-	-	623,480
Insurance Fund (#501)	1,150,034	987,534	-	-	-	987,534
Workers' Comp Fund (#503)	3,964,579	4,129,479	-	-	-	4,129,479
Facilities Fund (#505)	17,665	2,706	-	-	-	2,706
Innovation & Technology Fund (#518)	2,665,215	2,873,935	37,308	37,308	-	2,873,935
Equipment Rental Fund (#550)	6,999,309	8,959,371	-	-	-	8,959,371
Fire Pension Fund (#611)	1,799,765	1,768,425	-	-	-	1,768,425
Cemetery Endowment Fund (#701)	2,630,569	2,720,569	-	-	-	2,720,569



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6992 (Gaub)
An Ordinance amending Chapter 19.04 Transportation Impact Fees of the
Auburn City Code

Meeting Date:

August 4, 2025

(RECOMMENDED ACTION: Move to approve Ordinance No. 6992.)

Department:

Public Works

Attachments:

ORD 6992 Amending City Code
Ch.19.04, Exhibit A

Budget Impact:**Administrative Recommendation:**

City Council to approve Ordinance No. 6992.

Background for Motion:

This Ordinance amends Auburn City Code Chapter 19.04 to update the Transportation Impact Fee program to align with the Comprehensive Transportation Plan, and to provide improved program transparency, flexibility, and predictability.

Background Summary:

Ordinance No. 6992 amends Auburn City Code Chapter 19.04 to update the Transportation Impact Fee (TIF) program to align with the Comprehensive Transportation Plan, and to provide improved program transparency, flexibility, and predictability.

A summary of the code updates is as follows:

- Expand program to include multimodal transportation improvements and capacity needs.
- Update definitions to align with updated program and applicable State RCW.
- Remove business license and other non-building permit TIF assessment triggers.
- Add payment program approach for TIF payment.
- Clarify and expand TIF credit for existing and previous use.
- Clarify TIF exemptions.
- Add another step in TIF determination appeals process (City Engineer to Director to Hearing Examiner)

Ordinance No. 6992 and the associated updates to the TIF program were presented and discussed at the July 28, 2025 Council Study Session.

Councilmember: Tracy Taylor

Staff: Ingrid Gaub

ORDINANCE NO. 6992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON AMENDING CHAPTER 19.04 TRANSPORTATION IMPACT FEES OF THE AUBURN CITY CODE

WHEREAS, the City of Auburn authorizes transportation impact fees under Chapter 19.04 of the Auburn City Code (“ACC”) for changes in land use that cause impacts to the City’s transportation network; and,

WHEREAS, the following changes are needed to align with the City’s Comprehensive Transportation Plan and to improve the transparency, predictability, and flexibility of the Transportation Impact Fee (TIF) program: a) including multimodal transportation facilities; b) updating and clarifying definitions to align with the revised TIF program including removing business licenses from the definition of Building Permit such that TIF assessment would only occur with non-exempt building permits; c) adding a payment program as an allowable approach in some situations toward paying assessed TIF; d) clarifying the approach towards TIF credit for existing and previous use; e) updating the TIF assessment process to be made by the City Engineer; f) updating the appeal process to be considered first by the Public Works Director and then, if the Director’s decision is appealed, the Hearing Examiner; g) adding another approach besides an independent trip generation study for applicants with a proposed use that is not listed in the fee schedule or ITE Manual; h) clarifying processes and making other necessary updates to code language; and i) removing sections/definitions that are no longer applicable or that are listed instead in the fee schedule.

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

Section 1. Amendment to City Code. Chapter 19.04 of the Auburn City Code
is amended to read as shown in Exhibit A.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

Published: _____

Chapter 19.04

MULTIMODAL TRANSPORTATION IMPACT ~~FEES~~¹FEES

Sections:

19.04.010	Findings and authority.
19.04.020	Definitions.
19.04.030	<i>Reserved.</i>
19.04.040	Assessment of impact fees.
19.04.050	Independent fee calculation<u>strip generation study</u>.
19.04.060	Credits and adjustments.
19.04.070	Exemptions.
19.04.080	Appeals.
19.04.090	Establishment of an impact fee account for transportation.
19.04.100	Refunds.
19.04.110	Use of funds.
19.04.120	Review and update of impact fees.
19.04.130	Miscellaneous provisions.

~~1 Code reviser's note: The fee schedule of the city of Auburn, mentioned throughout this chapter, is available in the city clerk's office for public review and examination.~~

19.04.010 Findings and authority.

The council of the city of Auburn (the "council") hereby finds and determines that new ~~growth and development, including but not limited to new residential, commercial, retail, office, and industrial development,~~ in the city of Auburn will create additional demand and need for multimodal transportation facilities in the city of Auburn, and the council finds that new ~~growth and development~~ should pay a proportionate share of the cost of multimodal transportation facilities needed to serve the new ~~growth and development~~. The city of Auburn has conducted extensive studies documenting the procedures for measuring the impact of new developments on ~~transportation~~Multimodal Transportation facilities. These studies have contributed to the rates as established in the ~~fee schedule~~Fee Schedule of the city of Auburn. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for ~~transportation~~Multimodal Transportation facilities. The provisions of this chapter shall be

liberally construed in order to carry out the purposes of the council in establishing the ~~transportation impact fee program.~~ Multimodal Transportation Impact Fee program. Determinations made by the City Engineer pursuant to this chapter shall be subject to the appeals procedures set forth in ACC 19.04.080.

(Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.020 Definitions.

The following words and terms shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW [82.02.090](#), or given their usual and customary meaning.

~~A. "Act" means the Growth Management Act, Chapter 36.70A RCW, as now in existence or as hereafter amended.~~

~~B. "Building permit," for the purposes of this chapter only, is defined as: (1)A. "Applicant" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity, commencing a Development Activity and which requires the issuance of a Building Permit.~~

~~B. "Building Permit" means an official document or certification issued by the city that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, relocation, or repair of a building or structure; (2) a business license issued by the city associated with a change in building occupancy of an existing building or structure; or (3) a change in land use where no building permit is required.~~

C. "Capital ~~facilities plan~~ Facilities Plan" also referred to as "CFP" means the capital facilities plan element of the ~~city's~~ city of Auburn's comprehensive plan adopted pursuant to Chapter [36.70A](#) RCW, and such plan as amended.

~~D. "City" means the city of Auburn.~~

~~E. "Council" means the city council of the city of Auburn.~~

~~F.~~ D. “Change in Use” means use of a Property changing from one use type to another as listed in the Fee Schedule or ITE Manual. For use types not listed in the Fee Schedule or ITE Manual, Change in Use shall refer to changing from one use type to another that results in a change to the Peak Hour Vehicle Trip Generation.

~~E.~~ “Department” means the ~~department~~Department of ~~public works~~Public Works.

~~G.~~ F. “Development ~~activity~~Activity” means ~~(1) any construction or expansion of a building of new, or modification of, existing structure; (2) any change in occupancy of a building or structure; or (3) any change in land use(s), that either provides for a Change in Use, creates new or additional non-residential building square footage, or creates new Dwelling Unit(s).~~

~~H.~~ G. “Director” means the ~~director~~Director of the ~~department of public works or the director’s designee~~Department of Public Works.

~~I.~~ “Downtown plan area” means the study area as identified and adopted in the City of Auburn Downtown Plan dated May 2001 that is defined by the boundary of the Union Pacific Railroad on the west and State Route 18 on the south. The eastern boundary is defined as “F” Street SE from State Route 18 to East Main Street, East Main Street from “F” Street SE to “E” Street SE, and “E” Street NE from East Main Street to 4th Street NE. The northern boundary is defined as 2nd Street NW from the Interurban Trail to “D” Street NW, 3rd Street NW/NE from “D” Street NW to Auburn Avenue, and 4th Street NE from Auburn Avenue to “E” Street NE. For the purposes of this chapter, the downtown plan area boundary has been slightly modified to avoid bisecting properties.

~~J.~~ “Dwelling unit” means a building, or portion thereof, designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.

~~K.~~ H. “Dwelling unit” see ACC 18.04.

I. “Encumber” means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

~~L.~~ “Feepayer” is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity, commencing a land development activity or land use change which creates the demand for additional

~~transportation facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.~~

~~M. "Gross floor area (GFA)" means the sum of the area of each floor level of a building (expressed in square feet), including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches minimum) regardless of use. With the exception of buildings containing enclosed malls or atriums, GFA is equal to the gross leasable area (GLA) and gross rentable area.~~

~~N. "Gross leasable area (GLA)" means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet. For the purposes of the trip generation calculation, the floor area of any parking garages within the building shall not be included within the GLA of the entire building. GLA is the area for which tenants pay rent; it is the area that produces income for the property owner.~~

~~O. "Hearing examiner" means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter 2.46 ACC. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.~~

~~P. "Impact fee" means a required payment of money imposed by the city of Auburn on development activity pursuant to this chapter as a condition of issuing a building permit to pay for the transportation facilities needed to serve new growth and development.~~

~~Q. "Impact fee account" or "account]. "Fee Schedule" means, the city of Auburn Fee Schedule in effect at the time of a complete Building Permit application or, if payment of fees is deferred, the city of Auburn Fee Schedule in effect at the time of payment.~~

K. "Impact Fee Account" or "Account" means the account established for the transportation impact fees collected. The account shall be established pursuant to ACC [19.04.090](#), and comply with the requirements of RCW [82.02.070](#).

RL. "Independent ~~fee calculation~~ Trip Generation Study" means the transportation impact calculation~~a study~~ prepared by a feepayer to support the assessment of an impact fee other than by the use of the current to determine Peak Hour Vehicle Trip Generation for a

Development Activity in accordance with guidance provided in the ITE Trip Generation Manual, and guidance from the City Engineer, or designee.

SM. "Interest" means the ~~interest~~Interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

~~T. "Multiple-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.~~

~~U. "Owner" means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.~~

~~V. "PM peak hour" means the hour of the highest transportation demand for the entire Auburn transportation system which, between noon and midnight, typically occurs between the hours of 4:00 p.m. N. "and 6:00 p.m.~~

~~W. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. A manufactured home may be considered a one-family dwelling, if sited per Chapter 18.31 ACC.~~

~~X. "Square footage" means the square footage of the gross floor area or gross floor leasable area of the development.~~

~~Y. "State" means the state of Washington.~~

~~Z. "Transportation project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not transportation system improvements. No transportation improvement or facility included in a capital facilities plan approved by the council shall be considered a transportation project improvement.~~

~~AA. "Transportation system improvements" means transportation facilities that are included in the city of Auburn's capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to transportation project improvements.~~

~~BB. "Grandfathering" means that existing land uses of a property in effect on July 1, 2001, the initial effective date of the impact fees ordinance, are entitled to system capacity credits determined by the adopted impact fees rate schedule.~~

~~CC. "Surplus credits" means credits over and above those calculated as an impact fee. For example:~~

- ~~1. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a positive number, the result is the impact fee due.~~
- ~~2. In grandfathering calculations, if the difference between a proposed use fee minus existing use credit results in a negative number, the result is the surplus credit and no impact fee would be due. Current practice is to not pay out in real dollars the calculated surplus credit.~~

~~In off-site system capacity improvements or ROW dedication it is also possible to create sufficient value that results in a surplus credit.~~

~~DD. "Change in use" for the purposes of this chapter means a different use as set forth in the identification of uses for the various fees for uses in the ITE Trip Generation Manual or by an independent fee calculation.~~

~~EE. ", also referred to as "ITE Trip Generation Manual", means the current edition of the manual promulgated and published by the Institute of Transportation Engineers.~~

O. "Multimodal Transportation" means the various modes of moving people throughout the city which may include driving, walking, biking, transit, and other modes.

P. "Owner" means the Owner of record of real Property; provided, that if the real Property is being purchased under a recorded real estate contract, the purchaser shall be considered the Owner of the real Property.

Q. "Pass-By Trips" means a trip made by a vehicle where the vehicle, already traveling on a roadway, stops at a nearby development (like a retail store or restaurant) and then continues its journey on the same roadway.

R. "Payment Program" means an agreement between the City and Applicant that affords the Applicant to pay Traffic Impact Fees in installments subject to criteria in ACC 19.04.040D and to conditions established in the Fee Schedule.

S. "Payment Program Interest Rate" means the rate of interest charged for a Payment Program as defined in the Fee Schedule.

T. “Peak Hour Vehicle Trip Generation” also referred to as “Vehicle Trips” means the greatest number of vehicles trips generated in a consecutive hour occurring between the hours of 4:00 p.m. and 6:00 p.m. adjusted for Pass-By Trips and other factors as included in the Fee Schedule or as may be deemed applicable by the City Engineer.

U. “Project Improvements” also referred to as “Required Development Improvements” means transportation facilities that directly serve the Development Activity which include: 1) public right of way improvements and land dedications per ACC 12.64A; 2) improvements and land dedications internal to the Development Activity project site that directly serve the Development Activity; and 3) other public improvements and land dedications as may be required to mitigate the impacts of the Development Activity on the transportation system that are not addressed by City TIF Funded Improvements.

V. “Property” means the real Property area of the subject Building Permit as defined by the assessor’s tax parcel boundaries at the time of Building Permit application.

W. “Prior Use Credit” means a reduction of the Transportation Impact Fee assessed based on prior permitted use of a Property.

X. FF. “Emergency public interest area” means the area defined as King County Tax Parcel No. 0721059053, located at 901 Auburn Way N., Auburn, WA 98002, described more particularly as follows:

Lots 1, 2 and 3 of City of Auburn Short Plat No. SPL0009-98, according to short plat recorded April 20, 1999, under recording No. 9904202125, in King County, Washington, and as shown below:



"System Improvements", also referred to as "City TIF Funded Improvements" means public improvements that provide for transportation system capacity that, per the CFP or TIP, are funded, in-part or entirely, by Transportation Impact Fees.

Y. "Transportation Impact Fee", also referred to as "Multimodal Transportation Impact Fee", "Traffic Impact Fee", and "TIF", means a required payment of money imposed by the city of Auburn on Development Activity pursuant to this chapter as a condition of issuing a Building Permit to pay for the Multimodal Transportation facilities needed to serve new growth and development.

Z. "Transportation Improvement Program" also referred to as "TIP" means the city of Auburn's transportation improvement program adopted pursuant to RCW 35.77.010.

(Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 6199 § 1, 2008; Ord. 6197 § 1, 2008; Ord. 6089 § 1, 2007; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.030 Reserved.

(Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.040 Assessment of impact fees.

A. The city shall collect ~~impact fees, based on its fee schedule,~~Transportation Impact Fees as a condition of issuing any ~~building permit.~~

~~Building Permit~~B. The director shall apply a heavy truck adjustment factor to the transportation impact fees for land uses categorized as industrial in the ITE Trip Generation Manual, addressing the percentage of vehicle trips for such uses made by trucks of three or more axles and the street capacity used by such trucks in comparison to other vehicles.

~~C. Except when fees are deferred, the transportation impact fee~~Development Activity. Transportation Impact Fees shall be assessed based on the ~~fee schedule~~Fee Schedule or, if in the opinion of the City Engineer, the Fee Schedule does not include a category that is in effect atappropriately represents the Development Activity, the City Engineer may assess the time the

~~submitted building permit application is determined to be complete~~Transportation Impact Fee based on the ITE Manual, data and information provided by the Applicant, ~~and shall be payable prior to issuance of the permit, /or pursuant to an independent fee calculation accepted by the director~~Independent Trip Generation Study prepared pursuant to ACC 19.04.050, and adjusted for any credits pursuant to ACC 19.04.060. When fees are deferred, the assessment ~~19.04.070.~~ Except when deferred or a Payment Program agreement is executed, Transportation Impact Fees shall be due and paid prior to issuance of Building Permit. Fees and credits will be based on ~~the fees in effect at the time of payment.~~Peak Hour Vehicle Trip Generation. Should the scope of the ~~development~~Development Activity change after ~~the building permit application is determined to be complete,~~ the amount of the impact fees may be adjusted as determined by ~~the city~~initial fee assessment, the City Engineer may re-assess the Transportation Impact Fee to reflect the revised scope ~~but shall be based on the fee schedule that is or was in effect at the time of the originally submitted building permit application.~~ When fees are deferred pursuant to subsections ~~E, F and G~~ of this section, the assessment will be based on the fees in effect at the time of payment.

~~B. D.~~ Applicants that have been awarded credits prior to the submittal of the complete building permit application pursuant to ACC 19.04.060 shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director pursuant to ACC 19.04.060 setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the fee payer at the time the building permit is issued.

~~E.~~ For complete single-family building permit applications for new development, redevelopment or ~~Prior to issuance of a change in use,~~ and at or before issuance of any single-family residential building permit for a dwelling unit that is being constructed, the ~~applicant~~Building Permit, the Applicant may elect to ~~defer payment of Transportation Impact Fees and~~ record a covenant against title to the ~~property~~Property on forms prepared and provided by the city. ~~The forms shall require payment of transportation impact fees due and owing by~~Payment of deferred Transportation Impact Fees shall be paid at the time of ~~whichever of the following comes first:~~

~~B.1. For a Building Permit for residential Development Activity, Closing of the sale of a residential dwelling unit through~~ automatic payment through escrow ~~no later than: (a) closing of the sale of the unit; (b);~~

B.2. For a Building Permit for any Development Activity, at final inspection or issuance of certificate of occupancy; ~~or (c)~~

B.3. For a Building Permit for any Development Activity, 18 months from the date the original ~~building permit~~Building Permit was issued, ~~whichever comes first.~~

C. Failure to pay Transportation Impact Fees in accordance with ACC 19.04.040A, 19.04.040B shall result in the following:

1. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, then the responsible party shall be subject to the enforcement provisions of ACC [1.25.030](#) and [1.25.065](#). Written notification shall be by regular and certified mail to the responsible party's most current mailing address on file with the city. For the purposes of applying ACC [1.25.030](#) and [1.25.065](#), the responsible party shall constitute a ~~property owner~~Property Owner, the ~~property~~Property(ies) for which a permit(s) has been issued shall constitute the ~~property~~Property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted ~~property~~Property(ies) under these sections.
2. Any unpaid ~~charges~~fees under this chapter that are outstanding 30 days after their due date shall constitute a lien against the ~~property~~Property(ies) for which a permit(s) has been issued in the amount of the unpaid ~~charges~~fees. In addition to the actions authorized in ~~subsection (E)(1) of this section~~, the city may record a lien against the permitted ~~property~~Property(ies) in the amount of the unpaid ~~charges~~fees and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding ~~water, sanitary sewer and storm drainage development charges~~fees are paid in full.
3. The appeals process authorized in ACC [19.04.080](#) shall not apply to determinations made pursuant to this section.

~~F. For complete multifamily building permit applications for new development, redevelopment or a change in use, and at or before issuance of any multifamily residential building permit that is being constructed, the applicant may elect to record a covenant against title to the property on forms prepared and provided by the city. The forms shall require payment of transportation~~

~~impact fees due and owing by automatic payment through escrow no later than: (a) closing of the sale of the unit; (b) at final inspection or issuance of certificate of occupancy; or (c) 18 months from the date the original building permit was issued, whichever comes first. Failure to pay shall result in the following:~~

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

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

~~3. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section.~~

~~G. For nonresidential development composed of:~~

~~1. New development; or~~

~~2. Redevelopment or a change in use that includes:~~

~~a. Commercial office and retail uses; and~~

~~b. Light and heavy manufacturing uses, but excludes:~~

~~i. Warehousing and distribution uses; and~~

~~ii. Institutional development (including, but not limited to, public and private schools and colleges and hospitals);~~

~~and before issuance of any permit application and following the execution of a payment agreement on forms prepared and provided by the city, the applicant may elect to pay transportation impact fees due and owing, less any credits awarded, no later than before issuance of certificate of occupancy or 18 months from the date of issuance of the original building permit, whichever comes first. Failure to pay shall result in the following:~~

~~3. If the full amount of any fees required by this chapter remains unpaid 30 days after the city has sent written notification of the payment obligation to the responsible party, then the responsible party shall be subject to the enforcement provisions of ACC 1.25.030 and 1.25.065. Written notification shall be by regular and certified mail to the responsible party's most current mailing address on file with the city. For the purposes of applying ACC 1.25.030 and 1.25.065, the responsible party shall constitute a property owner, the property(ies) for which a permit(s) has been issued shall constitute the property(ies) on which the violation is occurring, and the impact fee amount remaining unpaid shall constitute a violation occurring on the permitted property(ies) under these sections.~~

~~4. Any unpaid charges under by this chapter that are outstanding 30 days after their due date shall constitute a lien against the property(ies) for which a permit(s) has been issued in the amount of the unpaid charges. In addition to the actions authorized in subsection (G)(3) of this section, the city may record a lien against the permitted property(ies) in the amount of the unpaid charges and may immediately suspend any permits previously issued for the lot or unit associated with the current development activity and shall limit the granting of any future permits for the lot or unit until such time that all outstanding water, sanitary sewer and storm drainage development charges are paid in full.~~

~~5. The appeals process authorized in ACC 19.04.080 shall not apply to determinations made pursuant to this section. (Ord. 6843 § 2, 2021; Ord. 6792 § 1 (Exh. A), 2020; Ord. 6583 § 1, 2016; Ord. 6455 § 3, 2013; Ord. 6341 § 3, 2011; Ord. 6005 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)~~

D. Transportation Impact Fees meeting all of the following criteria are eligible for a Payment Program:

1. Payment of Transportation Impact fees was not deferred per ACC 19.04.04B; and

2. Applicant requests Payment Program and executes Payment Program agreement prior to issuance of the Building Permit with Payment Program Interest Rate and term as established in the Fee Schedule; and
3. Transportation Impact Fee amount due does not exceed the limit established in the Fee Schedule; and
4. Building Permit is for an eligible land use category as established in the Fee Schedule.

19.04.050 Independent ~~fee calculations~~ Trip Generation Study.

~~A. If, in the judgment of the director, none of City Engineer, the fee categories set forth in the fee schedule accurately describes or captures~~ Fee Schedule, the impacts ITE Manual, and additional data or information provided by the Applicant do not allow for reasonable estimation of Peak Hour Vehicle Trip Generation of the new development Development Activity, the applicant Applicant shall conduct an independent Independent Trip Generation Study to provide as a basis for the assessment of Transportation Impact Fees and/or credits. A non-reimbursable administrative fee shall be charged for each Independent Trip Generation Study and payment of the fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the is required prior to city review.

~~B. The documentation submitted and supporting an independent fee calculation Independent Trip Generation Study shall clearly show PM peak hour trip generation Peak Hour Vehicle Trip Generation and Pass-By Trip characteristics of the proposed development activity Development Activity based on industry-accepted standards as articulated in the ITE trip generation manual Manual.~~

~~C. The modified fee shall be based on the average cost per trip established in the fee schedule of the city of Auburn, and shall consider the alternative trip generation data City Engineer may require revisions and corrections to the Independent Trip Generation Study and may determine that the study is not appropriate in assessing the Transportation Impact Fee for the Development Activity.~~

~~C. A nonreimbursable administrative fee shall be charged for each independent fee calculation. Payment of the fee is required prior to city review of the independent fee study.~~

~~D. While there is a presumption that the calculations set forth in the city's fee schedule are valid, the director shall consider the documentation submitted by the feepayer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness.~~

~~E. Determinations made by the director pursuant to this section may be appealed to the office of the hearing examiner subject to the procedures set forth in ACC 19.04.080. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)~~

19.04.060 — Credits and adjustments.

~~A. A feepayer can request that a credit or credits for transportation impact fees be awarded to them for transportation project improvements provided by the feepayer in excess of the standard requirements for the feepayer's development if the land, improvements, and/or the facility constructed are identified as transportation system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at their discretion, makes the finding that such land, improvements, and/or facilities would serve the transportation goals and objectives of the capital facilities plan.~~

~~B. For each request for a credit or credits, the director shall determine the value of dedicated land.~~
A. An Applicant may request the City Engineer consider a Prior Use Credit in assessment of the Transportation Impact Fee. The City Engineer will determine Prior Use Credit based on information provided by the Applicant and other records as may be available. Prior Use Credit will be established based on the greater of either the total amount of Transportation Impact Fees previously paid for the Property or the amount of the Transportation Impact Fee that would be assessed per the Fee Schedule for prior eligible use of the Property. Only the prior eligible use with the highest assessment is applicable. Prior Use Credit shall not exceed the TIF amount of Peak Hour Trip Generation for the Development Activity. To be eligible for Prior Use Credit, the prior use of the Property for which the credit is being sought must meet all of the following criteria:

- 1) Prior use was authorized and permitted by the city or otherwise then governing body; and
- 2) Prior use was in place on, or after, July 1, 2001. Use prior to this date is not eligible for Prior Use Credit unless the use continued past this date; and
- 3) Prior use was associated with an existing structure or improvement on the Property or was associated with a structure or improvement which has been demolished and removed within 5-years of Development Activity Building Permit application.
- 4) TIF assessed for Prior use is paid in full without any amount due or, if previous TIF assessment is not paid in full, any associated credit is reduced proportionate to the TIF amount still owing.

B. An Applicant may request the City Engineer consider a credit for City TIF Funded Improvements provided by the Applicant. Credit for land dedication above and beyond the amount required for Required Development Improvements shall be determined by the City Engineer based on an appraisal paid for and provided by using available documentation or selecting an appraiser from a list of independent appraisers maintained by the department to determine the value of the land being dedicated. ~~the Applicant.~~ The value of the improvements will be determined through documentation submitted by the ~~feepayer.~~

~~C. Applicant. The feepayer total credit provided shall pay not exceed the cost of Transportation Impact Fee funding amount as shown in the appraisal and shall deposit on account CFP or TIP for the estimated cost of the appraisal as determined~~ City TIF Funded Improvements provided by the city at the time the feepayer requests consideration for a credit.

~~D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.~~

~~E. Any request for credit must be made by the time of application for a building permit, or it shall be deemed waived.~~

~~F. Applicant. No credit shall be given for transportation project improvements or right-of-way dedications for direct access improvements to and/or within the development in question.~~Required Development Improvements.

~~G. Determinations made by the director pursuant to this section shall be subject to.~~C. TIF credits applied for a Development Activity are capped at the assessed TIF fees for the appeals procedures set forth in ACC 19.04.080.

~~H. Pursuant to and consistent with RCW 82.02.060, Development Activity. The TIF amount due for a Development Activity is equal to the fee rate in the city's fee schedule has been reasonably adjusted for other revenue sources which are earmarked for, or proratable to, funding transportation facilities.~~

~~I. In order to grandfather the capacity rights of existing land uses, the director will utilize the adopted rates to calculate assessed TIF fees less any impact fee credits and to determine any surplus TIF credits for off-site system improvements made by the property owner. Only in a situation when a property owner makes off-site system capacity improvements that qualify in accordance with subsection A of this section will any surplus credits (value computed during the permit year and not adjusted for inflation) remain with the property or any subdivision of that property to benefit future development where a traffic impact fee is determined to be due.~~applicable by the City Engineer.

. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.070 Exemptions.

A. The following shall be exempt from the payment of ~~transportation impact fees~~Transportation Impact Fees:

~~1. Replacement of a structure with a new structure of the same PM peak hour trip generation and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.~~

~~21. Alterations, expansion, enlargement, remodeling, or rehabilitation of an existing dwelling unit residential structure that is not for a Change In Use and where no additional dwelling units are created and the land use category in the ITE Trip Generation Handbook is not changed.~~.

~~32. Alterations of an existing ~~nonresidential~~non-residential structure that ~~does not for a~~ Change in Use, does not add units, and does not increase the GFA or GLA, net building square footage on the subject property by 10 percent or 1,000 square feet, whichever is lower.~~

~~4. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.~~

~~5. Demolition, or relocation of a structure out of the city.~~

B. The ~~director~~City Engineer shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the ~~director~~City Engineer shall be subject to the appeals procedures set forth in ACC [19.04.080](#).—

(Ord. 6792 § 1 (Exh. A), 2020; Ord. 6637 § 1, 2017; Ord. 6526 § 1, 2014; Ord. 6412 § 1, 2012; Ord. 6341 § 3, 2011; Ord. 6308 § 1, 2010; Ord. 6199 § 2, 2008; Ord. 6197 § 2, 2008; Ord. 6178 § 1, 2008; Ord. 6089 § 2, 2007; Ord. 6068 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.080 Appeals.

A. Any ~~feepayer~~Applicant may pay the impact fees imposed by this chapter under protest in order to obtain a ~~building permit~~Building Permit. Appeals regarding the impact fees imposed on any development activity may only be made by the ~~feepayer~~Applicant of the ~~property~~Property where such ~~development activity~~Development Activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any ~~feepayer~~Applicant may appeal the impact fees determined by the ~~director~~City Engineer without first paying the fees, providing the applicant is willing to provide a satisfactory security of the appealed fee amount in accordance with the requirements of ACC [17.14.010\(AB\)](#) prior to issuance of the ~~building permit~~Building Permit. Alternatively, any ~~feepayer~~Applicant may appeal the impact fees determined by the ~~director~~City Engineer without first paying the fees, providing the applicant is willing to postpone issuance of the ~~building permit~~Building Permit until after the appeal process when the revised final fee is known.

B.

~~1. Appeals of director impact fees determined by the City Engineer shall be filed with the Department and considered by the Director who shall issue a decision. Appeals of decisions by the Director~~ under this chapter shall be filed with the ~~city's public works department~~ Department and heard by the city's hearing examiner pursuant to Chapter 2.46 ACC. Appeals to the hearing examiner shall be based on whether the decision being appealed was consistent with applicable state law and city codes.

~~2. The hearing examiner's determination shall be final unless appealed to the superior court for the county in which the property subject to the transportation impact fees is located. Appeals to superior court shall comply with RCW 34.05.510 through 34.05.598, and shall be filed with the city clerk within 30 days after issuance of the hearing examiner's determination.~~ (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 6182 § 5, 2008; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.090 Establishment of an impact fee account for transportation.

A. There is hereby established a separate ~~transportation impact~~ Transportation Impact Fee account for the fees collected pursuant to this chapter. Impact fee receipts shall be earmarked specifically and deposited in this account. The fees received shall be prudently invested in a manner consistent with the investment policies of the city. Funds withdrawn from this account must be used in accordance with ACC 19.04.110. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected.

B. The ~~financial~~ director of the finance department shall provide an annual report to the council on the ~~transportation impact~~ Transportation Impact Fee account showing the source and amount of all moneys collected, earned, or received, and the transportation improvements that were financed in whole or in part by ~~impact fees~~ Transportation Impact Fees.

C. Impact fees shall be expended or ~~encumbered~~ Encumbered within 10 years of receipt, unless the council identifies in written findings extraordinary and compelling reason or reasons for the delay. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

19.04.100 Refunds.

A. If the city fails to expend or ~~encumber~~Encumber impact fees paid by a ~~property-~~owner~~Property Owner~~ under this chapter within 10 years of payment, or within such other time periods pursuant to ACC [19.04.090](#) where extraordinary or compelling reasons exist, the current ~~owner~~Owner of the ~~property~~Property for which the impact fees were paid may receive a refund of the fees. Impact fees shall be considered expended or ~~encumbered~~Encumbered on a first-in, first-out basis, unless any party voluntarily elects to use the alternative fee payment method in ACC [19.04.040](#). If electing the alternative fee payment method, the party shall waive any right to recover transportation fees not expended or ~~encumbered~~Encumbered within the above time frames.

B. The city shall notify potential refund claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the ~~owner~~Owner of the ~~property~~Property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the ~~director~~Director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the city and expended on appropriate transportation system improvements.

E. Refunds of impact fees under this section shall include any ~~interest~~Interest earned on the impact fees by the city.

F. If and when the city seeks to terminate any or all components of the transportation impact fee program, all unexpended or ~~unencumbered~~un-Encumbered funds from any terminated component or components, including ~~interest~~Interest earned, shall be refunded pursuant to this section. If any fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to their last known address. All funds available for ~~refund~~refunds shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended for appropriate transportation system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

G. The city shall also refund to the developer of ~~property~~Property for which impact fees have been paid all impact fees paid, including ~~interest~~Interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.110 Use of funds.

A. Pursuant to this chapter, ~~transportation impact fees~~Transportation Impact Fees:

1. Shall be used for transportation improvements that will reasonably benefit the new development within the city; and
2. Shall not be imposed to make up for deficiencies in transportation facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, ~~transportation impact fees~~Transportation Impact Fees may be used for any transportation improvements which could otherwise be funded by a bond issue of the city.

C. Transportation ~~impact fees~~Impact Fees may be spent for transportation improvements, including but not limited to planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. Impact fees may be used to recoup transportation improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

E. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of transportation improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.120 Review and update of ~~impact fees~~Transportation Impact Fees.

A. The ~~fee rate schedules~~Transportation Impact Fees set forth in the ~~fee schedule~~Fee Schedule of the city of Auburn shall be reviewed periodically by the council.

~~B. The fee schedules set forth in the fee schedule of the city of Auburn shall be reviewed by the council and as it may deem~~deemed necessary ~~and appropriate by the City Engineer~~ in conjunction with the ~~annual~~ update of the ~~capital facilities plan element of the city's comprehensive plan~~CFP or the TIP. (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 6050 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

19.04.130 Miscellaneous provisions.

A. *Existing Authority Unimpaired.* Nothing in this chapter shall preclude the city from requiring the ~~fee payer~~Applicant or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter [43.21C](#) RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter [58.17](#) RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW [82.02.050\(1\)\(c\)](#).

B. *Captions.* The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.

C. *Severability.* If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

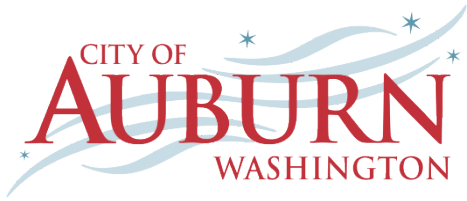
D. *Short Title.* This chapter shall be known and may be cited as the "The City of Auburn Transportation Impact Fee Ordinance." (Ord. 6792 § 1 (Exh. A), 2020; Ord. 6341 § 3, 2011; Ord. 5763 § 1, 2003; Ord. 5506 § 1, 2001.)

**The Auburn City Code is current through Ordinance ~~6977~~6961, passed ~~June 16,~~
2025~~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.](#)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5849 (Martinson)

A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and the Office of Public Defense to accept and expend grant funds for public defense services

Meeting Date:

August 4, 2025

(RECOMMENDED ACTION: Move to adopt Resolution No. 5849.)

Department:

Human Resources and Risk
Management

Attachments:

Resolution No. 5849_25-26
SPAR Funding, Agreement

Budget Impact:

\$60,000

Administrative Recommendation:

City Council to adopt Resolution No. 5849.

Background for Motion:

City Council to adopt Resolution No. 5849 authorizing the City to accept the \$60,000.00 in grant funding from the Washington State Office of Public Defense Simple Possession Advocacy and Representation (SPAR) Program for public defense representation and consultation on certain drug possession and public use cases.

Background Summary:

The City of Auburn Human Resources Department is the recipient of a \$60,000.00 grant from the Washington State Office of Public Defense Simple Possession Advocacy and Representation (SPAR) Program. This grant is for the purpose of assisting local jurisdictions in absorbing public defense costs associated with drug possession and public use cases. The grant award is specific to indigent defense counsel and can be utilized to offset costs associated with contracted conflict counsel representing such cases. Funds received under this grant must be utilized by June 30, 2026.

Councilmember: Cheryl Rakes

Staff: Candis Martinson

RESOLUTION NO. 5849

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND THE OFFICE OF PUBLIC DEFENSE TO ACCEPT AND EXPEND GRANT FUNDS FOR PUBLIC DEFENSE SERVICES

WHEREAS, the Washington State Legislature in 2023 criminalized certain drug possession and public use offenses as misdemeanors under Second Engrossed Second Substitute Senate Bill (2E2SSB) 5536; and

WHEREAS, drug possession was a felony in Washington until 2021; and

WHEREAS, the new 2023 law potentially imposed a new or increased burden on the criminal legal systems of local jurisdictions; and

WHEREAS, in recognition of this potential the 2023 legislature appropriated funding under 2E2SSB 5536 to the State Office of Public Defense to administer a competitive reimbursement grant program, the purpose of which is to assist local jurisdictions in absorbing public defense costs associated with drug possession and public use cases; and

WHEREAS, the City of Auburn applied for and received an allocation from the State Office of Public Defense against which it may seek reimbursement for public defense representation and consultation on certain drug possession and public use cases; and

WHEREAS, the State Office of Public Defense requires its grant recipients to enter in a funding agreement outlining the conditions on use of the funds; and

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

Section 1. The Mayor is authorized to execute an agreement between the City of Auburn and the Office of Public Defense to accept grant funds, and to expend such funds. The agreement will be in substantial conformity with the agreement attached as Exhibit A.

Section 2. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this Resolution.

Section 3. This Resolution will take effect and be in full force on passage and signatures.

Dated and Signed this 4th day of August, 2025.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

FACE SHEET

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE
Simple Possession Advocacy and Representation (SPAR) Program Funding Agreement

1. Recipient City of Auburn 25 West Main Street Auburn, WA 98001	2. Recipient Representative Nancy Backus Mayor 25 West Main Street Auburn, WA 98001
3. Office of Public Defense (OPD) 711 Capitol Way South, Suite 106 PO Box 40957 Olympia, WA 98504-0957	4. OPD Representative Grace O'Connor Supervising Attorney Office of Public Defense 711 Capitol Way South, Suite 106 PO Box 40957 Olympia, WA 98504-0957
5. Agreement Amount \$60,000.00	6. Agreement Period July 1, 2025 through June 30, 2026
7. Purpose The purpose of this Agreement is to provide partial reimbursement to City of Auburn (Recipient) for the cost of providing high-quality indigent defense services for defendants facing charges of simple possession or public use offenses under RCW 69.50.4011(1)(b) or (c), RCW 69.50.4013, RCW 69.50.4014, or RCW 69.41.030(1), or under local ordinances involving allegations of simple possession or public use of a controlled substance, counterfeit substance, or legend drugs, consistent with RCW 2.70.200.	
8. Acknowledgement, Incorporation by Reference, and Execution The Office of Public Defense (OPD) and Recipient acknowledge and accept the terms of this Agreement and attachments and execute this Agreement as of the date the last signatory signed. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following other documents incorporated by reference: Exhibit A, Special Terms and Conditions, and Exhibit B, General Terms and Conditions.	
FOR RECIPIENT _____ Nancy Backus, Mayor _____ Date	FOR OPD _____ Grace O'Connor, Supervising Attorney _____ Date

EXHIBIT A: SPECIAL TERMS AND CONDITIONS

1. AGREEMENT MANAGEMENT

- a) The Representative for each of the parties will be responsible for and will be the contact person for all communications regarding the performance of this Agreement.
- b) The Representative for OPD and their contact information is identified on the Face Sheet of this Agreement.
- c) The Representative for Recipient and their contact information is identified on the Face Sheet of this Agreement.

2. REIMBURSEMENT

- a) Subject to Section 4 of this Exhibit A, Terms of Reimbursement, OPD shall reimburse for authorized expenses as identified in Section 7 of this Exhibit A, Authorized Reimbursable Expenses.
- b) OPD will subtract from reimbursement amounts where Recipient or Recipient's court has assessed a cost of counsel against an indigent defendant and the indigent defendant has either signed a promissory note for that amount, or had a fee imposed at sentencing for this purpose. Recipient shall report such assessed costs to OPD.

3. MAXIMUM REIMBURSEMENT AMOUNT

- a) The maximum amount Recipient may be reimbursed for authorized expenses shall not exceed \$60,000.00 for the period of this Agreement.
- b) Subject to the availability of funds, and upon mutual agreement, Recipient and OPD may amend this Agreement in writing to increase the allocated maximum reimbursement amount.

4. TERMS OF REIMBURSEMENT

- a) OPD will reimburse Recipient upon acceptance of expenses and receipt of properly completed invoices, and sufficient documentation supporting the invoices. Recipient shall submit invoices to the Representative for OPD subject to the invoicing schedule included in subsection (h) of this Section 4.
- b) OPD will provide an invoice form to Recipient. Recipient shall provide sufficient documentation accompanying the invoice to prove, to OPD's satisfaction, the costs incurred by Recipient and to allow OPD to determine that the costs were for Authorized Reimbursable Expenses. Sufficient documentation will include a compensation worksheet, case numbers during the invoice time period, and proof that the requested expenses were paid by Recipient. Sufficient documentation demonstrating costs incurred by Recipient may include, but is not limited to, salary pay stubs or invoices for contracted services. OPD reserves the right to amend the invoice form at any time.
- c) Payment will be considered timely if made by OPD within 30 calendar days after receipt of properly completed invoices. OPD shall send payment to Recipient via the default payment

method associated with Recipient's Statewide Vendor Number SWV0002069-00.

- d) OPD may, in its sole discretion, terminate this Agreement or withhold payments claimed by Recipient for services rendered if Recipient fails to satisfactorily comply with any term or condition of this Agreement.
- e) OPD shall not make any payments in advance or in anticipation of services or supplies to be provided under this Agreement.
- f) Recipient shall report whether it will be unable to spend the maximum reimbursement amount during the Agreement Period, or if Recipient anticipates a need to increase the maximum reimbursement amount. Any request to increase the maximum amount will be subject to Section 3(b) of this Exhibit A. OPD reserves the right to amend this agreement to reduce the maximum reimbursement amount set forth in Section 3(a) of this Exhibit A, and reallocate unspent funds to other jurisdictions, if Recipient's invoicing indicates it will be underspent.
- g) Reimbursable expenses must be incurred between July 1, 2025 and June 30, 2026. Recipient shall bear the cost of and ensure continued Consultation and Representation for all individuals who are being represented by Recipient's attorneys on Qualifying Cases when the agreement period ends.
- h) Recipient shall invoice OPD at least quarterly, but no more than once per month, according to the following schedule:
 - 1. Known expenses for July 1 through September 30, 2025 shall be submitted by November 1, 2025;
 - 2. Known expenses for October 1 through December 31, 2025 shall be submitted by February 1, 2026;
 - 3. Known expenses for January 1 through March 31, 2026 shall be submitted by May 1, 2026; and
 - 4. Known expenses for April 1 through June 30, 2026 shall be submitted by July 15, 2026.
- i) OPD understands Recipients contractors may not bill Recipient timely and that Recipient may not be aware of expenses in a particular quarter until after the submission deadline has passed. OPD will reimburse for invoices submitted outside the schedule outlined in Section 4(h) of this Exhibit A, except for and subject to the limitation set for in Section 4(j) of this Exhibit A.
- j) OPD's fiscal year runs from July 1, 2025 to June 30, 2026. Recipient must submit invoices for costs incurred during the grant period by July 15, 2026 or expenses may not be reimbursed. OPD makes no guarantee of reimbursement for eligible expenses invoiced after August 1, 2026.

5. **DUPLICATION OF BILLED COSTS**

Recipient shall not bill OPD for services performed under this Agreement, and OPD shall not pay Recipient, if Recipient is entitled to payment or has been or will be paid by any other source, including grants, for that service.

6. **DISALLOWED COSTS**

Recipient is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its contractors or subcontractors.

7. **AUTHORIZED REIMBURSABLE EXPENSES**

Recipient is authorized to seek reimbursement up to the maximum amount set forth in Section 3 of this Exhibit A, for the following costs, subject to the provisions in Sections 2 and 4 of this Exhibit A:

- a) Compensation for attorney Representation on Qualifying Cases;
- b) Compensation for attorney Consultation on Qualifying Cases;
- c) Support staff time devoted to assisting and supporting attorney Representation and Consultation on Qualifying Cases;
- d) Investigation costs associated with Qualifying Cases;
- e) Expert services where the scope of the expert's expertise is related to a Qualifying Charge;
- f) Interpreter costs (out-of-court) on Qualifying Cases;
- g) Pre-approved training events for attorneys and defender professional staff;
- h) Compensation for attorney Representation on an appeal undertaken according to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) where the RALJ appeal contains an issue for review arising from a Qualifying Charge; and
- i) Other indirect costs necessary to providing representation or consultation if pre-approved by OPD.

8. **OVERSIGHT**

Over the duration of the agreement term, OPD may conduct site visits for purposes of ensuring the use of funds for their specified purposes. At OPD's request, Recipient will assist in scheduling such site visits and inviting appropriate attendees such as, but not limited to: public defense attorneys, judicial officers, and city or county representatives.

9. **DEFINITIONS**

- a) "Alternatives to Prosecution" means an opportunity to depart from the traditional criminal case process of charge to plea or trial. Examples include, but are not limited to, stipulated continuances, deferrals, Specialty or Therapeutic courts, Pre-file Diversion programs, or Pre-trial Diversion programs.
- b) "Consultation" means consultation for a Client prior to assignment of counsel at first appearance or arraignment. Consultation also means advising a Client on Pre-File or Pre-Trial Diversion options. Consultation also means advising a Client during the pendency of pre-trial Diversion.
- c) "Client" means an indigent individual facing a pending charge or charged with a Qualifying Charge in a court of limited jurisdiction.
- d) "Pre-File Diversion" means an opportunity for a Client to depart from the criminal legal system, initiated by either law enforcement or the prosecutor, that takes place before charges are filed against the Client. Pre-File Diversion may be, but need not be, organized under RCW 69.50.4011(3)(c), 69.50.4013(2)(c), 69.50.4014(2), or 69.41.030(2)(e).
- e) "Pre-Trial Diversion" means an opportunity for a Client to depart from the criminal legal system after charges are filed against a defendant but before a plea is entered, or before proceeding to trial. Pre-Trial Diversion may be, but need not be, organized under RCW 69.50.4017.

- f) “Qualifying Charge” means a charge of violating RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, 69.41.030(2), (b), or (c); or a charge under a local ordinance involving allegations of possession or public use of a controlled substance, counterfeit substance, or legend drug.
- g) “Qualifying Case” means a proceeding filed against a Client in a court of limited jurisdiction in which at least one of the charges filed, either originally or as amended, is a Qualifying Charge, even if later dismissed.
- h) “Representation” means appointment to represent Clients in Qualifying Cases, including but not limited to appearance at arraignment, pre-trial appearances, motions, sentencings, status conferences, review hearings, client conferences, and preparation for trial. Representation also means appointment to represent Clients for Alternatives to Prosecution, including on motions to terminate Clients from Alternatives to Prosecution.
- i) “Specialty or Therapeutic Court” means a court utilizing a program structured to achieve both a reduction in recidivism and an increase in the likelihood of rehabilitation, or to address substance use disorder or mental health conditions in defendants through continuous and judicially supervised treatment and the appropriate use of services, sanctions, and incentives.

10. **ORDER OF PRECEDENCE**

In the event of an inconsistency in this Agreement, the inconsistency will be resolved by giving precedence in the following order:

- a) Applicable federal and state of Washington statutes, regulations, and court rules
- b) Exhibit A, Special Terms and Conditions
- c) Exhibit B, General Terms and Conditions

EXHIBIT B: GENERAL TERMS AND CONDITIONS

1. **ALL WRITINGS CONTAINED HEREIN**

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

2. **AMENDMENTS**

This Agreement may be amended by mutual agreement of the parties. Such amendment shall not be binding unless it is in writing and signed by personnel authorized to bind each of the parties.

3. **AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, also referred to as the "ADA" 29 CFR Part 35.**

Recipient must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

4. **ASSIGNMENT**

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by Recipient without prior written consent of OPD.

5. **ATTORNEY'S FEES**

Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce Agreement terms, each party agrees to bear its own attorney fees and costs.

6. **CONFORMANCE**

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

7. **ETHICS/CONFLICTS OF INTEREST**

In performing under this Agreement, Recipient shall assure compliance with the Ethics in Public Service, Chapter 42.52 RCW and any other applicable court rule or state or federal law related to ethics or conflicts of interest.

8. **GOVERNING LAW AND VENUE**

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. **INDEMNIFICATION**

To the fullest extent permitted by law, Recipient shall indemnify, defend, and hold harmless the state of Washington, OPD, all other agencies of the state and all officers, agents and employees of the state, from and against all claims or damages for injuries to persons or property or death arising out of or incident to the performance or failure to perform the Agreement.

10. **LAWS**

Recipient shall comply with all applicable laws, ordinances, codes, regulations, court rules, policies of local and state and federal governments, as now or hereafter amended.

11. **NONCOMPLIANCE WITH NONDISCRIMINATION LAWS**

During the performance of this Agreement, Recipient shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of Recipient's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part.

12. **RECAPTURE**

In the event that Recipient fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of the Agreement, OPD reserves the right to recapture funds in an amount to compensate OPD for the noncompliance in addition to any other remedies available at law or in equity.

13. **RECORDS MAINTENANCE**

Recipient shall maintain all books, records, documents, data and other evidence relating to this Agreement. Recipient shall retain such records for a period of six (6) years following the end of the Agreement period. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

14. **RIGHT OF INSPECTION**

At no additional cost all records relating to Recipient's performance under this Agreement shall be subject at all reasonable times to inspection, review, and audit by OPD, the Office of the State Auditor, and state officials so authorized by law, in order to monitor and evaluate performance, compliance, and quality assurance under this Agreement. Recipient shall provide access to its facilities for this purpose.

15. **SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement that can be given effect without the invalid provision, if such remainder conforms to the requirements of law and the fundamental purpose of this Agreement and to this end the provisions of this Agreement are declared to be severable.

16. **SUSPEND OR TERMINATE FOR NON-AVAILABILITY OF FUNDS**

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way, OPD, at its sole discretion, may elect to suspend or terminate the Agreement, in whole or part, for convenience or to renegotiate the Agreement subject to new funding limitations and conditions.

17. **WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Agreement unless stated to be such in writing.