

**City Council
Regular Meeting
November 4, 2024 - 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, November 4, 2024 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/83082646390>

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS

- A. Native American Heritage Month
Mayor Backus to proclaim November 2024, as "Native American Heritage Month" in the City of Auburn

AGENDA MODIFICATIONS

PUBLIC HEARINGS

- A. Public Hearing for Ordinance No. 6947–2025 Property Tax Levy (Thomas)
An Ordinance establishing the Levy for regular Property Taxes by the City of Auburn for collection in 2025 for general City operational purposes in the amount of \$25,582,279

- B. Public Hearing for Ordinance No. 6948 (Thomas)
An Ordinance adopting the 2025-2026 Biennial Operating Budget for the City of Auburn, Washington

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.

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 of the October 21, 2024, City Council Meeting
- B. Minutes of the October 28, 2024, Study Session Meeting
- C. Claims Vouchers (Thomas)
Claims voucher list dated October 30, 2024 which includes voucher number 478016 in the amount of \$2,500.00
- D. Claims Vouchers (Thomas)
Claims voucher list dated October 30, 2024 which includes voucher numbers 477888

through voucher 478015 and voucher 478017, in the amount of \$2,769,283.48, four electronic fund transfers in the amount of \$2,831.31 and eight wire transfers in the amount of \$1,249,521.67

- E. Payroll Voucher (Thomas)
Payroll check numbers 539618 through 539619 in the amount of \$618,457.66, electronic deposit transmissions in the amount of \$2,514,240.85, for a grand total of \$3,132,698.51 for the period covering October 17, 2024 to October 30, 2024

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

UNFINISHED BUSINESS

NEW BUSINESS

ORDINANCES

- A. Ordinance No. 6957 (Krum)
An Ordinance relating to project review, and amending Chapters 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11, 14.13, 14.14, 14.18, 17.01, 18.59, and 18.76, and repealing Chapter 14.15 of the Auburn City Code

(RECOMMENDED ACTION: Move to approve Ordinance No. 6957.)

RESOLUTIONS

- A. Resolution No. 5795 (Gaub)
A Resolution authorizing the Mayor to execute an Interlocal Agreement between the City of Auburn and the City of Sumner relating to the City of Sumner's Stewart Road Bridge Project

(RECOMMENDED ACTION: Move to adopt Resolution No. 5795.)

- B. Resolution No. 5796 (Gaub)
A Resolution authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Auburn and the City of Algona for decant facilities usage

(RECOMMENDED ACTION: Move to adopt Resolution No. 5796.)

- C. Resolution No. 5797 (Gaub)
A Resolution authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Auburn and the City of Pacific for decant facilities usage

(RECOMMENDED ACTION: Move to adopt Resolution No. 5797.)

- D. Resolution No. 5798 (Caillier)
A Resolution accepting a Grant Award from the Department of Justice, Office of Community Oriented Policing Services

(RECOMMENDED ACTION: Move to adopt Resolution No. 5798.)

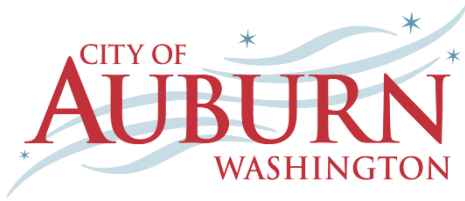
MAYOR AND COUNCILMEMBER REPORTS

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:

Public Hearing for Ordinance No. 6947–2025 Property Tax Levy (Thomas)
An Ordinance establishing the Levy for regular Property Taxes by the City
of Auburn for collection in 2025 for general City operational purposes in the
amount of \$25,582,279

Meeting Date:

November 4, 2024

Department:

Finance

Attachments:

None

Budget Impact:**Administrative Recommendation:**

City Council to hold a Public Hearing in consideration of Ordinance No. 6947 - 2025 Property Tax Levy.

Background for Motion:**Background Summary:**

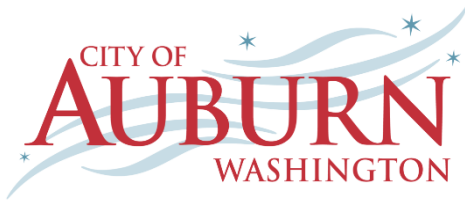
Proposed Ordinance No. 6947 establishes the 2025 Property Tax Levy based on the assessed valuations provided by King County. It represents a 1% increase over 2024, plus banked capacity, plus one-time increases due to new construction and refunds. The following table summarizes the 2025 Property Tax Levy calculation:

2024 Levy	\$	24,793,048
Add: 1%	\$	247,930
Add: Newly Annexed Areas	\$	364,006
2025 Levy	\$	25,404,985
Add: Estimated Refunds	\$	41,830
Add: New Construction	\$	135,465
2025 Total Collection	\$	25,582,279

As of this date, the County has preliminarily established the 2025 assessed valuation (including estimated new construction) for the City of Auburn at \$18.9 billion, which is a 5.75% increase over the 2024 assessed value of \$17.9 billion. The 2025 Property Tax Levy will be distributed to the General Fund to support general governmental operations.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing for Ordinance No. 6948 (Thomas)
An Ordinance adopting the 2025-2026 Biennial Operating Budget for the
City of Auburn, Washington

Meeting Date:

November 4, 2024

Department:

Finance

Attachments:

None

Budget Impact:

2025 Budget: \$432,630,131

2026 Budget: \$422,465,126

Administrative Recommendation:

City Council to hold a Public Hearing in consideration of Ordinance No. 6948 - 2025-2026 Biennial Budget.

Background for Motion:

Background Summary:

A recap of the preliminary 2025-2026 Biennial Budget was discussed with Council in the three workshops occurring the week of September 9, 2024, to September 13, 2024. As part of the biennial budget process, the Council has reviewed the details of the proposed 2025-2026 Biennial Budget during a series of workshops in September 2024. Goals, priorities, and projects were discussed and as a result the City has prepared the Preliminary 2025-2026 Biennial Budget, which is summarized below:

2025	General Fund	All other funds
Beginning Fund Balance	38.9	131.3
Revenues	103.4	166.4
Expenditures	109.1	179.1
Ending Fund Balance	33.2	118.6

2026	General Fund	All other funds
Beginning Fund Balance	33.2	118.5
Revenues	107.0	168.9
Expenditures	114.0	172.1
Ending Fund Balance	26.2	115.3

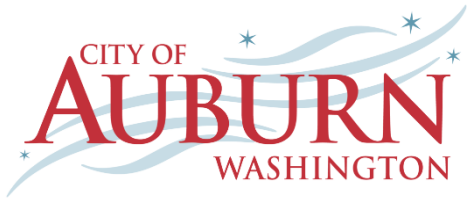
In millions, rounded

One of the most crucial elements to the budget are the significant general fund revenues. Property tax revenue accounts for approximately 24% of the General Fund revenues and the Property Tax levy must be adopted by Council prior to November 30th each year, for the upcoming fiscal year. Property tax levy increases are limited to a 1% increase or the Implicit Price Deflator (IPD), whichever is greater. In the event the IPD is less than 1%, the City may levy the full 1% if it has

established a substantial need. The purpose of this presentation update is to summarize the significant elements of the Preliminary 2025-2026 Biennial Budget and review the City's proposed Property Tax levy for 2025, prior to the Public Hearings that have been set for November 4, 2024.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 21, 2024, City Council Meeting

Meeting Date:

November 4, 2024

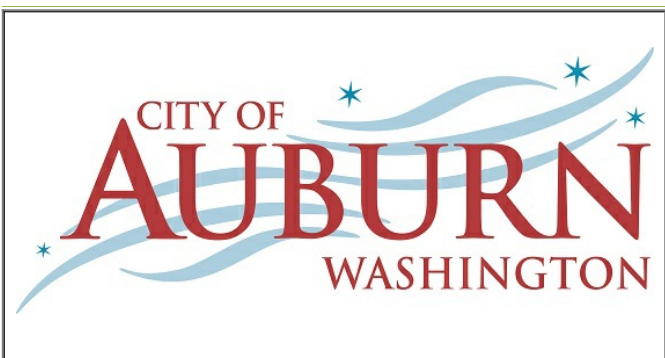
Department:

City Council

Attachments:

10-21-2024 Minutes

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

	City Council Meeting October 21, 2024 - 7:00 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	---

I. **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.

II. **LAND ACKNOWLEDGMENT**

III. **PUBLIC PARTICIPATION**

1. Public Participation

The City Council Meeting was held in person and virtually.

A. **Pledge of Allegiance**

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

IV. **Roll Call**

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

Mayor Nancy Backus and the following staff members present included: Senior City Staff Attorney Taryn Jones, Chief of Police Mark Caillier, Director of Public Works Ingrid Gaub, Assistant Director of Public Works Jacob Sweeting, Director of Human Resources and Risk Management Candis Martinson, Director of Community Development Jason Krum, Director of Parks, Arts, and Recreation Daryl Faber, and Deputy City Clerk Hannah Scholl.

V. **ANNOUNCEMENTS, MAYOR'S PROCLAMATIONS, AND PRESENTATIONS**

A. Diwali Festival of Lights

Mayor Backus proclaimed October 30, 2024, to November 3, 2024, as "Diwali Festival of Lights" in the City of Auburn.

VI. APPOINTMENTS

A. Junior City Council

City Council to approve the appointment of Caleb Choi and Oliver Nguyen to Junior City Council for a two year term expiring August 31, 2026

Acting Deputy Mayor Trout-Manuel moved and Councilmember Rakes seconded to approve the appointment of Caleb Choi and Oliver Nguyen to the Junior City Council for a two-year term to expire on August 31, 2026.

MOTION CARRIED UNANIMOUSLY. 5-0

VII. AGENDA MODIFICATIONS

There were no modifications to the agenda.

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Audience Participation

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

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

Written Comments:

Vance Auburn, WA

Vance expressed concerns regarding the City's Admissions Tax.

Laurie Carter Bonney Lake, WA

Laurie expressed concerns regarding Ordinance No. 6958.

Kristi Newman Auburn, WA

Kristi expressed concerns regarding taxes, permitting fees, and traffic impact fees.

In-Person Comments:

Steve Bergersen Buckley, WA

Steve provided comments regarding Ordinance No. 6958 including underground utilities, and security measures.

Ted Lasaya Auburn, WA

Ted provided comments regarding Ordinance No. 6958 including property values, temporary easements, and the project timeline.

B. Correspondence

There was no correspondence for Council to review.

IX. 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.

X. 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 of the October 7, 2024, City Council Meeting

B. Minutes of the October 14, 2024, Study Session Meeting

C. Claims Vouchers (Thomas)

Claims voucher list dated October 16, 2024 which includes voucher numbers 477730 through voucher 477873, in the amount of \$5,632,734.36, thirteen electronic fund transfers in the amount of \$1,788.52 and three wire transfers in the amount of \$632,722.86

Claims voucher list dated October 16, 2024 which includes voucher numbers 477874 through voucher 477887, in the amount of \$34,901.14

D. Payroll Voucher (Thomas)

Payroll check numbers 539613 through 539616 in the amount of \$86,548.01, electronic deposit transmissions in the amount of \$2,756,334.16 for a grand total of \$2,842,882.17 for the period covering October 3, 2024 to October 16, 2024

Acting Deputy Mayor Trout-Manuel moved and Councilmember Amer seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 5-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. NEW BUSINESS

There was no new business.

XIII. ORDINANCES

A. Ordinance No. 6951 (Gaub)

An Ordinance granting a Franchise for Wireless Telecommunications to T-Mobile West LLC, a Delaware Limited Liability Company

Councilmember T. Taylor moved and Councilmember C. Taylor seconded to approve Ordinance No. 6951.

MOTION CARRIED UNANIMOUSLY. 5-0

B. Ordinance No. 6958 (Gaub)

An Ordinance providing for the acquisition by Eminent Domain of Property located near or adjacent to R Street SE within the City of Auburn, Washington for Roadway Widening and Associated Improvements for Project No. CP2116, R Street SE Widening – 22nd Street SE to 33rd Street SE; declaring Public Use and Necessity; and providing for severability and an effective date

Councilmember T. Taylor moved and Acting Deputy Mayor Trout-Manuel seconded to approve Ordinance No. 6958.

MOTION CARRIED UNANIMOUSLY. 5-0

XIV. RESOLUTIONS

A. Resolution No. 5784 (Whalen)

A Resolution amending the City of Auburn Fee Schedule to adjust for 2025 Fees

Councilmember Rakes moved and Councilmember Amer seconded to adopt Resolution No. 5784.

Council discussed bringing this Resolution back to a Study Session Meeting.

Councilmember T. Taylor moved and Councilmember Amer seconded to amend the 2025 Fee Schedule to remove the proposed Traffic Impact Fees.

Council discussed the amendment, and fees.

MOTION PASSES. 3-2. Acting Deputy Mayor Trout-Manuel and Councilmember Rakes voted against.

MOTION AS AMENDED PASSES. 4-1. Councilmember Rakes voted against.

B. Resolution No. 5787 (Krum)

A Resolution relating to the Endorsement of Use of the 2025 Valley Regional Fire Authority Fee Schedule as adopted by the VRFA Board of Governance

Councilmember T. Taylor moved and Councilmember Amer seconded to adopt Resolution No. 5787.

MOTION CARRIED UNANIMOUSLY. 5-0

C. Resolution No. 5788 (Whalen)

A Resolution authorizing the Mayor to execute, on behalf of the City, a Purchase and Sale Agreement for Commercial Property owned by Feenix Parkside LLC located at 2802 – 2826 Auburn Way North

Acting Deputy Mayor Trout-Manuel moved and Councilmember C. Taylor seconded to adopt Resolution No. 5788.

MOTION CARRIED UNANIMOUSLY. 5-0

D. Resolution No. 5794 (Faber/Whalen)

A Resolution authorizing the Mayor to execute, on behalf of the City, a Purchase and Sale Agreement for commercial property owned by 125 E Main, LLC located at 125 E Main, Auburn

Councilmember C. Taylor moved and Acting Deputy Mayor Trout-Manuel seconded to adopt Resolution No. 5794.

MOTION CARRIED UNANIMOUSLY. 5-0

XV. 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

Acting Deputy Mayor Trout-Manuel reported she attended the King County Best Starts for Kids Junior Subcommittee meeting, Ribbon Cutting event for "A" Street Loop, Sound Cities Association (SCA) Mix and Mingle event, Master Buildings Solution Breakfast, and the Safe Auburn Community Conversation Meeting at Pioneer Elementary School.

Councilmember C. Taylor reported he attended the Ribbon Cutting event for "A" Street Loop, and the Safe Auburn Community Conversation meeting at Lea Hill Elementary School.

Councilmember T. Taylor reported she attended the Valley Regional Fire Authority Board of Governance meeting, SCA Public Issues Committee meeting, Safe Auburn Community Conversation meetings, and the SCA Mix and Mingle event.

Councilmember Amer reported she attended the Together Center meeting, Ribbon Cutting event for "A" Street Loop, Safe Auburn Community Conversation meetings, volunteered with Community Emergency Response Team, and announced that she earned her Association of Washington Cities (AWC) Certificate of Municipal Leadership.

B. From the Mayor

Mayor Backus reported she attended the Safe Auburn Community Conversation meetings and that they are gathering input from the community to develop solution ideas regarding Public Safety in the City. She reported that members of the community can submit their concerns and solution ideas online at speakupauburn.org.

XVI. ADJOURNMENT

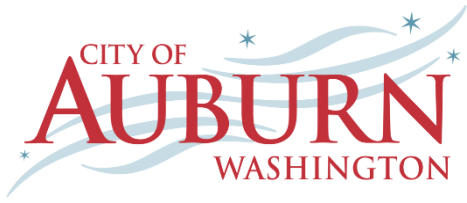
There being no further business to come before the Council, the meeting was adjourned at 7:43 p.m.

APPROVED this 4th day of November 2024.

NANCY BACKUS, MAYOR

Hannah Scholl, Deputy City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the October 28, 2024, Study Session Meeting

Meeting Date:

November 4, 2024

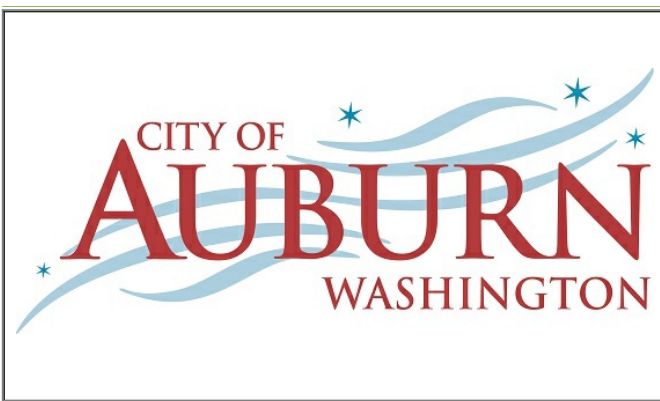
Department:

City Council

Attachments:

10-28-2024 Minutes

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

	City Council Study Session Community Wellness Special Focus Area October 28, 2024 - 5:30 PM City Hall Council Chambers MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
---	--

I. CALL TO ORDER

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

II. PUBLIC PARTICIPATION

A. Public Participation

The City Council Meeting was held in person and virtually.

B. Roll Call

Councilmembers present: Acting Deputy Mayor Yolonda Trout-Manuel, Hanan Amer, Cheryl Rakes, Clinton Taylor and Tracy Taylor. Councilmember Kate Baldwin attended the meeting virtually via Zoom, she logged in at 5:36 p.m. Deputy Mayor Larry Brown was excused.

Mayor Nancy Backus and the following staff members present included: City Attorney Jason Whalen, Deputy City Attorney Paul Byrne, Assistant Chief of Police Samuel Betz, Director of Public Works Ingrid Gaub, Director of Community Development Jason Krum, Director of Human Services Kent Hay, Director of Parks, Arts, and Recreation Daryl Faber, Director of Finance Jamie Thomas, Director of Human Resources and Risk Management, Community Development Block Grant Coordinator Jody Davison, Parks Planning and Development Manager Thaniel Gouk, Senior Project Engineer Matt Larson, Water Utility Engineer Senait Gebreeyesus, Planning Services Manager Alexandria Teague, Arts & Events Manager Julie Krueger, Financial Planning Manager Frank Downard, and Deputy City Clerk Hannah Scholl.

III. AGENDA MODIFICATIONS

There were no modifications to the agenda.

IV. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There were no announcements, reports, or presentations.

V. COMMUNITY WELLNESS DISCUSSION ITEMS

A. 2025-2026 Human Services Grant Funding Update (Hay) (20 Minutes)

An overview of the 2025-2026 Human Services Grant Funding Decisions and Review Process

Councilmember C. Taylor Chaired this portion of the meeting.

Director Hay and Coordinator Davison provided Council with the 2025-2026 Human Services Grant Funding Update including public outreach, the application review timeline, funding priorities, application cycle, tier ratings, the Human Services Committee review, and funding decisions.

Council discussed applications and funding.

B. 2025-2029 Community Development Block Grant Consolidated Plan Initial Public Comment Update (Hay) (20 Minutes)

An overview of the initial Public Comment of the upcoming City of Auburn's 2025-2029 Consolidated Plan

Director Hay and Coordinator Davison provided Council with the 2025-2029 Community Development Block Grant Consolidated Plan - Initial Public Comment Update including a background of the plan, timeline, Council feedback, Cloudburst Consulting Group, stakeholder engagement, community engagement opportunities, community survey questions and results, and next steps.

Council discussed childcare costs, the Housing Repair Program, and the Consolidated Plan process.

VI. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Downtown Auburn Discussion (Parks) (20 Minutes)

An update on upcoming Downtown Revitalization Projects including Infrastructure Improvements, Auburn Avenue Theater, and Downtown Park

Director Faber, Manager Krueger, and Engineer Larson provided Council with a presentation on the Downtown Auburn Discussion including infrastructure improvements such as traffic signals, street lighting upgrades, underground utilities, the project timeline and funding. They discussed the Auburn Avenue Theater including background, history, economic impact, demolition of current structure, community support, preliminary concept for new Theater, and the project timeline and funding. They also discussed the Downtown Park including the Conservation Futures Grant, property requirements, the project timeline and funding.

Council discussed food truck locations, parking, road closures, Theater design, and the Downtown Park design and uses.

B. Parks, Recreation, and Open Space (PROS) Plan Update (Parks) (10 Minutes)

Manager Gouk provided Council with a presentation on the 2024 Parks, Recreation, and Open Space (PROS) Plan Update including the Comprehensive Plan Elements, public outreach, and core changes.

C. Lead Service Line Inventory Update (PW) (15 Minutes)

Engineer Gebreeyes provided Council with a presentation on the Lead Service Line Inventory Update including lead exposure risks, background information, regulations, replacement of lead components, testing, public outreach, requirements, methodology, inventory results, notifications, and next steps.

Council discussed public outreach, and inventory.

Acting Deputy Mayor Trout-Manuel recessed the meeting at 7:07 p.m. for five minutes.

Acting Deputy Mayor Trout-Manuel reconvened the meeting at 7:12 p.m.

D. Ordinance No. 6947 (Thomas) (15 Minutes)

An Ordinance establishing the Levy for regular Property Taxes by the City of Auburn for collection in 2025 for general City operational purposes in the amount of \$25,582,279

Director Thomas and Manager Downard provided Council with an overview of Ordinance No. 6947, 6948, and 5956 including the Budget calendar review, 2025-2026 General Fund Expenditures, summary of new programs, 2025-2026 General Fund Major Revenue, and Property Taxes. They discussed the Capital Facilities Plan including funding sources. They provided an overview of the General Fund 2025-2026 Biennial Budget, and next steps.

Council discussed Compensation Studies, photo enforcement cameras, and a City Administrator position.

E. Ordinance No. 6948 (Thomas) (15 Minutes)

An Ordinance adopting the 2025-2026 Biennial Operating Budget for the City of Auburn, Washington

See Item VI.D.

F. Ordinance No. 6956 (Thomas) (5 Minutes)

An Ordinance adopting the 2025-2030 Capital Facilities Plan for the City of Auburn, Washington

See Item VI.D.

G. Ordinance No. 6957 (Krum) (20 Minutes)

An Ordinance relating to Project Review, and amending Chapters 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11, 14.13, 14.14, 14.18, 17.01, 18.59, and 18.76, and repealing Chapter 14.15 of the Auburn City Code

Director Krum and Manager Teague provided Council with an overview of Ordinance No. 6957 including a recap of Senate Bill 5290, City requirements, permit types, permit review timelines, project review measures, and the proposed Code updates.

VII. ADJOURNMENT

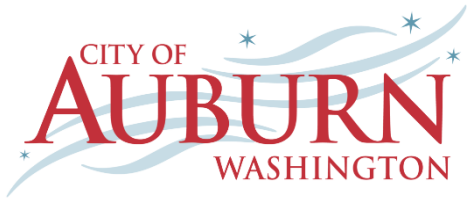
There being no further business to come before the Council, the meeting was adjourned at 8:02 p.m.

APPROVED this 4th day of November 2024.

LARRY BROWN, DEPUTY MAYOR

Hannah Scholl, Deputy City Clerk

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
Claims voucher list dated October 30, 2024 which includes voucher number
478016 in the amount of \$2,500.00

Meeting Date:

November 4, 2024

Department:**Attachments:**

None

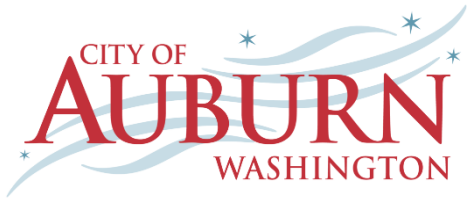
Budget Impact:**Administrative Recommendation:**

City Council to approve Claims Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated October 30, 2024 which includes voucher number 478016 in the amount of
\$2,500.00.

Councilmember:**Staff:**



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers (Thomas)
Claims voucher list dated October 30, 2024 which includes voucher numbers 477888 through voucher 478015 and voucher 478017, in the amount of \$2,769,283.48, four electronic fund transfers in the amount of \$2,831.31 and eight wire transfers in the amount of \$1,249,521.67

Meeting Date:

November 4, 2024

Department:**Attachments:**

None

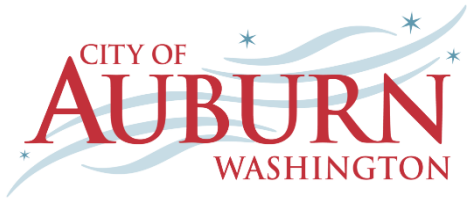
Budget Impact:**Administrative Recommendation:**

City Council to approve Claims Vouchers.

Background for Motion:**Background Summary:**

Claims voucher list dated October 30, 2024 which includes voucher numbers 477888 through voucher 478015 and voucher 478017, in the amount of \$2,769,283.48, four electronic fund transfers in the amount of \$2,831.31 and eight wire transfers in the amount of \$1,249,521.67.

Councilmember:**Staff:**



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Voucher (Thomas)
Payroll check numbers 539618 through 539619 in the amount of \$618,457.66, electronic deposit transmissions in the amount of \$2,514,240.85, for a grand total of \$3,132,698.51 for the period covering October 17, 2024 to October 30, 2024

Meeting Date:

November 4, 2024

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

Department:**Attachments:**

None

Budget Impact:**Administrative Recommendation:**

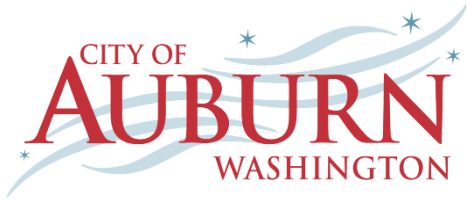
City Council to approve Payroll Vouchers.

Background for Motion:**Background Summary:**

Payroll check numbers 539618 through 539619 in the amount of \$618,457.66, electronic deposit transmissions in the amount of \$2,514,240.85, for a grand total of \$3,132,698.51 for the period covering October 17, 2024 to October 30, 2024.

Councilmember: Kate Baldwin

Staff: Jamie Thomas



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6957 (Krum)

An Ordinance relating to project review, and amending Chapters 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11, 14.13, 14.14, 14.18, 17.01, 18.59, and 18.76, and repealing Chapter 14.15 of the Auburn City Code

Meeting Date:

November 4, 2024

(RECOMMENDED ACTION: Move to approve Ordinance No. 6957.)

Department:

Community Development

Attachments:

Ordinance No. 6957, Exhibit A –
Ordinance No. 6957 Text
Amendment

Budget Impact:**Administrative Recommendation:**

City Council to approve Ordinance No. 6957.

Background for Motion:

This Ordinance would update Auburn City Code to be consistent with permit project review requirements that were recently adopted by the State of Washington Legislature through Senate Bill 5290. New permit project review time period requirements will go into effect on January 1, 2025.

Background Summary:

On April 10th, 2023, the State Legislature adopted Senate Bill 5290. This bill updated portions of RCW 36.70B. Since the House Bill amends RCW 36.70B, which serves as the regulatory basis of Title 14 "project review". The City is proposing to amend Title 14 "Project Review" and Chapter 17.01 of Title 17 "Land Adjustments and Divisions" and Chapters 18.59 (the "Marijuana" chapter), and 18.76 (the "Lakeland Hills South PUD" chapter of Title 18 "Zoning"), for local project review regulations to be consistent. Updates and amendments are intended to consolidate, streamline and further improve local permit review processes for improved outcomes for applicants, customers, planners, builders and designers. Amendments went into effect in the summer of 2023, except for new permit time period requirements which will go into effect on January 1, 2025.

Councilmember: Tracy Taylor

Staff: Jason Krum

ORDINANCE NO. 6957

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO PROJECT REVIEW, AND AMENDING CHAPTERS 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11, 14.13, 14.14, 14.18, 17.01, 18.59, AND 18.76, AND REPEALING CHAPTER 14.15 OF THE AUBURN CITY CODE

WHEREAS, Chapter 36.70B RCW “Local Project Review” was established in 1995 following the passage of the Growth Management Act; and

WHEREAS, Auburn City Code Title 14 “Project Review” was established by Ordinance 4835 in 1996 to comply with the requirements of Chapter 36.70B RCW “Local Project Review”; and

WHEREAS, Senate Bill (SB) 5290 was passed by Washington State Legislation on April 20, 2023, signed into law by the Washington State Governor on May 8, 2023, and became effective July 23, 2023; and

WHEREAS, SB 5290 amends RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and 36.70B.160; reenacts and amends RCW 36.70B.110; and adds new sections to Chapter 36.70B RCW; and

WHEREAS, to remain in compliance Chapter 36.70B RCW following the changes enacted by SB 5290, the City must revise Auburn City Code Title 14 “Project Review”; and

WHEREAS, City staff have prepared draft revisions to Title 14 to update City code to meet the new requirements established by SB 5290 and additional revisions of Titles 17 (“Land Adjustments and Divisions”) and 18 (“Zoning”) have been prepared to meet optional provisions of SB 5290; and

WHEREAS, Titles 14, 17, and 18 draft revisions were heard before Planning Commission at a public meeting and public hearing on October 8, 2024, and Planning Commission deliberated and approved a motion to bring forward the proposed code changes as a recommendation for adoption by City Council;

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

Section 1. Amendment to City Code. Chapters 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, 14.11, 14.13, 14.14, 14.18, 17.01, 18.59, and 18.76 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. Repealing City Code. Chapter 14.15 of the Auburn City Code is repealed.

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

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

Section 5. **Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law, but no earlier than January 1, 2025.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

Published: _____

Title 14

PROJECT REVIEW

Chapters:

- 14.01 **Purpose, ~~and~~ Scope and General Provisions**
- 14.02 **Definitions**
- 14.03 **Types of Project Permit Decisions**
- 14.04 **Preapplication Conferences and Project Review Meetings**
- 14.05 **Applications**
- 14.06 **Notice of Determination of Completeness**
- 14.07 **Notice of Application**
- 14.08 **Project Review Determinations**
- 14.09 **Issuance of Single Report**
- 14.10 **Hearings**
- 14.11 **Notice of Final Decision**
- 14.12 **Optional Consolidated Project Permit Process**
- 14.13 **Administrative Appeals**
- 14.14 **Exclusions**
- ~~14.15 **Project Review Time Periods**~~
- 14.16 **Immunity from Damage Claims**
- 14.17 **Judicial Review of Land Use Decisions Made by Local Jurisdictions**
- 14.18 **Water and Sewer Availability Certificates**
- 14.20 **Mobile Home Park Closure**
- 14.21 **Repealed**
- 14.22 **Comprehensive Plan**

Chapter 14.01

PURPOSE, ~~AND~~ SCOPE AND GENERAL PROVISIONS

Sections:

14.01.010 Purpose and scope.

14.01.010 Purpose and scope.

The purpose and scope of this title is to establish standard procedures for all project permit decisions made by the city of Auburn. The intent of the procedures is to combine the environmental review process, both procedural and substantive, with procedures for review of project permit decisions and, except for the appeal of a determination of significance as provided in RCW [43.21C.075](#), provide for consolidation of appeal processes for permit decisions. The goals are to allow for informed public participation, reduce redundancy in the application, permit review, and appeal processes, thereby minimizing delays and expense, and implementing the city's goals as set forth in the comprehensive plan.

Any project permit application submitted on or after April 1, 1996, shall be processed as provided in this title. If any requirements contained in this newly created Title [14](#) are in conflict with provisions or requirements contained in other titles of the Auburn City Code, a request for interpretation regarding applicability may be submitted to the director of the department which has authority to administer the provision, code, regulation, plan, rule or manual. The department director will provide a written response within 10 working days after receipt of the request. (Ord. 4835 § 1, 1996.)

For the purposes of Title 14, except when otherwise specified, all references to "days" herein are references to calendar days, including Saturdays, Sundays and holidays.

Chapter 14.02

DEFINITIONS

Sections:

14.02.001	Generally.
14.02.010	Administrative decision.
14.02.020	Closed record appeal.
14.02.030	Optional consolidated permit review.
14.02.040	Development regulations.
14.02.050	Legislative decision.
14.02.060	Open record hearing.
14.02.070	Project permit or project permit application.
14.02.080	Public meeting.
14.02.090	Quasi-judicial decision.
14.02.100	Record.

14.02.001 Generally.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title and the Auburn City Code. (Ord. 4835 § 1, 1996.)

14.02.010 Administrative decision.

An “administrative decision” is one which is made by one of the city’s department heads or designee. (Ord. 4835 § 1, 1996.)

14.02.020 Closed record appeal.

“Closed record appeal” means an administrative appeal to the city council or any agency thereof, as specified in applicable codes, of a decision or recommendation issued by the hearing examiner following an open record hearing conducted by the hearing examiner on a

project permit application. The appeal is on the record with no or limited new evidence or information allowed to be submitted. Argument of the appeal is allowed from the record; this may include comments from the record or questions regarding the record. (Ord. 6184 § 1, 2008; Ord. 4835 § 1, 1996.)

14.02.030 Optional consolidated permit review.

“Optional consolidated permit review” means review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all of the project permits requested by an applicant for either all or part of a project action. (Ord. 4835 § 1, 1996.)

14.02.040 Development regulations.

“Development regulations” means the controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances (if permitted by city code) and subdivision ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in ACC [14.02.070](#), even though the decision may be expressed in a resolution or ordinance of the city. (Ord. 6187 § 1, 2008; Ord. 5991 § 1, 2006; Ord. 4835 § 1, 1996.)

14.02.050 Legislative decision.

A “legislative decision” is one which is an action which affects broad classes of people of the whole city. These actions include adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area wide zoning ordinances or the adoption of a zoning amendment that is area wide in significance. (Ord. 4835 § 1, 1996.)

14.02.060 Open record hearing.

“Open record hearing” means a hearing, conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the city’s record through testimony and submission of evidence and information under procedures prescribed by the city by ordinance or resolution. An open record hearing may be held prior to a decision by the city on a project permit, to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit. (Ord. 4835 § 1, 1996.)

14.02.070 Project permit or project permit application.

“Project permit” or “project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones ~~which do not require a comprehensive plan amendment authorized by the comprehensive plan or subarea plan~~, but excluding the adoption or amendment of the comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. (Ord. 4835 § 1, 1996.)

14.02.080 Public meeting.

“Public meeting” means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the city’s decision. A public meeting may include, but is not limited to, a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the city’s project permit application file. (Ord. 4835 § 1, 1996.)

14.02.090 Quasi-judicial decision.

A “quasi-judicial decision” is one where action is taken by the hearing examiner or city council or any agency thereof, which determines the legal rights, duties, or privileges of specific parties and which may be contested. (Ord. 6184 § 2, 2008; Ord. 4835 § 1, 1996.)

14.02.100 Record.

“Record” means everything submitted by the city, applicant, public or outside agencies, including but not limited to all testimony, exhibits, studies, information, and maps accepted by the hearing examiner at the open record hearing. (Ord. 4835 § 1, 1996.)

Chapter 14.03

TYPES OF PROJECT PERMIT DECISIONS

Sections:

14.03.001	Generally.
14.03.010	Type I decisions.
14.03.020	Type II decisions.
14.03.030	Type III decisions.
14.03.040	Type IV decisions.
14.03.050	<i>Reserved.</i>
14.03.060	Legislative nonproject decisions.

14.03.001 Generally.

Project permit decisions are classified into four types, based on whether a director, the hearing examiner or the city council makes the decision and the process by which that decision is made. (Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 4835 § 1, 1996.)

14.03.010 Type I decisions.

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

A. Building permit;

B. Plumbing permit;

C. Mechanical permit;

D. Utility permit;

~~E. Special permit;~~

~~EF. Excavation-Construction~~ permit;

- ~~GF~~. Land clearing permit;
- ~~HG~~. Grading permit;
- ~~IH~~. Floodplain development permit;
- ~~JL~~. Public facility extension agreement;
- ~~KJ~~. Right-of-way use permit;
- ~~LK~~. Boundary line adjustment or boundary line elimination;
- ~~ML~~. Home occupation permit;
- ~~MN~~. Temporary use permit (administrative);
- ~~NQ~~. Administrative use permit;
- ~~OP~~. Short subdivision (plat);
- ~~PQ~~. Mobile home closure plans;
- ~~QR~~. Extensions or minor amendment to an approved master plan;
- ~~RS~~. Final plat. (Ord. 6654 § 1, 2017; Ord. 6385 § 1, 2011; Ord. 6295 § 1, 2010; Ord. 5746 § 2, 2003; Ord. 4835 § 1, 1996.)

14.03.020 Type II decisions.

Type II decisions are administrative decisions made by the city which ~~include threshold determinations under SEPA.~~ are subject to environmental review and threshold determination under the State Environmental Policy Act (SEPA) codified at Chapter 43.21C RCW.

Type II decisions include, but are not limited to, the following project applications:

- A. Building permit;
- B. Grading permit;
- C. Land clearing permit;

- D. Public facility extension agreement;
- E. Administrative use permit;
- F. Short subdivision (plat);
- G. Floodplain development permit. (Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 4835 § 1, 1996.)

14.03.030 Type III decisions.

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

- A. Temporary use permit;
- B. Substantial shoreline development permit;
- C. Variance;
- D. Special exceptions;
- E. Special home occupation permit;
- F. Preliminary plat;
- G. Conditional use permit;
- H. Surface mining permit;
- I. Master plan; (Ord. 6654 § 1, 2017; Ord. 6385 § 2, 2011; Ord. 6295 § 1, 2010; Ord. 6184 § 3, 2008; Ord. 4835 § 1, 1996.)

14.03.040 Type IV decisions.

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

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

14.03.050 Reserved.

(Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 6184 § 5, 2008; Ord. 4835 § 1, 1996.)

14.03.060 Legislative nonproject decisions.

Legislative nonproject decisions made by the city council under its authority to establish policies and regulations are not classified as a “type” of project permit decision. Legislative nonproject decisions include, but are not limited to, the following legislative actions:

- A. Amendments to the text and map of the comprehensive plan or development regulations.
- B. Amendments to the zoning map (rezones) on a city-wide or area-wide basis. (Ord. 6654 § 1, 2017; Ord. 6295 § 1, 2010; Ord. 4835 § 1, 1996.)

Chapter 14.04

PREAPPLICATION CONFERENCES AND PROJECT REVIEW MEETINGS

Sections:

14.04.010 **Availability.**

14.04.010 **Availability.**

A. A preapplication conference is available and encouraged prior to project permit application submittal. submitting an application for a project permit. Preapplication conferences are optional, and are not a requirement for any project permit type. Preapplication conferences are optional, and are not a requirement for any project permit type. of permit application submittal for any permit type. (Ord. 4835 § 1, 1996.)

B. Project review meetings are available to applicants during the review process. The purpose of the project review meeting is to assist the applicant in interpreting and addressing outstanding City comments so that the project meets all City requirements and is approvable by the City.

1. Project review meetings shall be scheduled within 14 days following the return of comments from the second project permit review to the applicant.

2. If the responses to comments from the third submittal do not resolve outstanding City comments for the submittal the City shall issue a decision of approval or denial of the project permit application.

Chapter 14.05

APPLICATIONS

Sections:

- 14.05.010** **Designation.**
- 14.05.020** **Submittal requirements.**

14.05.010 Designation.

Each applicant submitting a project permit to the city shall designate a single person or entity to receive determinations and notices under this title. The applicant shall include the name, current address, current email address, and current telephone number of the designated person or entity. The applicant shall be responsible for immediately notifying the city of any change of name, address, email address, or telephone number of the designated person or entity. (Ord. 4835 § 1, 1996.)

14.05.020 Submittal requirements.

A. The city shall specify submittal requirements, including, but not limited to, the type of project permit application, detail required in application and —application submittal process~~number of application copies~~. The city, at its sole discretion, may waive specific submittal requirements which it determines to be unnecessary for review of an application. Applicants may obtain application materials from the city.

B. The city may require additional material from applicants, including, but not limited to, maps, studies or models when the city determines such material(s) is needed to adequately assess the proposed project.

C. Applicants seeking approval of permits must submit a complete permit application through the application process defined by the city~~complete an application form furnished by the city~~.

and comply with any requirements set forth in applicable city ordinances, adopted codes and ~~any referenced~~ design standards-manuals. (Ord. 4835 § 1, 1996.)

Chapter 14.06

NOTICE OF DETERMINATION OF COMPLETENESS

Sections:

14.06.010 **Notice to applicant.**

14.06.010 **Notice to applicant.**

A. Within 28 days after ~~receiving-accepting~~ a project permit application, the city shall ~~mail-or-~~ provide ~~in-person~~ a written determination to the applicant or ~~applicant's designee to such-~~ ~~person-or-entity-designated-in-applicant's-application-to-receive-determination-and-notices~~ that the application is complete, or that it is incomplete and what is necessary to make the application complete.

B. The city's determination shall identify other agencies with jurisdiction over the project permit application, to the extent known by the city.

C. If the city does not provide a written determination within the 28-day period following the city's receipt of the project permit application as provided in subsection A above, the application shall be deemed to be complete.

D. When additional information has been provided by the applicant following a determination of incompleteness the city shall notify the applicant or the applicant's designee within 14 days whether the project permit application is complete or what additional information is necessary to make the application complete. ~~If additional information or studies is required to make the application complete, within 14 days after an applicant has submitted the additional information identified by the city as necessary the city shall notify the applicant, or to such-~~

~~person or entity designated in the applicant's project permit application, whether the application is complete and if not, what additional information is needed.~~

E. If the city determines that the additional information submitted by the applicant is insufficient, the city shall notify the applicant of the deficiencies and the procedures under subsection [D](#) of this section shall apply as if a new request for information had been made.

F. An application is complete for purposes of this section when it meets the submittal requirements established in the Auburn City Code, ~~and~~ the ordinances of the city, the project permit application, and is sufficient for continued processing, even though additional information might be required or project modifications might be undertaken subsequently. The determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the notice of completeness or subsequently, if new information is required to complete the review of the application or if substantial changes in the permit application occur or are proposed.

G. An application will be considered withdrawn if the city does not receive the requested necessary additional information within 60 days of notice(s) to the applicant, or to such person or entity designated in the applicant's project permit application, that the application is not complete, unless the city and applicant have agreed in writing to an extension of time. (Ord. 4835 § 1, 1996.)

Chapter 14.07

NOTICE OF APPLICATION

Sections:

- 14.07.010** Notice to public and departments and agencies with jurisdiction.
- 14.07.020** Requirements.
- 14.07.030** Notice, ~~when if open record predecision hearing~~ required.
- 14.07.040** Methods of providing notice.
- 14.07.050** Integration of permit procedures with environmental review procedures.
- 14.07.060** Exemptions.
- 14.07.070** Applicant deemed participant.
- 14.07.080** Administrative interpretation of city's code and/or development regulations.

14.07.010 Notice to public and departments and agencies with jurisdiction.

The city shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this chapter. (Ord. 4835 § 1, 1996.)

14.07.020 Requirements.

Within 14 days after issuance of a determination of completeness, the city shall provide notice of the application which shall include the following:

- A. The date of application, date of notice of completeness, and the date of notice of application;

- B. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under Chapter [14.06](#) or [14.11](#) ACC;
- C. Identification of other permits not included in the application to the extent known by the city;
- D. Identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;
- E. A statement of the public comment period, which shall be 15 days following the date of the notice of application together with a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. The city may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;
- F. If applicable and scheduled at the time of the notice of application, the date, time, location and type of hearing;
- G. A statement of preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency as provided in Chapter [14.08](#) ACC;
- H. Any other information determined to be appropriate by the city. (Ord. 4835 § 1, 1996.)

14.07.030 Notice, ~~when if open record predecision hearing~~ required.

~~A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless an open record predecision hearing is required.~~ If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least 15 days prior to the open record hearing. (Ord. 4835 § 1, 1996.)

14.07.040 Methods of providing notice.

Unless otherwise required in the city's code, the city shall use at a minimum the following methods to give notice of application to the public and agencies with jurisdiction:

- A. Mailing notice to owners of real property within 300 feet of the project site.
- B. Requiring the subject property posted in accordance with the applicable requirements of Chapter [1.27](#) ACC (for site-specific applications).
- C. Publishing in a newspaper of general circulation of the area.
- D. Mailing notice of application with information included in this section to each person who has requested such notice and paid any applicable fee as established by the city. (Ord. 5811 § 2, 2003; Ord. 4835 § 1, 1996.)

14.07.050 Integration of permit procedures with environmental review procedures.

- A. If the city has made a determination of significance under Chapter [43.21C](#) RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this chapter prevents a determination of significance and scoping notice from being issued prior to the notice of application.
- B. Except for a determination of significance, the city may not issue its threshold determination, or issue a decision or a recommendation on a project permit, until the expiration of the public comment period on the notice of application.
- C. The city shall issue its threshold determination at least 15 days prior to the open record predecision hearing if the city's threshold determination requires public notice under Chapter [43.21C](#) RCW.
- D. Any comments shall be as specific as possible. (Ord. 4835 § 1, 1996.)

14.07.060 Exemptions.

A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or open record predecision hearing is required. (Ord. 4835 § 1, 1996.)

14.07.070 Applicant deemed participant.

The applicant for a project permit is deemed to be a participant in any comment period, open record hearing or closed record appeal. (Ord. 4835 § 1, 1996.)

14.07.080 Administrative interpretation of city's code and/or development regulations.

An administrative interpretation of the city's code and/or development regulations may be obtained by submitting a written request to the director of the department which has authority to administer the code and/or development regulations. The department director will provide a written response within 10 working days after receipt of the request unless another time period is agreed upon in writing between the parties. (Ord. 4835 § 1, 1996.)

Chapter 14.08

PROJECT REVIEW DETERMINATIONS

Sections:

- | | |
|------------------|--------------------------------------|
| 14.08.010 | Required elements. |
| 14.08.020 | Determination of consistency. |

14.08.010 Required elements.

A. During project review, the city or any subsequent reviewing body shall determine whether the following items are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the city's adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

1. Type of land use permitted at the site, including uses which may be allowed under certain circumstances, such as planned unit developments (if permitted by the city code) and conditional and special uses, if the criteria for their approval have been satisfied;
2. Density of residential development in urban growth areas; and
3. Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter [36.70A](#) RCW.

B. During project review, the city or any subsequent reviewing body shall not re-examine alternatives to or hear appeals on the items identified in subsection [A](#) of this section, except for issues of code interpretation.

C. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations under Chapter [36.70A](#) RCW and in its policies adopted under RCW [43.21C.060](#). Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, payment of impact fees or

other measures to mitigate a proposal's probable adverse environmental impacts, if applicable. (Ord. 6187 § 2, 2008; Ord. 5991 § 2, 2006; Ord. 4835 § 1, 1996.)

14.08.020 Determination of consistency.

A. A proposed project's consistency with the city's development regulations adopted under Chapter [36.70A](#) RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under Chapter [36.70A](#) RCW shall be determined by consideration of:

1. The type of land use;
2. The level of development, such as units per acre or other measures of density;
3. Infrastructure, including public facilities and services needed to serve the development; and
4. Character of the development, such as development standards.

B. In determining consistency, the determinations made pursuant to ACC [14.08.010\(A\)](#) shall be controlling.

C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter [36.70A](#) RCW to refer to performance in accordance with this title and Chapter [36.70A](#) RCW, including but not limited to compliance, conformity, and consistency.

D. Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits the city from asking more specific or related questions with respect to any of the four main categories listed in ACC [14.08.020](#) (A). (Ord. 4835 § 1, 1996.)

Chapter 14.09

ISSUANCE OF SINGLE REPORT

Sections:

14.09.010 **Consolidation.**

14.09.010 Consolidation.

A single report shall be issued stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do require an open record predecision hearing. The report shall state any mitigation required or proposed under the city's development regulations or the city's authority under RCW [43.21C.060](#). The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the city, the report shall include or append this determination. (Ord. 4835 § 1, 1996.)

Chapter 14.10

HEARINGS

Sections:

- 14.10.010** **Limitations.**
- 14.10.020** **Multijurisdictional hearings.**

14.10.010 Limitations.

Except for the appeal of a determination of significance as provided in RCW [43.21C.075](#), the city provides no more than one open record hearing and one closed record appeal. (Ord. 4835 § 1, 1996.)

14.10.020 Multijurisdictional hearings.

A. The city may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency; provided, that the hearing is held within the geographic boundary of the city. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in Chapter [14.11](#) ACC or the applicant agrees in writing to a different schedule in the event that additional time is needed in order to combine the hearings. The city and all state agencies participating in a combined hearing are authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each jurisdiction's respective statutory obligations.

B. All state and local agencies shall cooperate to the fullest extent possible with the city in holding a joint hearing if requested to do so, as long as:

-
1. The agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance or rule; and
 3. The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the city's hearing.
- C. Any public meeting or required open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with Chapters [14.11](#) and [14.07](#) ACC. (Ord. 4835 § 1, 1996.)

Chapter 14.11

NOTICE OF FINAL DECISION

Sections:

14.11.010	Time limits.
14.11.020	Exceptions.
14.11.030	Late issuance of final decision.
14.11.040	Distribution.
<u>14.11.050</u>	<u>Weekends and holidays.</u>

14.11.010 Time limits.

A. Except as provided in ACC [14.11.020](#), the city shall issue a notice of final decision on a project permit application within ~~the following Type of project permit timelines~~ ~~120 days~~ after the applicant is notified in writing that the application is complete as provided in Chapter [14.06](#) ACC. ~~The time period for the issuance of a final decision shall be the longest of the project permit application time periods of all associated permits for the project.~~

1. Type I decisions: 65 days.

2. Type II decisions: 100 days.

3. Type III decisions: 170 days.

~~B. The following periods of time are excluded in determining the number of days which have elapsed: The number of days shall be calculated by counting every calendar day and excluding the following time periods:~~

1. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information. ~~The period is calculated from the date the applicant is notified of the need for additional information until the earlier of: (1) the date the city determines whether the additional information satisfies the request for information, or (2) 14 days after the date the information has been provided. If the information submitted by the applicant under this subsection is insufficient, the city shall~~

~~notify the applicant of the deficiencies and the procedures described above shall apply as if a new request for studies had been made.~~

2. Any period during which an EIS is being prepared following a determination of significance pursuant to Chapter 43.21C RCW. The city and applicant will agree in writing on the time period for completion of an EIS.

3. Any period for administrative appeals of project permits, if an open record appeal hearing or closed record appeal, or both, are allowed. The time period shall not exceed: (1) 90 days for an open record appeal hearing; and (2) 60 days for a closed record appeal. The parties may agree in writing to extend the applicable time periods for appeal.

4. Any extension of time mutually agreed upon in writing by the applicant and city.

5. Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application. (Ord. 4835 § 1, 1996.)

6. For quasi-judicial decisions by the Hearing Examiner, any period of time after staff recommendations have been provided to the Hearing Examiner until such time that the Hearing Examiner issues a formal written decision.

C. The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.

D. If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project permit that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further

process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

14.11.020 Exceptions.

A. The time limits established above do not apply to the following if a project application:

1. A.—Project applications Rrequir~~ing~~es an amendment to the comprehensive plan or a development regulation;

2. B.—Project applications Rrequir~~ing~~es approval of a new fully contained community as provided in RCW [36.70A.350](#), a master planned resort as provided in RCW [36.70A.360](#), or the siting of an essential public facility as provided in RCW [36.70A.200](#); or

3. C.—Project applications that are~~is~~ substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined complete under Chapter [14.06](#) ACC.; ~~or~~—(Ord. 4835 § 1, 1996.)

B. D. Requires approval Approvals relating to the use of public areas or facilities, including the extension of public utilities and road facilities under a facility extension agreement permit, are subject to a Type III review deadline. —

C. Grading permit approvals that exclude the use or extension of public areas or facilities are subject to a Type II review deadline.

14.11.030 Late issuance of final decision.

If the city is unable to issue the final decision within the prescribed time limits, the city shall provide written notice of this fact to the applicant. The notice shall include a statement of the reasons why the time limits have not been met and an estimated date for issuance of the notice of decision. (Ord. 4835 § 1, 1996.)

14.11.040 Distribution.

The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted comments on the application. The notice shall be provided as specified in ACC [14.07.040](#). It shall include a statement of any threshold determination and procedures for administrative appeal, if applicable. It may be a copy of the report or decision on the project permit application. (Ord. 4835 § 1, 1996.)

14.115.050 Weekends and holidays.

Regardless of whether any period is minimum or maximum, when any permit review, notice or decision time limit of this title terminates upon a weekend or city holiday, such time limit shall automatically be extended to the first weekday following the weekend or city holiday.

Chapter 14.12

OPTIONAL CONSOLIDATED PROJECT PERMIT PROCESS

Sections:

14.12.010	Applicant option.
14.12.020	Hearing/appeal.
14.12.030	Public meeting.
14.12.040	Single report.

14.12.010 Applicant option.

A. An applicant may request an integrated and consolidated review and decision on two or more project permits relating to a proposed project action. The city will provide a single application review and approval process to cover all project permits requested by an applicant

for all or part of a project action. The city will provide a designated permit coordinator upon request of the applicant.

B. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application and notice of final decision will include all project permits being reviewed in the consolidated process. (Ord. 4835 § 1, 1996.)

14.12.020 Hearing/appeal.

A. The consolidated review process shall include no more than one consolidated open record hearing and one closed record appeal/hearing. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing.

B. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. The project permits, if any, which are subject to a closed record appeal are determined pursuant to Auburn City Code. (Ord. 4835 § 1, 1996.)

14.12.030 Public meeting.

Any public meeting or required open record hearing may be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency in accordance with provisions of Chapters [14.07](#) and [14.11](#) ACC. (Ord. 4835 § 1, 1996.)

14.12.040 Single report.

The city shall provide a single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do require an open record predecision hearing. The report shall state any mitigation required or proposed

under the development regulations or the city's authority under RCW [43.21C.060](#). The report may be the permit. If a threshold determination other than a determination of significance has not been issued previously by the city, the report shall include or append this determination. (Ord. 4835 § 1, 1996.)

Chapter 14.13

ADMINISTRATIVE APPEALS

Sections:

- 14.13.010** **Administrative appeals.**
- 14.13.020** **Threshold determination appeals.**

14.13.010 Administrative appeals.

Any administrative appeal of the project decision, combined with any environmental determinations, which are provided by the city shall be filed within 14 days after the notice of the decision or after other notice that the decision has been made and is appealable. In order to allow public comment on a Determination of Non-Significance prior to requiring an administrative appeal to be filed, this appeal period shall be extended for an additional seven days if the appeal is of a Determination of Non-Significance DNS for which public comment is required under Chapter 43.21C RCW or under county/city rules adopted under SEPA. For threshold determinations issued prior to a decision on a project action, any administrative appeal allowed by a county/city shall be filed within fourteen days after notice that the determination has been made and is appealable. The city shall extend the appeal period for an additional seven days, if state or city rules adopted pursuant to Chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of an appealable project permit decision. (Ord. 4835 § 1, 1996.)

14.13.020 Threshold determination appeals.

Except for the appeal of a determination of significance as provided in RCW [43.21C.075](#), the city provides for no more than one consolidated open record hearing on such appeal. Any appeal provided after the open record hearing shall be appealed to the superior court of the county in which the property subject of the threshold decision is located. (Ord. 6184 § 6, 2008; Ord. 4835 § 1, 1996.)

Chapter 14.14 EXCLUSIONS

Sections:

14.14.010 Permit process exclusions.

14.14.010 Permit process exclusions.

A. The following project permits are excluded from the provisions of the integrated and consolidated permit process, any time periods in development regulations and Chapters [14.06](#), [14.07](#), [14.11](#) and [14.12](#) ACC:

1. Landmark designations;
2. ~~Street Right-of-way~~ vacations;
3. ~~Other approvals relating to use of public areas or facilities, including but not limited to utility permit applications for water service, fire hydrant, fire hydrant use, sanitary sewer connections, storm drainage systems, right-of-way use permits and public facility extension agreements if categorically exempt under Chapter [43.21C](#) RCW; or~~
4. Other project permits which the city determines present special circumstances that warrant a review process different from that provided in this subsection, including but not limited to special permit applications for sidewalk, driveway, curb and gutter, excavation and floodplain development permits not subject to SEPA.

B. The following project permits are excluded from the provisions of the integrated and consolidated permit process and the requirements of Chapters [14.07](#), [14.11](#) and [14.12](#) ACC:

1. Lot line adjustments;
2. Building and other construction permits or similar administrative approvals, including but not limited to building, grading, land clearing permits and administrative temporary use permits, which are categorically exempt from environmental review under Chapter [43.21C](#) RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 6295 § 13, 2010; Ord. 4835 § 1, 1996.)

Chapter 14.15

PROJECT REVIEW TIME PERIODS

Sections:

~~14.15.010~~ — ~~Weekends and holidays.~~

~~14.15.010~~ — ~~Weekends and holidays.~~

~~Regardless of whether any period is minimum or maximum, when any permit review, notice or decision time limit of this title terminates upon a weekend or city holiday, such time limit shall automatically be extended to the first weekday following the weekend or city holiday. (Ord. 4835 § 1, 1996.)~~

Chapter 14.16

IMMUNITY FROM DAMAGE CLAIMS

Sections:

14.16.010 **City liability.**

14.16.010 City liability.

Pursuant to the Regulatory Reform Act, Chapter 403, Section 421 of the Laws of the State of Washington 1995, the city is not liable for damages due to the city's failure to make a final decision within the time limits established in Chapter [14.11](#) ACC. (Ord. 4835 § 1, 1996.)

Chapter 14.17

JUDICIAL REVIEW OF LAND USE DECISIONS MADE BY LOCAL JURISDICTIONS

Sections:

14.17.010 **Requirements – Exceptions.**

14.17.010 Requirements – Exceptions.

Judicial review of land use decisions shall be brought pursuant to the requirements contained in Chapter [36.70C](#) RCW except for the following:

A. Judicial review of:

1. Land use decisions made by bodies that are not part of a local jurisdiction;
2. Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board; and

B. Judicial review of applications for a writ of mandamus or prohibition; or

C. Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under Chapter [36.70C](#) RCW, the claims are not subject to the procedures and standards, including deadlines, provided in Chapter [36.70C](#) RCW for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation. (Ord. 4835 § 1, 1996.)

Chapter 14.18

WATER AND SEWER AVAILABILITY CERTIFICATES

Sections:

14.18.002	Purpose.
14.18.004	Property adjacent to city limits.
14.18.006	Definitions.
14.18.010	Preapplication conference <u>meeting recommended.</u>
14.18.020	Application, submittal and contents. <u>Water and Sewer Availability</u> <u>Certificates.</u>
14.18.030	Public hearing.
14.18.040	Administrative review.
14.18.050	Hearing examiner.
14.18.060	City council review.
14.18.070	Findings of fact.
14.18.074	Conditions of approval.
14.18.080	Notice of decision to applicant.
14.18.090	Adjustments of an approved development agreement.
14.18.094	Compliance with this chapter and the terms of a development agreement.
14.18.100	Time limitations.

14.18.002 Purpose.

The purpose of this chapter is to ensure that all development that occurs in unincorporated areas, that receives either water or sanitary sewer from the city of Auburn, is consistent with the development standards of the city of Auburn. In so doing the property at the time of annexation will be consistent with city development standards making it is less likely that the city will have to expend public funds to address a substandard development after annexation. An additional purpose is to ensure the property is obligated to annex to the city at the appropriate time as determined by the city. (Ord. 5306 § 1, 1999.)

14.18.004 Property adjacent to city limits.

If the property that is requesting water and/or sanitary sewer service is adjacent to the Auburn city limits, the subject property shall be annexed to the city prior to receiving water and/or sanitary sewer from the city. If it is determined by the city of Auburn that it would not be practical to immediately annex subject property due to constraints in providing adequate city services or for other reasons that would make the annexation impractical, at the present time, then a development agreement is required pursuant to this chapter. (Ord. 5306 § 1, 1999.)

14.18.006 Definitions.

A. "Development" means any construction to include excavation, filling, grading, paving, new construction or expansion of a building, structure or use or any change in the use of a building or structure, or any change in the use of land.

B. "Development agreement" means an agreement between the city of Auburn and the property owner(s)/developer(s) of land located outside the incorporated boundaries of the city of Auburn. The development agreement shall be in a form as prepared by the city attorney and shall contain provisions requiring the property owner(s)/developer(s) to conform to all applicable city development standards. The development agreement shall also provide to the city of Auburn a nonrevocable power of attorney that authorizes the city of Auburn to include the subject property in an annexation at any time.

C. "Development standards" mean standards or comprehensive plan policies adopted by the city of Auburn that regulate development of property and include but are not limited to those related to zoning, subdivision, shorelines, utilities, streets, parks, land use, or sensitive areas. (Ord. 5306 § 1, 1999.)

14.18.010 Preapplication conference meeting recommended.

A preapplication conference is available and encouraged prior to project permit application submittal. Preapplication conferences are optional, and are not a requirement for any project permit type. Persons considering making application for water and/or sewer availability certificates other than for individual single-family homes are encouraged to request that a

~~preapplication conference be held with appropriate city staff. Such request shall be directed to the planning director, and upon its receipt the director shall schedule a conference between the prospective applicant and appropriate city staff. The purpose of a preapplication conference is for the prospective applicant and city staff to gain a common understanding of the proposed development, and any procedures, rules, standards and policies which may apply. The prospective applicant is encouraged to bring to the conference whatever information deemed appropriate to help describe the existing nature of the site and its surroundings and the proposed nature of the contemplated and subsequent development. Such information may include photographs, sketches, and maps. The director or the prospective applicant may request that an additional conference or conferences be held to further the purpose of this section. (Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)~~

14.18.020 Application, submittal and contents Water and Sewer Availability Certificates.

Application for water and/or sewer availability certificates shall be submitted to the department of planning and development, shall be accompanied by applicable fees as established by ordinance and shall include the following:

- A. A completed application form, ~~blank copies of which are available from the department;~~
- B. *Legal Description of the Property.* Description must be described with a “metes and bounds” legal description, unless the property is part of a recorded subdivision. Along with the legal description, the parcel number (tax I.D. number) must also be provided;
- C. *Site Plan.*
 - 1. Seven copies of the site plan or plat map including the following information:
 - a. Vicinity map;
 - b. Boundaries and dimensions of property;
 - c. Adjacent public and private streets;
 - d. Easements, existing and proposed;

- e. Location of all fire hydrants;
- f. Location of building, including setbacks;
- g. Topography of site and surrounding area.

2. If application is for development other than an individual single-family home, the following additional information is necessary:

- a. Boundaries and dimensions of any existing or proposed lots;
- b. Proposed public and private streets with a typical cross-section and the proposed grade of the street;
- c. Location and size of all existing and proposed utilities;
- d. Location and layout of off-street parking;
- e. Any additional information required by the planning director that may be needed to determine if the project is consistent with city development standards.

D. If, for some reason, the development cannot meet city development standards the property owner(s)/developer(s) may request a modification to the development standard as it applies to the particular development. The property owner(s)/developer(s) shall submit a letter to the city planning director requesting said modification that describes the particular circumstance and the development standard that cannot be met together with an explanation of why it cannot be met. The request for modification shall be considered as part of the public hearing required by ACC [14.18.030](#) and cannot be granted unless it is consistent with the findings of fact as outlined in ACC [14.18.070\(B\)](#);

E. *Filing Fees.*

- 1. Individual single-family home: none;
- 2. All others: \$250.00. (Ord. 6287 § 2, 2010; Ord. 5306 § 1, 1999; Ord. 5147 § 1, 1998; Ord. 4872 § 1, 1996.)

14.18.030 Public hearing.

- A. Upon determination of a complete application for development, other than an individual single-family home, the director shall tentatively set a date for a public hearing to be held before the city's hearing examiner. Every hearing held for the purposes of this chapter shall be open to the public, and a record of the hearing shall be kept and made available for public inspection.
- B. Any notice of public hearing required by this section shall include the hour, date and location of the hearing and a description of the property. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.
- C. The planning director shall cause notice of the hearing to be given in the following manner:
1. Notice shall be published not less than 10 days prior to the hearing in a newspaper of general circulation within the county where the real property is located;
 2. Requiring the subject property posted in accordance with the applicable requirements of Chapter [1.27](#) ACC. (Ord. 6532 § 20, 2014; Ord. 6287 § 2, 2010; Ord. 5811 § 3, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

14.18.040 Administrative review.

The director shall forward to appropriate city departments and divisions one copy of the application for water and/or sewer availability, together with copies of any appropriate accompanying documents. The city departments and divisions shall review the proposal as to the availability of water and sewer, the conformance of the proposal to any plans, city policies or regulations pertaining to streets, utilities; and any other issues related to the interests and responsibilities of the department or division. The application will then be processed in the following manner:

- A. *Individual Single-Family Home.* If upon review by city departments and divisions, it is found that the single-family home meets all relevant city development standards, a development agreement shall be prepared and signed by the city and the applicant(s). The development agreement must be recorded by the county assessor's office and returned to the city prior to the issuance of the water and/or sanitary sewer availability certificates. If it is found that, for

any reason, the individual single-family home cannot meet city development standards, the application shall be processed as an “other development” as described below.

B. *All Other Developments*. If upon completion of review by city departments and divisions it is found that the development meets or is capable of meeting all relevant city development standards, a development agreement will be drafted. If there are modifications to development standards those modifications shall be reflected in the agreement. The agreement will then be forwarded to the planning and development committee for a public hearing as outlined in ACC [14.18.030](#) and [14.18.050](#). (Ord. 6287 § 2, 2010; Ord. 5306 § 1, 1999; Ord. 5170 § 1, 1998; Ord. 4872 § 1, 1996.)

14.18.050 Hearing examiner.

The hearing examiner, following the closure of the public hearing, shall recommend to the city council that the city sign a development agreement with the applicant or to not sign a development agreement with the applicant. The hearing examiner shall not recommend approval of the development agreement unless it finds the proposal is in conformance with the findings of fact as outlined in ACC [14.18.070\(A\)](#). (Ord. 6532 § 21, 2014; Ord. 6287 § 2, 2010; Ord. 4872 § 1, 1996.)

14.18.060 City council review.

A. Upon receipt of the hearing examiner’s recommendation, the city council shall, at its next public meeting, approve, remand the recommendation to the hearing examiner or schedule a closed record hearing. Any aggrieved person may request the council to conduct its own closed record hearing. The council can only amend or reject the hearing examiner’s recommendation.

B. If the council holds its own closed record hearing on a proposed development agreement, the council shall consider the findings, conclusions and recommendations of the hearing examiner’s public hearing. After conducting its own closed record hearing the council may approve, approve with conditions, reject or return the application to the applicant for corrections or modifications.

C. When the council makes its decision on the development agreement, it shall pass a resolution prepared by the city attorney. A resolution prepared under this subsection shall include formal findings of fact and conclusions supporting the decision. If the development meets all city development standards, the findings shall affirm that the development conforms with all applicable city development standards. If the development agreement allows modifications from some city standards, the modifications shall be specified in the resolution. (Ord. 6532 § 22, 2014; Ord. 6287 § 2, 2010; Ord. 5785 § 1, 2003; Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

14.18.070 Findings of fact.

A. The development agreement shall be recommended for signing only if findings of fact are drawn to support the following:

1. The development is consistent with city development standards; and
2. The development is consistent with the city comprehensive plan; and
3. The property cannot be annexed immediately.

B. Modifications to city development standards may be granted only if findings of fact are drawn to support the following:

1. That special circumstances related to the size, shape, topography, location or surroundings of the subject property do not provide the owner with the development rights and privileges permitted to other similar properties in the vicinity and in the zoning district in which the subject property is located; or
2. That, because of the special circumstances, the development of the property in strict conformity with city standards will not allow a reasonable and harmonious use of the property; or
3. When applying city standards will result in a distinct “discontinuity” with adjacent development which was previously approved or constructed to county standards; or
4. When applying city standards puts the developer in a position where the county will not allow that development to take place. (Ord. 5170 § 1, 1998; Ord. 4872 § 1, 1996.)

14.18.074 Conditions of approval.

In order to ensure compliance with the terms of this chapter conditions of approval may be required as part of the development agreement. (Ord. 5306 § 1, 1999.)

14.18.080 Notice of decision to applicant.

A. Following passage of a resolution approving or rejecting a development agreement, the director shall notify the applicant of the decision. The notice shall be accompanied by a copy of the passed resolution. If the resolution is to approve the development agreement, the notice shall advise the applicant that the development agreement must be signed by the applicant and recorded by the county assessor's office. The development agreement must be returned to the city prior to the issuance of the water and/or sewer availability certificates.

B. The development agreement must be approved by the city prior to any application, plans or other submittals that are submitted to the county. Any such submittal shall be consistent with the requirements of the development agreement. (Ord. 5785 § 2, 2003; Ord. 5306 § 1, 1999; Ord. 5170 § 1, 1998; Ord. 4872 § 1, 1996.)

14.18.090 Adjustments of an approved development agreement.

A. *Minor Adjustments.* Minor adjustments may be made and approved by the planning director. Minor adjustments are those which do not violate the terms of the development agreement.

B. *Major Adjustments.* Major adjustments are those which, when determined by the planning director, violate the terms of the development agreement. When the planning director determines a change constitutes a major adjustment, an amendment to the development agreement is required and the process is the same as a new application. (Ord. 5306 § 1, 1999; Ord. 4872 § 1, 1996.)

14.18.094 Compliance with this chapter and the terms of a development agreement.

The city of Auburn reserves the right to withhold or terminate water and/or sanitary service to a development that does not comply with the terms of its development agreement and/or the provisions of this chapter. (Ord. 5306 § 1, 1999.)

14.18.100 Time limitations.

- A. A development agreement shall run with the title of the property.
- B. Water and sewer availability certificates expire in one year, but are renewable. It is not necessary to sign a new development agreement provided all of the terms of the original agreement can still be met. (Ord. 4872 § 1, 1996.)

Chapter 14.20

MOBILE HOME PARK CLOSURE

Sections:

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

14.20.010 Purpose.

The purpose of this chapter is to provide rules, regulations, requirements, and standards for the closure or change of use of mobile home parks in the city, insuring that the public health, safety, and general welfare of the city shall be promoted and protected; that orderly growth, development, and proper use of land shall be insured; and that conformance with provisions set forth in the city comprehensive plan are followed. (Ord. 5746 § 1, 2003.)

14.20.020 Scope.

This chapter applies to the closure or change in use of mobile home parks. This chapter shall apply to all lands within the corporate boundaries of the city. Where this chapter imposes greater restrictions or higher standards upon the development of land than other laws,

ordinances, codes or restrictive covenants, the provisions of this chapter shall prevail. (Ord. 5746 § 1, 2003.)

14.20.030 Enforcement – Inspection.

Regarding the closure of mobile home parks, it shall be the duty of the planning director to enforce the applicable provisions of this chapter. The planning director and/or designee may inspect any mobile home park in order to verify compliance with this chapter. Failure to make such inspection shall not constitute a waiver of any of the provisions of this chapter. For inspection purposes, the planning director and/or their duly authorized representative shall have the right and is hereby empowered to enter any mobile home park. (Ord. 5746 § 1, 2003.)

14.20.040 Exceptions.

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

- A. There are special physical circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use or development of their land; and
- B. The exception is necessary to insure such property the rights and privileges enjoyed by other properties in the vicinity and under similar circumstances; and
- C. The granting of the exception will not be detrimental to the public health, safety and welfare or injurious to the property in the vicinity. (Ord. 5746 § 1, 2003.)

14.20.050 Penalties.

Any person, firm, corporation or association, or any agent of any person, firm, corporation or association who violates the provisions of this chapter shall be guilty of a misdemeanor and upon conviction be subject to a fine not to exceed \$1,000 for each such violation, or imprisonment for a period not to exceed 90 days, or both such fine and imprisonment. (Ord. 5746 § 1, 2003.)

14.20.060 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person closing a mobile home park in the city for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the city or any agent thereof be held as assuming such liability by reason of any preliminary or final approval or by issuance of any permits or certificates authorized herein. (Ord. 5746 § 1, 2003.)

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

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under Chapter [59.21](#) RCW, the mobile home park owner must first submit to the planning and development department a relocation report and plan that meets the requirements of ACC [14.20.080](#). If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with all other necessary applications. Once the planning director determines that the relocation report and plan meets the requirements of ACC [14.20.080](#), the planning director shall approve the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the planning director determines that the relocation report and plan does not meet the requirements of ACC [14.20.080](#), the planning director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this chapter before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the 12-month closure notice to the mobile home park tenants. The

closure notice shall comply with RCW [59.20.080](#) and [59.21.030](#), as amended. No mobile home owner who rents a mobile home lot may be evicted until the 12-month notice period expires, except pursuant to the State Mobile Home Landlord-Tenant Act, Chapter [59.20](#) RCW. (Ord. 6287 § 2, 2010; Ord. 5746 § 1, 2003.)

14.20.080 Relocation report and plan.

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

1. The name, address, and family composition for each mobile home park tenant household, and the expiration date of the lease for each household;
2. The condition, size, ownership status, HUD and/or State Department of Labor and Industries certification status, and probable mobility of each mobile home occupying a mobile home lot;
3. Copies of all lease or rental agreement forms the mobile home park owner currently has in place with mobile home park tenants;
4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including space rent, mobile home rent or other payments and utilities, for each mobile home park tenant household;
5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of gross annual income for each mobile home park tenant household;

6. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap and Pierce Counties, as well as mobile home age or size restrictions each park may have in place;
7. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;
8. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park;
9. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park; and
10. A statement of the anticipated timing for park closure.

B. The planning director may require the mobile home park owner to designate a relocation coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants, the planning and development department, and other city and state offices to ensure compliance with the relocation report and plan and with state laws governing mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

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

D. The mobile home park owner shall update with the planning and development department the information required under this section to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation. (Ord. 6287 § 2, 2010; Ord. 5746 § 1, 2003.)

14.20.090 Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park, or obtain final approval of a comprehensive plan or zoning redesignation until the mobile home park owner obtains a certificate of completion from the planning and development department. The planning director shall issue a certificate of completion only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, the eviction notice requirements of RCW [59.20.080](#) and [59.21.030](#), the relocation assistance requirements of RCW [59.21.021](#), and any additional requirements imposed in connection with required city applications. (Ord. 6287 § 2, 2010; Ord. 5746 § 1, 2003.)

14.20.100 Notice of provisions.

It is unlawful for any party who is required to submit a relocation report and plan to the city pursuant to this chapter to sell, lease or rent any mobile home or mobile home park rental space without providing a copy of such relocation report and plan to the prospective purchaser, lessee, or renter, and advising the same, in writing, of the provisions of ACC [14.20.070](#) through [14.20.120](#) and the status of such relocation report and plan. (Ord. 5746 § 1, 2003.)

14.20.110 Administration.

The planning director shall administer and enforce ACC [14.20.070](#) through [14.20.120](#). Whenever an owner or an owner's agent fails to comply with the provisions of ACC [14.20.070](#) through [14.20.120](#), the following may occur:

- A. The planning director may deny, revoke, or condition a certificate of completion, a permit, or another approval;
- B. Any other city permits or approvals may be conditioned on the owner's successful completion of remedial actions deemed necessary by the planning director to carry out the purposes of ACC [14.20.070](#) through [14.20.120](#). (Ord. 5746 § 1, 2003.)

14.20.120 Appeal.

Any appeal from an administrative determination under ACC [14.20.070\(A\)](#), [14.20.090](#), and [14.20.110\(A\)](#) shall be filed within 14 days of the determination and shall be processed in accordance with the procedures established for appeals of administrative decisions under ACC [18.70.050](#). (Ord. 6184 § 7, 2008; Ord. 5746 § 1, 2003.)

14.20.130 Closure and government sponsorship.

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

B. If a condemnation action of the city causes closure of a mobile home park, the city will be responsible for fulfilling the requirements of the standards contained herein. If the city chooses to follow portions of the state act and regulations and the planning director determine that there is a conflict or redundancy between the portions of the state act and regulations being followed by the city, and the standards contained herein, the state act shall take precedence in such areas of conflict or redundancy. If the state act is followed in all respects, such act will supersede the requirements of this section and the standards contained herein. (Ord. 5746 § 1, 2003.)

Chapter 14.22

COMPREHENSIVE PLAN

Sections:

14.22.010	Purpose.
14.22.020	Comprehensive plan adopted.
14.22.030	Early and continuous public participation.
14.22.040	Definitions.
14.22.050	Conformance and consistency.
14.22.060	Amendments and exceptions.
14.22.070	Periodic assessment.
14.22.080	Docketing.
14.22.090	Proposals for amendments.
14.22.100	Public hearing required by planning commission.
14.22.110	Decision criteria for plan amendments.

14.22.010 Purpose.

The city of Auburn comprehensive plan establishes the principles, goals, objectives and policies guiding future development of the city in compliance with Chapter [36.70A](#) RCW, the Washington State Growth Management Act. The purpose of this chapter is to establish procedures and review criteria for amending the comprehensive plan and to provide provisions for public participation in the planning process. (Ord. 6172 § 1, 2008.)

14.22.020 Comprehensive plan adopted.

The city of Auburn comprehensive plan, as amended in April 1995 to comply with the Growth Management Act and as may subsequently be amended thereafter, consisting of the following elements, is hereby adopted by reference:

A. Chapters of the Comprehensive Plan.

1. Core Comprehensive Plan.

2. The Land Use Element.
3. The Housing Element.
4. The Capital Facilities Element.
5. The Utilities Element.
6. The Transportation Element.
7. The Economic Development Element.
8. The Parks and Recreation Element.
9. Comprehensive Plan Map.

Appendix A – Auburn Community Vision Report.

Appendix B – Auburn Housing Needs and Characteristics Assessment.

Appendix C – Auburn Housing Element Checklist.

Appendix D – Auburn Health Impact Assessment.

Appendix E – Auburn Public Participation Plan.

Appendix F.1 – King County Buildable Lands Analysis.

Appendix F.2 – Pierce County Buildable Lands Analysis.

Appendix G – Auburn Airport Master Plan.

Appendix H – Auburn Community Profile.

Appendix I – Auburn Greenhouse Gas Inventory.

Appendix J – Parks, Arts and Recreation Open Space Plan.

B. Additional Documents of the Comprehensive Plan, That Are Incorporated by Reference.

1. Comprehensive Transportation Plan.
2. Capital Facilities Plan.

3. Shorelines Management Program.
4. Comprehensive Water Plan.
5. Comprehensive Sewer Plan.
6. Comprehensive Drainage Plan.
7. Auburn Downtown Plan (May 2001).
8. Lakeland Hills Plan (1988).
9. Auburn Adventist Academy Plan (1991).
10. Auburn North Business Area Plan (1992). (Ord. 6612 § 1, 2016; Ord. 6329 § 1, 2010; Ord. 6172 § 1, 2008.)

14.22.030 Early and continuous public participation.

- A. The city of Auburn encourages early and continuous public participation in the comprehensive planning process, and in other city-initiated planning programs that may be carried out under the overall framework of the plan. This chapter contains procedures for the consideration of potential amendments to any chapter or element of the comprehensive plan.
- B. The director shall broadly disseminate information regarding the annual docketing and amendment process and identify a deadline for submittal of applications for inclusion in the annual amendment cycle. Applications submitted after the established deadline will be considered during the following annual amendment process. (Ord. 6172 § 1, 2008.)

14.22.040 Definitions.

- A. "Amendment" means any change in the wording, context or substance of the comprehensive plan or a change to the comprehensive land use map or any other map contained or referenced within any plan chapter or element.

- B. "Area-wide map amendment" means an amendment to the comprehensive land use map involving four or more contiguous or adjacent parcels under different ownership that would be similarly affected by a proposed map amendment.
- C. "City-initiated planning program" means a planning program begun by resolution of the city council, or the planning commission, addressing a geographic sub-area of the city's urban growth area (such as a special area plan) or addressing a specific functional area (such as a utility plan).
- D. "Director" means the director of the department of planning and development or designee.
- E. "Docket" means a list of suggested amendments to the comprehensive plan maintained by the director.
- F. "Planning commission" is an appointed group serving in an advisory capacity to the city council as specified in Chapter [2.45](#) ACC. (Ord. 6532 § 23, 2014; Ord. 6287 § 2, 2010; Ord. 6172 § 1, 2008.)

14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the comprehensive plan. Capital budget decisions shall be made in conformity with the comprehensive plan. (Ord. 6172 § 1, 2008.)

14.22.060 Amendments and exceptions.

- A. The comprehensive plan may only be amended pursuant to this chapter, no more frequently than once each calendar year as part of the annual cycle established herein, except as provided in subsection [C](#) of this section.
- B. All amendments shall be considered concurrently so as to assess their cumulative impact.
- C. *Exceptions.* Pursuant to Chapter [35A.70](#) RCW, under the following circumstances, amendments may be processed separately and in addition to the annual amendment cycle:

1. If an emergency exists, which is defined as an issue of community-wide significance that addresses the public health, safety, and general welfare;
2. To resolve an appeal of a comprehensive plan filed with the Growth Management Hearings Board or with the court;
3. To adopt or amend a shoreline master program under the procedures set forth in Chapter [90.58](#) RCW;
4. The initial adoption of a subarea plan or new element to the comprehensive plan;
5. The amendment of the capital facilities plan may occur concurrently with the adoption or amendment of the city budget;
6. Amendments of the comprehensive plan that are conducted in conjunction with an annexation as set forth in Titles [35](#) and [35A](#) RCW. (Ord. 6853 § 1 (Exh. A), 2022; Ord. 6172 § 1, 2008.)

14.22.070 Periodic assessment.

A. The director will periodically monitor the comprehensive plan and development regulations that implement the plan, assess the need for any amendments, and may add potential changes to the docket as specified in ACC [14.22.080](#). The assessment shall be based on, at a minimum:

1. Whether growth and development are occurring at a faster or slower rate than envisioned in the plan;
2. Whether the capacity to provide adequate services has diminished or increased;
3. The availability of land to meet demand;
4. Whether the assumptions on which the plan is based remain valid;
5. The effect of the plan on land values and housing is contrary to plan goals;
6. Whether sufficient change or lack of change in circumstances dictates the need for an amendment.

B. The city shall complete a comprehensive review of the comprehensive plan and development regulations in order to update it as appropriate and to ensure continued compliance with the Growth Management Act pursuant to RCW [36.70A.130](#). (Ord. 6329 § 2, 2010; Ord. 6172 § 1, 2008.)

14.22.080 Docketing.

A. In accordance with RCW [36.70A.470](#), suggested changes to the comprehensive plan which are not specific to any site may be submitted by any individual, organization or general or special purpose government and shall be coordinated by the director. The director shall create appropriate forms for such submittals that require the submittal to address the criteria outlined in subsection [C](#) of this section. The list shall be known as the “docket” and is the means to suggest a change or identify a deficiency in the comprehensive plan. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket.

B. Annually, the director shall review such suggestions with the city council and determine whether to direct them to the planning commission for consideration. The city council may decline to consider any item from the docket.

C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met:

1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan;
2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan;
3. The proposal addresses the interests and changed needs of the entire city as identified in the plan;
4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the city council;
5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and

6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived by the city council if it is demonstrated that there exists either an obvious technical error or a change in circumstances that justifies the need for the amendment.

D. Any item on the docket that is not determined to be appropriate for action may be proposed under ACC [14.22.090](#), provided it is timely and properly filed. (Ord. 6532 § 24, 2014; Ord. 6172 § 1, 2008.)

14.22.090 Proposals for amendments.

A. *Privately Initiated Amendments.* A proposed amendment to the comprehensive plan, other than docketing pursuant to ACC [14.22.080](#), may be submitted by any individual, organization, corporation or partnership; general or special purpose government other than the city; or entity of any kind; provided, that if the proposal involves specific real property, the property owner has provided written consent to the proposal.

B. *City – Initiated Amendments.* The city council or the planning commission may initiate a planning program or any type of amendment to the comprehensive plan, regardless of whether site-specific or area-wide in scope.

C. *Application.* Except for city-initiated planning programs or individual amendments, all proposed amendments shall be submitted to the director on an approved form, together with required filing fees. An environmental checklist shall also be submitted if required. A proposed amendment request shall include the following information:

1. Name, address, phone number and e-mail address of the applicant and contact person and written consent of the property owner if the proposal affects specific property;
2. If the amendment concerns specific property, both a general description and legal description of the property;
3. A description of the plan amendment being requested;
4. Written statements addressing the purpose of the amendment, why it is being requested, and how it is consistent with the criteria listed in ACC [14.22.110](#);

5. If the request is for an amendment to the comprehensive land use map, an indication of what concurrent change in zoning is also being requested.

D. *Department Report.* The director shall prepare an assessment and recommendation on all proposed amendment requests and include this within a report that evaluates all requests concurrently. (Ord. 6532 § 25, 2014; Ord. 6172 § 1, 2008.)

14.22.100 Public hearing required by planning commission.

A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter [1.27](#) ACC and, at a minimum, include the following:

1. For site-specific plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;
2. For area-wide plan map amendments:
 - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
 - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
 - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.

B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.

C. *Planning Commission Recommendation.* The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.

D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.

E. *State Review.* All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW [36.70A.106](#).

F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter [36.70A](#) RCW. (Ord. 6172 § 1, 2008.)

14.22.110 Decision criteria for plan amendments.

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

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

6. If the request is to change the land use designation of a specific property on the comprehensive land use map, the applicant must demonstrate one of the following:
- a. The current land use designation was clearly made in error or due to an oversight;
 - b. The proposed land use designation is adjacent to property having a similar or compatible designation, or other conditions are present to ensure compatibility with surrounding properties;
 - c. There has been a change in conditions since the current land use designation came into effect. (Ord. 6172 § 1, 2008.)

Chapter 17.01

USER GUIDE

Sections:

17.01.010	Introduction.
17.01.020	What is a subdivision?
17.01.030	How is a plat reviewed?
17.01.040	What are the criteria for approval?
17.01.050	What happens after a plat is approved?
17.01.060	What about a simple boundary line adjustment or elimination?
17.01.070	How do you modify an existing subdivision?
17.01.080	How do you change a recorded subdivision?
17.01.090	How do you eliminate a recorded subdivision?
17.01.100	Is there another process by which you can subdivide land?
17.01.110	Can you cluster lots within a subdivision?

17.01.010 Introduction.

This title contains standards, regulations and processes for the division of land and adjustment of property boundaries within the city. (Ord. 6239 § 1, 2009.)

17.01.020 What is a subdivision?

The process of dividing land into smaller lots is often generically referred to as a subdivision. However, in this title, the term “subdivision” refers specifically to the division of land into five or more lots, while the division of land into four or fewer lots is called a “short subdivision.” Most of the regulations for subdivisions and short subdivisions are the same, but a short subdivision is an administrative process where an application is reviewed and decided upon by city staff whereas a subdivision is reviewed and decided upon by the city’s hearing examiner. A plat is the drawing or map which shows the subdivision or short subdivision. (Ord. 6239 § 1, 2009.)

17.01.030 How is a plat reviewed?

The plat review process for a short subdivision, including the infrastructure improvement requirements for approval, is set forth in Chapter [17.09](#) ACC. The plat review process for a subdivision, from the [optional](#) pre-application conference to preliminary approval by the hearing examiner, is set forth in Chapter [17.10](#) ACC. Chapter [17.16](#) ACC includes additional requirements for planning and other studies to be submitted for review along with the preliminary plat. (Ord. 6239 § 1, 2009.)

17.01.040 What are the criteria for approval?

A plat must be laid out in accordance with the standards and specifications set forth in Chapter [17.14](#) ACC. (Ord. 6239 § 1, 2009.)

17.01.050 What happens after a plat is approved?

Once the layout of a subdivision has been approved by the city, it is said to have preliminary approval. Then the applicant must submit construction drawings of the infrastructure that was proposed in the preliminary plat. Once these construction drawings are approved by the city and the infrastructure has been built, inspected and accepted by the city, the plat has final approval and can be recorded with the appropriate county. In the case of a subdivision, an additional application, review and approval process is required for this final approval. This final plat process is set forth in Chapter [17.12](#) ACC. (Ord. 6239 § 1, 2009.)

17.01.060 What about a simple boundary line adjustment or elimination?

Other land adjustment tools are also outlined in this title, including boundary line adjustments (Chapter [17.06](#) ACC) and boundary line eliminations (Chapter [17.08](#) ACC). Boundary line adjustments are the movement of a boundary line that does not result in the creation of a new

lot. Boundary line eliminations are the merging of two or more lots by eliminating one or more lot lines. (Ord. 6239 § 1, 2009.)

17.01.070 How do you modify an existing subdivision?

The applicant can request a modification of subdivision standards and specifications through the process set forth in Chapter [17.18](#) ACC. (Ord. 6239 § 1, 2009.)

17.01.080 How do you change a recorded subdivision?

After a subdivision has been recorded with the county in which it is located, any proposed change to the subdivision is called a subdivision alteration. The alteration process is set forth in Chapter [17.20](#) ACC. If the applicant proposes to make a change to an approved preliminary plat before final plat approval and recording, then the applicant may request an adjustment to the preliminary plat through the process set forth in ACC [17.10.100](#). (Ord. 6239 § 1, 2009.)

17.01.090 How do you eliminate a recorded subdivision?

A plat may also be vacated, or eliminated, after recording. Chapter [17.22](#) ACC outlines the process by which a plat may be vacated, and to whom the title to the vacated property shall vest. (Ord. 6239 § 1, 2009.)

17.01.100 Is there another process by which you can subdivide land?

The binding site plan process is an alternative form of land division. It may be used for the division of land for commercially or industrially zoned property, or for certain types of residential development. This process is set forth in Chapter [17.24](#) ACC. (Ord. 6239 § 1, 2009.)

17.01.110 Can you cluster lots within a subdivision?

The city of Auburn allows clustering of lots within a subdivision onto a portion of the site, while maintaining the density of the residential zone. Clustering allows future development to occur at an appropriate density for infrastructure services; it also protects environmentally sensitive areas or cultural/historic features by clustering lots away from these areas. The standards by which clustering is allowed are set forth in Chapter [17.26](#) ACC. (Ord. 6239 § 1, 2009.)

The Auburn City Code is current through Ordinance 6940, passed April 15, 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 Code Publishing Company, A General Code Company.](#)

Chapter 18.59

DEVELOPMENT STANDARDS FOR MARIJUANA RELATED BUSINESSES

Sections:

18.59.010	Purpose.
18.59.020	Maximum number of marijuana retail businesses.
18.59.030	Required geographic separation.
18.59.040	Marijuana required to be grown in a structure.
18.59.050	Required odor control for marijuana related businesses.
18.59.060	First-in-time – Change in ownership, relocation and abandonment for marijuana retail stores – Nonconforming uses.
18.59.070	Signage.
18.59.080	Security required.
18.59.090	Specific standards for marijuana producers, processors, research and transportation businesses.
18.59.100	Pre-application conference meeting recommended required.
18.59.110	Public review meeting required.

18.59.010 Purpose.

The development standards contained in this chapter are intended to address the substantive impacts that marijuana related businesses may have on all or a portion of the community by providing clear and objective development standards that will reduce or mitigate said impacts and provide, when appropriate, opportunities for public awareness and input prior to an application being made to the city. In addition, the development standards will provide the city, adjacent property owners (residential or nonresidential) and adjacent business owners as well as the entire community the opportunity to be kept informed and aware through ongoing reporting for those marijuana related businesses that successfully obtain appropriate approvals and authorizations to operate in the city of Auburn. (Ord. 6642 § 30, 2017.)

18.59.020 Maximum number of marijuana retail businesses.

The total maximum number of marijuana retail businesses operating within the city at any given time shall be limited to a maximum of four properly licensed and permitted stores. For purposes of these regulations, these standards shall be considered in addition to the numeric allowances on these businesses specified now or in the future by the Washington State Liquor and Cannabis Board. (Ord. 6642 § 30, 2017.)

18.59.030 Required geographic separation.

Marijuana related businesses operating within the city shall be geographically separated as follows. For purposes of these regulations, these standards shall be considered in addition to those geographic siting standards specified by the Washington State Liquor and Cannabis Board:

- A. A marijuana retailer authorized by the Washington State Liquor and Cannabis Board and the city to operate within the city shall be sited a minimum of one mile from another similarly authorized marijuana business.
- B. A marijuana retailer business shall be sited a minimum of 1,320 feet from any properties zoned and utilized for single-family residential or multifamily residential land uses.
- C. All marijuana related businesses shall not be located within the distances identified for the following uses or any use included in Chapter [314-55](#) WAC now or as hereafter amended:
 - 1. Two thousand six hundred forty (2,640) feet for:
 - a. Elementary or secondary school that is existing or that is planned and has a site-specific location identified in an adopted capital facilities plan;
 - b. Public or private playgrounds inclusive of those located within a multifamily residential complex;
 - c. Public or private recreation center or facility;
 - d. Child care centers;

- e. Public or private parks;
 - f. Any game arcade; and
2. One thousand three hundred twenty (1,320) feet for:
- a. Public trails;
 - b. Public transit centers;
 - c. Religious institutions;
 - d. Public libraries;
 - e. Transit center or park-and-ride facility operated by a sovereign nation on trust or non-trust designated properties.

D. *Measurement.* All separation requirements shall be measured as the shortest straight line distance from the property line or right-of-way line of the proposed business location to the property line or right-of-way line of the use specified in this section. (Ord. 6642 § 30, 2017.)

18.59.040 Marijuana required to be grown in a structure.

For all marijuana related businesses and marijuana cooperatives, marijuana shall be grown in a structure. Outdoor cultivation is prohibited in all instances. (Ord. 6642 § 30, 2017.)

18.59.050 Required odor control for marijuana related businesses.

Marijuana odor shall be contained within the marijuana related business so that odor from the marijuana cannot be detected by a person with a normal sense of smell from any abutting use or property. If marijuana odor can be smelled from any abutting use or property, the marijuana related business shall be required to implement measures, including, but not limited to, the installation of the ventilation equipment necessary to contain the odor. (Ord. 6642 § 30, 2017.)

18.59.060 First-in-time – Change in ownership, relocation and abandonment for marijuana retail stores – Nonconforming uses.

A. *Areas Where No Retail Marijuana Uses Are Located.* If two or more marijuana retail applicants seek licensing from the state and propose to locate within less than one mile of each other, the city shall consider the entity that is licensed first by the State Liquor and Cannabis Board to be the “first in-time” applicant who is entitled to site the retail use. First-in-time determinations will be based on the date and time of the state-issued license or conditional license, whichever is issued first. The director or designee shall make the first-in-time determination.

B. First-in-time determinations are location-specific and do not transfer or apply to a new property or site, unless the new site is within the same tax parcel.

C. *Ownership.* The status of a first-in-time determination is not affected by changes in ownership.

D. *Relocation.* Relocation of a retail store to a new property voids any first-in-time determination previously made as to the vacated property. The determination shall become void on the date the property is vacated. Applicants who may have been previously denied a license due to a first-in-time determination at the vacated property may submit a new application after the prior first-in-time determination becomes void.

E. *Discontinuance.* If an existing marijuana retail use is discontinued or abandoned for a period of six months with the intention of abandoning that use, then the property shall forfeit first-in-time status. For purposes of this section, discontinuance shall not mean a legal change in business name or ownership or Washington State Unified Business Identifier (UBI) number. Discontinuance of a licensed retail use for a period of six months or greater constitutes a prima facie intent to abandon the retail use. Intent to abandon may be rebutted by submitting documentation adequate to rebut the presumption. Documentation rebutting the presumption of intent to abandon includes but is not limited to:

1. State licensing review or administrative appeal; or
2. Review of building, land use, other required development permits or approvals; or

3. Correspondence or other documentation from insurance provider demonstrating an intent to reestablish the use after either a partial or full loss or disruption of the use.
4. The director shall determine whether a retail use has been discontinued, abandoned, or voided, whether in connection with an application for an administrative conditional use permit or as otherwise appropriate.

F. *Accidental Destruction.* First-in-time status or cessation is not affected when a structure containing a state-licensed retail outlet is damaged by fire or other causes beyond the control of the owner or licensee; provided all necessary local, regional, state or other permits and approvals are successfully obtained and redevelopment commences within 12 months from the documented date of the accidental destruction or the licensee provides documentation demonstrating why redevelopment cannot commence within 12 months; provided, that redevelopment is completed within 24 months of the documented date of accidental destruction.

G. Marijuana related businesses that had lawfully obtained all state and local approvals prior to the adoption of these rules shall be considered legal conforming uses even if the business is unable to meet the standards for geographic separations and square footage requirements outlined in this chapter. (Ord. 6642 § 30, 2017.)

18.59.070 Signage.

All marijuana related businesses shall comply with applicable sign regulations and standards as specified in Chapter [18.56](#) ACC (Signs) as may be amended. (Ord. 6642 § 30, 2017.)

18.59.080 Security required.

In addition to the security requirements in Chapter [315-55](#) WAC, during nonbusiness hours, all marijuana producers, processors, and retailers shall store all marijuana concentrates, usable marijuana, marijuana-infused products, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For usable marijuana products that must be kept refrigerated or frozen, these

products may be stored in a locked refrigerator or freezer container in a manner approved by the director, provided the container is affixed to the building structure. (Ord. 6642 § 30, 2017.)

18.59.090 Specific standards for marijuana producers, processors, research and transportation businesses.

A. Marijuana production and processing facilities shall comply with the following provisions:

1. Marijuana production, processing research and transportation facilities shall be ventilated so that the odor from the marijuana cannot be detected by a person with a normal sense of smell from any adjoining use or property;
2. A screened and secured loading dock, approved by the director, shall be required. The objective of this requirement is to provide a secure, visual screen from the public right-of-way and adjoining properties, and prevent the escape of odors when delivering or transferring marijuana, marijuana concentrates, usable marijuana, and marijuana-infused products.

B. Any marijuana producer or marijuana processors operating within the city (1) shall strictly comply with all industrial, health and safety codes, including but not limited to WAC [314-55-104](#) and RCW [69.50.348](#), and (2) shall have at least 4,000 square feet of building utilized for its individual business, and the total square feet of all marijuana producers and processors in the city shall not exceed 90,000 square feet of building space; provided, that any such business that was licensed and existing prior to August 1, 2016, that did not have at least 4,000 square feet of building utilized for its individual business may continue operating, and shall be classified as a fully legal conforming use at its current location even though it did not have at least 4,000 square feet of building utilized for its individual business. (Ord. 6642 § 30, 2017.)

18.59.100 Pre-application conference meeting recommended~~required~~.

~~A pre-application conference is available and encouraged prior to the submittal of a formal business license. A minimum of one pre-application conference meeting with the city of~~

~~Auburn and other relevant parties including but not limited to the Valley Regional Fire Authority shall be conducted prior to the submittal of a formal business license application for all marijuana related businesses within the city. (Ord. 6642 § 30, 2017.)~~

18.59.110 Public review meeting required.

A. A minimum of one public review meeting shall be conducted by applicant for any marijuana related business in the city. The purpose of the public review meeting is to allow adjacent property owners (residential and nonresidential) and adjacent business owners an opportunity to become familiar with the proposal and to identify any associated issues. The public review meeting is intended to assist in producing applications that are responsive to the concerns of adjacent property owners (residential and nonresidential) and adjacent business owners and to reduce the likelihood of delays and appeals. The city expects an applicant to take into consideration the reasonable concerns and recommendations of these parties when preparing an application. The city expects these parties to work with the applicant to provide reasonable concerns and recommendations. The requirements of this section shall apply to new businesses as well as businesses that are seeking to relocate to a different tax parcel.

B. Prior to submittal of an application for any marijuana related business, the applicant shall provide an opportunity to meet with adjacent property owners (residential or nonresidential) and adjacent business owners within whose boundaries the site for the proposed marijuana related business is located or within the notice radius to review the proposal. The applicant shall not be required to hold more than one public review meeting provided such meeting is held within six months prior to submitting an application for one specific site.

C. Public review meetings shall occur prior to submitting a formal business license application to the city of Auburn.

D. Public review meetings shall occur after the required pre-application conference with the city of Auburn.

E. The applicant shall hold a public review meeting in a publicly accessible location within one mile of the proposed business site; provided, that if no such place is immediately available, the applicant may submit a written request to the director proposing an alternate meeting location and the director may approve said location, in writing. The meeting starting time selected shall

be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a national holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act (ADA). A portable sign at least 22 inches by 28 inches in size with minimum two-inch lettering shall be placed at the main entrance of the building where the meeting will take place at least one hour prior to the meeting. Such sign will announce the meeting, subject matter of the meeting, and announce that the meeting is open to the public and that interested persons are invited to attend. This sign shall be removed by the applicant upon conclusion of the meeting.

F. The applicant shall send by regular mail a written notice announcing the public review meeting to the director, property owners pursuant to the most current public records of the King County assessor's office or Pierce County assessor's office within 1,320 feet on all sides of the property involved in the anticipated application and to all current businesses registered with the city of Auburn within 1,320 feet on all sides of the property involved in the anticipated application. At the request of the applicant, and upon payment of the applicable fee, the city will provide the required mailing lists for property owners and/or registered businesses.

G. Not less than 20 calendar days prior to the public review meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted within 50 feet of an adjoining public right-of-way in a manner that can be read from the right-of-way. The notice shall state that the site may be subject to a proposed marijuana related business, the type of marijuana related business in sufficient detail for a reasonable person to ascertain the nature and type of business, the name of the applicant and the applicant's telephone number and electronic mail address where the applicant can be reached for additional information. The site shall remain posted until the conclusion of the public review meeting.

H. At the public review meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the proposed application and recommend that those issues be submitted for city consideration and analysis.

I. At the public review meeting, the applicant shall take notes of the discussion on the proposed application.

J. To comply with this section, an applicant shall submit the following information with the business license application:

1. A copy of the notice sent to surrounding property owners pursuant to subsection [E](#) of this section.
 2. A copy of the mailing list used to send out meeting notices pursuant to subsection [E](#) of this section.
 3. A written statement and clear photographs containing the information posted on the property pursuant to subsection [G](#) of this section.
 4. A notarized affidavit of mailing and posting notices.
 5. Copies of written materials and eight-and-one-half-inch by 11-inch size plans presented at the public review meeting.
 6. Typed notes of the meeting, including the meeting date, time, and location, the name and address of those attending, and a summary of oral and written comments received.
- K. If responses to the meeting notice were not received by the applicant and no one attended the public review meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.
- L. Failure of a property owner or business owner to receive notice shall not invalidate the public review meeting proceedings. (Ord. 6642 § 30, 2017.)

The Auburn City Code is current through Ordinance 6940, passed April 15, 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 Code Publishing Company, A General Code Company.](#)

Chapter 18.76

PLANNED UNIT DEVELOPMENT DISTRICT (PUD) – LAKELAND HILLS SOUTH

Sections:

18.76.010	Purpose.
18.76.020	Process.
18.76.030	Definitions.
18.76.040	Permitted uses.
18.76.045	Uses requiring an administrative use permit.
18.76.046	Marijuana related uses.
18.76.050	Calculation of number of dwelling units.
18.76.060	Development standards.
18.76.070	Design requirements.
18.76.075	Landscaping and screening requirements.
18.76.077	Sign requirements.
18.76.080	Public infrastructure requirements.
18.76.090	Application for approval of major amendment to the PUD.
18.76.100	Phased developments.
18.76.110	Concurrence with subdivision regulations.
18.76.120	Administrative review of major amendments.
18.76.130	Hearing examiner review.
18.76.140	Findings of fact.
18.76.150	City council action.
18.76.160	Site plan approval.
18.76.170	Adjustments to the PUD.
18.76.180	Property owners' association.

18.76.010 Purpose.

The comprehensive plan provides the Lakeland Hills South special area plan is intended to be consistent with the conditions of approval of the Lakeland Hills South PDD (Pierce County

Hearings Examiner Case No. Z15-90/UP9-70) as amended. The conditions of approval which remain applicable are attached to Ordinance No. [5092](#) as Exhibit A and incorporated herein by reference.

Auburn has accepted the Lakeland Hills South PUD as an approved PUD. Therefore, this purpose section shall apply to minor and major amendments to the Lakeland Hills South PUD.

The purpose of a planned unit development (PUD) district is to offer enhanced flexibility to develop a site through innovative and alternative development standards. A PUD district also allows for a greater range of residential development scenarios, provides for internal transfers of density, and may result in more dwelling units than may be realized by using the existing development standards. In exchange for this enhanced flexibility, the city will require the PUD to result in a significantly higher quality development, generate more public benefit and be a more sensitive proposal than would have been the case with the use of standard zoning or subdivision procedures.

In order for a PUD to be approved it will be the applicant's responsibility to demonstrate, to the city's satisfaction, that the proposed PUD achieves or is consistent with the following desired public benefits and expectations in whole or in part:

- A. *Preservation of Natural Amenities.* Preservation of desirable site characteristics such as open spaces and the protection of sensitive environmental features including steep slopes, rivers, creeks, wetlands, lakes and scenic views.
- B. *Pedestrian-Oriented Communities.* Use of traffic management and design techniques to reduce traffic congestion and increase the potential use of alternative modes of travel such as mass transit, pedestrian and bicycle traffic.
- C. *Land Use Efficiencies.* Provide efficient and effective use of land, open space and public facilities that result in lower development cost and make housing more affordable.
- D. *Implementation of the Comprehensive Plan.* Provide development that is consistent with the goals and policies of the comprehensive plan. PUDs may also allow for a small amount of development from other comprehensive plan designations if determined to be appropriate for the PUD and its surroundings.

E. *Enhanced Design Features*. Provide building and structural designs that complement surrounding land uses and their environment. Design standards should reflect quality site planning, landscaping and building architecture.

F. *Creation of Public Amenities*. Enhance parks and open spaces consistent with the comprehensive park plan and nonmotorized plan.

G. *Affordable Housing*. Provide affordable housing options in accordance with Auburn's comprehensive plan. (Ord. 5092 § 1, 1998.)

18.76.020 Process.

The approval process for major amendments to the Lakeland Hills South PUD is three steps. The first step is a recommendation by the hearing examiner and final approval of the PUD or major amendment by the city council using the process applicable to a rezone, Chapter [18.68](#) ACC. The second step is the approval of either a preliminary plat, a site plan, or a combination of both. Where a preliminary plat has been proposed, the third step is the approval of a final plat by the city council. Step two may be combined with step one.

A. *Step One – PUD Major Amendment Approval*. Approval of a major amendment to the Lakeland Hills South PUD shall be applied by the rezone process as specified in Chapter [18.68](#) ACC. Generally, a major amendment will be required because a specific proposal within a planning area necessitates an amendment. For the proposal triggering the need for the major amendment, the major amendment shall establish the land uses, density, number and types of dwelling units, number and distribution of lots/units, any modification of plat development standards, general street layout, street right-of-way widths, whether streets are public or private, the amount, type, and location of open space and park land, phasing plans if any, and the responsibilities of the owner/developer. If there is no specific proposal, the major amendment shall establish these parameters to the extent possible. Application for PUD major amendment approval shall be in accordance with ACC [18.76.090](#).

B. *Step Two – Preliminary Plat/Site Plan Approval*. For those major amendments to the Lakeland Hills South PUD that consist of only single-family or duplex platted lots, a preliminary plat may be filed pursuant to Chapter [17.06](#) ACC. For all other uses, a site plan must be approved by the director of planning pursuant to ACC [18.76.160](#). Preliminary plat and site plan approval must be

concurrent if a PUD requires both approvals. Preliminary plat/site plan applications may be for all or a portion of a planning area. Applications for a site plan shall be in accordance with ACC [18.76.160](#).

C. *Step Three – Final Plat Approval*. Final plats shall be approved pursuant to Chapter [17.10](#) ACC. (Ord. 5092 § 1, 1998.)

18.76.030 Definitions.

For the purposes of this chapter:

- A. "Community center/recreation facilities" means a building with associated amenities intended or designed to be used for community meetings and recreation and may include facilities within and adjacent to the building for offices, kitchen, storage space, bathrooms, sales and information, swimming pools, sportcourts, tennis courts, playgrounds, and an outdoor amphitheater.
- B. "Density" means the maximum number of dwelling units per acre allowed within a given area.
- C. "Department" shall refer to the city of Auburn department of planning and development.
- D. "Gross area" (also referred to as "gross acreage" or "gross useable area") shall be defined as all of the area within the boundaries of the entire PUD site including all public and private parcels, rights-of-way, open spaces, common areas, and dedications.
- E. *Lot Types*. These definitions apply to dwellings on fee simple lots:
 - 1. "Detached lots" are lots on which the structure on the lot is set back from all the lot lines.
 - 2. "Zero setback lots" are lots on which the structure on the lot does not have a setback from one of the interior side lot lines and is not attached to another structure on an adjoining lot. The structure is set back from all remaining lot lines.

3. "Semi-attached lots" are lots on which the structure on the lot does not have a setback from one of the interior side lot lines and is attached to another structure on an adjoining lot. The structure is set back from all remaining lot lines.

4. "Attached lots" are lots on which the structure on the lot does not have a setback from either of the interior side lot lines and is attached to another structure on both adjoining lots. The structure is set back from all remaining lot lines.

F. "Net area" (also referred to as "net acreage" or "net usable area") shall be defined as the gross area minus the area designated as nonbuildable areas and nonresidential uses.

G. "Nonbuildable areas" include slopes that exceed 25 percent measured between each 25-foot contour line, wetlands delineated pursuant to the definition of "wetlands" contained within ACC [16.06.030](#), or floodways as defined by ACC [15.68.100\(Z\)](#). Slopes, wetlands, or floodways that are allowed to be modified by the city may be considered buildable. Wetland buffers are not considered nonbuildable areas. Nonbuildable areas for each planning area will be determined following the completion of mining for the planning area pursuant to Pierce County Permit UP9-70 as it may be amended.

H. "Official Lakeland plan map" is the final development plan for Lakeland attached to the ordinance codified in this chapter as Exhibit "B-REV" as amended by Ordinance No. [5546](#) and legally described in Exhibit "C." Exhibits "B-REV" and "C" are incorporated herein by reference. Exhibit "B" approved in Ordinance No. [5092](#) is no longer effective. It is replaced by Exhibit "B-REV."

I. "Open space" may include such features as landscaped areas, held in common ownership by a homeowners' association and part of a landscape plan common to the entire PUD, passive and active recreation uses, natural features, environmental amenities such as wetlands and their buffers, and storm water facilities that incorporate any or all of the above identified features. Open space areas shall be required to be enhanced if not already an existing amenity. Areas intended to be left in their natural state, including but not limited to wetlands and their buffers and steep slopes, shall be considered an existing amenity. The open space must be a permanent, integral, and functional amenity that is for the common good and enjoyment of the residents of the entire PUD and not just to an individual lot or resident. Landscaped areas, private parks, and improvements within open space areas shall be maintained by the homeowners' association. Open space for the Lakeland Hills South special area plan is shown on the official Lakeland plan map and shall be provided in accordance with the First

Amendment to Lakeland Annexation and Utilities Agreement as adopted by City Council Resolution No. 2955.

J. “Planning area” refers to the areas referred to as residential, senior, commercial, community center, school, and park/open space on the official Lakeland plan map.

K. “Private street” means any access easement, tract or street which is not a public street. Driveways which are not part of an access easement, tract or street shall not be considered a street.

L. “Public street” includes all streets, highways, freeways, avenues, lanes, courts, places or other public rights-of-way in the city held in public ownership and intended to be open as a matter of right to public vehicular traffic.

M. “Senior housing and services” means living accommodations where at least one member of the household is age 55 or over and all members of the household are at least 18 years of age. Dwelling units may consist of independent living units comprised of attached and detached single-family and multifamily dwellings where elderly individuals or families provide rooms, meals, personal care, supervision of self-administered medication, recreational activities, financial services, and transportation, and may include Alzheimer’s care and health care facilities. For the purposes of this chapter, Alzheimer’s care facilities which have no more than one congregate kitchen and dining area will be considered one dwelling unit. (Ord. 6287 § 2, 2010; Ord. 5553 § 1, 2001; Ord. 5092 § 1, 1998.)

18.76.040 Permitted uses.

A. Residential.

1. Housing concepts of all types limited only by the density allowed in the official Lakeland plan map. Examples include the following:

- a. Single-family detached homes;
- b. Condominiums, apartments, and townhouses;
- c. Customary accessory uses and structures common to single-family homes or multifamily dwellings;

- d. Home occupations authorized by and subject to the standards of Chapter [18.60](#) ACC;
- e. Storage or parking of recreational vehicles for residents of the individual development;
- f. Nonresidential or municipal uses such as schools, churches, libraries, police, parks or fire facilities as authorized in the PUD;
- g. Home-based daycare;
- h. Community centers/recreation facilities;
- i. Senior housing and services.

2. Parks.

B. *Nonresidential*. Uses permitted outright by Chapter [18.26](#) ACC as authorized in the development plan, except those uses requiring an administrative use permit under ACC [18.76.045](#). (Ord. 6269 § 25, 2009; Ord. 5777 § 1, 2003; Ord. 5092 § 1, 1998.)

18.76.045 Uses requiring an administrative use permit.

A. The following uses may be permitted throughout the PUD as specifically authorized by the development plan and when an administrative use permit has been issued pursuant to the provisions of Chapter [18.64](#) ACC:

- 1. Civic, social and fraternal clubs;
- 2. Mini-daycare and daycare centers;
- 3. Preschools or nursery schools;
- 4. Religious institutions;
- 5. Utility substations;
- 6. Municipal services:

- a. Police;
- b. Fire;
- c. Library.

B. The following uses may be permitted in areas of the PUD with a comprehensive plan designation of “Light Commercial” as specifically authorized by the development plan and when an administrative use permit has been issued pursuant to the provisions of Chapter [18.64](#) ACC:

- 1. Automobile service stations;
- 2. Drive-through facilities, including banks and restaurants;
- 3. Brew pubs. (Ord. 6269 § 37, 2009.)

18.76.046 Marijuana related uses.

All marijuana related businesses and marijuana cooperatives shall not be permitted in any residential or nonresidential portion of the planned unit development. (Ord. 6642 § 29, 2017.)

18.76.050 Calculation of number of dwelling units.

The maximum number of dwelling units allowed in a planning area is calculated in the following manner:

A. Nonbuildable areas and land set aside for nonresidential land uses are subtracted from the gross area of the site to determine the net usable area of the site. For the purposes of this section, nonbuildable areas do not include public or private streets or driveways within a planning area.

B. The number of acres of the net usable area of the planning area is multiplied by the residential densities allowed in the official Lakeland plan map to produce the maximum number of dwelling units. Any fractions may be rounded up to the nearest whole number as long as the densities as outlined in subsection [C](#) of this section are not exceeded.

C. Residential densities within each planning area allowed by the official Lakeland plan map are as follows:

Allowable Residential Densities

Lakeland Hills South Comprehensive Plan Map Designation	Maximum Number of Dwelling Units Per Acre
Single-family	6 units per acre
Moderate density residential	14 units per acre
High density residential	19 units per acre

(Ord. 5092 § 1, 1998.)

18.76.060 Development standards.

The following development standards will apply for each development within the planning areas shown on the official Lakeland plan map. Except where modified by these standards, all standards of the Auburn City Code apply. Front yard setbacks are measured from the edge of the right-of-way for lots fronting on public streets and from the face of the curb, or the midpoint if a rolled curb is used, for private streets.

A. *Single-Family Planning Areas.* Single-family planning areas are those planning areas with a permitted density of one to four and two to six dwelling units per acre. Within these planning areas, the following development standards apply:

1. Single-Family Detached – One (SFD-1).
 - a. Minimum lot area: 7,000 square feet.
 - b. Minimum lot width: 65 feet.

-
- c. Minimum lot depth: 100 feet.
 - d. Building footprint coverage: 55 percent.
 - e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 20 feet to garage;
 - ii. Side: five feet;
 - iii. Side, street: 10 feet;
 - iv. Rear: 20 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
 - f. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.
2. Single-Family Detached – Two (SFD-2).
- a. Minimum lot area: 5,400 square feet.
 - b. Minimum lot width: 60 feet.
 - c. Minimum lot depth: 90 feet.
 - d. Building footprint coverage: 55 percent.
 - e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 20 feet to garage;
 - ii. Side, interior: five feet;
 - iii. Side, street: 10 feet;
 - iv. Rear: 20 feet;
-

- v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
 - f. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.
3. Single-Family Detached – Three (SFD-3).
- a. Minimum lot area: 4,250 square feet.
 - b. Minimum lot width: 50 feet.
 - c. Minimum lot depth: 85 feet.
 - d. Building footprint coverage: 55 percent.
 - e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 18 feet to garage;
 - ii. Side, interior: five feet;
 - iii. Side, street: 10 feet;
 - iv. Rear: 15 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
 - f. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.

B. *Moderate Density.* The moderate density planning areas are those planning areas with a permitted density of two to 14 dwelling units per acre. Within these planning areas, the

following development standards apply in addition to those identified in subsection [A](#) of this section:

1. Single-Family Detached – Four (SFD-4).
 - a. Minimum lot area: 3,375 square feet.
 - b. Minimum lot width: 45 feet.
 - c. Minimum lot depth: 65 feet.
 - d. Building footprint coverage: 55 percent.
 - e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 18 feet to garage;
 - ii. Side, interior: five feet;
 - iii. Side, street: 10 feet;
 - iv. Rear: 15 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
 - f. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.
2. Single-Family Detached – Five (SFD-5).
 - a. Minimum lot area: 2,730 square feet.
 - b. Minimum lot width: 40 feet.
 - c. Building footprint coverage: 55 percent.
 - d. Minimum Yard Setbacks.

-
- i. Front: 10 feet to porch, 15 feet to residence, 18 feet to garage;
 - ii. Side, interior: three feet;
 - iii. Side, street: six feet;
 - iv. Rear: 10 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
 - e. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.
3. Multifamily or Small Lot Detached – One (MFA-1).
- a. Minimum lot area: 2,400 square feet.
 - b. Minimum site area per dwelling unit: 2,400 square feet.
 - c. Minimum lot width: 35 feet if detached; 20 feet if attached.
 - d. Building footprint coverage: 60 percent.
 - e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 18 feet to garage;
 - ii. Side, interior: five feet, except zero feet when attached and three feet if detached single-family;
 - iii. Side, street: 10 feet or six feet if detached single-family;
 - iv. Rear: 10 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
-

f. Maximum Building Height.

- i. Main building: 30 feet;
- ii. Accessory buildings: 24 feet.

C. *High Density*. The high density planning areas are those with a permitted density of 12 to 19 dwelling units per acre. Within these planning areas, the following development standards apply:

1. Multifamily – Two (MFA-2).

- a. Minimum lot area: 1,800 square feet.
- b. Minimum site area per dwelling unit: 1,800 square feet.
- c. Minimum lot width: 20 feet.
- d. Building footprint coverage: 60 percent.
- e. Minimum Yard Setbacks.
 - i. Front: 10 feet to porch, 15 feet to residence, 18 feet to garage;
 - ii. Side, interior: five feet, except zero feet when attached;
 - iii. Side, street: 10 feet;
 - iv. Rear: 10 feet;
 - v. Accessory structures and alley-loaded garages shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet.
- f. Maximum Building Height.
 - i. Main building: 30 feet;
 - ii. Accessory buildings: 24 feet.

D. *Public*. As required by Chapter [18.40](#) ACC, P-1 Public Use District.

E. *Commercial*. As required by Chapter [18.26](#) ACC, Light Commercial District, except that the required setbacks from streets may be averaged and that multifamily units shall be permitted outright. The number and location of multifamily units shall be governed by ACC [18.76.170\(A\)](#).

F. No recreational vehicle (RV) parking spaces will be required for multifamily complexes if there are perpetual restrictive covenants or a similar instrument recorded against the property that do not allow recreational vehicles to be parked in a multifamily complex. The language of the restrictive covenants precluding the RVs shall be approved by the city of Auburn and shall be recorded by the applicant prior to any certificates of occupancy issued by the city of Auburn for the subject multifamily structure. An original recorded copy shall be provided to the city of Auburn. Any subsequent amendments to the approved covenants regarding RV parking must be approved by the city of Auburn and recorded. Any recreational vehicles within a multifamily complex that are in violation of this covenant shall be considered a violation of this title and will be subject to the provisions of Chapter [1.25](#) ACC, Civil Penalties for Violations. The owner/manager and/or homeowners' association responsible for the multifamily complex will be the party responsible for complying with Chapter [1.25](#) ACC. (Ord. 5777 § 1, 2003; Ord. 5534 § 1, 2001; Ord. 5397 § 1, 2000; Ord. 5364 § 1, 2000; Ord. 5092 § 1, 1998.)

18.76.070 Design requirements.

A. *Open Space*. The Lakeland Hills South PUD will provide a minimum of 153 acres of open space in addition to public parks requirements. The open space is shown on the official Lakeland plan map.

B. *PUD Perimeters*. Setbacks from the perimeter of the PUD shall correspond to the requirements of the adjoining zoning districts. The city may determine a reduced setback is sufficient due to the use of natural topography, earth berms, existing and proposed foliage, and other features such as roadways, wetlands or natural waterways that would otherwise provide sufficient buffering of adjoining parcels. Sight distance conflicts shall be avoided for motorized and nonmotorized traffic.

C. *Pedestrian Movement*. A planning area shall provide public pedestrian access, which may require appropriate easements, to parks, schools or uses that may attract a significant number of pedestrians. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security, which

may include lighting, can be maintained. Convenient, barrier free, pedestrian access to transit stops, when applicable, shall be provided.

D. *Architectural Design Guidelines*. The purpose of this section is to provide design guidelines that will be utilized to insure the creation of high quality development that is internally consistent and harmonious throughout the PUD. The following design guidelines are suggested as a means to create a high quality, pedestrian-oriented community.

1. All residential buildings shall be designed and constructed to minimize visual intrusions into windows and private spaces of adjoining developments.
2. Within single-family planning areas, all buildings shall be designed and constructed consistent with approvals granted pursuant to the Auburn City Code.
3. Multifamily buildings within the moderate density planning areas shall incorporate design elements that are reflective of single-family housing. These design elements may include the use of pitched roof systems, limits on length of buildings and building massing, a limited number of entrances as viewed from any particular elevation, varied setbacks to avoid massing of buildings along setback lines of arterial and collector streets, and a combination of landscaping and fences within setbacks to create private space.
4. Multifamily buildings within the high density planning areas shall also incorporate design elements such as roof treatments and building articulation intended to minimize building mass to insure compatibility with adjoining lower density development, parking shall be clustered in locations that minimize visibility from public streets, or screened with berms and landscaping, solid waste and outdoor storage facilities shall be limited to enclosures that are architecturally compatible with the primary building, and pool and recreation areas shall be located away from property lines of adjoining lower density residential development.
5. Buildings located along the Lakeland Hills Parkway linear park or which front other public parks shall incorporate landscape features that compliment the design of the public park, in accordance with the approved master landscaping plan referenced in ACC [18.76.075](#).

6. Prior to or concurrent with the submittal of a commercial or nonresidential site plan, a design plan that incorporates the following elements shall be submitted to the planning director for review and approval:

- a. A consistent design theme compatible with the balance of the PUD.
- b. Exterior facades shall be softened by modulation, landscaping adjacent to buildings, and varied roof lines.
- c. Buildings on the pads shall be designed to be compatible with the design of the commercial structure.
- d. Rooftop equipment visible from adjoining development shall be designed such that it appears as an architectural feature and similar to the building with regard to color and/or texture. The equipment shall be arranged or screened in a manner to minimize visibility from adjoining development or public rights-of-way.
- e. One or more buildings, such as buildings on pads, should be located adjacent to the street frontage with parking located to the “rear” of the building.
- f. Truck loading areas should be screened from adjacent properties and streets.
- g. Trash disposal areas should be enclosed.

E. *Fences.* Fences shall comply with the regulations of Chapter [18.31](#) ACC except on those lots that have two street frontages and abut Lakeland Hills Way, Evergreen Way, Lakeland Hills Loop, 62nd Street SE, Lakeland Hills Parkway or other future arterial streets. In such cases a six-foot-high fence may then encroach into the yard setback abutting the aforementioned streets subject to the following: if a six-foot-high fence is proposed, it must be for all or a majority of the street frontage the subject lots abut. Individual six-foot-high fences on independent lots will not be permitted in the required setback area. A five-foot width of landscaping is required between the fence and the back edge of the abutting sidewalk. The homeowners’ association shall perpetually maintain the fence and the landscaping and the developer shall provide evidence of such perpetual maintenance. The fence and landscaping shall be installed prior to the occupancy of the home on the associated lot. The planning director shall approve of the fence material, landscaping and evidence of the homeowner’s maintenance.

All fences shall be consistent with the sight distance requirements contained in Section 2.14, Intersection Design Elements of the Design and Construction Standards Manual, as may be amended. (Ord. 5777 § 1, 2003; Ord. 5364 § 1, 2000; Ord. 5092 § 1, 1998.)

18.76.075 Landscaping and screening requirements.

- A. Within 120 days of the effective date of the ordinance codified in this chapter, a master landscape plan shall be submitted to the city planning director for review and approval. The master landscape plan shall designate the scope of the plan, plat material references, types of landscaping including screens and buffers, and regulations by planning area.
- B. The purpose and goal of the master landscape plan is to achieve a harmonious and consistent appearance within the PUD area, including that of a well-planned residential area and a theme that carries into the nonresidential areas. Consideration of transitional areas and boundaries between different uses will be important. The city of Auburn landscape code shall be used as a guideline in the development of the plan, although ACC [18.50.060\(L\)](#) shall not apply.
- C. Until the master landscape plan in subsection [A](#) of this section is approved by the city planning director, the city of Auburn landscape code (excluding ACC [18.50.060\(L\)](#)) shall apply to new development applications submitted to the city. The city planning director may approve variances from the code for specific submittals. (Ord. 5092 § 1, 1998.)

18.76.077 Sign requirements.

- A. Within 120 days of the effective date of the ordinance codified in this chapter, a master sign plan must be submitted to the city planning director for review and approval. The master sign plan shall designate the location and design elements, the use of common elements, the size and scale of each type of sign, and the quality of materials to be used. The master sign plan shall include the design elements intended for various monuments, including major entrance monuments planned for major intersections, which may be similar in size and scale to the major entrance monuments located at the intersection of Lakeland Hills Boulevard and A Street, and secondary entrance monuments similar in size and scale to that planned for

Lakeland Hills Way and Evergreen Way. The sign on the monuments shall be designed in accordance with Chapter [18.56](#) ACC, however, the size of monument signs shall be governed by the master sign plan. In addition, the master sign plan shall include the typical uses and approximate location of temporary directional signs, model home signs, and A-boards.

B. Except as modified by this section, the requirements of Chapter [18.56](#) ACC shall be applicable throughout the PUD until such time as the city approves the master sign plan. Upon approval of a master sign plan, it shall control. Within each preliminary plat or site plan within the single-family, moderate density, and high density planning areas, the following signs shall also be permitted outright:

1. On-site directional signs.
2. Model home signs.
3. Monument signs at all plat entrances.

C. The signs referenced in subsection [B](#) of this section shall be designed and constructed consistent with the examples shown on Exhibit D, attached to Ordinance No. [5092](#), and of the size and scale of similar signs constructed within the King County portion of Auburn. In addition, entrance monument signs shall be designed and constructed to be low in scale and set in a landscaped bed. Monument signs shall be located on property that is held in common by the homeowners' association, and the homeowners' association shall be responsible for maintenance of the sign and landscaping on a private easement.

D. Within the commercial and nonresidential planning areas, signs shall be subject to Chapter [18.56](#) ACC except as follows:

1. Commercial areas within the PUD shall be limited to one pylon sign within each parcel. All other signs shall be monument style or wall mounted.
2. Nonresidential development within the PUD shall be limited to monument or wall mounted signs, except in subsection [\(D\)\(1\)](#) of this section.
3. Prior to or concurrent with the submittal of a site plan for development within a nonresidential area, a commercial sign master plan must be submitted to the planning director for review and approval. The commercial sign master plan shall include a

coordinated sign theme that is compatible with surrounding development. (Ord. 5092 § 1, 1998.)

18.76.080 Public infrastructure requirements.

The applicant for the PUD must provide all necessary public facilities to include, as a minimum, the following:

- A. *Dedication of Public Utilities.* Public utilities being provided by the city must be dedicated to the city unless allowed to be private by the city.
- B. *Water, Sewer and Drainage Facilities.* All water, sanitary sewer and drainage facilities must be constructed and installed in accordance with applicable city codes and standards, including design criteria, construction specifications, operational criteria, and approved engineering submittals.
- C. *Underground Facilities.* All public utilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, power vaults, telephone pedestals and open watercourses. The applicant is responsible for making the necessary arrangements with the appropriate entities for the installation of such services.
- D. *Streets.*
 - 1. All streets must be constructed to the city's standards. Variations from minimum standards for pavement and right-of-way widths or other dimensional or construction standards may be permitted when special design features of the PUD or topographic considerations warrant the variation. The applicant must submit a written justification for any proposed variation along with evidence that the minimal functional requirements of the proposed street improvements are being met. The city engineer shall review the proposed variation and shall determine if the minimal functional requirements are being met and shall make a recommendation to the city council whether the variation should be approved. The city council shall act upon the request and may require conditions of approval to ensure the minimal functional requirements are being met.
 - 2. Private streets may be permitted within the PUD, provided they meet the following criteria:

-
- a. Use of the private street is limited to those accessing property within the planning area or immediately adjacent to the planning area and is not needed by non-PUD residents to travel from one public street to another. The design of the private street shall be such that it will discourage any through traffic that is not related to the planning area itself.
 - b. The minimum pavement width for private streets shall be 28 feet; provided, that on-street parking is allowed only on one side of the street or 20 feet for alleys. The roadway section pavement depth for asphalt, crushed rock, and gravel base and the material specifications of these materials shall be the same as Auburn standards for public streets. Additional width may be required if determined to be needed to provide adequate circulation for the residents of the PUD. Factors to be considered include but are not limited to providing emergency equipment access, preventing conflicts between pedestrians and vehicle traffic, on-street parking, number of units, the need for sidewalks and bike paths. The pavement width and construction standards, to include but not limited to, illumination, signing, storm drainage, curbs, gutters, channelization, e.g., shall be determined by the city engineer at the time of preliminary plat or site plan approval. Private streets and/or access tracts and shared driveways that provide a second or additional access to lots/units shall be constructed to standards, as determined by the city engineer, considered to be appropriate for the situation. Factors to be considered include the number of units served, emergency access and traffic circulation.
 - c. All sites served by a private street greater than 600 feet in length shall have at least two access connections to a public street and provide for adequate emergency equipment access.
 - d. A legally incorporated property owners' association assumes the responsibility and cost to repair and maintain the proposed private streets. If the association fails to maintain the street, the by-laws of the association give the city the right to maintain the street and charge the cost of the maintenance, including any administrative costs, to the association members.
 - e. The by-laws establishing the association must state that if future owners should request that private streets be changed to public streets, then the owners fully agree that, before acceptance of such streets by the city, the owners will bear full expense of

reconstruction or any other action necessary to make the streets substantially consistent to the requirements of public streets, applicable at that time. (Ord. 6532 § 31, 2014; Ord. 5092 § 1, 1998.)

18.76.090 Application for approval of major amendment to the PUD.

A. *Pre-Application Conference* Recommended. Prior to filing an application for a major amendment to the PUD, it is recommended that the applicant ~~shall~~ attend a pre-application conference with the planning director and other interested department heads, or their designees, regarding the proposed development. The conference attendees will ~~shall~~ review the general outlines of the proposal, evidenced schematically by sketch plans and other documents provided by the applicant. The applicant ~~shall~~will receive suggestions and recommendations generated by the conference along with forms and guidelines for preparing the PUD application.

B. *Application Procedure*. ~~Following a pre-application conference, a~~ Applicants must provide the planning director seven copies of the following:

1. *Application*. Forms provided by the department that ask the applicant for the following information:
 - a. The name of the proposed PUD or planning area and a general description of the proposed development requiring the major amendment, including descriptions of buildings, and other site improvements;
 - b. A proposed schedule that includes submittal of the site plan, preliminary plat, proposed phased developments, if any, and target dates for starting construction;
 - c. Proposed land uses including the type and amount or densities;
 - d. Number and types of dwelling units in the proposed development requiring the major amendment;
 - e. Total amount of open spaces, the designated or proposed use, and the amount of open space designated for public and private use;

-
- f. Plans for the perpetual maintenance and preservation of private spaces and private streets;
 - g. Any requests for modifications to the street construction standards of the land division ordinance including substantiating information as to why the modifications are necessary;
 - h. The gross acreage of the PUD or planning area, the net usable acreage, and the acreage of any nonbuildable areas;
 - i. The name and address of the applicant. All land within the PUD or planning area shall be under the ownership of the applicant. Applicants are defined as an individual, partnership, corporation, or groups of individuals, partnerships or corporations; and
 - j. The name, address, stamp and signature of the professional engineer, professional architect or professional land surveyor who prepared the site plan.
2. *Environmental Checklist.* Form and instructions provided by the Department in accordance with Chapter [16.06](#) ACC, Environmental Review Procedures.
3. *Conceptual Design of Public Facilities.* Preliminary engineering plans and studies that include the following:
- a. A general description and location of the proposed improvements necessary to properly handle the potable water, sanitary sewer, storm water drainage and other service needs within and adjacent to the proposed PUD.
 - b. In addition, for any major amendment to the PUD, the following:
 - i. Anticipated demand capacities for the proposed water distribution, storm drainage and sanitary sewage systems.
 - ii. The estimated, tentative horizontal and vertical alignment of all proposed streets and sidewalks and the estimated grade of any trails.
4. *Site Plan.*
- a. *Preparation.* The site plan may be prepared by a professional engineer, architect or professional land surveyor registered or licensed by the state of Washington. They shall prepare and, by placing their signature and stamp upon the face of the planning
-

documents, certify that all information is portrayed accurately and that the proposed PUD complies with applicable standards and regulations.

b. *Scale and Format.* The site plan shall be drawn with reproducible black ink on mylar or similar material. All geographic information portrayed by the plan shall be accurate, legible, and drawn to an engineering (decimal) scale. The horizontal scale of a plan shall be 100 feet or fewer to the inch, except that the location sketch and typical street cross sections may be drawn to any other appropriate scale. The site plan shall be 24 inches by 36 inches in size. Each sheet shall be numbered consecutively. An index sheet orienting the other sheets shall be provided. If necessary, the planning director may authorize a different sheet size or scale.

c. *Contents.* The site plan must include each of the following:

i. *Vicinity Map.* A vicinity map sufficient to define the location and boundaries of the proposed PUD relative to surrounding property, streets and other major manmade and natural features.

ii. *Existing Geographic Features.* Except as otherwise specified, the following existing geographic features shall be drawn lightly in relation to proposed geographic features and developments:

(A) All existing property lines lying within the proposed PUD and all existing property lines lying within 100 feet of the PUD.

(B) The location of all existing streets within the PUD, both public or private, including the right-of-way widths, pavement widths and the names.

(C) Existing water features such as rivers, creeks, ponds, wetlands, storm water detention basins, watercourses, floodplains and areas subject to inundation or storm water overflow.

(D) Existing contour lines at intervals of five feet for average slopes exceeding five percent or at intervals of one foot for average slopes not exceeding five percent. Contour lines shall be labeled at intervals not to exceed two feet and shall be based upon city datum, e.g., NGVD.

- (E) Location of any existing structures lying within the proposed PUD. Existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines.
- iii. *Proposed Improvements.* The following proposed geographic features shall be shown:
- (A) The location of any public or private streets and/or storm drainage facilities.
- (B) The general location of the types of uses or densities and general distribution of lot types.
- (C) The boundaries, dimensions and area of public park and common open space areas.
- (D) Identification of all areas proposed to be dedicated for public use, together with the purpose and any conditions of dedication.
- (E) Conceptual plans for pedestrian and bicycle circulation systems.
- (F) The treatment proposed for the periphery of the site including setbacks, fencing, the approximate amount, location, and type of any landscaping. (Ord. 5092 § 1, 1998.)

18.76.100 Phased developments.

- A. The applicant may propose a phased development.
- B. Any phases being developed in the Lakeland Hills South PUD require a description of each phase, including the size, uses or densities and schedule for implementing each phase and corresponding public services. Phased sequences and intervals between scheduled phases become a condition of the PUD approval.
- C. Each phase must be able to stand on its own without reliance upon development of subsequent phases. (Ord. 5092 § 1, 1998.)

18.76.110 Concurrency with subdivision regulations.

- A. A preliminary plat may be processed concurrently with a major amendment to the PUD or a site plan. A preliminary plat must be submitted in accordance with ACC Title [17](#).
- B. Approval of a major amendment to the PUD or a preliminary plat application may allow for the modification of the subdivision construction standards and specifications of Chapter [17.12](#) ACC. If modifications are proposed the request must be made part of the major amendment or preliminary plat application. The applicant must also provide substantiating evidence as to why the modifications are necessary. (Ord. 5092 § 1, 1998.)

18.76.120 Administrative review of major amendments.

- A. The planning director shall forward the major amendment to the PUD application and/or preliminary plat or site plan application, together with copies of any appropriate accompanying documents, to the director of public works. The director of public works shall review the application(s) as to the adequacy of the proposed means of sewage disposal and water supply; the conformance of the proposal to any plans, policies or regulations pertaining to streets, storm drainage or utilities; and regarding any other issues related to the interests and responsibilities of the department of public works.
- B. The planning director shall solicit the comments of any other appropriate city department, local utility provider, local school district, and any other appropriate public or private entity, concerning the proposed major amendment to the PUD. For a major amendment to the PUD or a PUD processed simultaneously with a preliminary plat, comments received in a timely manner, as well as any written comments received in response to a notice of public hearing, shall either be transmitted to the hearing examiner or incorporated into a report prepared by the planning director and submitted to the hearing examiner, prior to the scheduled public hearing.
- C. The planning director shall approve the site plan if it conforms to the approved PUD, the submittal requirements of ACC [18.76.160\(A\)](#), [18.76.060](#), and other applicable standards. (Ord. 5092 § 1, 1998.)

18.76.130 Hearing examiner review.

Pursuant to the provisions of Chapter [2.46](#) ACC the hearing examiner shall conduct a public hearing on all requests for a major amendment to a PUD. The examiner's decision shall be in the form of a recommendation to the city council. (Ord. 6442 § 29, 2012; Ord. 5092 § 1, 1998.)

18.76.140 Findings of fact.

Applications for a major amendment to a PUD shall only be approved if sufficient findings of facts are drawn to support the following:

- A. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, or sites for schools.
- B. The proposed major amendment to the PUD is in accordance with the goals, policies and objectives of the comprehensive plan.
- C. The major amendment is consistent with the purpose of this chapter, ACC [18.76.010](#), provides for the public benefits required of the development of PUDs and does not result in only increasing the number of units that would otherwise be attained through a development using the existing zoning and subdivisions standards.
- D. The proposed major amendment to the PUD conforms to the general purposes of other applicable policies or plans which have been adopted by the city council.
- E. The approval of the major amendment will have no more of an adverse impact upon the surrounding area than the approved Lakeland Hills South PUD as shown on the official Lakeland plan map. (Ord. 5092 § 1, 1998.)

18.76.150 City council action.

- A. The city council may affirm, modify, or disaffirm the recommendations of the hearing examiner in accordance with ACC [2.46.170](#).

B. The majority of the city council shall instruct the city attorney to prepare an ordinance reflecting its decision. The ordinance shall include formal findings of fact and conclusions supporting the decision. If the decision is for approval with conditions, the conditions shall be specified in the ordinance. The ordinance shall be recorded in accordance with ACC [18.68.060](#). (Ord. 5092 § 1, 1998.)

18.76.160 Site plan approval.

A. *Pre-Application Conference Recommended*. Prior to filing an application for a site plan approval, it is recommended thatthe applicant ~~shall~~ attend a pre-application conference with the planning director and other interested department heads, or their designees, regarding the proposed development. The conference attendees will~~shall~~ review the general outlines of the proposal, evidenced schematically by sketch plans and other documents provided by the applicant. The applicant will~~shall~~ receive suggestions and recommendations generated by the conference along with forms and guidelines for preparing the site plan application.

B. An application shall be required for the site plan approval of any portions of a planning area except for those designed for detached single-family lots and shall include the following:

1. The ordinance approving the PUD, if previously done.
2. A site plan which shall illustrate the following:
 - a. Vicinity map;
 - b. Boundaries and dimensions of the PUD;
 - c. If partial approval, illustrate the proposal within the boundaries of the entire PUD;
 - d. Illustrate previous site plan approvals that may have occurred within the PUD;
 - e. Acreage of proposal;
 - f. Rights-of-way location and widths, the proposed name of each street or alley and whether the right-of-way will be dedicated as public or remain private. The designation of any fire lanes. Where final street grades are likely to exceed 10 percent in elevation and the estimated tentative grades of such streets;

-
- g. Adjacent public streets;
 - h. Easements, existing and proposed including its purpose;
 - i. Location and size of all existing and proposed utilities including sanitary sewer, storm drainage, and water lines lying within or adjacent to the PUD or the phase of the PUD as appropriate;
 - j. Typical street cross section(s) including any pedestrian facilities;
 - k. Location of uses;
 - l. Location of buildings and structures, both existing and proposed, including setbacks;
 - m. Location and layout of off-street parking, loading and unloading areas;
 - n. Location of walls and fences, around the perimeter of the PUD or phase of the PUD, as appropriate, and an indication of their height and materials;
 - o. Location of any storage areas or refuse containers;
 - p. Location and size of signs;
 - q. Landscaping plan – conceptual;
 - r. Indication of height of buildings;
 - s. Proposed architectural treatment of structures;
 - t. Any covenants not previously approved;
 - u. Proposed final contour lines at intervals of five feet for average slopes exceeding five percent, or at intervals of two feet for average slopes not exceeding five percent. Final contours shall be indicated by solid lines (existing contours which are to be altered shall be shown by broken lines). Contour lines shall be labeled at intervals not to exceed 20 feet and shall be based upon city datum, e.g., NGVD. Contour lines around proposed geographic features shall be drawn tightly around the proposed features;

- v. The site plan shall illustrate a north arrow, be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 by 36 inches, more sheets may be used if necessary. A reproducible mylar, or similar material, and seven copies of the site plan shall be submitted at the time of application. An alternative scale sheet size may be approved by the planning director;
 - w. The planning director may require the submittal of additional information in order to thoroughly evaluate the site plan.
3. The site plan application shall be accompanied by a current (within 30 days) title report which contains:
- a. The legal description of the total parcel sought for final site plan approval.
 - b. Those individuals or corporations holding an ownership interest in said parcel all of which shall sign the application for final site plan approval.
 - c. Any easements or restrictions affecting the property with a description of its purpose and referenced by an auditor's file number and/or recording number.
4. A signed certification that the site plan has been made with the free consent, and in accordance with the desire of the owner or owners.
- C. A site plan shall be reviewed in accordance with the provisions of ACC [18.76.120](#). The site plan shall only be approved if it is found to be consistent with and implements the provisions of the PUD and meets the submittal requirements of subsection [A](#) of this section. If necessary conditions of approval may be imposed to ensure consistency with the approved PUD. (Ord. 5092 § 1, 1998.)

18.76.170 Adjustments to the PUD.

- A. The planning director may approve minor adjustments to the approved PUD. Minor adjustments are defined as changes that do not affect permitted densities within a planning area, basic character or conditions of the approved PUD or planning area. Adjustments are considered minor so long as they do not increase or decrease the perimeter boundaries of a planning area or the number of units indicated for that planning area as shown on the official Lakeland plan map by more than 10 percent. School sites identified in a PUD may be adjusted

as a minor amendment by condemnation or in accordance with an agreement executed by the appropriate school district(s) and the applicant; provided, that if the director determines that adjustment of schools would create significant park impacts or infrastructure requirements, they may process the amendment as a major amendment.

Transferring multifamily units into the commercial area at the southwest corner of Lakeland Hills Way and the Lake Tapps Parkway from a multifamily planning area may be a minor adjustment. The total number of multifamily units in the commercial area cannot exceed 100. Minor adjustments approved by the planning director must be in writing within 15 working days of submittal of the application. The planning director must forward copies of the approved adjustment to appropriate department heads and the applicant. The applicant may appeal the director's decision pursuant to ACC [18.70.050](#). If a minor amendment is approved which affects the official Lakeland plan map, the map shall be revised. The director shall keep the current map on file.

B. Adjustments that are not minor as defined in subsection [A](#) of this section are considered major amendments and will be processed in the same manner as a new PUD application. If a major amendment affecting the official Lakeland plan map is approved, the map and Exhibit B, attached to Ordinance No. [5092](#), shall be amended to reflect the change. If a major amendment changing conditions of approval is adopted, Exhibit A, attached to Ordinance No. [5092](#), shall be amended to reflect the change.

C. Any change in the exterior boundaries of the PUD or an increase in the total permitted dwelling units above 3,408 shall require a rezone.

D. The following approvals require a comprehensive plan amendment:

1. An increase in the total number of permitted dwelling units above 3,408.
2. An increase in the permitted number of high density multifamily dwelling units (i.e., more than 850 units).
3. An increase in the acreage permitted for light commercial development (i.e., more than 20 acres).
4. A major amendment to the external boundaries of the medium density or high density planning areas.

5. A reduction in required open space (i.e., below 153 acres). (Ord. 5397 § 1, 2000; Ord. 5092 § 1, 1998.)

18.76.180 Property owners' association.

If common open spaces or private streets are deeded to a property owners' association, then the applicant shall submit a declaration of the covenants and restrictions that create and govern such an association as part of the site plan or preliminary plat approval. The provisions must include, but are not limited to, the following:

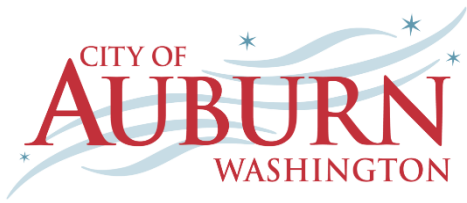
- A. The property owners' association must be established prior to the final plat approval or the approval of any occupancy permit related to the site plan.
- B. Membership must be mandatory for each property owner affected by the common space or private street and any successive buyer.
- C. The association assumes responsibility for liability insurance, local taxes, and the maintenance of common open spaces, private streets, recreational and other communally owned facilities. A financial plan shall also be submitted that outlines the anticipated expenses and revenues needed to implement the plan over a minimum of a 10-year period.
- D. Members must pay a pro rata share of the association's cost; the assessment levied by the association can become a lien on the property. The association must be able to adjust its assessment fees relative to changed needs and conditions. (Ord. 5092 § 1, 1998.)

The Auburn City Code is current through Ordinance 6940, passed April 15, 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 Code Publishing Company, A General Code Company.](#)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5795 (Gaub)

A Resolution authorizing the Mayor to execute an Interlocal Agreement between the City of Auburn and the City of Sumner relating to the City of Sumner's Stewart Road Bridge Project

Meeting Date:

November 4, 2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5795.)

Department:

Public Works

Attachments:

Resolution No. 5795, Exhibit A,
Vicinity Map

Budget Impact:

\$150,000.00

Administrative Recommendation:

City Council to adopt Resolution No. 5795.

Background for Motion:

This Resolution authorizes a local agency agreement with the City of Sumner, for the City of Auburn to contribute funding towards the City of Sumner's Stewart Road Bridge Project, in the amount of \$150,000.00. The project construction is planned to start in early 2025 and widen the Stewart Road Bridge over the White River, improving freeway access from Auburn through Sumner and reducing traffic congestion on Auburn's streets.

Background Summary:

Resolution No. 5795 authorizes the Mayor to enter into a local agency agreement with the City of Sumner for the City of Auburn to contribute funding towards the City of Sumner's Stewart Road Bridge Project in the amount of \$150,000.00.

The City of Sumner is constructing improvements to the Stewart Road Bridge crossing over the White River that will provide additional roadway capacity and pedestrian facilities. The project provides benefit to Auburn as the increased roadway capacity of Stewart Road will carry vehicles that would have otherwise used Auburn roadways specifically in the area of Lakeland Hills. In addition, Auburn residents utilize Stewart Road through Sumner for access to SR 167 and Jovita Boulevard. Auburn's Transportation Improvement Program (TIP), previously approved by the Auburn City Council includes the Sumner project with Auburn providing Project funding in the amount of \$150,000.00, which is available to fund the project from traffic mitigation fees collected in portions of Lakeland Hills. Budget Amendment No. 6 will include a request for those funds to be assigned to the Sumner project in accordance with the resolution and interlocal agreement.

Councilmember: Tracy Taylor

Staff: Ingrid Gaub

RESOLUTION NO. 5795

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CITY OF SUMNER RELATING TO THE CITY OF SUMNER'S STEWART ROAD BRIDGE PROJECT

WHEREAS, the City of Sumner ("Sumner") is constructing improvements to the Stewart Road Bridge over the White River (Project); and

WHEREAS, the Project provides benefit to the City of Auburn ("Auburn") as the increased roadway capacity of Stewart Road will carry vehicles that would have otherwise used Auburn roadways and Auburn residents utilize Stewart Road for access to SR 167 and Jovita Boulevard; and

WHEREAS, Auburn's Transportation Improvement Program ("TIP") includes the Project with Auburn providing Project funding in the amount of \$150,000.00; and

WHEREAS, Auburn has evaluated and determined it is in Auburn's best interest to negotiate an interlocal agreement ("ILA") with Sumner and Auburn agrees to contribute \$150,000.00 to the Project; and

WHEREAS, pursuant to RCW 35A.21.150, Sumner and Auburn ("the Parties") each have the legal authority to maintain a transportation system; and

WHEREAS, the Parties are authorized to undertake joint and cooperative action pursuant to RCW 35A.11.040 and Chapter 39.34 RCW.

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

Section 1. The Mayor is authorized to execute an Interlocal Agreement with the City of Sumner related to the City of Sumner's Stewart Road Bridge Project, which 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 legislation.

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

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

Return to:

City of Sumner City Clerk
1104 Maple Street
Sumner, WA 98390

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF SUMNER AND THE CITY OF AUBURN
FOR FUNDING SUPPORT FOR CONSTRUCTION
OF THE STEWART ROAD BRIDGE**

THIS AGREEMENT, made pursuant to RCW Chapter 39.34, the Interlocal Cooperation Act, is entered into by and between the City of Sumner (“Sumner”) and the City of Auburn (“Auburn”), both municipal corporations of the State of Washington (together referred to as the “Parties”), for the purpose of replacing and widening the Stewart Road Bridge (“Agreement”).

WHEREAS, The Stewart Road corridor provides an important transportation link between Sumner, Bonney Lake, Auburn, and three highways: West Valley, East Valley, and SR 167; and

WHEREAS, Pierce County and the cities of Auburn, Sumner, and Pacific have agreed to forge a cooperative approach to the development and improvement of the Stewart Road corridor due to its importance to each jurisdiction; and

WHEREAS, The existing Stewart Road bridge over the White River is the final portion of unimproved roadway in the middle of the three-mile-long corridor. The bridge is considered “functionally obsolete” and is operating at overcapacity due to the increasing traffic volumes using the corridor. Replacing this bridge is vital to providing the transportation infrastructure needed by residents and serves the public’s interest to commute and travel; and

WHEREAS, the City of Auburn pledged and budgeted a \$150,000.00 contribution to Sumner’s bridge replacement project (the “Funds”) in recognition that the Stewart Road Bridge is a crucial piece of infrastructure for Auburn’s Lakeland Hills neighborhoods; and

WHEREAS, the City of Sumner has acquired the right of way and has secured funding commitments from various state, county, and local sources for the Project but is relying upon Auburn’s funding pledge as part of the necessary construction funds; and

WHEREAS, the Interlocal Cooperation Act, Chapter RCW 39.34, authorizes the Parties to enter into this Agreement for the purposes set forth herein.

W I T N E S S E T H

NOW, THEREFORE, in consideration of the terms, conditions, mutual covenants and performance contained herein or attached and made part hereof, the Parties hereto agree as follows:

AGREEMENT

SECTION 1. SUMNER RESPONSIBILITIES

The scope of work for this Agreement is the construction of a new Stewart Road Bridge. The Stewart Road Bridge lies completely within the City of Sumner. As such, Sumner shall be solely responsible for the removal and replacement of the existing 2-lane bridge over the White River at Stewart Road. The new bridge will accommodate four lanes of traffic and a separated shared use path on the north side of the roadway. Adjacent intersections at Butte Avenue and 140th Street Court East will be modified to accommodate the new roadway grade and lane configurations (collectively, the “Project”). Sumner shall retain sole decision-making, permitting authority, supervision, and inspection authority over all aspects and management of the Project.

SECTION 2. PROJECT SCHEDULE

- Bid Opening: October 2024
- Estimated Construction Start: 2025
- Estimate Construction Completion: 2028

SECTION 3. AUBURN’S RESPONSIBILITIES

Subject to the terms and conditions of the Agreement set forth herein, Auburn agrees to make a one-time payment to the City of Sumner of \$150,000.00 for the White River Bridge Replacement Project (the “Funds”). Payment of the Funds will be made pursuant to this signed Agreement, and within 45 days of the execution of this Agreement by the Parties, the execution of which is contingent upon final approval of the terms and conditions of this Agreement by Resolution of the Auburn City Council. At Auburn’s discretion, payment of the Funds shall be made by check, ACH transfer, or by wire. If paying by check, it should be to “City of Sumner” and sent by post mail to the following address:

Michael Kosa, Director
Public Works Department
City of Sumner
104 Maple Street
Sumner, WA 98930

Instructions for ACH and wire payments are attached as Exhibit A. Sumner shall have full discretion on use of the Funds for the Stewart Bridge Replacement Project. Upon payment of the Funds, Auburn will have no further responsibilities regarding the Project or for any future maintenance and/or operation of the Stewart Road Bridge because of this Agreement. The

Agreement does not create any lien rights or any interest in property or equipment. Auburn makes no commitment to and is not obligated by this Agreement for any future support of the Project.

SECTION 4. SUMNER ASSURANCES AND FUNDING CONFIRMATION

As of 2024, the total cost for the Project is estimated to be greater than \$33 Million. As consideration for Auburn's payment of the Funds, Sumner warrants that it has the resources and the funding commitments necessary to complete the Project. Sumner further warrants and promises that it will not redirect the Funds for any other purpose than completion of the Project. If Sumner abandons the Project or does not expend all the Funds obligated, it shall refund to Auburn the portion of Funds unexpended.

Sumner will construct the Project in accordance with public works laws and regulations including those related to competitive bidding, prevailing wage, retainage, and bonding, and with the currently adopted Stormwater Design Manual; the Washington State Department of Transportation (WSDOT) and the American Public Works Association (APWA), Washington State Chapter, Standard Specifications for Road, Bridge, and Municipal Construction, and Standard Plans (M21-01) for Road, Bridge and Municipal Construction and the Washington State Department of Transportation Construction Manual.

SECTION 5. ASSIGNMENT.

Neither Party to this Agreement shall have the right to convey, assign, apportion or otherwise transfer any and all of its rights, obligations, conditions and interests under this Agreement, without the prior written approval of the other.

SECTION 6. LEGAL RELATIONS.

A. Independent Governments. The Parties hereto are independent governmental entities, and nothing herein shall be construed to limit the powers, authority or discretion of the governing bodies of each. Moreover, nothing herein contained shall be construed as creating a partnership or joint venture or the relationships of employer and employee, or principal and agent between the Parties. Sumner shall retain all authority for rendition of services, permitting requirements, standards of performance, control of personnel, and other matters incident to performance of this Agreement by Sumner.

B. Third Party Beneficiaries. It is understood and agreed that this Agreement is solely for the benefit of the Parties hereto and, other than the benefit to the public provided by completion of the Project, gives no right or cause of action to any other party. No joint venture or partnership is formed as a result of this Agreement.

SECTION 7. DURATION AND TERMINATION

This Agreement is effective upon execution by both Parties and will automatically terminate when the terms of this Agreement are complete or upon mutual consent by the Parties.

SECTION 8. INDEMNIFICATION AND DEFENSE

Sumner shall defend, indemnify and save harmless Auburn, its officers, employees, agents and assigns from any and all costs, claims, judgments, or awards of damages resulting or allegedly resulting from the acts or omissions of Sumner, its officers, employees, agents or assigns associated with this Agreement.

Sumner specifically assumes liability for actions brought by its own employees against Auburn and for that purpose Sumner specifically waives, as respects to Auburn only, any immunity under the Worker's Compensation Act, RCW Title 51. The parties acknowledge that this waiver was the subject of mutual negotiation.

SECTION 9. INSURANCE

Sumner shall maintain in full force throughout the duration of this Agreement membership in a municipal self-insurance pool, including evidence of limits of coverages, exclusions, and limits of liability satisfactory to Auburn.

SECTION 10. WAIVER

No waiver by either of the Parties to this Agreement of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or any subsequent breach, whether of the same or a different provision of this Agreement.

SECTION 11. ENTIRE AGREEMENT

This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement and no prior agreements between the Parties shall be effective for any purpose.

SECTION 12. AMENDMENT

Provisions within this Agreement may be amended with the mutual consent of the Parties hereto. No waiver, additions to, or alteration of, the terms of this Agreement shall be valid unless made in writing, formally approved and executed by duly authorized agents of both Parties.

SECTION 13. SEVERABILITY

If any one or more of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 14. FILING

Copies of this Agreement shall be filed with the Pierce County Auditor after execution of

the Agreement by both Parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement
this _____ day of _____, 2024.

CITY OF SUMNER

CITY OF AUBURN

By: _____
Kathy Hayden, Mayor

By: _____
Nancy Backus, Mayor

Approved as to Form:

Approved as to Form:

Andrea Marquez
SUMNER CITY ATTORNEY

Jason Whalen
AUBURN CITY ATTORNEY

City of Sumner's Stewart Road Bridge Project Vicinity Map



5,333.3 0 2,666.7 5,333.3 Feet

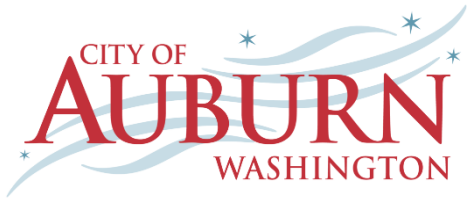
NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1in = 2,667 ft

1: 32,000



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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5796 (Gaub)

A Resolution authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Auburn and the City of Algona for decant facilities usage

Meeting Date:

November 4, 2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5796.)

Department:

Public Works

Attachments:

Res 5796, Exhibit A

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5796.

Background for Motion:

This agreement will allow Algona to continue to deposit waste material from their street sweeping and vactor truck operations at the Auburn decant facility for Auburn to process and dispose of the waste material at a cost to Algona.

Background Summary:

Resolution No. 5796 authorizes an agreement with Algona to continue to use the Auburn decant facility to dump sweeper and vactor waste material on a space limited basis. Auburn has sufficient capacity within our facility to provide this service to Algona and has been providing this service for several years. As part of the agreement, Auburn will provide for the proper handling, processing and disposal of the waste material at a cost to Algona as set in the agreement.

Councilmember: Tracy Taylor

Staff: Ingrid Gaub

RESOLUTION NO. 5796

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CITY OF ALGONA FOR DECANT FACILITIES USAGE

WHEREAS, the City of Algona has inadequate facilities to handle the waste materials produced from their public works street sweeping and vector maintenance;

WHEREAS, the City of Auburn has sufficient capacity at their decant facility to handle the Algona waste materials and is willing to provide for the proper handling, processing and disposal of the City of Algona's street sweeper and vector truck materials at a cost that is acceptable to the City.

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

Section 1. The Mayor is authorized to execute an Interlocal Agreement between the City of Auburn and the City of Algona for Decant Facility Usage in substantial conformity with the Agreement attached hereto as Exhibit "A" and incorporated herein by this reference.

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

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

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

EXHIBIT A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF ALGONA AND THE CITY OF AUBURN FOR DECANT FACILITIES USAGE

THIS AGREEMENT is made and executed by and between the City of Algona, a Washington municipal corporation, hereafter designated as "Algona," and the City of Auburn, a Washington municipal corporation, hereafter designated as "Auburn."

WHEREAS, Algona has limited facilities to properly handle the Waste Materials produced as a result of their Public Works street sweeping and Vector maintenance activities; and

WHEREAS, Auburn has sufficient capacity at their decant facility to handle the Algona Waste Materials.

WHEREAS, chapter 39.34 RCW (Interlocal Cooperation Act) permits local government units to cooperate with other government entities on the basis of mutual advantage and to provide the use of facilities to each other.

NOW, THEREFORE, for the consideration stated in this Agreement, Algona and Auburn do agree as follows:

1. PURPOSE

The purpose of this Agreement is to provide for proper handling, processing and disposal of Street Sweeper and Vector truck materials, herein referred to as "Waste Materials" generated by Algona.

2. RESPONSIBILITIES

The City of Algona shall deliver Waste Materials to the decant area of the City of Auburn Maintenance & Operations facility (hereafter, the "Facility"), currently located at 1305 C Street SW, during the hours of 7:00 am and 3:00 pm. The unloading of the Waste Materials by Algona at the Facility is to be done under the supervision of an Auburn employee at the Facility. Algona will only send operators to use the decant facility that have been properly trained by Auburn on the safe and efficient use of the facility and dumping of Waste Materials. Algona staff must weigh their truck before and after dumping waste materials. The weight tickets must be taken to the office so that they can be recorded for proper billing.

If conditions at the Auburn Facility require, Auburn reserves the right to request Algona to retain its Waste Materials until such time as the conditions at the Facility allow Auburn to accept the Waste Materials again. Auburn will give Algona as much advance

notice of these conditions as is practicable. Auburn further reserves the right to reject any individual shipment of Waste Materials.

Auburn will provide for the dewatering and the disposal of the Waste Materials in compliance with all local, state, and federal permits pertaining to the dewatering and disposal of such Waste Materials.

3. VOLUME

Auburn shall accept from Algona's Waste Materials in the following volumes: not to exceed 20 tons per month or a total of 150 tons per year as measured at Auburn's truck scale. Auburn may accept Waste Material from Algona that exceeds these volumes upon the review of a written request from Algona. All such requests shall be made to Auburn's Public Works Maintenance and Operations Manager thirty (30) days in advance of proposed delivery of such additional Waste Materials.

4. COST FOR SERVICES

A. Waste Materials.

Algona shall pay Auburn \$100.00 per month base fee for administration costs and \$85.00 per ton of Waste Materials for processing, testing and disposal fee (measured as scale weight) (collectively, the "Cost for Services").

B. Invoicing and Payment.

Auburn will bill Algona for its Cost of Services on a quarterly basis. Algona shall make payment to Auburn within thirty (30) days of receipt of an invoice. Auburn reserves the right to increase its Costs for Services fees in response to increases in labor, disposal, and regulatory costs. Auburn shall give Algona at least sixty (60) days' advance written notification of any proposed fee increases.

5. DECANT FACILITY IMPROVEMENTS

Algona recognizes that the capacity of Auburn's Facility is limited and that additional capacity will need to be provided, as both Cities' waste disposal needs continue to grow, in order to provide long-term service to Algona.

If Auburn desires to investigate and plan for long-term capacity improvements to the decant process, including but not limited to improvements to the existing facility, Auburn shall endeavor to notify Algona and shall endeavor to include Algona in such investigation and planning, to the extent it is reasonably able to do, in keeping with Auburn's intended investigation and planning. By way of example only, and not by way of limitation, Algona and Auburn contemplate that subsequent amendments or agreements might address the following types of issues: planning, design and construction costs for potential improvements to the existing Facility or construction of a new decant facility. The parties agree that Auburn will act as lead entity in the all aspects of any proposed improvement project. Auburn will consult in advance of any

final decisions with Algona for the purposes of determining Algona's future needs and Algona's desire to participate in funding for an improved facility or a new facility.

6. TERM

This Agreement shall be in effect from July 1, 2024 through December 31, 2026. Either party may terminate this Agreement by giving the other party advance written notice of 120 days, or upon fourteen (14) days' notice in the event that the other party materially breaches this Agreement.

7. REOPENER

Either party may request that any provision of this Agreement, including proposed increases or decreases to the cost for services in Section 4, can be renegotiated by submitting a written request with fourteen (14) days' advance notice. Any amendment of this Agreement shall be in writing and shall be signed by both parties consistent with Section 13 of this Agreement.

8. HOLD HARMLESS AND INDEMNIFICATION

- a. Algona shall indemnify and hold Auburn and its agents, employees, officers and/or volunteers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against Auburn arising out of, in connection with, or incident to Algona's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of Auburn, its agents, employees, officers and/or volunteers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of Algona; and provided further, that nothing herein shall require Algona to hold harmless or defend Auburn, its agents, employees officers and/or volunteers from any claims arising from the sole negligence of Auburn, its agents, employees, officers and/or volunteers. No liability shall attach to Auburn by reason of entering into this Agreement except as expressly provided herein.
- b. Auburn shall indemnify and hold Algona and its agents, employees, officers and/or volunteers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against Algona arising out of, in connection with, or incident to Auburn's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of Algona, its agents, employees, officers and/or volunteers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of Auburn; and provided further, that nothing herein shall require Auburn to hold harmless or defend Algona, its agents, employees, officers and/or volunteers from any claims arising from the sole negligence of Algona, its agents, employees, officers and/or volunteers. No liability shall attach to Algona by reason of entering into this Agreement except as expressly provided herein.

- c. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Auburn and Algona, its officers, officials, employees, and volunteers, any damages allowed shall be levied in proportion to the percentage of negligence attributable to each party, and each party shall have the right to seek contribution from the other party in proportion to the percentage of negligence attributable to the other party. It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.
- d. AUBURN SHALL HAVE NO LIABILITY FOR, AND ALGONA SHALL INDEMNIFY AND HOLD AUBURN AND ITS AGENTS, EMPLOYEES, OFFICERS AND/OR VOLUNTEERS HARMLESS FROM AND AGAINST, ALL CLAIMS, DAMAGES, LIABILITIES AND COSTS TO THE EXTENT ARISING OUT OF OR RELATING TO THE PRESENCE, DISCOVERY, OR FAILURE TO DISCOVER, REMOVE, ADDRESS, REMEDIATE OR CLEANUP ENVIRONMENTAL OR BIOLOGICAL HAZARDS RESULTING FROM ALGONA DELIVERIES OR OTHERWISE ATTRIBUTABLE TO ALGONA, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, MOLD, FUNGUS, HAZARDOUS WASTE, SUBSTANCES OR MATERIALS.

9. RESOLUTION OF DISPUTES AND GOVERNING LAW

a. Alternative Dispute Resolution If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation before resorting to arbitration. The mediator may be selected by agreement of the parties. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through arbitration. The arbitrator may be selected by agreement of the parties or through King County court procedures. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses and preparation and presentation of evidence.

b. Applicable Law and Jurisdiction This Agreement shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Agreement cannot be submitted to arbitration, then it shall be commenced exclusively in the King County Superior Court or the United States District Court, Western District of Washington as appropriate. The prevailing party in any such

action before the courts shall be entitled to recover its costs of suit and reasonable attorneys' fees.

10. WRITTEN NOTICE

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing. If written notice is provided by electronic mail (e-mail), then such written notice shall become effective one (1) business day after it is successfully sent.

11. NON-DISCRIMINATION

Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or disability in employment or the provision of services.

12. INSURANCE

- A) The Parties shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Waste Disposal described in this Agreement.
- B) The Parties shall obtain and maintain, during the effective dates of this Agreement, the following insurance coverage and limits (at a minimum):
 - 1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. The Automobile Liability insurance shall include a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident, and
 - 2. Commercial General Liability shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The Commercial General Liability insurance shall be written with limits no less than \$2,000,000 per occurrence with a \$2,000,000 general aggregate.
 - 3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

A Parties' membership in the Washington Cities Insurance Authority (WCIA), AWC's Risk Management Service Agency, or another Washington governmental self-insured risk pool, shall satisfy all conditions set forth in this section.

- C) Each party's insurance shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to other party.
- D) If any coverage is written on a "claims made" basis, then a minimum of three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period shall be given to the other party.
- E) Insurance, other than through an insurance pool, is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

13. Relationship of Parties

No joint venture, separate legal entity, agent-principal relationship or partnership is formed as result of this Agreement as each of the parties is contracting in its capacity as a municipal corporation of the State of Washington. The parties intend that an independent contractor-client relationship will be created by this Agreement. No agent, employee, or representative of Auburn shall be or shall be deemed to be the employee, agent or representative of Algona. No agent, employee or representative of Algona shall be or shall be deemed to be the employee, agent or representative of Auburn. None of the benefits provided by Auburn or Algona to its respective employees including, but not limited to, compensation, insurance, and unemployment insurance are available from Auburn or Algona to the employees, agents or representatives of the other City. Each City will be solely and entirely responsible for its acts and for the acts of its agents, employees and representatives during the performance of this Agreement.

14. Compliance with Law, Right of Inspection

No provision of this Agreement shall relieve either party of its public agency obligations and or responsibilities imposed by law. The parties agree to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the activities described in this Agreement, and to all equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations. Each party shall have the right to inspect the records of the other party relating to this Agreement upon reasonable notice to the other party, during working hours.

15. Non-Waiver of Breach

The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more

instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options and the same shall be and remain in full force and effect.

16. Assignment and Modification

Any assignment of this Agreement by either party without the prior written consent of the other party shall be void.

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless agreed to in writing and signed by a duly authorized representative of both parties.

17. Agreement Recording

Copies of this Agreement shall be filed with the King County Auditor's Office and the Parties' respective Clerks, provided that as an alternative, the Agreement may be listed by subject on the City's web site.

18. SEVERABILITY

If any provision of the Agreement shall be held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to serve the purposes and objectives of both parties.

19. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties. Any modifications or amendments to this Agreement shall be in writing and shall be signed by each party.

DATED this _____ day of _____ 2024.

CITY OF ALGONA

Troy Linnell, Mayor

ATTEST:

Dana Parker, City Clerk

CITY OF AUBURN

Nancy Backus, Mayor

ATTEST:

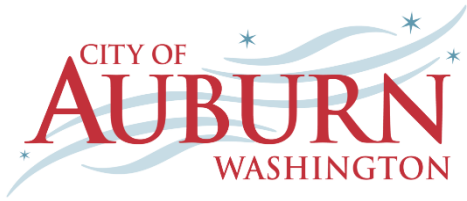
Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Zach Lell, City Attorney

APPROVED AS TO FORM:

Jason Whalen, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5797 (Gaub)

A Resolution authorizing the Mayor and City Clerk to execute an Interlocal Agreement between the City of Auburn and the City of Pacific for decant facilities usage

Meeting Date:

November 4, 2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5797.)

Department:

Public Works

Attachments:

Resolution No. 5797, Exhibit A

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution No. 5797.

Background for Motion:

This agreement will allow Pacific to continue to deposit waste material from their street sweeping and vactor truck operations at the Auburn decant facility for Auburn to process and dispose of the waste material at a cost to Pacific.

Background Summary:

Resolution No. 5797 authorizes an agreement with Pacific to continue to use the Auburn decant facility to dump sweeper and vactor waste material on a space limited basis. Auburn has sufficient capacity within our facility to provide this service to Pacific and has been providing this service for several years. As part of the agreement, Auburn will provide for the proper handling, processing and disposal of the waste material at a cost to Pacific as set in the agreement.

Councilmember: Tracy Taylor

Staff: Ingrid Gaub

RESOLUTION NO. 5797

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF AUBURN AND THE CITY OF PACIFIC FOR DECANT FACILITIES USAGE

WHEREAS, the City of Pacific has inadequate facilities to handle the waste materials produced from their public works street sweeping and vector maintenance;

WHEREAS, the City of Auburn has sufficient capacity at their decant facility to handle the Pacific waste materials and is willing to provide for the proper handling, processing and disposal of the City of Pacific's street sweeper and vector truck materials at a cost that is acceptable to the City.

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

Section 1. The Mayor is authorized to execute an Interlocal Agreement between the City of Auburn and the City of Pacific for Decant Facility Usage in substantial conformity with the Agreement attached hereto as Exhibit "A" and incorporated herein by this reference.

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

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

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF PACIFIC
AND THE CITY OF AUBURN
FOR DECANT FACILITIES USAGE**

THIS INTERLOCAL AGREEMENT is made and executed by and between the City of Pacific, a Washington municipal corporation, hereafter designated as "Pacific," and the City of Auburn, a Washington municipal corporation, hereafter designated as "Auburn" As of the last date entered below.

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local government units to cooperate with other government entities on the basis of mutual advantage and to provide services and the use of facilities to each other; and

WHEREAS, Pacific has inadequate facilities to properly handle the Waste Materials produced as a result of its Public Works street sweeping and Vactor maintenance activities; and

WHEREAS, Auburn has sufficient capacity at its decant facility to handle the Pacific Waste Materials; and

WHEREAS, Pacific, as well as Auburn, will benefit from cooperative use of the decant facility; and

WHEREAS, the Parties mutually desire to establish a formal arrangement under which to use and operate the decant facility and its features; and

WHEREAS, the Parties desire to enter into this Agreement for the purpose of defining their respective rights, obligations, costs and liabilities regarding this undertaking; and

WHEREAS, the City Council of each Party has taken appropriate action to approve entry into this Agreement;

NOW, THEREFORE, in consideration of the terms, conditions and covenants stated in this Agreement, Pacific and Auburn do agree as follows:

1. Purpose

The purpose of this Agreement is to provide for proper handling, processing and disposal of Street Sweeper and Vactor truck materials, herein referred to as "Waste Materials" generated by Pacific.

2. Responsibilities

The City of Pacific may deliver Waste Materials to the decant area of the City of Auburn Maintenance & Operations facility (hereafter, the "Facility"), currently located at 1305 C Street SW during the hours of 7:00 am and 3:00 pm, Monday through Friday. The unloading of the Waste Materials by Pacific at the Facility is to be done under the supervision of an Auburn employee at the Facility. Pacific will only send operators to use the decant facility that have been properly trained by Auburn on the safe and efficient use of the facility and dumping of Waste Materials. Use of the Facility shall be governed by and subject to applicable Auburn procedures. Pacific staff must weigh their truck before and after dumping waste materials. The weight tickets must be taken to the office so that they can be recorded for proper billing.

If conditions at the Facility require limiting or restricting Pacific from delivering waste materials, such as when the Facility is down for maintenance or the storage area is full, Auburn reserves the right to request Pacific to retain its Waste Materials until such time as the conditions at the Facility allow Auburn to accept the Waste Materials again. Auburn will give Pacific as much advance notice of these conditions as is practicable. Auburn further reserves the right to reject any individual shipment of Waste Materials, such as material from a fuel spill or other products that may exceed Auburn's allowable discharge permit.

Auburn agrees to provide for the dewatering and the disposal of the Waste Materials in compliance with all local, state, and federal permits pertaining to the dewatering and disposal of such Waste Materials.

3. Volume

Subject to the provisions of Paragraph 2, above, Auburn shall accept Waste Materials from Pacific in the following volumes: not to exceed 50 tons per month, or a total of 300 tons per year as measured at Auburn's truck scale, whichever is less. Auburn may accept Waste Material from Pacific that exceeds these volumes upon the review of a written request from Pacific. All such requests shall be made to Auburn's Assistant Director of Public Works Services thirty (30) days in advance of proposed delivery of such additional Waste Materials.

4. Cost For Services

Subject to the Reopener provisions of Paragraph 7, below, Pacific shall pay Auburn \$100.00 per month base fee for administration costs and \$85.00 per ton of Waste Materials for processing, testing and disposal fee (measured as scale weight) (collectively, the "Cost for Services"). Auburn will bill Pacific for its Cost for Services on a quarterly basis. Pacific shall make payment to Auburn within thirty (30) days of receipt of an invoice.

5. Decant Facility Improvements

Pacific recognizes that the capacity of Auburn's Facility is limited and that additional capacity will need to be provided, as both Cities waste disposal needs continue to grow, in order to provide long-term service to Pacific.

If Auburn desires to investigate and plan for long-term capacity improvements to the decant process, including but not limited to improvements to the existing facility, Auburn shall endeavor to notify Pacific and shall endeavor to include Pacific in such investigation and planning, to the extent it is reasonably able to do so, in keeping with Auburn's intended investigation and planning. By way of example only, and not by way of limitation, Pacific and Auburn contemplate that subsequent amendments or agreements might address the following types of issues: planning, design and construction costs for potential improvements to the existing Facility or construction of a new decant facility. The parties agree that Auburn will act as lead entity in all aspects of any proposed improvement project. Auburn will consult in advance of any final decisions with Pacific for the purposes of determining Pacific's future needs and Pacific's desire to participate in funding for an improved facility or a new facility.

6. Term

This Agreement shall be in effect from July 1, 2024 through December 31, 2026. Either party may terminate this Agreement by giving the other party advance written notice of 120 days, or upon fourteen (14) days' notice in the event that the other party materially breaches this Agreement.

7. Reopener

Either party may request that any provision of this Agreement, including proposed increases or decreases to the cost for services in Section 4, can be renegotiated by submitting a written request with fourteen (14) days' advance notice. Any amendment of this Agreement shall be in writing and shall be signed by both parties consistent with Section 13 of this Agreement.

8. Hold Harmless And Indemnification

- a) Each Party to this Agreement shall be responsible for its own negligent and/or wrongful acts or omissions, and those of its own agents, employees, representatives, contractors or subcontractors, to the fullest extent required by the laws of the State of Washington. Each Party agrees to protect, indemnify and save the other Party harmless from and against any and all such liability for injury or damage to the other Party or the other Party's property, and also from and against all claims, demands and causes of action of every kind and character arising directly or indirectly, or in any way incident to, in connection with, or arising

out of work performed under the terms hereof, caused by its own fault or that of its agents, employees, representatives, contractors or subcontractors.

- b) Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Auburn and Pacific, its officers, officials, employees, and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this section shall survive the expiration or termination of this Agreement.
- c) Auburn shall have no liability for, and Pacific shall indemnify and hold Auburn and its agents, employees, officers and/or volunteers harmless from and against, all claims, damages, liabilities and costs arising out of or relating to the presence, discovery, or failure to discover, remove, address, remediate or cleanup environmental or biological hazards resulting from Pacific deliveries or otherwise attributable to Pacific, specifically including, but not limited to, mold, fungus, and hazardous waste, substances or materials.
- d) Pacific shall have no liability for, and Auburn shall indemnify and hold Pacific and its agents, employees, officers and/or volunteers harmless from and against all claims, damages, liabilities and costs arising out of or relating to the presence, discovery or failure to discover, remove, address, remediate or cleanup environmental or biological hazards attributable to Auburn, specifically including, but not limited to, mold, fungus, hazardous waste, substances or materials. In addition, Pacific shall have no liability for, and shall be held harmless from and against all claims, damages, liabilities and costs arising out of Auburn's failure to properly dispose of such waste materials after delivery by Pacific according to all applicable law.

9. Resolution Of Disputes And Governing Law

- a) Alternative Dispute Resolution. If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation before resorting to other avenues of dispute resolution. The mediator may be selected by agreement of the parties. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be handled through litigation as described in subsection (b) below. Each

party shall bear the expense of its own counsel, experts, witnesses and preparation and presentation of evidence.

- b) Applicable Law and Jurisdiction This Agreement shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Agreement cannot be settled through mediation, then it shall be commenced exclusively in the King County Superior Court or the United States District Court, Western District of Washington as appropriate. The prevailing party in any such action before the courts shall be entitled to recover its costs of suit and reasonable attorneys' fees.

10. Written Notice

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the Agreement, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing. If written notice is provided by electronic mail (e-mail), then such written notice shall become effective one (1) business day after it is successfully sent.

11. Non-discrimination

Parties shall not discriminate in any manner related to this Agreement on the basis of race, color, national origin, sex, religion, age, marital status or disability in employment or the provision of services.

12. Insurance

a) The Parties shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Waste Disposal described in this Agreement.

b) The Parties shall obtain and maintain, during the effective dates of this Agreement, the following insurance coverage and limits (at a minimum):

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. The Automobile Liability insurance shall include a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident, and
2. Commercial General Liability insurance shall cover liability arising from premises, operations, independent contractors and personal injury and

advertising injury. The Commercial General Liability insurance shall be written with limits no less than \$2,000,000 per occurrence with a \$2,000,000 general aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, mold, pollution and employers liability, and

3. Worker's Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. A Parties' membership in the Washington Cities Insurance Authority (WCIA), AWC's Risk Management Service Agency, or another Washington governmental self-insured risk pool, shall satisfy all conditions set forth in this section.

c) Each party's insurance shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the other party.

d) If any coverage is written on a "claims made" basis, then a minimum of three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period shall be given to the other party.

e) Insurance, other than through an insurance pool, is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

13. Compliance with Law, Right of Inspection

No provision of this Agreement shall relieve either party of its public agency obligations and or responsibilities imposed by law. The parties agree to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the activities described in this Agreement, and to all equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations. Each party shall have the right to inspect the records of the other party relating to this Agreement upon reasonable notice to the other party, during working hours.

14. Non-Waiver of Breach

The failure of either party to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances, shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options and the same shall be and remain in full force and effect.

15. Assignment and Modification

Any assignment of this Agreement by either party without the prior written consent of the other party shall be void.

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless agreed to in writing and signed by a duly authorized representative of both parties.

16. Entire Agreement

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

17. Relationship of Parties

No joint venture, separate legal entity, agent-principal relationship or partnership is formed as result of this Agreement as each of the parties is contracting in its capacity as a municipal corporation of the State of Washington. The parties intend that an independent contractor-client relationship will be created by this Agreement. No agent, employee, or representative of Auburn shall be or shall be deemed to be the employee, agent or representative of Pacific. No agent, employee or representative of Pacific shall be or shall be deemed to be the employee, agent or representative of Auburn. None of the benefits provided by Auburn or Pacific to its respective employees including, but not limited to, compensation, insurance, and unemployment insurance are available from Auburn or Pacific to the employees, agents or representatives of the other City. Each City will be solely and entirely responsible for its acts and for the acts of its agents, employees and representatives during the performance of this Agreement.

18. Severability

The provisions of this Agreement are declared to be severable. If any provision of this Agreement is for any reasons held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

19. Amendments

Any modifications or amendments to this Agreement shall be in writing and shall be signed by each party.

20. Agreement Recording

Copies of this Agreement shall be filed with the King County Auditor's Office and the Parties' respective Clerks, provided that as an alternative, the Agreement may be listed by subject on the City's web site.

DATED this _____ day of _____ 2024.

CITY OF PACIFIC

Vic Kave, Mayor
100 3rd Ave SE
Pacific, WA 98047

ATTEST:

Laurie Cassell, City Clerk

APPROVED AS TO FORM:

Christopher W. Pirnke, City Attorney

CITY OF AUBURN

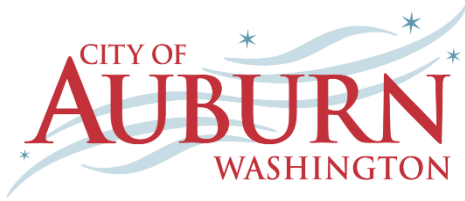
Nancy Backus, Mayor
25 W. Main Street
Auburn, WA 98001

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Jason Whalen, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5798 (Caillier)

A Resolution accepting a Grant Award from the Department of Justice,
Office of Community Oriented Policing Services

Meeting Date:

November 4, 2024

(RECOMMENDED ACTION: Move to adopt Resolution No. 5798.)

Department:

Police

Attachments:

Resolution 5798

Budget Impact:**Administrative Recommendation:**

City Council to adopt Resolution 5798.

Background for Motion:

The Auburn Police Department applied for and received a Federal Grant Award of \$1,250,000, from the Department of Justice to provide financial assistance in the hiring of additional commissioned officer positions. Council approval is needed to accept the Federal Grant Award.

Background Summary:

The Community Oriented Policing Services (COPS) Hiring Program provides funding to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. The police department applied for and was awarded a grant from the Department of Justice, Office of COPS, to provide funding assistance in hiring 10 commissioned police officer positions. The award amount was \$1,250,00.00.

Councilmember: Cheryl Rakes

Staff: Mark Caillier

RESOLUTION NO. 5798

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, ACCEPTING A GRANT AWARD
FROM THE DEPARTMENT OF JUSTICE, OFFICE OF
COMMUNITY ORIENTED POLICING SERVICES

WHEREAS, the Auburn Police Department (APD) applied for, and has
been awarded a grant from the Department of Justice (DOJ) Office of
Community Oriented Policing Services (COPS) in the amount of \$1,250,000;
and

WHEREAS, the grant is specific to the police department with the
purpose of providing funding to law enforcement agencies to hire and/or rehire
additional career law enforcement officers in an effort to increase their
community policing capacity and crime prevention efforts; and

WHEREAS, the Auburn Police Department has been awarded
\$1,250,000 to help fund 10 commissioned officer positions in order to increase
Auburn's community policing capacity and crime prevention efforts.

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

Section 1. The City of Auburn and Auburn Police Department are
authorized to accept the grant award of \$1,250,000, according to the terms and
conditions set forth in the Award Letter (Award Number 15JCOPS-24-GG-03676-
UHPX; Federal Award Date: 9/30/24) attached to this Resolution;

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

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

Dated and Signed this _____ day of _____, 2024.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Jason Whalen, City Attorney