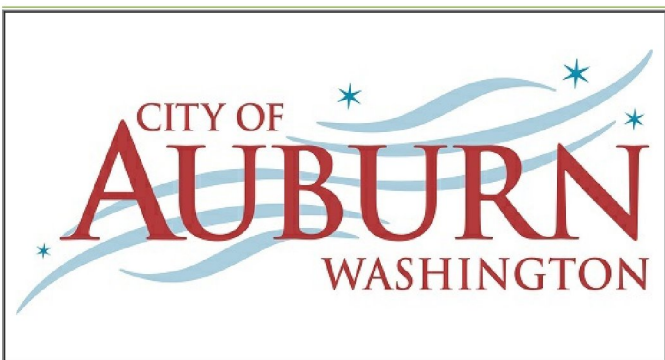


	City Council Meeting December 17, 2018 - 7:00 PM City Hall Council Chambers AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

- A. **Pledge of Allegiance**
- B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

III. APPOINTMENTS

- A. Human Services Committee

City Council to confirm the appointments of the following to the Human Services Committee for a three-year term to expire December 31, 2021.

- Shanece Dedeaux
- Tammy Gourline
- Sue Miller
- Shawn Parkhurst Paton

(RECOMMENDED ACTION: Move to approve the Human Services Committee Appointments.)

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

- A. **Public Hearings - (No public hearing is scheduled for this evening.)**
- B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

- C. **Correspondence - (There is no correspondence for Council review.)**

VI. 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.

VII. **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 April 24, 2017, June 26, 2017, July 24, 2017 and November 26, 2018 Study Session
- B. Minutes of the December 3, 2018 Regular Council Meeting
- C. Claims Vouchers (Coleman)
Claim voucher number 451773 through 451948 in the amount of \$4,878,419.96 and three wire transfers in the amount of \$431,484.35 and dated December 17th, 2018.
- D. Payroll Vouchers (Coleman)
Payroll check numbers 538259 through 538276 in the amount of \$232,183.35, electronic deposit transmissions in the amount of \$1,968,257.16 for a grand total of \$2,200,440.51 for the period covering November 29, 2018 to December 12, 2018.
- E. 2019 Annual On-Call Agreements (Gaub)
Approve the Annual On-Call Professional Service Agreements for 2019

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

VIII. **UNFINISHED BUSINESS**

- A. Seating Assignments for City Council Meetings
Council to approve or modify the ad hoc committee's recommendation.

IX. **NEW BUSINESS**

X. **ORDINANCES**

- A. Ordinance No. 6698 (Tate)
An Ordinance of the City Council of the City of Auburn, Washington, relating to planning; adopting 2018 annual comprehensive plan map and text amendments pursuant to the provisions of RCW Chapter 36.70a and adopting corresponding rezones related to certain map amendments

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6698.)

- B. Ordinance No. 6699 (Tate)
An Ordinance of the City Council of the City of Auburn, Washington amending Sections 19.02.115, 19.02.120, 19.02.130 and 19.02.140 of the Auburn City Code relating to School Impact Fees

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6699.)

C. Ordinance No. 6707 (Gaub)

An Ordinance of the City Council of the City of Auburn, Washington, relating to telecommunications infrastructure, and adopting new Chapter 20.14, small wireless facilities in the public right-of-way; providing for severability; and establishing an effective date

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6707.)

D. Ordinance No. 6708 (Tate)

An Ordinance of the City Council of the City of Auburn, Washington, creating new sections 15.20.075 and 15.20.077 and amending Sections 1.25.030, 1.25.040, 1.25.065 and 15.20.030 of the Auburn City Code relating to Code Enforcement

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6708.)

XI. RESOLUTIONS

A. Resolution 5396 (Faber)

A Resolution authorizing the Mayor to execute an agreement between the City of Auburn and the lowest responsible bidder for the Auburn Arts & Culture Center main floor interior demolition project

(RECOMMENDED ACTION: Move to adopt Resolution No. 5396)

B. Resolution No. 5398 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, related to the lead service line replacement program; authorizing an application for the drinking water state revolving fund loan and, if approved, acceptance and expenditure of loan proceeds

(RECOMMENDED ACTION: Move to adopt Resolution No. 5398)

C. Resolution No. 5399 (Gross)

A Resolution of the City Council of the City of Auburn, Washington relating to Council Rules of Procedure; amending the designation of Special Focus Areas, and amending Council Rules of Procedure

(RECOMMENDED ACTION: Move to adopt Resolution No. 5399)

XII. 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**

XIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the April 24, 2017, June 26, 2017, July 24, 2017
and November 26, 2018 Study Session

Date:

December 3, 2018

Department:

Administration

Attachments:

[04-27-2017](#)

[06-26-2017](#)

[07-24-2017](#)

[11-26-2018](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

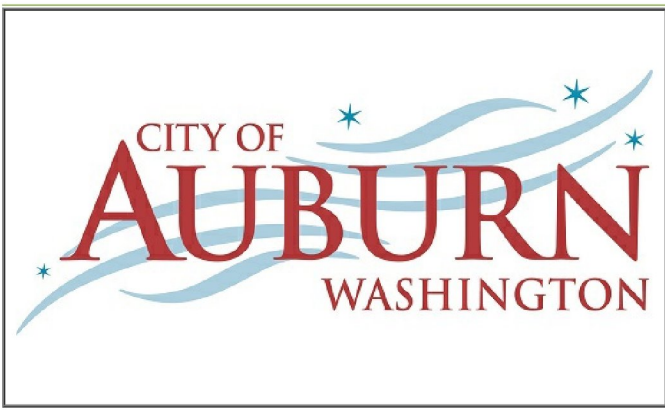
Revised Budget: \$0

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

Meeting Date: December 17, 2018

Staff:

Item Number: CA.A

	City Council Study Session Muni Services SFA April 24, 2017 - 5:30 PM Auburn City Hall Minutes Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus and the following department directors and staff members were present: Chief of Police Bob Lee, Assistant Chief of Police William Pierson, Finance Director Shelley Coleman, Parks, Arts and Recreation Director Daryl Faber, Human Resources and Risk Management Director Rob Roscoe, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Community Development and Public Works Director Kevin Snyder, Human Services Manager Erica Azcueta, Police Commander Mark Caillier, Police Traffic Officer Derek Anderson, Solid Waste and Recycling Supervisor Joan Nelson, Utilities Customer Care Manager Brenda Goodson-Moore, Assistant Director of Public Works Randy Bailey, City Attorney Daniel B. Heid, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

A. Junior City Council Report on National League of Cities

Junior City Councilmembers reported on their attendance at the National League of Cities conference in Washington, D.C. Junior City Councilmembers briefing the Council were: Sydney Campbell, Chair; Diego Izquierdo, Vice Chair; and Junior City Councilmember Mary Riel.

Chair Campbell reported on what the members learned about developing a mission statement, lobbying methods, meeting with members of other Junior City Councils, and attended a youth homeless Senate briefing.

Chair Campbell reviewed the Junior City Council's newly penned mission statement: The Auburn Junior City Council works to create a meaningful dialogue between the youth and city officials to collaboratively promote safety, engagement and equality in the city of Auburn.

Vice Chair Izquierdo spoke about what he learned in speaking to other Junior City Councilmembers. He asked the City Council to consider allowing a Junior City Councilmember to sit on other City committees as a representative of the Junior City Council.

Chair Campbell put forth a recommendation to increase the number of Junior City Council meetings to encourage a more effective group. She also recommended a zero tolerance on attendance to reduce the number of unexcused absences and create a more effective group.

Junior City Councilmember Mary Riel reported on her attendance at the Senate briefing on youth homelessness and what the Junior City Councilmembers learned about the barriers in fighting youth homelessness.

B. Auburn Station Access Improvement Project

Sandra Fann, Project Engineer for Sound Transit, provided an update on the Auburn Station Access Improvement Project. The Auburn Station Access Improvements include the construction of a 600-stall multi-level parking structure on an existing surface lot for a net increase of 500 stalls. The estimated cost of the project is \$34.8 Million in 2016 dollars. The planning efforts will determine the most effective and affordable mix of improvements.

Ms. Fann reviewed the project timeline and the stakeholder engagement schedule.

Parking garage site evaluation criteria include: ease of transportation access, engineering feasibility, parcel features (including transit-oriented development potential, land use, current ownership) and environmental conditions.

Ms. Fann identified the potential garage sites. Potential garage site detailed analysis will include: garage layout and number of potential spaces, potential alternative site uses (such as housing), historic structures on site, traffic analysis, and geotechnical/hazardous materials screening.

Preliminary key considerations and features of Site 1, the 1st Street and B Street parking lot, include: potential concepts include 520 to 670 stalls, reasonable access to passengers, vehicle access via two driveways, and no evidence of major environmental constraints.

Preliminary key considerations and features of Site 2, the Ace Hardware property, include: potential concepts include up to 715 stalls, reasonable

access for passengers, vehicle access via two driveways, and no evidence of major environmental constraints.

Preliminary key considerations and features of Site 3, the Sound Transit parking lot, include: potential concepts include up to 680 stalls, easiest access for passengers, vehicle access via two driveways, and no major environmental concerns.

Preliminary key considerations and features of Site 4, the Union of Aerospace Machinists property, include: potential concepts include up to 465 stalls, easy access for passengers, vehicular access would vary depending on design, no major environmental concerns, and could be connected to existing garage.

Ms. Fann also reviewed options for transit and non-motorized access improvements.

Next steps include: preparing cost estimates for all improvements, evaluating potential parking garage sites and access improvements based on criteria, and pairing non-motorized and transit access improvements with parking garage options into alternative packages.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6643

An Ordinance of the City Council of the City of Auburn, Washington, granting to Mcimetro Access Transmission Services Corp., D/B/A Verizon Access Transmission Services, a Delaware Corporation, a franchise for telecommunications services

Engineering Aide Amber Price presented Ordinance No. 6643. The ordinance would grant a franchise agreement for telecommunications services to MCImetro Access Transmission Service Corporation (dba Verizon Access Transmission Services) (MCI/Verizon).

MCI/Verizon requests the franchise in order to construct a fiber optic telecommunications network within the City's rights-of-way. The facilities would be part of a larger network of infrastructure that MCI/Verizon is building throughout the state.

A public hearing on the franchise application is scheduled before the City Council on May 1, 2017.

B. Ordinance No. 6652

An Ordinance of the City Council of the City of Auburn, Washington, creating a new Chapter 5.40 of the Auburn City Code, related to the regulation of Fair Housing Practices

City Attorney Heid presented Ordinance No. 6652 relating to regulation of fair housing practices and prohibition of housing discrimination based on source of income. City Attorney Heid stated many cities in the region have regulations that prohibit rental housing discrimination based upon

source of funds. The ordinance is similar to the City of Kent's ordinance and would apply to all rental housing, except where the rental housing unit is in a residential building shared by the owner, or where the owner of the rental housing owns fewer than four housing units within the city.

Director of Administration Hinman explained staff have been working together and gathering information from other jurisdictions for the best process to prohibit rental housing discrimination based on source of income, particularly Section 8 vouchers.

The ordinance provides for penalties for violations consistent with Chapter 1.25 of the city code.

Councilmember DaCorsi stated the voucher holder would have to pass the screening process just like any other renter would. Councilmember DaCorsi also noted a bill was introduced in the legislature that would prohibit discrimination on source of income at the state level. He said the proposed law went beyond Section 8 vouchers, and he recommended the City look to include other source of income discrimination.

C. Resolution No. 5291

A Resolution of the City Council of the City of Auburn, Washington, approving amendment to the 2016 Annual Action Plan update of the Consolidated Plan

Director Hinman gave an overview of Resolution No. 5291 and the request to reallocate \$261,552 of Community Development Block Grant funds from previous years.

Director Hinman and Human Services Manager Azcueta explained that each year the City executes specific actions to implement the goals and strategies of the Consolidated Plan for years 2015-2019. Actions that will be taken in 2016 are outlined in the Annual Action Plan.

The City received \$519,029 in Community Development Block Grant funds in 2016. The funds were allocated for the City's Housing Repair Program, Public Services Activities, Economic Development, support of youth outreach and general program management. The City also had a total of approximately \$300,000 in unspent funds from prior years. The accumulation is due to projects that were unable to be completed.

The 2016 Action Plan amendment proposes to reallocate \$261,552 of the accumulated funds to update the City's Les Gove Park bathroom to make them ADA accessible and reallocate \$20,000 the City's Housing Repair Program.

At 7:00 p.m., Deputy Mayor Wales recessed the meeting for a ten minute intermission. The meeting was reconvened at 7:11 p.m.

D. Safer Cities/Inclusive Cities Ad Hoc Presentation

Councilmember Trout -Manuel, chair of the Safer Cities/Inclusive Cities

Ad Hoc Committee reported on behalf of the ad hoc committee that also included Councilmembers Baggett and DaCorsi.

Councilmember Trout-Manuel reviewed the history of ad hoc committee and its purpose. It began from a request for residents for establishment of Auburn as a sanctuary city. Councilmember Trout-Manuel noted the City had already adopted the National League of Cities inclusive city resolution.

Councilmember DaCorsi gave an overview of the three videos that will be played. The videos provide information, data and statistics that were gathered during their research. In the videos, Presidents Clinton, Obama and Trump talked about border control and enforcing immigration laws. Councilmember DaCorsi stated all three Presidents stated similar policies relating to immigration and border protection.

Councilmember DaCorsi also reviewed the racial demographic of the City of Auburn and immigration statistics nationwide as well as deportation statistics.

Councilmember Baggett and other members of the ad hoc committee asked questions of Chief of Police Lee, Assistant Chief of Police Pierson and City Attorney Heid on issues relating to police policies during traffic stops, Lexipol (a policy management software for public safety), U visa which is a United States non-immigrant visa which is set aside for victims of crimes (and their immediate family members) who have suffered substantial mental or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity, and interactions with immigration officials and ICE.

Councilmember Trout-Manuel explained the ad hoc committee has prepared both a resolution and ordinance for Council consideration regarding inclusive and diverse city status.

City Attorney Heid explained the updates to the resolution.

Councilmember Trout-Manuel stated ad hoc committee members spoke to many sources and constituents throughout the process. She stated the first priority of the Council is to create a safe community for everyone. She reported the ad hoc committee is recommending the resolution for Council adoption.

Councilmember Wagner suggested referencing the Tenth Amendment in the resolution.

At 8:24 p.m., Deputy Mayor Wales recessed the meeting for a ten-minute intermission. The meeting reconvened at 8:39 p.m.

IV. MUNICIPAL SERVICES DISCUSSION ITEMS

At this time, Councilmember Pelosa, chair of the Municipal Services Special Focus Area, presided over the following special focus area discussion items

A. Traffic School Update

Presentation on the Auburn Traffic School. Status on how the classes are going, revenue generated for the city and a brief example of the class curriculum.

Assistant Chief of Police Pierson and Traffic Officer Derek Anderson provided an update on Auburn's traffic school program. The Council approved an ordinance that allows those who receive traffic tickets to attend traffic school in lieu of a traffic ticket on their driving record. Only those qualified are allowed to attend traffic school. Approximately 170 students have attended since the school began operation in October last year.

Officer Anderson described the traffic school process, content of the school, and goals of the traffic school.

B. Commendation Inquiry Allegation (CIA) Report and Use of Force Report

Police Commander Mark Caillier reviewed the 2016 Annual Commendations, Inquiries and Allegations of Misconduct Analysis (CIA) Report.

In 2016, Auburn Police Officers responded to 94,348 (92,872 in 2015) CAD incidents and completed 17,823 (17,875 in 2015) case reports. Officers made 4,716 (4,985 in 2015) arrests, with 2,551 (2,940 in 2014) of those arrestees being booked into the SCORE Jail. Officers also issued 8,298 (8,292 in 2015) infractions/citations. All of this activity accounts for only a portion of the personal contacts with our community members that are made by our police officers throughout the year.

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

A Commendation is used to recognize actions or performance by members of the police department who act or perform in a manner that is outstanding or beyond what is normally expected. The Commendation process recognizes employees for Professionalism, Exemplary Job, Exemplary Actions, Life Saving and Heroism. Total Commendations have increased 60% from 2011.

There are two ways a complaint can be categorized and investigated: Supervisory Inquiry and Internal Investigation.

A Supervisory Inquiry involves a complaint made regarding the quality of service delivery. These complaints vary in degree from complaints regarding an employee's demeanor, tardiness, complaints related to

customer service, or the nature of a department practice. The employee's immediate supervisor typically handles this type of complaint, but a commander might also take charge of it.

An Internal Investigation involves a complaint of a possible violation of department standards, written directives, City policies or applicable Civil Service Rules. These allegations include, but are not limited to, complaints of bias based policing, excessive force, alleged corruption, insubordination, breach of civil rights, false arrest, and other types of allegations of serious misconduct. In the event that an allegation of criminal misconduct is reported and appears to have merit, a simultaneous criminal investigation will be initiated.

Commander Caillier reviewed the supervisory inquiry, allegations, and the data counts.

Commander Caillier then reviewed the collision stats for the Police Department. In 2016, there were 21 collisions involving APD employees. 13 of the 21 collisions were determined to be preventable on the part of the officer. The average years of service of the officers involved in collisions is 7 and the average age of the officer was 35. 14 of the collisions that occurred were officers who have 4 years or less of service with Auburn PD. The preventable collisions were attributed to officers with an average of 7 years of service. In reviewing the 13 collisions, which were determined by a Collision Review Board to be preventable, "driver inattention" was apparent in most cases, by either watching for suspects or looking at vehicle equipment inside the car. If the drivers had been more attentive, they would not have collided with another vehicle, curb, tree, etc.

Commander Caillier reviewed the 2016 Annual Use of Force Summary. There were 135 Use of Force Incidents in 2016 compared to 136 in 2015. Of the 135 incidents where force was used, 116 suspects were involved. Of the 116 suspects, 46 reported injuries. All injuries were photographed and noted to be minor scrapes, bruises, small lacerations, K-9 bites, and minor punctures or redness from Taser applications.

Auburn Police Officers were compelled to use force once in every 699 CAD incidents, once in every 132 case reports, once in every 35 physical arrests and once in every 29 physical bookings. Only .14% of contacts resulted in a use of force.

Councilmembers discussed the different types of force.

Councilmember Holman thanked Commander Caillier for compiling the data and doing the work.

C. Solid Waste Update

Utility Billing Customer Care Manager Brenda Goodson-Moore and Solid Waste and Recycling Supervisor Joan Nelson presented an update on the

solid waste contract.

The City of Auburn's current solid waste contract expires December 31, 2017. The contract provides for two extensions of the existing contract for a period of up to two years each.

In 2016, the City solicited a Request for Bids, which were due September 14, 2016. The City received only one bid, from its current provider, Waste Management.

The City has three options at this point:

1. Reject the Waste Management bid, exercise the first of two contract extensions through September 2019, and initiate a Request for Proposals process.
2. Accept the bid received from Waste Management on September 14, 2016.
3. Renegotiate a contract with Waste Management and extend the first of two contract extensions to allow negotiation time.

Staff recommends rejecting the bid and initiate an extension of the current contract to allow time to issue a Request for Proposals for a contract that would be effective October 1, 2019.

Deputy Mayor Wales stated the Lea Hill area should be included in the new contract. She would also like a call center implemented and a voucher system for large item pick up. Deputy Mayor Wales also suggested including grocery cart pickup as part of the solid waste contract.

D. 104th Ave SE Property Update

Parks staff is working with Robert W Droll, Landscape Architect, to develop a Park Master Plan for the 104th Ave SE property located along the Green River. A draft rendering of the Master Plan has been prepared by the Landscape Architect, and is based on conversations and direction from Parks and CD&PW staff. Topographic and drone surveys have been completed by the City's Survey Crew and GIS staff, respectively. In addition a wetland and stream assessment has been completed on the property to identify on-site regulated areas.

Parks, Arts and Recreation Director Faber updated the Council on the Green River Park property located near 104th Avenue. The 14 acre property is comprised of two separate parcels and is bordered by 104th Avenue SE to the east and the Green River on the north. The property contains one on-site Category III Wetland.

The site is undeveloped with forested area in the western portion of the property and areas dominated by invasive species in the eastern portion of the site. Pedestrian access to the site is currently gained from the east via 104th Avenue SE or the south via 102nd Avenue SE.

The two parcels were transferred to the City through two separate acquisitions. The western parcel was transferred from King County through an Intergovernmental Land Transfer Agreement and the eastern portion was transferred to the City from the Washington State Parks and Recreation Commission. The entire site is deed restricted and is required to be protected as parkland in perpetuity.

The City has been working with Robert W. Droll, landscape architect, to develop a master plan for the park.

E. Business Shopping Cart Discussion

Councilmember Pelozo reported finding shopping carts and graffiti at the Porter Bridge. He shared photos he had taken of the area.

Councilmember Pelozo shared the history of the city code relating to abandoned shopping carts. He suggested revisiting the city code to address abandoned shopping carts that are an eyesore.

Assistant Director of Public Works Bailey reported the code is still in effect. The only change to the code has been changing a word "shall" to "may." Maintenance staff still pick up carts and return them to the stores. The code allows staff to return carts to place of origin rather than automatically impounding.

Assistant Director Bailey spoke about the difficulty in processing carts that are used by homeless to store their belongings.

Assistant Director Bailey spoke about his work with managers of stores to encourage them to retrieve their own carts from surrounding areas.

Director Snyder suggested the City can change Chapter 8.18 to impose higher burden on businesses utilizing shopping carts.

The City could require a mandatory Prevention Plan. The Plan could require one or more of the following: disabling devices on all carts, posting of a security guard to deter and stop customers who attempt to remove carts from the business premises, bollards and chains around business premises to prevent cart removal, security deposits required for use of all carts, rental or sale of carts that can be temporarily or permanently used for transport of purchases, direct contracting with cart retrieval service to retrieve carts removed from its premises within a certain period of time. However, the Prevention Plan may not be viewed as business-friendly by affected businesses.

Councilmember Pelozo asked what would need to be done to have dedicated staff roam the City looking for abandoned shopping carts. Assistant Director Bailey said the staff would have to be reassigned from their current duty. Councilmember Pelozo suggested contracting for

shopping cart removal.

Deputy Mayor Wales stated highly trained staff should not be picking up abandoned carts. She suggested other options for cart pick up.

Councilmember Holman recommended engaging the business community to find a solution.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

The matrix was not reviewed.

VIII. ADJOURNMENT

There being no further discussion, the meeting adjourned at 10:09 p.m.

APPROVED THE _____ DAY OF _____, 2018.

BOB BAGGETT, DEPUTY MAYOR

Shawn Campbell, City Clerk

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**CITY COUNCIL STUDY SESSION AND
SPECIAL FOCUS AREA
JUNE 26, 2017 – 5:30 PM
Auburn City Hall
MINUTES**

I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, and Rich Wagner. Councilmember Bill Peloza arrived at 5:33 p.m. Councilmember Yolanda Trout-Manuel was excused.

Mayor Nancy Backus and the following department directors and staff members were present: Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Finance Director Shelley Coleman, Assistant Police Chief William Pierson, City Attorney Daniel B. Heid, Director of Administration Dana Hinman, Human Resources and Risk Management Director Rob Roscoe, Assistant City Attorney Jessica Leiser, Assistant Director of Public Works Randy Bailey, Real Property Analyst Josh Arndt, Assistant Director of Community Development Services Jeff Tate, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, REPORTS AND PRESENTATIONS

Councilmember DaCorsi reported he and Councilmembers Holman, Baggett, and Trout-Manuel attended the Association of Washington Cities (AWC) conference last week. Councilmember DaCorsi reported he was elected as the District 13 representative to the Board of Directors for AWC.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6654- Budget Amendment NO. 2 (15 Minutes)

Director Coleman reported that an updated budget sheet was provided to Council.

Director Coleman stated Ordinance No. 6654 amends the 2017-2018 Biennial Budget. The purpose is to adjust budgeted 2017 beginning fund balances to match actual 2016 ending fund balances per accounting records. City-wide beginning fund balances are adjusted by a net increase of \$25.4 million.

The amendments recognize updated revenue projections, predominately an increase in anticipated City utility tax revenues of \$265,000.

The amendment carries forward unspent project spending authority from 2016.

The amendment also includes a new full-time employee of Administrative Assistant support Economic Development and the Healthy Auburn Initiative. The amendment also reallocates capital project budgets and provides project funding adjustments. Finance Director Coleman reviewed the budget amendments.

B. Resolution No. 5295 – City of Pacific Decant Contract (10 Minutes)

Assistant Director of Public Works Bailey reviewed Resolution No. 5295. Resolution No. 5295 authorizes an agreement with the City of Pacific to allow the use of the City of Auburn's decant facility to dump vector and sweeper waste material on a space limited basis. The agreement is renewed every three years.

C. Ordinance No. 6642 – Marijuana Related Activities (20 Minutes)

Assistant Director of Community Development Services Tate reviewed Ordinance No. 6642. The ordinance is based on the Planning Commission's recommendation and would lift the moratorium for marijuana related activities and put permanent regulations in place.

On August 15, 2016, the City Council adopted Ordinance No. 6613 establishing a moratorium on certain types of marijuana related activities. Ordinance No 6613 also directed staff to prepare draft

code amendments to address all forms of marijuana related activities for presentation to the Planning Commission.

The Planning Commission held public meetings during which the Planning Commission reviewed the draft ordinance, directed questions towards staff, requested additional information, suggested potential modifications, and requested staff conduct a public survey. The Planning Commission held a public hearing on the proposed regulations and made their recommendation to the Council to adopt Ordinance No. 6642.

The Planning Commission recommendation includes:

1. Permitting up to four marijuana retailers in Auburn.
2. Increasing the distance separations between marijuana related activities and other types of uses and activities. The Planning Commission recommends a 2,640 foot separation from some types of uses and a 1,320 foot separation from others.
3. Expanding the list of uses that require separation from a marijuana related activity over the list that is established by the Washington Administrative Code. Added are: private schools, private playgrounds, private recreation facilities, private parks, public trails, religious institutions, and transit centers or park-n-ride facilities operated by a sovereign nation.
4. Clarifying that marijuana related activities that were legally established prior to the adoption of Ordinance No. 6642 are classified as legal conforming uses even if they do not meet the criteria of the standards established.
5. Limiting marijuana related activities to the C-3, M-1 and M-2 zoning designations.
6. Establishing rigorous public review procedures that must be met prior to submittal of a City of Auburn business license application.

At 6:35 p.m., the meeting was recessed for a five-minute intermission. The meeting was reconvened at 6:42 p.m.

IV. MUNICIPAL SERVICES DISCUSSION ITEMS

At this time, Councilmember Pelosa, chair of the Municipal Services Special Focus Area, presided over the following special focus area discussion items.

A. District Court Briefing (30 Minutes)

City Attorney Heid and Human Resources and Risk Management Director Roscoe Heid provided Council with a briefing on the City's contract with District Court.

Director Roscoe reminded that the City contracted with King County District Court beginning in 2012. He reported the case filings last year were 12,500 and this year the case filings are anticipated to be around 13,700 or a ten percent increase.

Director Roscoe stated the District Court services are working well and there are full District Court services offered in Auburn, including small claims court. The District Court is also looking at adding community court, which handles non-criminal cases. Director Roscoe described Spokane's community court as an example.

Director Roscoe described the space constraints at the courthouse. The District Court is asking for more space at the courthouse, but the City wants more space reserved for police and the prosecutors.

City Attorney Heid described the length of a jury trial in District Court. He also spoke about the difficulty in getting a courtroom for a trial.

Councilmembers discussed the courthouse the space concern. City Attorney Heid stated an additional courtroom would be beneficial.

Councilmember Holman noted the City is growing and the police force is growing. He suggested the Council look at a new police station or court to separate the two facilities.

Councilmember Peloza inquired about veterans court. City Attorney Heid stated that King County offers mental health court, veterans court, and drug court programs. City Attorney Heid questioned whether veterans court would be sufficiently utilized at the District Court in Auburn. City Attorney Heid offered to provide additional information on veterans court and community court services available in the county.

Director Roscoe stated the City is billed by King County for District Court services. The City is billed in arrears, and the City is

currently reviewing the billing for 2016. The billing for court services in 2014 was \$1.46 million and \$1.5 million in 2015. The billing is offset by receipt of court fines.

City Attorney Heid commented on federal law that provides for case limitations that apply to public defenders. Director Roscoe commented on the current contract for public defense services.

B. Auburn Municipal Airport Briefing (30 Minutes)

Assistant Director Gaub, Jamelle Garcia, Manager of Aviation Management Group, and Airport Advisory Board Chair John Theisen provided an update on the current work being done on the Airport Strategic Plan, Jet-A Fuel and the Rate Study and Competitive Market Assessment.

In 2016, the take off and landings were approximately 142,000. The hangars are full, and the tie downs are over half full. The service level has remained the same.

Deputy Mayor Wales inquired about weekend services. Assistant Director Gaub stated the airport is not a towered airport. Fuel is self-serve. The office and the pilots' lounge are not open on the weekend. Mr. Garcia stated the airport was once open six days a week, and the amount of business on Saturday was minimal.

The Airport Strategic Business Plan was approved earlier this year. The Board is focused on Jet A Fuel, a long-term rate study/competitive market assessment, marketing of current development sites, and airport growth areas. A facility condition assessment is scheduled for 2019, but a budget amendment is requested to conduct the assessment in 2017.

Assistant Director Gaub reviewed the Jet A Fuel proposal. The interim solution has two options: a private partnership or a public/private partnership. The long-term solution requires establishing a demand (40,000 gallons annually). The next step would be to site, design, and install permanent above-ground storage of jet fuel. It is anticipated that financing, such as bonding will be needed to fund the improvements.

Councilmember Wagner questioned whether the airport should become a port district so there is a taxing authority.

Assistant Director Gaub reviewed the Request for Proposals (RFP) scheduled for the rate study and competitive market assessment. The RFP is scheduled to be published in July. Proposal submissions and selection is anticipated to occur in August to September. The study duration is estimated to be nine to twelve months.

Assistant Director Gaub shared the tracking matrix for the Airport Advisory Board. It tracks status on capital and maintenance projects and Strategic Plan work items.

V. OTHER DISCUSSION

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

Updates on District Court and shopping carts were added to the August Municipal Services Special Focus Area study session.

VIII. EXECUTIVE SESSION

At 7:42, Deputy Mayor Wales recessed the meeting to executive session for approximately 15 minutes in order to discuss a complaint against a public official pursuant to RCW 42.30.110(1)(f). City Attorney Heid and Human Resources and Risk Management Director Roscoe attended the executive session.

At 7:56 p.m., the executive session was extended an additional ten minutes.

The meeting was reconvened at 8:06 p.m.

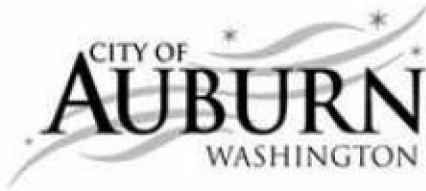
IX. ADJOURNMENT

There being no further business/discussion, the meeting adjourned 8:06 p.m.

APPROVED this 17th day of December, 2018.

BOB BAGGETT, DEPUTY MAYOR

Shawn Campbell, City Clerk



**City Council Study Session PWCD SFA
July 24, 2017 - 5:30 PM
Auburn City Hall
MINUTES**

☛ Watch the meeting LIVE!

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Meeting videos are not available until 72 hours after the meeting has concluded.

I. CALL TO ORDER

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

A. Roll Call

Councilmembers present: Deputy Mayor Wales, Claude DaCorsi, John Holman, Bill Pelosa, and Yolanda Trout-Manuel. Councilmember Rich Wagner arrived at 5:34. Councilmember Bob Baggett was excused.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Daniel B. Heid, Chief of Police Bob Lee, Assistant Director of Community Development Services Jeff Tate, Director of Administration Dana Hinman, Innovation and Technology Director Paul Haugan, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Utilities Engineering Manager Lisa Tobin, Community Development and Public Works Administrative and Budget Services Manager Darcie Hanson, and Assistant Director of Innovation and Technology Ashley Riggs, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

There was no announcement, report or presentation.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Area Contributors to the Allenmore Behavioral Hospital (10 Minutes)(Presenters: Ingrid Gourley-Mungia (MultiCare) and Anne McBride from CHI Fransiscan

A joint venture between MultiCare Health System and CHI Franciscan Health formed the Alliance for South Sound Behavioral Health in 2015. The coalition is seeking to fund a \$42 million project to bring a 120-bed acute psychiatric care hospital to Tacoma to serve Pierce County and South King County.

Anne McBride, Vice President of Behavioral Health Services for CHI Franciscan and Ingrid Gourley-Mungia of Public Relations for MultiCare provided an update on the Allenmore Behavioral Hospital.

Ms. McBride reported that the facility is on target to open at the end of

2018 and will be servicing patients in early 2019. The project is on target for budget purposes. A groundbreaking is scheduled for September 29th.

Ms. Gourley-Mungia stated the South Sound Behavioral Health presented to the Council earlier this year. The project is a joint venture between MultiCare and CHI Franciscan to form the Alliance for South Sound Behavioral Health and constructing and operating a 120-bed psychiatric hospital in Tacoma to serve Pierce County and South King County.

In response to questions from Councilmember Pelosa. Ms. Gourley-Mungia stated Auburn is asked to be a contributor since Auburn has residents that would be served by the hospital. The hospital will serve those who come for help regardless of their city of origin.

Ms. Gourley-Mungia stated MultiCare Hospital has 40 beds available for mental health patients. The beds are limited to involuntary treatment. Those who wish to voluntarily commit will be able to use Allenmore Hospital. Allenmore will also have a crisis stabilization unit.

In response to questions from Councilmember DaCorsi regarding financing, Ms. McBride stated MultiCare and CHI Franciscan are pledging \$10 million each. Ms. Gourley-Mungia stated the State pledged \$5 million from the 2015 budget, which has been received. The State has pledged an additional \$3 million, but the grant is not confirmed.

Councilmember Holman stated the need for a mental health facility is great. Those incarcerated with mental health issues would be far better served by a trained mental health facility.

Ms. McBride stated local governments are being asked to help the Coalition collect \$5-\$6 million for construction of the facility.

Chief of Police Lee expressed his support for additional mental health beds. Chief Lee commented that today he received an email from an officer regarding the number of mental health calls the police receive each day. On average, the Police respond to 19 welfare checks, suspicious or unwanted individuals with mental health issues.

Deputy Mayor Wales questioned the amount of commitment that the City of Auburn is being asked to contribute.

In response to questions from Councilmember Trout-Manuel, Ms. Gourley-Mungia described how the Coalition came to develop the list of local governments as contributors and the level of commitment. Councilmember Trout-Manuel stated she would prefer to commit funds locally.

Ms. Gourley-Mungia stated that although the City of Federal Way indicated they are not participating at this time, the Coalition is continuing talks with

Federal Way.

Mayor Backus stated she appreciates the priority for expending funds for Auburn residents. But even though the facility is not located in Auburn, Auburn residents will still be able to receive benefits from the new hospital. The hospital in Auburn has only 40 beds reserved for behavioral health care and are for involuntary commitments.

Councilmember Wagner inquired about the timing for the funding. Ms. McBride stated the construction is taking place over the next year.

B. Deputy Mayor Selection Ad Hoc Committee Report

Councilmember DaCorsi, chair of the Deputy Mayor Selection Ad Hoc Committee, along with Councilmembers Pelosa and Trout-Manuel met earlier today to review amendments to the Council Rules of Procedure regarding selection of the Deputy Mayor.

Revisions to the Rules of Procedure were presented to the Council. The current proposal provides, among other amendments: other than the automatic nomination of the most senior Councilmember who has not previously served as Deputy Mayor, all other nominations for the position of Deputy Mayor shall be made by members of the City Council on the dates of election for the Deputy Mayor position; and it is strongly suggested that Councilmembers approach the election in an open, transparent and respectful manner, avoiding anything that jeopardizes harmony among Councilmembers.

Councilmember Wagner inquired regarding the Deputy Mayor serving as Mayor if the Mayor is incapacitated. Councilmember DaCorsi stated the rules include provisions regarding prolonged absences of the Mayor.

C. Business License Presentation (20 Minutes) (Snyder)

Overview of the City's business license program and comparison with other jurisdictions

Assistant Director of Community Development Services Tate and Community Development Business and Budget Manager Darcie Hanson briefed the Council on the current business licensing regulations in Auburn.

Business licensing is regulated under Title 5 of the Auburn City Code and regulates general businesses, Auburn-based businesses, rental housing, home occupations, contractors, and certain endorsements (solicitors, massage, tow truck, pawnbroker).

Assistant Director Tate answered questions regarding home occupations. The zoning code establishes the requirements and standards for a home occupation.

Assistant Director Tate reviewed the business license process. An

applicant can submit their application in person or via email. The application is routed to six reviewers, which triggers a comment letter or an approval. Upon approval, the license is mailed or picked up.

The applications are reviewed by Planning, Building, Fire, Utilities, Police, and Traffic. Planning reviews for zoning and parking regulations. Building reviews for occupancy and building code requirements. Fire reviews for any hazardous materials storage. Utilities reviews for backflow and fats/oils/grease. Police review for a short background check for certain types of businesses, and Traffic reviews for any trip increases. The overall review takes approximately two weeks.

Assistant Director Tate acknowledged the current business license fees do not cover the cost of the application review by staff. The license fee has not been increased since 2003.

Councilmember Wagner stated that originally the purpose of business licensing was for collecting data and learning what type of activity was occurring at an address.

Assistant Director Tate reviewed a comparison of other surrounding cities business license fees.

Councilmembers discussed compliance and outreach relating to business licensing.

At 6:55 p.m., Deputy Mayor Wales recessed the meeting for an eight-minute intermission. The meeting was reconvened at 7:04 p.m.

D. Insurance Update (30 Minutes)(Roscoe)

Updates for Workers' Compensation, WCIA - Liability Program, and Medical - Employee Health Care, based on year ending 2016.

Human Resources and Risk Management Director Roscoe updated the Council on the City's insurance programs.

The City elected to self-insure for workers compensation and the program is operating well. The revenue from payroll collection was \$875,000 in 2016, while expenses were \$556,000. Revenue projection for 2017 is \$933,000 depending on worker hours. Director Roscoe stated the City has paid less for worker's compensation costs than if the City had remained with the State. The City retains a self-insured retention of \$500,000 per claim.

Director Roscoe reported the City experiences approximately 40 worker's compensation claims per year. The cost of the claims has increased primarily due to the increase in medical costs. Director Roscoe also reported that since self-insuring, the worker's compensation claims have closed earlier than the experience under the State's program.

Director Roscoe provided an update on the City's liability insurance provided through the Washington Cities Insurance Authority (WCIA). WCIA is a municipal insurance pool created via an interlocal agreement. WCIA provides the City's property, automobile, and liability insurance coverage. The deductible for auto and property damage is \$5,000 and there is no deductible for liability.

Rates are set using an actuary analysis of losses and expenses to determine needed revenue. WCIA's rates are determined by their overall funding needs. Member rates are determined by the member's five year loss history.

Director Roscoe updated the Council on the changes to the City's medical coverage for employees. In 2016, the City changed several benefit coverages. The City moved from Regence BlueShield through the Association of Washington Cities (AWC) to Premiera Blue Cross direct. Vision coverage was also changed from AWC to Vision Service Plan direct. LEOFF 1 retiree coverage was also moved from the AWC Premiera Plan to a Hartford Group Medicare. The City's VEBA plan was also moved from HRA Gallagher to Benefit Plan Administrator Services (BPAS).

The reasons for the changes included impending implications of the Affordable Care Act, AWC's discontinuance of the Regence HealthFirst Plan and Group Health Copay Plan, lack of access to specific experience information, and costs. The City's total savings from the plan changes was \$1,022,843.

Director Roscoe reviewed the experience report.

In response to questions from Councilmember Pelosa, Director Roscoe assured the Council the City offers competitive benefit packages to employees. The City pays 100 percent of the insurance premium for the employee and ten percent for dependents.

IV. PUBLIC WORKS AND COMMUNITY DEVELOPMENT DISCUSSION ITEMS

At this time, Councilmember Wagner, chair of the Public Works and Community Development Special Focus Area, presided over the following special focus area discussion items.

A. Private Service Line Warranty Program (20 Minutes)(Snyder)

Utility Engineering Manager Lisa Tobin and Assistant Engineering Director/City Engineer Ingrid Gaub presented information on a private sewer line warranty offered through the National League of Cities (NLC).

Manager Tobin explained the responsibility of the repairs to side sewer and water service lines are the property owners. Typically, a homeowner's insurance policy does not cover the expenses for repairs to the side sewer and water line on the property owner's property. This type of repair can

range from \$4-8,000 and water \$2-6000.

The NLC has partnered with Utility Service Partners (USP) to promote the Service Line Warranty Program. The program is voluntary. The program repairs private water service line and side sewers at no cost to the City. The City can receive a royalty from each customer that signs up for the program.

USP would enter into an agreement with Auburn for USP to send Auburn-endorsed marketing materials to Auburn single-family property owners. The agreement between USP and the City would indemnify Auburn. The program covers up to \$8,500 per incident and includes physical repairs, investigation, permits and restoration. The cost of the side sewer program is \$8.00 per month and \$6.00 for the water service line. The fees are billed by the company.

The customer can call a toll free number available 24/7. Repairs are conducted by a pre-qualified local plumbing company.

Manager Tobin displayed sample marketing materials.

Manager Tobin reported staff from several departments evaluated the program and had some concerns:

- Marketing materials with Auburn logo creates confusion regarding claim responsibility
- City likely would see an increase in claims for items it is not responsible for
- Accepting a royalty may expose City to liability for claims
- Reluctant to provide our customer records for mailing by a for-profit company
- City endorsement of a company where City has no control over operations or customer service may reflect poorly on the City
- Unclear how City's responsibility for repairs in ROW will be handled
- Other companies/programs are available, which property owners could explore on their own

Mayor Backus stated the City of Kenmore is the only city in Washington participating in the program. The City of Kenmore does not accept the royalty.

Councilmember Pelozo stated the program has been sponsored by NLC for approximately six years. Councilmember Pelozo reported the State of Washington Insurance Commissioner did not authorize this insurance until recently.

Councilmember Holman concurred with Councilmember Pelozo's comments.

Councilmember Wagner stated he is willing to look at the program in more

depth.

Assistant Director Gaub asked whether the City logo should be used on the marketing materials. Some Councilmembers agreed it was confusing.

Councilmember Wagner suggested including educational materials about what is the resident's responsibility and what is the City's.

Manager Tobin indicated the company's representative is willing to come to the Council to discuss the program.

Some Councilmembers indicated they were willing to not accept the royalties and have the customers rate reduced.

Councilmember Wagner recommended returning to the Council with a draft contract and resolution for Council to review.

B. Pierce County Flood Control Zone District Opportunity Fund Interlocal Agreement (10 Minutes)(Snyder)

Utilities Engineering Manager Tobin and Assistant Director of Engineering Services/City Engineer Gaub presented Resolution No. 5304, authorizing an Interlocal Agreement with the Pierce County Flood Control District.

The District was formed in 2012 to address flood control needs in Pierce County. Property taxes are levied against properties within the District, including a portion of the Lakeland area of Auburn, to fund flood control and stormwater projects conducted by the District.

Ten percent of the tax levies are set aside in an Opportunity Fund to help fund local flood control and stormwater needs in the District. Auburn's proportional share of the Opportunity Fund is approximately one percent, which equates to about \$8,000 per year. Each jurisdiction can allow its share of the fund to accrue. Auburn's current balance is approximately \$32,000.

In order to use its share of the Opportunity Fund, Auburn first needs to execute the standard agreement with the District. Once the agreement is executed, Auburn can either instruct the District to continue to accrue Auburn's funds or submit a project funding request for review and approval by the District. Projects can include stormwater control improvements, studies and plans for watershed and habitat protection, maintenance and operations of existing facilities, purchase of equipment for maintenance and operations, and low impact development.

The resolution will appear before the City Council at its next regular meeting for consideration.

C. State Traffic Signals at AWS and SR-18 (5 Minutes)(Snyder)

Assistant Director of Engineering Services/City Engineer Gaub updated

the Council on the possible transfer of the maintenance responsibility for the State signals at the interchange of SR-18 and Auburn Way South in exchange for allowing the City operational capability at the signals.

Staff are continuing to work with the State on the details of the State's proposal. A significant element of the proposal will be understanding what responsibilities and costs the City would incur as a result of the transfer. There is no new additional information for Council's consideration at this time.

D. Interlocal Agreements with Pacific, Algona and VRFA for IT Services (15 Minutes) (Haugan)

Assistant Director of Innovation and Technology Riggs presented the Interlocal Agreements for IT services with the cities of Pacific and Algona and the Valley Regional Fire Authority (VRFA).

Assistant Director Riggs stated the City had interlocal agreements with each entity for IT services, but the agreements recently expired. The City is providing services to each on a month-to-month basis. New Interlocal Agreements are proposed that have the same terms, services, and compensation.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Councilmembers reviewed the matrix and confirmed the following:

- Deputy Mayor Selection Action Date on August 7, 2017
- Public Works Capital Projects on August 14, 2017
- Remove Business Licenses
- Update on Police calls for mental health issues on August 28, 2017
- Block grant parameters on September 11, 2017

VIII. ADJOURNMENT

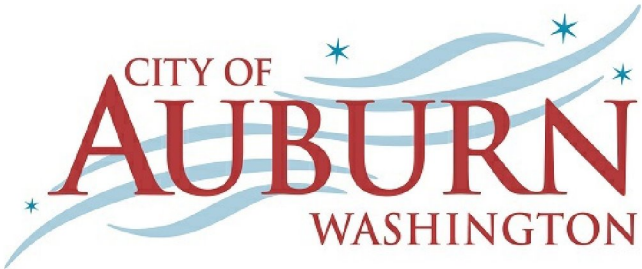
There being no further discussion, the meeting adjourned at 8:22 p.m.

APPROVED this _____ day of _____, 2017.

BOB BAGGETT, DEPUTY MAYOR

Shawn Campbell, 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.

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

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

A. Roll Call

Councilmembers present: Deputy Mayor Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel and Largo Wales.

Mayor Nancy Backus and the following department directors and staff members were present: City Attorney Steve Gross, Director of Administration Dana Hinman, Director of Finance Shelley Coleman, Director of Human Resources & Risk Management Candis Martinson, Director of Innovation & Technology David Travis, Police Commander Mike Hirman, Director of Public Works Ingrid Gaub, Director of Parks & Recreation Daryl Faber, Arts & Events Manager Julie Krueger, Real Property Analyst Josh Arndt, Economic Development Manager Doug Lein, Human Services Manager Joy Scott, Community Healthcare Consultant Pat Bailey, Special Events & Farmers Market Specialist Amanda Valdez, Solid Waste & Recycling Supervisor Joan Nelson and Deputy City Clerk Teresa Mattingly.

II. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

There was no announcement, report or presentation.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. 2018 Auburn Farmer Market Year End Report (Faber) (15 Minutes) Auburn International Farmers Market Season - 2018 Season Report

Director Faber and Farmers Market Specialist Valdez presented Council with the 2018 Auburn Farmer Market year end report, the mission of the market, the benefits of the new location at Les Gove Park, grants sponsors, marketing, promotional efforts, increased vendor sales, customer count increased by 28% and farmers participation increased by 2% from 2017, and payment options at the market including; Electronic Benefits Transfer (EBT) and Fresh Bucks.

Councilmember Trout-Manuel asked about the cost of the carrots at the market and was informed by Director Faber they were \$3000 and purchased from a local artist. Council also discussed increasing booth rental fees, the benefits of having the market at Les Gove Park, and the possibility of extending the Farmers Market into October. Director Faber advised Council that due to the decrease in sales, farmers participation and the weather that it is not possible to extend the market past September.

B. Resolution No. 5391 (Faber) (15 Minutes)

An informational presentation from the Auburn Symphony Orchestra regarding the 2017-18 and 2018-19 performing art seasons and inclusion of the 2019 draft contract related to operating support for the Auburn Symphony Orchestra

Director Faber introduced Nancy Hulse and Executive Director of the Auburn Symphony Rachel Woolsey who presented Council with information on the Auburn Symphony Orchestra, when it was established, challenges with finding a new conductor and director, the vision statement, principal areas of focus, the Music for Life program that assist with providing instruments to students, educational programs, \$10 tickets for music students and their families, free concert talks on KING FM radio, and the long term goal of hiring an educational coordinator.

Council discussed how pleased they are that the Auburn Symphony is doing things for students and provides discounts for students and families and the possibility of establishing a classical music scholarship and partnering with organizations for Music for Life programs.

C. Resolution No. 5392 (Gaub) (10 Minutes)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an amendment to the lease agreement between the City of Auburn and Classic Helicopter Corporation

Director Gaub and Analyst Arndt presented Council with information on amending the lease to take back some office space from Classic Helicopter Corporation, removing the Future Development Agreement from the original lease, agreeing to not make any complaints to the FAA regarding Lessor's operation and management and use of the Airport after the lease expires.

Council discussed their concerns with the language regarding not making complaints to the FAA in the addendum to the lease agreement and was advised that the language protects the City since Classic Helicopter is no longer planning to build a permanent structure as originally agreed upon.

D. Resolution No. 5393 (Gaub) (5 Minutes)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an amendment to the lease agreement between the City of Auburn and Spanaflight, LLC

Director Gaub and Analyst Arndt presented Council with information on extending the lease through 2020 with Spanaflight LLC, increasing the rent from \$870 per month to \$925 per month for the 2019 calendar year, with an automatic lease renewal for 2020 and additional rent increase to \$950 per month.

Council discussed how pleased they are that Spanaflight wants to do business in Auburn and questioned why the language is different in the two lease agreements with Spanaflight and Classic Helicopter. Council was advised that the language is different because there is no development agreement Spanaflight.

E. Recology Contract (Coleman) (10 Minutes)

An agreement between the City of Auburn and Recology Cleanscapes for a litter control and recycling program

Director Coleman and Supervisor Nelson presented Council information on the Recology CleanScapes, Inc. contract including a 5% increase from last year, and the litter removal and litter services provided.

Council questioned what the 5% increase covers, how does the City know what Recology's costs are, who monitors Recology CleanScapes work, who cleans up leaves in the streets and if there are rules regarding removing waste bins from the curb and streets.

Director Coleman advised Council the 5% increase covers wages, benefits and cost of living increases, that Recology CleanScapes costs is proprietary information, Supervisor Nelson monitors their work, the Maintenance and Operation department will determine who is responsible for cleaning up leaves and debris within the core area, and City codes require residents bring their containers in after collection.

F. Ordinance No. 6693 (Coleman) (10 Minutes)

An Ordinance of the City Council of the City of Auburn, Washington, adopting the 2019-2020 biennial operating budget for the City of Auburn, Washington

Deputy Mayor Baggett called for a 10 minute recess at 7:00 p.m. the meeting reconvened at 7:13 p.m.

Director Coleman presented Council with and update on adopting the 2019-2020 biennial operating budget, which is approximately \$500,000,000 and includes four new staff positions, projected sale tax increases about 3.8% a year, building permits are expected to decline, increases in costs of labor and benefits, and public safety contracts.

Council discussed the decreases in the budget for the next two years, the benefits of the new staff positions and custodial services.

Director Coleman advised Council that the decrease in the budget is partially due to the decrease in capital projects and the City is expanding

the custodial staff and will no longer have contract workers performing these services.

G. Ordinance No. 6694 (Coleman) (10 Minutes)

An Ordinance of the City Council of the City of Auburn, Washington, adopting the 2019-2020 biennial capital budget for the City of Auburn, Washington

Director Coleman provided Council with a brief overview on the process for adopting the 2019-2020 biennial capital budget and the budgeted amounts for 2019-2020.

H. Ordinance No. 6703 (Coleman) (10 Minutes)

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6621, the 2017-2018 biennial budget ordinance, as amended by Ordinance No. 6646, Ordinance No. 6656, Ordinance No. 6665, Ordinance No. 6666, Ordinance No. 6680, and Ordinance No. 6684, authorizing amendment to the City of Auburn 2017-2018 budget as set forth in Schedule "A" and Schedule "B"

Director Coleman and Director Faber presented Council with information on amending Ordinance No. 6694, recognizing grant funds that have been received by the City, the 15th Street NE preservation project and the cost overruns due to the strike, grant funding for improvements at the White River Valley Museum and the Senior Center kitchen and the missing HVAC equipment from the Arts and Cultural Center.

Council asked if the care takers house at Game Farm Park is going to be replaced and why there is an increase in the price for synthetic fields. Director Faber advised Council that the care takers house will not be replaced by another building but will be used for additional park space and the price increase is due to a 25% increase in synthetic field costs.

I. 2019 Proposed Legislative Agenda (Hinman) (15 Minutes)

Discussion on Auburn's 2019 state and federal legislative priorities

Director Hinman presented Council with information on the proposed legislative agenda and covered federal and state priorities and programs including; plans for lengthening runways at the municipal airport, homelessness, mental health and substance abuse treatment, investing in transportation and infrastructure, continued opposition to the telecommunication and cable fees, streamlined sales tax mitigation, fully funding basic law enforcement academy, reimbursement for the SCORE facility, seeking funding for the Arts & Culture Center, changing building codes in relation to "Tiny Houses", condominium law reform, strengthen the public records act and streamline government processes related to legal noticing, business licensing and government contracts.

Council discussed adding the words urban and regional to the Sound Cities Association (SCA) Draft, the importance of the cities coming together as one voice and the option of mirroring the Department of Commerce website language in relation to priorities.

IV. HEALTH AND HUMAN SERVICES DISCUSSION ITEMS

A. 2019 CDBG Action Plan (Hinman) (15 Minutes)

Director Hinman and Manger Scott presented Council with information on the 2019 Community Development Block Grant (CDBG), the purpose of program, project requirements, eligible activities, past and present projects, number of Auburn residents served by Healthpoint and Multi-Service Center, employment training programs, the housing repair program, administrative requirements, long term benefits for the City and residents and the 2019 action plan.

Council discussed how funds are allocated, the employment training programs, overnight shelters for Auburn youth, the option of eliminating the requirement to get multiple bids on housing repair projects, and the wait list for the Housing Repair program. Councilmember Wales requested to see a blank application for awarded grants and the spreadsheet where those grants are listed, the percentage that the grants represents of the agencies total budget and the number of people that the particular grant will serve.

B. Regional Homelessness Update (Hinman) (15 Minutes)

Director Hinman and Mayor Backus presented Council with information on Regional Homelessness, a letter Mayor Backus sent to One Table Co-Chairs, homeless system action and accountability and the draft MOU between the City of Seattle and King County. Mayor Backus discussed the foundations, what a regional model would look like, what funding would be included and the need to help the chronically homeless.

Council discussed their concerns about small cities having input and the bureaucratic issues involved working with the City of Seattle and King County.

C. Blue Ribbon Committee Update (Hinman) (20 Minutes)

This item was moved before item III. A on the agenda.

Director Hinman and Healthcare Consultant Bailey presented Council with information on the Blue Ribbon Committee, updates on the 2015 strategic plan, results from the King County Health Needs Assessment (HNA) study, goals for 2020, programs to improve the health of the City and the importance of promoting healthy lifestyles.

Council discussed getting a year end report to measure the successes in Auburn, updating the 2015 strategic plan to bring it more current, getting an update on how much has been spent for the current year on committee meetings and staff, the option of adopting the Pierce County Public Health practice where every policy that is adopted has to have a check off in relationship to public health, the option of building this program into the Block grant and adding a fourth priority that relates to the health and safety

of the community.

D. Affordable Housing Task Force Update (Hinman) (10 Minutes)

Director Hinman presented Council with an update on the Affordable Housing Task Force, the five year action plan, establishing a framework for ongoing collaboration among cities, recommended strategies to address the region's affordable housing crisis and goals to serve people earning less than 50% of the Average Medium Income (AMI).

Council discussed having specific or equal control over how money is spent within our region, ensuring the City receives credit for affordable housing, accommodations for preservation of existing affordable housing, protecting existing renters and the importance of the City Council having one voice.

V. OTHER DISCUSSION ITEMS

There was no other discussion.

VI. NEW BUSINESS

There was no new business.

VII. MATRIX

A. Matrix

Council discussed the Matrix and requested that Domestic Violence/Advocacy Report be added, with the date to be determined.

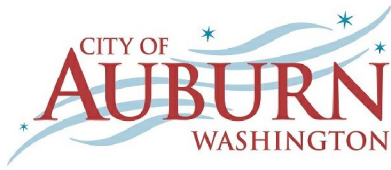
VIII. ADJOURNMENT

There being no further discussion, the meeting was adjourned at 9:17 p.m.

APPROVED this 17th day of December, 2018.

BOB BAGGETT, DEPUTY MAYOR Teresa Mattingly, 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 December 3, 2018 Regular Council Meeting

Department:

Administration

Attachments:

[12-03-2018 Minutes](#)

Date:

December 11, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

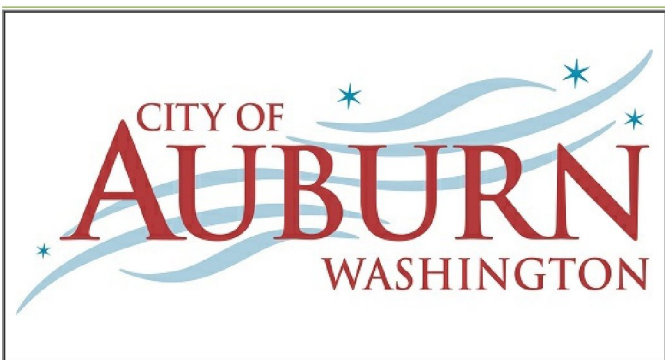
Revised Budget: \$0

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

Meeting Date: December 17, 2018

Staff:

Item Number: CA.B

	City Council Meeting December 3, 2018 - 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.
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I. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

Councilmembers present: Deputy Mayor Bob Baggett, Larry Brown, Claude DaCorsi, John Holman, Yolanda Trout-Manuel and Largo Wales. Councilmember Pelozo arrived at 7:05 p.m.

Department directors and staff members present included: City Attorney Steve Gross, Director of Finance Shelley Coleman, Police Chief Bill Pierson, Director of Public Works Ingrid Gaub, Director of Innovation and Technology David Travis, Director of Parks, Art and Recreation Daryl Faber, Director of Human Resources and Risk Management Candis Martinson, Director of Administration Dana Hinman, Human Services Manager Joy Scott, Economic Development Manager Doug Lein, Real Property Analyst Josh Arndt and City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Mayor Backus introduced Michael Planko-Dean from the Auburn Free-Masons. Mr. Planko-Dean presented the City with a Lands Down portrait of George Washington. Mayor Backus thanked Mr. Planko-Dean for the gift and the partnership between the Free-Masons and the City.

III. APPOINTMENTS

A. Parks and Recreation Board

City Council to confirm the appointment of Katie Helton to the Parks and Recreation Board for a three-year term to expire December 31, 2021.

Councilmember Brown moved and Councilmember Trout-Manuel seconded to approve Katie Helton's appointment to the Parks and Recreation Board.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. **AGENDA MODIFICATIONS**

There was no modification to the agenda.

V. **CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE**

A. **Public Hearings**

1. Public Hearing on 2019-2020 Preliminary Biennial Budget

City Council to conduct a final public hearing to receive public comments, proposals and suggestions on the 2019-2020 Preliminary Biennial Budget. (See Ordinance No. 6693 and Ordinance No. 6694 for additional materials)

Mayor Backus opened the public hearing at 7:09 p.m. No one came forward to speak. Mayor Backus closed the public hearing.

B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Bob Zimmerman, 33029 46th Place South, Auburn

Mr. Zimmerman stated the City denied his claim that his neighbor has a hazardous atmosphere. He is concerned with staffs knowledge of the code.

C. **Correspondence**

There was no correspondence for Council to review.

VI. **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.

Councilmember Holman, vice chair of the Finance ad hoc committee, reported he and Councilmember Brown have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

VII. **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 May 8, 2017, May 22, 2017, October 29, 2018, November 13, 2018 Study Session
- B. Minutes of the October 29, 2018 Special City Council Meeting
- C. Minutes of the November 19, 2018 Regular Council Meeting

D. Claims Vouchers (Coleman)

Claim voucher 451602 through voucher 451772 in the amount of \$907,653.05 and four wire transfers in the amount of \$718,333.67 and dated December 3, 2018.

E. Payroll Vouchers (Coleman)

Payroll check numbers 538181 through 538258 in the amount of \$625,383.68, electronic deposit transmissions in the amount of \$2,018,086.88 for a grand total of \$2,643,470.56 for the period covering November 15, 2018 to November 28, 2018.

F. Recology Contract (Coleman)

City Council to approve an agreement between the City of Auburn and Recology Cleanscapes for a litter control and recycling program

Deputy Mayor Baggett moved and Councilmember Pelosa seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

A. Selection of the Deputy Mayor

City Council to elect a Deputy Mayor

Mayor Backus provided Council with the procedure for selection of the Deputy Mayor. Per the Council Rules, Councilmember Pelosa will automatically be nominated for the Deputy Mayor position. No other nominations were submitted.

Mayor Backus asked for all those in favor of Councilmember Pelosa as Deputy Mayor for a term beginning in January of 2019.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Seating Assignments for City Council Meetings

Discussion of seating arrangements for Council business meetings and study sessions

Mayor Backus stated the per Council Rules the Council will need to convene an ad hoc committee to recommend a seating assignment for 2019.

Deputy Mayor Baggett selected Councilmember Brown, Councilmember Pelosa and himself to chair the Council Seating Ad-Hoc Committee.

Deputy Mayor Baggett selected Councilmember Wales to Chair and Councilmember DaCorsi to sit on the Finance Ad Hoc Committee starting in January of 2019.

X. ORDINANCES

A. Ordinance No. 6703 (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, amending the 2017-2018 Biennial Budget Ordinance

Councilmember Holman moved and Deputy Mayor Baggett seconded to adopt Ordinance No. 6703.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Ordinance No. 6693 (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, adopting the 2019-2020 Biennial Operating Budget for the City of Auburn, Washington

Councilmember Holman moved and Councilmember Pelosa seconded to adopt Ordinance No. 6693.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Ordinance No. 6694 (Coleman)

An Ordinance of the City Council of the City of Auburn, Washington, adopting the 2019-2020 Biennial Capital Budget for the City of Auburn, Washington

Councilmember Holman moved and Councilmember Pelosa seconded to adopt Ordinance No. 6694.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

A. Resolution No. 5391 (Faber)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an agreement between the City of Auburn and the Auburn Symphony Orchestra for tourism promotion services

Councilmember Pelosa moved and Councilmember DaCorsi seconded to adopt Resolution No. 5391.

MOTION CARRIED UNANIMOUSLY. 7-0

B. Resolution No. 5392 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an amendment to the lease agreement between the City of Auburn and Classic Helicopter Corporation

Councilmember Brown moved and Councilmember Trout-Manuel seconded to adopt Resolution No. 5392.

MOTION CARRIED UNANIMOUSLY. 7-0

C. Resolution No. 5393 (Gaub)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an amendment to the lease agreement between the City of Auburn and Spanaflight, LLC.

Councilmember Brown moved and Councilmember Holman seconded to adopt Resolution No. 5393.

MOTION CARRIED UNANIMOUSLY. 7-0

D. Resolution No. 5394 (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, adopting 2019 Community Development Block Grant Action Plan for the Consolidated Plan Years 2015-2019

Councilmember Trout-Manuel moved and Councilmember Wales seconded to adopt Resolution No. 5394.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. 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

Deputy Mayor Baggett thanked the Council and City for the honor and privilege for serving as Deputy Mayor for the last year.

Councilmember DaCorsi reported he attended the Senior Center Coffee Hour.

Councilmember Brown reported he also attended the Senior Center Coffee Hour and thanked the Senior Center for their excellent service.

Councilmember Holman reported he attended the Santa Parade and Tree Lighting.

Councilmember Wales reported she attended the Red White and Blue concert. She noted the Flying Magazine has an article about the Auburn Municipal Airport.

Councilmember Trout-Manuel reported she attended the Santa Parade and the Tree Lighting,

Councilmember Pelozo reported he attended the South County Area Transportation Board. He invited everyone to attend the Auburn Municipal Airport Open House on December 14, 2018.

B. From the Mayor

Mayor Backus reported she met with various elected officials, members of the US Department of Transportation and National League of Cities representatives in Washington DC. She also attended the Santa Parade and Tree Lighting and met with former Governor Christine Gregoire.

Mayor Backus shared previous Councilmember Bud Larson passed away.

XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:59 p.m.

Approved this 17th day of December, 2018.

NANCY BACKUS, MAYOR

Shawn Campbell, 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 (Coleman)

Date:
December 11, 2018

Department:
Finance

Attachments:
No Attachments Available

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

Administrative Recommendation:
Approve Claims Vouchers

Background Summary:

Claim voucher number 451773 through 451948 in the amount of \$4,878,419.96 and three wire transfers in the amount of \$431,484.35 and dated December 17th, 2018.

Reviewed by Council Committees:

Councilmember:
Meeting Date: December 17, 2018

Staff: Coleman
Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:
Payroll Vouchers (Coleman)

Date:
December 11, 2018

Department:
Finance

Attachments:
No Attachments Available

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

Administrative Recommendation:
Approve Payroll Vouchers

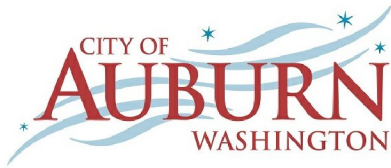
Background Summary:

Payroll check numbers 538259 through 538276 in the amount of \$232,183.35, electronic deposit transmissions in the amount of \$1,968,257.16 for a grand total of \$2,200,440.51 for the period covering November 29, 2018 to December 12, 2018.

Reviewed by Council Committees:

Councilmember:
Meeting Date: December 17, 2018

Staff: Coleman
Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

2019 Annual On-Call Agreements (Gaub)

Date:

December 10, 2018

Department:

Public Works

Attachments:

[2019 Annual On-Call Agreement List](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to approve the Annual On-Call Professional Service Agreements for 2019.

Background Summary:

The annual on-call agreements are used to supplement the City's staff resources or to perform specialized services not available within the City. Having these resources available provides the City with the flexibility to complete tasks and projects in an efficient and timely manner as they are needed throughout the year.

Each agreement is written to provide the total "Not to Exceed" amount for the year. Expenditures under each agreement are authorized by the City through a series of task orders. Each task order provides a specific scope of work, schedule, and budget. The issued task orders are funded by budgeted projects and programs.

For 2019, attached is a table that shows existing agreements that are to be amended for continued services and new agreements for approval.

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

Gaub

Meeting Date: December 17, 2018

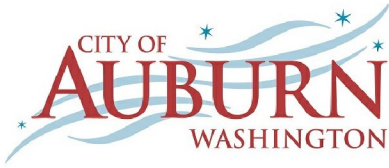
Item Number:

CA.E

City of Auburn - 2019 Amended and New On-Call Agreements

Existing Agreements to be Amended for Continued Services						
Professional Engineering, Survey and Architectural Services	Contract Number	Firm Name	2018		2019	
			Expenditures/Encumbrances*	Remaining Contract Amount*	Amendment Amount	Total Contract Amount*
Signal, Lighting, and ITS Design This consultant may perform engineering design related to traffic signals, street lighting, and ITS systems.	AG-C-479	DKS Associates, Inc.	\$23,591	\$33,992	\$30,000	\$63,992
Testing The testing services provider may provide field and laboratory testing and reports to support roadway, building, and utility projects.	AG-C-465	Otto Rosenau	\$58,300	\$45,987	\$50,000	\$95,987
	AG-C-481	Material Testing & Consulting, Inc.	\$54,845	\$42,388	\$45,000	\$87,388
SCADA Support Services This consultant may provide additional staffing resources for SCADA programming, troubleshooting, integration, and emergency/after hours response. This consultant will be utilized to provide SCADA design and construction integration for capital projects and other needs.	AG-C-494	Parametrix	\$335,500	\$0	\$200,000	\$200,000
Storm Utility Modeling The consultant may provide modeling services related to planning and design for the City's storm drainage systems that may be related to both capital and development projects as well as general system needs.	AG-C-490	Brown & Caldwell	\$95,222	\$23,893	\$75,000	\$98,893
Water Utility Modeling The consultant may provide modeling services related to planning and design for the City's water system that may be related to both capital and development projects as well as general system needs.	AG-C-463	Carollo Engineers	\$66,277	\$66,412	\$100,000	\$166,412
Utility Design This consultant may perform engineering design related to utility facilities and systems. This consultant will be utilized to provide design and construction services for capital projects and other needs.	AG-C-483	Murraysmith	\$0	\$39,887	\$100,000	\$139,887
	AG-C-484	BHC Consultants	\$392,282	\$1,663	\$150,000	\$151,663
New Agreements w/Consultants Selected via 2019 RFQ Process						
Professional Engineering, Survey and Architectural Services	Contract Number	Firm Name	2017 Expenditures for Similar Work	2018 Expenditures for Similar Work	2019 Contract Amount	
Survey Services Work consists of providing topographic, design, construction, and boundary surveys performed under the direction of a Professional Land Surveyor.	TBD	David Evans and Associates	\$19,060	\$0	\$50,000	
Appraisal and Appraisal Review Services Prepare appraisals and appraisal reviews to support acquisition of property rights for various City needs.	TBD	Valbridge	\$0	\$4,200	\$35,000	
Geotechnical Services Work consists of providing Geotechnical Engineering services including geotechnical investigations for various City needs.	TBD	GeoDesign	\$5,000	\$9,309	\$50,000	
Airport Facilities Support Services Work consists of providing civil engineering and architectural evaluation, design, and construction management services to support the on-going development and maintenance of existing and new airport facilities.	TBD	KPG	\$35,282	\$21,580	\$50,000	
Environmental and Wetland Services Work consists of providing environmental and wetland services, including environmental permitting, wetland delineation, wetland mitigation development and wetland system monitoring.	TBD	Hart Crowser	\$0	\$0	\$35,000	

*Amounts are approximated based on current task orders.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Seating Assignments for City Council Meetings

Date:

December 11, 2018

Department:

Administration

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

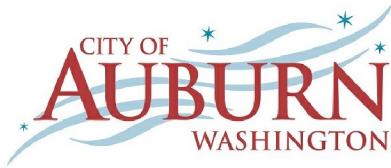
Council Rule 2.1 establishes the seating order for regular meetings. It says that the Mayor sits at the center of the dais, with the Deputy Mayor to the Mayor's immediate left. It also provides for an ad hoc committee to make recommendations for seating for the remaining Council members.

Council appointed an ad hoc committee at its December 3, 2018 regular meeting. Council may approve or modify the committee's recommendation.

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

Meeting Date: December 17, 2018

Item Number: UB.A



AGENDA BILL APPROVAL FORM

Agenda Subject:
Ordinance No. 6698 (Tate)

Department:
Community Development

Attachments:

[Attachment 1 - Agenda Bill](#)
[Attachment 2 - Ordinance No. 6698](#)

Date:
December 11, 2018

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

Administrative Recommendation:
City Council to adopt Ordinance No. 6698

Background Summary:
Please see the attached agenda bill.

Reviewed by Council Committees:
Planning And Community Development Other: Legal, Public Works, & Fire

Councilmember:	Staff:	Tate
Meeting Date: December 17, 2018	Item Number:	ORD.A



AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6698 CPA18-0001 & REZ18-0002, CPA18-0002, CPA18-0003 & REZ18-0003, and CPA18-0004 & REZ18-0004, as the 2018 Annual Comprehensive Plan Map and Policy/Text Amendments		Date: December 11, 2018
Department: Department of Community Development	Attachments: Ordinance No. 6698 See separate map amendment & policy/text amendment sections of the working binder	Budget Impact: N/A
Administrative Recommendation: City Council to introduce and approve Ordinance No. 6698 amending the Comprehensive Plan to include 2018 Annual Comprehensive Plan Policy/Text and Map Amendments and three associated rezones (zoning map amendments).		
Councilmember: DaCorsi		

AGENDA BILL APPROVAL FORM

Background/Summary:

Included under this agenda bill, and as part of Ordinance No. 6698, are the Planning Commission's recommendation on the 2018 package of annual amendments. This year there are 15 separate comprehensive plan amendments. The package of amendments are organized as follows:

- The first page of the agenda bill provides a general overview of the 15 amendments. There are 9 policy/text amendments, 3 map amendments, and 3 privately initiated plan map amendments.
- Pages 2 and 3 provide greater summary detail of each of the 15 amendments. P/T Amendments are Policy/Text Amendments and CPM Amendments are Comprehensive Plan Amendments. The CPM Amendments are broken into 2 categories – those that are city initiated and those that are privately initiated.
- The remaining pages of the agenda bill provide background details about the legislative process up to this point and a few pages of detail for each of the 15 amendments.

While the agenda bill provides a great deal of information it is actually an abbreviated summary of the process, analysis, public comment, findings, and recommendations for the package of amendments. Two large binders have been placed in the City Council library in the event that councilmembers would like to learn more about an individual amendment or the overall process. Each binder is identical. Included in the binders are all details related to staff's analysis, SEPA environmental review, state agency review, staff reports, application materials, public comment, etc.

* * *

The City of Auburn adopted amendments to its Comprehensive Plan in 1995 in response to the Washington State Growth Management Act (GMA) requirements, as amended. Since then the Auburn Comprehensive Plan has been amended annually. The City adopted a substantially revised Comprehensive Plan in December 2015.

Comprehensive plan amendments can be initiated by the City of Auburn (city-initiated) and by private citizens (private-initiated). This year the city is initiating:

- Nine policy/text amendments
- Three map amendments

Also, the city received three (3) private-initiated plan map amendment by the June 8, 2018 submittal deadline.

This staff report and Planning Commission recommendation addresses all of this year's amendments consisting of:

- CPA18-0002, Comprehensive Plan **Text** Amendments (P/T) # 1-9 – **City-initiated applications**
- CPA18-0002, Comprehensive Plan **Map** Amendment (CPM) # 1-3 - **City-initiated applications**
- CPA18-0001 & REZ18-0002, Comp. Plan & Zoning **Map** Amendment – **private-initiated applic.**
- CPA18-0003 & REZ18-0003, Comp. Plan & Zoning **Map** Amendment – **private-initiated applic.**
- CPA18-0004 & REZ18-0004, Comp. Plan & Zoning **Map** Amendment – **private-initiated applic.**

Comprehensive plan amendments are initially reviewed during a public hearing process before the City of Auburn Planning Commission, who then provides a recommendation to the City Council for final action. City Council consideration and action on the amendments generally occurs but is not required prior to the end of the year.

I. Background

At its **November 7, 2018 public hearing**, the Planning Commission considered the following set (docket) of Annual Comprehensive Plan Amendments, consisting of map and policy/text amendments:

A. Policy/Text (P/T) Amendments (File #CPA18-0002 – City-Initiated):

- P/T #1 – Incorporate Auburn School District Capital Facilities Plan
- P/T #2 – Incorporate Dieringer School District Capital Facilities Plan
- P/T #3 – Incorporate Federal Way School District Capital Facilities Plan
- P/T #4 – Incorporate Kent School District Capital Facilities Plan
- P/T #5 – Incorporate City of Auburn Capital Facilities Plan
- P/T #6 - Modify text at the end of Volume 1, "Land Use Element" to clarify and distinguish between the various subcategories of "Special Planning Areas" that are already described in the Plan. Bring back some missing explanation from previous pre-2015 Comprehensive Plan to aid in describing the purpose and actions associated with each subcategory. The changes are shown in strike through and underline. Also, change Map No. 1.3 to correspond. See the related Map amendment CPM #1.
- P/T #7 - Amend text of Volume 6, Economic Development Element of Comprehensive Plan and the Comprehensive Plan's "Core Plan" (preliminary chapter) and specifically the Economic Development Vision Statement discussion to reflect preparation of the City of Auburn Ten-Year Economic Development Strategic Plan (TEDSP). Also, amend and the Appendices to include the document as one of the background documents to the Plan. The changes are shown in strike through and underline.
- P/T #8 - Amend text and policies of Comprehensive Plan to add back the contents of the former Chapter 10, "Historical Preservation" from pre-2015 Comprehensive Plan as a new Chapter 8, with some minor revisions. Also, add a corresponding section to the "Core Plan" to maintain formatting, add a map of designated landmarks, as before and amend the Appendices to reflect the map addition. See related Map amendment CPM #2. The text changes are shown in strike through & underline.
- P/T #9 - Modify text of Volume 1, "Land Use Element" of the Comprehensive Plan to remove the mapped designation of "Residential Transition Overlay" from the Comprehensive Plan Map. The text requires modification to eliminate references to the map location. See related Map amendment CPM #3.

B. Map (CPM) Amendments (CPA18-0002 – City-Initiated)

- CPM #1 - Change the Comprehensive Plan Map, "Designated Areas, Map # 1.3" to remove "Environmental Park" Designated Area, since the area was rezoned in 2017 to M-1, Light Industrial and thus is not distinguished from other areas. (See also related text amendment P/T #6)
- CPM #2 - Add back the Historic Resource Inventory Map from former Chapter 10, Historic Preservation Chapter, from the pre-2015 Comprehensive Plan as a re-numbered Map 8.1. (See also related text amendment P/T #8)
- CPM #3 - Amend Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay". (See related text amendment P/T #9)

A. Map (CPM) Amendments – Private-Initiated)

- CPM #4 – (CPA18-0001 & REZ18-0002) Application by Labrador Ventures LLC to change the designation of three vacant parcels totaling approx. 1.89 acres located NE of

40th and I ST NE from "Single Family Residential" with the "Residential Transition Overlay" to "Multiple Family Residential" and associated rezone from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre". Parcels are located on the east side of 'I' St. NE, approximately 200 ft. north of 40th St. NE., Parcel Nos. 000420-0010, -0027, & -0028.

CPM #5 – (CPA18-0003 & REZ18-0003) Application by Auburn School District to change the designation of two developed parcels totaling approx. 0.9 acres located west of Pioneer Elementary from "Single Family Residential" to "Institutional" and associated rezone from "R-7, Residential 7 dwelling units per acre" to "P-1, Public Use". Parcels are located on the east side of K ST SE in the 2200 block (between 21st ST SE and 25th ST SE, addressed as 2230 & 2236 K ST SE., Parcel Nos. 192105-9190 & - 9282.

CPM #6 – (CPA18-0004 & REZ18-0004) Application by Auburn School District to change the designation of four parcels (3 developed; 1 vacant) totaling approx. 22.08 acres located west of Kersey WY SE from "Residential Conservancy" to "Institutional" and the associated rezone from "RC, Residential Conservancy" to "I, Institutional". Parcel Nos. 322105-9016, -9056, 9057, & - 9058.

In short, with conclusion of the hearing, the Planning Commission forwarded its recommendation for "approval" to the City Council on all of the year 2018 Comprehensive Plan Amendments.

II. Comprehensive Plan-Related Findings

1. The purpose of the City's Comprehensive Plan document is to provide a policy basis for development regulations to ensure that the Comprehensive Plan and implementing regulations are consistent, as required by the Washington State Growth Management Act (GMA) and the following City Code provision:

"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."

2. RCW 36.70A.130 (The Washington State Growth Management Act (GMA)) provides the process for amendments to locally adopted GMA-compliant comprehensive plans shall be considered by the city no more frequently than once per year, except in limited circumstances as provided for in State law and repeated in City Code Section 14.22.060, 'Comprehensive Plan Amendments'.
3. The City of Auburn established a Friday, June 8, 2018 deadline for the submittal of private-initiated comprehensive plan applications (map or policy/text). Notice to the public of the application filing deadline was provided on the City's website, published in the Seattle Times Newspaper, and sent to a compiled notification list on May 4, 2018. The City received three (3) private-initiated plan map amendment by the submittal deadline.
4. The City of Auburn received annual updates to the four (4) school district Capital Facilities Plans whose districts occur within the City of Auburn. These Capital Facilities Plans, as well as the City's Capital Facilities Plan are proposed to be incorporated by reference in the current Capital Facilities Element (Volume 3), of the 2015 Auburn Comprehensive Plan and are processed as Policy/Text (P/T) amendments.

5. The environmental review under the State Environmental Policy Act (SEPA) for the school district capital facilities plans were prepared individually by each school district acting as their own lead agency, as allowed by state law.
6. The City conducted the environmental review under the State Environmental Policy Act (SEPA) for the city-initiated policy/text and map amendments. This resulted in a Determination of Non-Significance (DNS) (File #SEP18-0010) issued for the City-initiated Comprehensive Plan Amendments on September 19, 2018. The comment period ended October 4, 2018 and the appeal period ended October 18, 2018. The City did not receive any comments in response to the issuance of the Determination of Non-Significance (DNS). A copy of the DNS and environmental checklist application is provided in the working binder behind the “Environmental Review” tab.

Also, the City conducted the environmental review under the State Environmental Policy Act (SEPA) for the three (3) private-initiated Comprehensive Plan Map Amendments and associated rezones. This resulted in:

- CPM #4 – Determination of Non-Significance (DNS) (File # SEP18-0012), Labrador Ventures LLC for the Comprehensive Plan amendment & rezone (CPA18-0001 & REZ18-0002) issued on August 16, 2018. The comment period ended August 31, 2018 and the appeal period ended September 14, 2018. One public comment was submitted regarding off-site vegetation that was replied by written staff comments; (See Exhibit 9 under “CPA 18-0001” near the end of working binder); no appeal was filed.
 - CPM #5 – Determination of Non-Significance (DNS) (File # SEP18-0012), Auburn School District for the Comprehensive Plan amendment & rezone (CPA18-0003 & REZ18-0003) issued on August 9, 2018. The comment period ended August 24, 2018 and the appeal period ended September 7, 2018. No public comments were submitted; no appeal was filed.
 - CPM #6 – Determination of Non-Significance (DNS) (File # SEP18-0013), Auburn School District for the Comprehensive Plan amendment & rezone (CPA18-0004 & REZ18-0004) issued on August 14, 2018. The comment period ended August 29, 2018 and the appeal period ended September 12, 2018. Three public comments were submitted mainly addressing vehicle and pedestrian transportation and site layout that were replied by written staff comments; (See Exhibit under “CPA 18-0004” near the end of working binder); no appeal was filed.
7. Auburn City Code Chapter 14.22, (Amendments) outlines the process for submittal of private-initiated amendments and the general processing of comprehensive plan amendments as follows:

“Section 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.)"*
8. Thus, Comprehensive Plan amendments are initially reviewed during a public hearing process before the City of Auburn Planning Commission, who then provides a recommendation to the City Council for final action. City Council consideration and action on the amendments generally occurs, but is not required, prior to the end of the year.
 9. Pursuant to RCW 36.70A.106, the proposed comprehensive plan amendments outlined in this agenda bill were sent to the Washington State Office of Commerce and other state agencies as required for the 60-day state review. No comments have been received from the Washington State Department of Commerce or other state agencies as of the writing of this report.
 10. Due to the nature of the city-initiated amendments and the scope and limited number of private-initiated amendments, the optional process available in the city code for staff to hold a public open house was not conducted.
 11. With the City adoption of a substantially revised Comprehensive Plan in December 2015, the need for some policy/text amendments and map amendments is needed to correct some inadvertent changes. The changes are necessary to increase the consistency of the Comprehensive Plan and zoning as required by ACC 14.22.050, "Conformance and Consistency". **Each of the Policy/Text (P/T) and map (CPM) changes are shown in greater detail behind the respective tabs of the 'Working Binder'.**
 12. For the city-initiated amendments a public hearing notice was published on October 24, 2018 in the Seattle Times newspaper which is at least 10-days prior to the Planning Commission public hearing, conducted on November 7, 2018, as required. The private-initiated applications were each the subject of separate hearing notices also published on, or before October 24, 2018.

III. Zoning Code Related Findings

13. In June 2017 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comprehensive Plan and Zoning map amendments), concurrently. This eliminates the need for the rezone (zoning map amendment) to subsequently be heard and decided by the Hearing Examiner through a separately scheduled hearing when it is related to a Comprehensive Plan map amendment.
14. Chapter 18.68 ACC (Zoning) Amendments)) outlines the process for submittal of private-initiated zoning amendments and the process. Per ACC 18.68.030(B)(1)(b), when the Planning Commission is considering a rezone (zoning map amendment) which requires a Comprehensive Plan Land Use Map amendment, the public hearings shall be conducted concurrently and a recommendation on both shall be forwarded to the City Council.

-----**NOVEMBER 7, 2018 PLANNING COMMISSION PUBLIC HEARING**-----

Comprehensive Plan Policy/Text (P/T) Amendments (File No. CPA18-0002, City-initiated)

P/T #1

Incorporate the Auburn School District Capital Facilities Plan 2018-2024 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

The Auburn School District has provided the City with its annually updated Capital Facilities Plan (CFP) covering from 2018-2024. The CFP was prepared by the District staff and adopted by the Auburn School District School Board of Directors on June 11, 2018 and has been subject to separate SEPA review and a Determination of Non-Significance (DNS) prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The action is to incorporate the Auburn School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

A review of the Auburn School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$5,715.68, an increase of \$2,393.82 and the requested fee for multiple-family dwellings is \$4,488.43, an increase of \$2,407.14. The impact fees are established by ordinance through City Council action.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the Auburn School District Capital Facilities Plan 2018- 2023 to the City Council.

P/T#2

Incorporate the Dieringer School District Capital Facilities Plan 2019-2024 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

The Dieringer School District has provided the City with its annually updated Capital Facilities Plan 2019-2024. The CFP was adopted by the Dieringer School District Board of Directors on June 18, 2018. The CFP has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the

basis for the City's collection of school impact fees on behalf of the school district. The action is to incorporate the School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

A review of the Dieringer School District's updated Capital Facilities Plan indicates the District is requesting a decrease in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$3,216.00, a decrease of \$269.00 and the requested fee for multiple family dwellings is \$450.00; a decrease of \$631.00. The impact fees are established by ordinance through City Council action.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the Dieringer School District Capital Facilities Plan 2019- 2024 to the City Council.

P/T #3

Incorporate the Federal Way School District 2019 Capital Facilities Plan into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

The Federal Way School District has provided the City with its annually updated Capital Facilities Plan 2019. The CFP was adopted by the Federal Way School District School Board July 24, 2018 by Resolution No. 2018-10. The CFP has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the basis for the City's collection of school impact fees on behalf of the school district. The action is to incorporate the School District Capital Facilities Plan into the City's Comprehensive Plan by reference.

A review of the Federal Way School District's updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$7,221.00, representing an increase of \$379.00 and the requested fee for multi-family dwellings is \$19,454.00, a decrease of \$632.00. The impact fees are established by ordinance through City Council action.

According to communication in 2017 from Tanya Nascimento, Student & Demographic Forecaster of the Federal Way Public Schools, there are several factors which have driven the impact fees to increase quite significantly prior to adoption last year. One factor is the steady increase in observed multiple-family student generation rates. In 2015, the first of three multi-family developments was opened and fully occupied in the City of Federal Way. The second was opened and occupied in late 2016 and the third was opened in fully occupied this summer. The first two developments have been included in the generation rate calculation for last year's plan. The specific generation rates can be found on Page 34. These multiple-family complexes are generating more than one student per unit which is significantly higher than past developments within the school district.

In addition to the high student generation rates, the district completed work with its Facilities Planning Committee which determined a need for additional capacity at a number of schools. As a result of this work, Phase II of the District's plan was the subject of a voter approved capital bond. The facilities impacted during Phase II can be found on Page 7 of the Capital Facilities Plan. It is important to note that not all projects

within Phase II will create additional capacity. Only costs associated with project increasing needed capacity are used in the formula for calculating Impact Fees. The specific cost calculations are outlined on Page 32 of the Capital Facilities Plan.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the Federal Way School District Capital Facilities Plan 2019 to the City Council.

P/T #4

Incorporate the Kent School District Capital Facilities Plan 2018-2019 to 2023-2024 into the City of Auburn Comprehensive Plan. *The CFP is provided in the working binder behind the “Comp. Plan Policy/Text Amendments” tab.*

Discussion

The Kent School District has provided its annually updated 2018-2019 to 2023-2024 Capital Facilities Plan. The CFP was adopted by the Kent School District School Board on June 27, 2018 and has been subject to separate SEPA review and a DNS prepared by the District. Information contained in the School District CFP serves as the basis for the City’s collection of school impact fees on behalf of the school district. The action is to incorporate the School District Capital Facilities Plan into the City’s Comprehensive Plan by reference.

A review of the Kent School District’s updated Capital Facilities Plan indicates the District is requesting a change in the fee obligations. The net fee obligation for single-family dwellings is proposed to be \$5,397.00, representing an increase of \$162.00 and the requested fee for multi-family dwellings is \$2,279.00, an increase of \$12.00. The actual impact fees are established by ordinance through subsequent City Council action.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the Kent School District Capital Facilities Plan 2018-2019 to 2023-2024 to the City Council.

P/T #5

Incorporate the City of Auburn’s 6-year Capital Facilities Plan 2019-2024, into the City’s Comprehensive Plan. *The CFP is provided in the working binder behind the “Comp. Plan Policy/Text Amendments” tab.*

Discussion

A Capital Facilities Plan is one of the comprehensive plan elements required by the Washington State Growth Management Act (GMA) (RCW 36.70A). The GMA requires that a capital facilities plan include an inventory of existing capital facilities (showing locations and capacities), a forecast of future needs for such capital facilities, proposed locations and capacities of new or expanded capital facilities, and a minimum of a six-year plan to finance capital facilities with identified sources of funding. The proposed City of Auburn 6-year Capital Facilities Plan 2019-2024 satisfies the GMA requirements for a capital facilities element as part of the Comprehensive Plan.

Each comprehensive plan prepared under the GMA must include a capital facilities plan element. More specifically, RCW 36.70A.070(3) of the GMA requires the following:

“A capital facilities plan element consisting of:

- (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;
- (b) a forecast of the future needs of such capital facilities;
- (c) the proposed locations and capacities of expanded or new capital facilities;
- (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
- (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.”

A capital facility is defined as a structure, street or utility system improvement, or other long-lasting major asset, including land. Capital facilities are provided for public purposes. Capital facilities include, but are not limited to, the following: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreation facilities, and police and fire protection facilities. These capital facilities include necessary ancillary and support facilities.

The memo dated September 28, 2018 prepared by the City’s Finance Department contained in front of the CFP in the working binder highlights the major changes in the CFP from last year’s CFP by projects completed (removed) and new projects (added). The City of Auburn 6-year Capital Facilities Plan 2019-2024 is proposed to be incorporated by reference in the Comprehensive Plan, Capital Facilities Element (Volume No. 3).

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the City of Auburn Capital Facilities Plan 2019-2024 to the City Council.

P/T #6

Modify text at the end of Volume 1, “Land Use Element” to clarify and distinguish between the various subcategories of “Special Planning Areas” that are already described in the Plan by bringing back some missing explanation from previous pre-2015 Comprehensive Plan to aid in describing the purpose and actions associated with each subcategory. The changes are shown in strike through and underline. Also, change Map No. 1.3 “Designated Areas” and Map #1.5 “Impression Corridors” to correspond. See the related Map amendment CPM #1, below. *The changes are shown in strike through and underline in the working binder behind the “Comp. Plan Policy/Text Amendments” tab.*

Discussion

The Land Use Element (Volume No. 1) of the Comprehensive Plan at Page LU-18 describes “Special Planning Areas”.

By Ordinance No. 6584, the City of Auburn adopted a new Comprehensive Plan at the end of 2015 that included a revised section in the Land Use Element titled “Special Planning Area Designation”. This section provides descriptions, designation criteria, and policies for each of the four (4) types of Special Planning Areas (smaller geographic areas of the City). The four types of Special Planning Areas include:

- Districts,
- Subareas,

- Impression Corridors, and
- Gateways.

The Special Planning Areas known as “Subareas” are further broken down into five (5) different types of Subareas:

- “Identified Areas”,
- “Designated Areas”,
- “Designated Areas – Economic Development Strategy Areas”,
- “Designated Areas – Areas of Concern”, and
- “Adopted Areas”.

The purpose of designating these Special Planning Areas within the City of Auburn is to recognize smaller sub-regions that warrant additional emphasis in planning, investments, and policy development. Additionally, the policies contained within the Special Planning Area Designation section are intended to identify, provide guidance for, and deal with the unique problems or opportunities that exist in certain smaller portions of the City. This section is “...useful in developing and applying implementing tools (such as zoning provisions); for interpreting the associated land use designation Map (i.e. the Comprehensive Plan Map) as it applies to specific regulatory decisions or development proposals; and in adjusting or amending the associated land use designation map when changing conditions or land use markets warrant” (*Chapter 14 - Comprehensive Plan Map, Land Use Element, Amended 2011, pg. 14-1*). While the majority of the Special “Planning Areas Designation” section is derived from the former Chapter 14 “Comprehensive Plan Map”, of the previous, now archived Comprehensive Plan, revisions are needed to improve its clarity and applicability.

REQUESTED CHANGE

For the purpose of summarizing the changes for review, the proposed revisions to the “Special Planning Area Designation” section have been categorized into “minor revisions” and “major revisions”.

1.0 Minor revisions: minor revisions consist of the following changes:

- 1.1 Reorganization of designation criteria and policies;
- 1.2 Renumbering of designation criteria and policies;
- 1.3 Re-categorization of “Subareas”;
- 1.4 Improving the section nomenclature (e.g. making sure titles are the same); and
- 1.5 Aligning the list of “Impression Corridors” with the locations shown on the “Impression Corridors Map #1.5”.

2.0 Major revisions: major revisions consist of the following changes:

- 2.1 Addition of policy language for “Designated Areas”;
- 2.2 Removal of “Auburn Environmental Park/Green Zone” as a “Designated Area – Economic Development Strategy Area”;

- 2.3 Identification of priority impression corridors; and
- 2.4 Identification of priority gateways;

The text amendments to this section at the end of Volume 1, “Land Use Element” to clarify and distinguish between the various subcategories of “Special Planning Areas” is provided in the working binder behind the “Comp. Plan Policy/Text Amendments” tab. The nature of revisions are shown follow these guidelines:

- Insertions are shown in green, underlined text.
- Additions to inserted text is shown in green, underlined, bold **text**.
- Deletions are shown in red, strikethrough ~~text~~.
- Moves from are shown in blue, strikethrough ~~text~~.
- Moves to are shown in blue, underlined text.

The next few paragraphs describe the “major revisions” in greater detail.

MAJOR REVISIONS

Addition of policy language for “Designated Areas”

The current Comprehensive Plan, adopted in 2015 under Ordinance No. 6584, does not contain specific policies for the “designated subareas”. While the previous, now archived, Comprehensive Plan (as was amended in 2011) featured policies for each “Designated Area” these were inadvertently removed during the update of the current Comprehensive Plan. However, Staff has concluded that having specific policies for the Designated Areas is necessary. The purpose of a subarea is to anticipate, support, and guide long-term growth and redevelopment through planned development and a unique vision for how that area should look and function in the future. Therefore, without specific policies for each designated area, Staff cannot anticipate or identify unique problems or characteristics for a particular area.

Specific policies for the “designated” subareas, including Auburn Municipal Airport, BNSF Rail Yard, Stuck River Road, Lakeview, Mt. Rainier; the “Economic Development Strategy Areas” were added under the “Designated Areas Policies” (Page 9) discussion . Note that the majority of the changes are shown in **green** as the text for the policy language was derived from the previous, now archived, Comprehensive Plan. Minor changes, shown in green, underline bold **text**, were added to a few of the designated areas policies. The purpose of these minor changes is to update or provide clarification to the policy.

Removal of Auburn Environmental Park (AEP)/Green Zone as a “Designated Area” from the Designated Areas list.

The “AEP/Green Zone” designated area was originally an “Economic Development Strategy Area” special planning area within the previous, now archived Comprehensive Plan. The stated purpose of the AEP/Green Zone was to “...create an economically enhanced area that complements the Auburn Environmental Park and sustains environmentally sensitive industries”. To complement the designation of this area as an economic development

strategy area, in 2006 (Ordinance No. 6036), the City adopted the EP, Environmental Park zoning district (EP zone), and a majority of the area was zoned EP. The EP zone was intended to focus on medical, biotech and “green” technologies including energy conservation, engineering, water quality, and similar uses.

Its designation as a special planning area was carried over in the current Comprehensive Plan adopted in 2015 (Ordinance No. 6584). Specifically, in the current Comprehensive Plan it is a “Designated Area”. However, since the current Comprehensive Plan was adopted, the portion of the area zoned EP has been rezoned by the City to M-1, Light Industrial (rezoned in 2017 under Ordinance No. 6660). The area was rezoned from EP to M-1 due to the lack of private sector investment into the privately owned properties within the EP zone, while substantial investment within the nearby M-1 and M-2 zoned properties occurred. Therefore, the focus on medical, biotech and “green” technologies or environmentally sensitive industries was not viable. Consequently, the need for the area to remain as a designated area or economic development strategy area no longer exists. Therefore, the proposal is to remove the AEP/Green zone from the list of designated areas and remove it from Map #1.3, the “Designated Areas Map”, of the Comprehensive Plan. The corresponding map change is provided in the working binder behind the “Comp. Plan Map Amendments” tab. (See also CPM #1, below)

Identification of priority Impression Corridors

The Comprehensive Plan adopted in 2015 (Ordinance No. 6584) included a new section in the Land Use Element titled “Special Planning Area Designation” and “Impression Corridors” were adopted as a new special planning area within the new Comprehensive Plan. Impression corridors are aligned with a particular street, trail, river, stream, or specific linear corridor. The purpose of the impression corridors is to identify the key passageways in which residents, businesses, and visitors move throughout the City. Currently, 25 impression corridors are identified in the special planning area designation section of the Comprehensive Plan. While each of these corridors are key passageways throughout the City, due to the sheer number of impression corridors, some focus and refinement of priority corridors is necessary. Distinguishing key corridors provides direction to the City on which impression corridors take precedent. Priority is given to the impression corridors that are a part of a subarea. The corresponding change to “Impression Corridors Map #1.5” is provided in the working binder behind the “Comp. Plan Map Amendments” tab. (See also CPM #1, below)

Identification of priority Gateways

The 2015 Comprehensive Plan included a new section in the Land Use Element titled “Special Planning Area Designation” and “Gateways” were adopted as a new Special Planning Area within the new Comprehensive Plan. Gateways are specific places, intersections, or blocks within the City. Gateways are essential locations because they constitute the first impression of Auburn. Currently, eight (8) gateways are identified in the Special Planning Area section of the Comprehensive Plan. While each of the gateways constitutes a “first impression” into the City, the identification of key gateways is necessary. Distinguishing key gateways provides direction to the City on which gateways take

precedent. Priority is then given to the gateways that are along a priority impression corridor. Priority gateways function as an entrance to an impression corridor.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of text amendments at the end of Volume 1, "Land Use Element" to clarify and distinguish between the various subcategories of "Special Planning Areas" that are already described in the Plan, as shown in the mark up (strike-through & underline).

P/T #7

Amend text of Volume 6, Economic Development Element of Comprehensive Plan and the Comprehensive Plan's "Core Plan" (Introductory chapter) and specifically the Economic Development Vision Statement discussion to reflect preparation of the City of Auburn Ten-Year Economic Development Strategic Plan (TEDSP). Also, amend the Appendices to include the document as one of the background documents to the Plan. *The changes are shown in strike through and underline in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.*

Discussion

In the fall of 2015, the City of Auburn embarked on a process to develop an Economic Development Strategic Plan guided by the City's Economic Development section of the Administration Department and prepared for the purpose of guiding the City's economic development and activities and investment over the next decade. The City hired a team of expert consultants in specialized subject areas that included:

- TIP Strategies (an economic development consultant),
- Heartland (a real estate advisory & investment consultant), and the
- Retail Coach (a retail recruitment & development consultant).

This consultant team ("Team") built on the then, recent "Imagine Auburn" public outreach and participation plan that had been implemented for the preparation of the city's Comprehensive Land Use Plan. The City's Comprehensive Plan was adopted by Ordinance No. 6584 on December 4, 2015.

The development of the resultant document: City of Auburn Ten-Year Economic Development Strategic Plan, included its own outreach effort to inform its contents. The Team conducted extensive public input reaching out to more than 200 employers, community and regional leaders, residents, and other stakeholders. The Team also prepared a detailed analysis of demographic, economic, and market data for the City and regional context. The research and methodology are described on Page 8 of the Plan. The goals and strategies were also informed by the consulting team's knowledge of trends and best practices that shape economic development outcomes and programs across the nation. The result is a set of strategies and actions that will propel the City of Auburn forward towards its vision for 2025. The Findings of the investigative effort are described starting at Page 11 of the document.

The timing of the preparation of the Plan was timely due to both the then, recent adoption of the guiding document--the City's Comprehensive Plan--and due Auburn's key location in the path of path of growth radiating from Seattle and the assets and attractiveness of Auburn as expressed by some important early development projects. In addition, this Plan is more extensive in scope and greater in depth than preparation of past economic development strategy document preparation efforts by the City.

To recognize and incorporate the City's Ten-Year Economic Development Strategic Plan text/policy amendments are required and excerpts of the City's Comprehensive Plan documents are provided showing strike through and underline changes to show deletions and additions, respectively:

- Volume 6 - The Economic Development Element, Pages ED-1 through ED-6.
- Core Plan, Policy Elements Section, - Economic Development Policy Element, Pages C4-16 through C4-17.
- Appendices (While this document is not provided, it is intended to be updated to add to the listing, the Ten-Year Economic Development Strategic Plan.), Page A-1

Key Changes/Points:

As part of the 2018 Annual Comprehensive Plan Amendments, the city seeks to change the Comprehensive Plan to recognize and incorporate the Ten-Year Economic Development Strategic Plan. The main changes to the Comprehensive Plan document include:

- Change wording to ensure consistency and agreement with the Ten-Year Economic Development Strategic Plan. It is appropriate to change the Comprehensive Plan to ensure consistency.
- Update information due to the passage of time.
- Update wording to increase clarity and understanding.
- Align the policy statements with the strategies/actions listed in the Ten-Year Economic Development Strategic Plan. However, since the Comprehensive Plan document is a policy document while the Ten-Year Economic Development Strategic Plan is an implementation tool, not every strategy or action listed will have will have a corresponding policy statement.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of text amendments to Volume 6, Economic Development Element of Comprehensive Plan and the Comprehensive Plan's "Core Plan" to reflect preparation of the City of Auburn Ten-Year Economic Development Strategic Plan (TEDSP). Also, to amend the Appendices to include the TEDSP as a background document to the Plan.

P/T #8

Amend text and policies of Comprehensive Plan to add back the contents of the former Chapter 10, "Historical Preservation" from the pre-2015 Comprehensive Plan as a new Chapter 8, with some minor policy and format revisions. Also, add a corresponding section to the "Core Plan" to maintain formatting, add a map of landmark and designated properties, similar to before and amend the Appendices to reflect the map addition. See also related Map amendment CPM #2.

The changes are shown in strike through and underline to the previous chapter in the working binder behind the "Comp. Plan Policy/Text Amendments" tab.

Discussion

By Ordinance No. 6584, the City of Auburn adopted a major, new Comprehensive Plan at the end of 2015. There were so many changes being made to the document at the time that in oversight the Historic Preservation element was not included. Some "clean up" is now required. This omission leaves the city without policy guidance in our Comprehensive Plan and is not consistent with provisions of Auburn City Code Section 15.76, "Historic Preservation", which reinforces that the city shall consider historic preservation issues in its decision making and provides the process for contracting with King County Office of Historic Preservation for professional expertise.

Staff proposes to add a new chapter to the Comprehensive Plan document to reincorporate much of the former Chapter with a few changes. These minor changes include:

- **Renumbering the added narrative as Volume 8**, to fit in the context of the more recent Comprehensive Plan. The changes are shown as strike-through (eliminations) and underlines (additions) on the previous wording of Chapter 10. All of the changes would be additions to the current Comprehensive Plan document.
- **Supplementing the policy statements** in response to a recent review by King County Historic Preservation Staff. The changes suggested by experts generally added to the range of tools available for flexibility without being more restrictive. Language continues to be permissive with “should” statements.
- **Reorganizing the information** into the current format of the Comprehensive Plan, such as changing headings, dividing into specific sections and renumbering policies.
- **Add discussion in the “Core Plan”** – Since the Core Plan (Introductory chapter) contains a recitation of the contents of the later Volumes (separate chapters later in the document) in order to provide this “working document” with actions emphasized, a new section is added at the end of the Core Plan on historic preservation.
- **Add back an updated Map of Historical Resources** - The former Chapter 10, “Historic Preservation”, contained a map of officially recognized properties located in the City of Auburn. Staff proposes to update and provide this map in the Plan. Updates are warranted due to new designations since the adoption.
- **Modify the Appendix** - to recognize the addition of the map in the listing of maps in the Comprehensive Plan document. In addition, the table of Contents will be changed to reflect the new Volume 8.

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of policy text amendments to create a “new” Volume 8, Historic Preservation Element of Comprehensive Plan and add discussion in the Comprehensive Plan’s “Core Plan” (Introductory chapter) to correspond. In addition, modify the Appendix and Table of Contents to agree.

P/T #9

Modify text of Volume 1, “Land Use Element” of the Comprehensive Plan to remove the mapped designation of “Residential Transition Overlay” from the Comprehensive Plan Map. The text requires modification to eliminate references to the map location. See related Map amendment CPM #3. *The changes are shown in strike through and underline in the working binder behind the “Comp. Plan Policy/Text Amendments” tab.*

Discussion

With the adoption of the overhauled Comprehensive Plan document at the end of 2015, the City of Auburn adopted a new Comprehensive Plan Land Use map containing a new mapped designation termed: “Residential Transition Overlay” (or “RT Overlay”). While the purpose of this new map designation or “overlay” was intended to ensure that, where there is a sharp transition in different land uses adjacent to one another, the Comprehensive Plan would provide the City with the authority to develop, adopt, and implement subsequent development regulations, such as zoning, to better manage negative impacts or conflicts that may result from the proximity of these disparate land uses.

Since the adoption of the RT Overlay, practical challenges have been encountered regarding how the proposed policies can be implemented. Further, many of the areas mapped within the City that were included within the RT Overlay may not be appropriate given their location

and their current land use. Staff is requesting to modify the RT Overlay policy language and map designation in order to better align it with its intent.

The RT Overlay Comprehensive Plan designation was applied to areas currently designated as “Single Family Residential” and zoned R-1, R-5, or R-7 that are located adjacent to more intensive zoning districts throughout the City. These adjacent more intensive zoning districts include Commercial, Industrial, and Public Uses. The geographic areas covered by this mapped RT Overlay varies in width since it followed the parcel boundaries of any property that would be abutting the more intensive zoning districts, but generally, includes a 150-200 foot wide area.

Through the adoption of the RT Overlay and Comprehensive Plan policies, the guidance and direction was established to enable the City to subsequently create zoning regulations that would directly implement the intent of the RT Overlay policies. The policy guidance of the Comprehensive Plan does not by itself regulate; as a policy document, it only provides guidance or policy that sets the direction for subsequent adoption of related development regulations. The policies or direction must be implemented by the City developing, adopting, and implementing these subsequent regulations. The policies themselves do not have regulatory effect; however, city code requires that the Comprehensive Plan and development regulations must be consistent.

Practical difficulties in implementation

Generally, any new regulations that are developed based on the policies of the Comprehensive Plan apply only to new development (new construction or alterations) that takes place after the new regulations are adopted, unless specified otherwise. Not making the regulations retroactive is generally preferable since it avoids surprising property owners and avoids creating non-conforming situations and risk. So, not being retroactive, the RT overlay would not correct any existing circumstances of adjacent disparate land uses; since it only applies to new locations. This reduces the effectiveness and takes longer to achieve widespread results.

In addition, this proposed approach of incorporating transition overlays within their Comprehensive Plan is not generally common to jurisdictions, thus unexpected, and not likely to be understood by users as a comprehensive plan map designation. When the intent is to apply specific certain development regulations to a specific geographic area, this is more commonly accomplished through a “zoning overlay” rather than at the higher level, long-range focused comprehensive plan policy. Typically, an overlay is applied to existing zoning districts and adds a specific level of regulations that are geographically focused. Examples include applying view sensitive overlays that limit height in certain areas, or manufacturing/industrial type overlays that limit the amount of retail in certain areas.

The concept of applying regulations to better manage the transition between incongruent land uses is laudable and found in many jurisdictions throughout the region and country. However, approach is generally opposite way; jurisdictions ensure that height limits, additional landscaping, and limitations on high intensity uses are applied to the more intensive commercial and industrial zoning districts that are located near single-family and multi-family areas, rather than the less intensive zoning districts. This is accomplished through zoning overlays that have specific standards or with transition zoning districts that only permit certain types of uses and have specific development standards. In some cases, such as with the Cities of Kent and Bellevue, any non-single-family residential site that is located within 300 feet from a single-family neighborhood is subject to additional transition

standards found within the zoning code. Within the City of Auburn, there are multiple code requirements that are able to provide a transition between different land uses.

The policies for the Residential Transition Overlay encourage connecting uses with pedestrian ways, allowing for a variety of housing types, and seeking to minimize noise, light, and air impacts. In the Comprehensive Plan narrative and mapped locations, the RT Overlay was applied to “Single-Family Residential” land use designations that were zoned R-1, R-5, and R-7 that abut more intensive zoning districts such as commercial and industrial. While the general intent of the RT Overlay focuses on protecting less intense land uses from impacts resulting from nearby more intensive land uses, the mapped locations for the RT Overlay contain policies that would allow for single-family areas to be developed with more intensive multi-family and mixed-use developments. This dynamic results in a direct conflict with what the RT Overlay is trying to achieve, as areas that are currently reserved for less intense development would have the potential to be developed with more intense land use such as multi-family. For example, if the rear yards of single family and industrial lots border each other, allowing additional dwelling units may result in increased vehicle traffic to the single-family neighborhood.

While purpose of this 2015 change was to provide an incentive to better manage the transition through allowing the bonus of intensifying development, it also places the burden on the single-family residence and generally the owner of a smaller property who is least likely to be able to afford it. On a small-lot-by-small-lot basis, managing the transition is likely to be less effective and not achieve the desired effect.

Further, the areas designated for the RT Overlay were based off a mapping analysis that doesn’t accurately reflect what areas are in need of having the RT Overlay applied. It does not adequately take into account existing man-made or natural features that serve as effective barrier to manage the transition. Examples include:

- Single-family subdivisions that are separated by steeply sloped areas from nearby industrial properties in which an effective transition is already provided, such as along West Valley Highway;
- Rural and undeveloped areas near the Auburn Adventist Academy and White River that are not located near any high intense land uses;
- Single-family areas near Downtown Auburn that are already surrounded by intensive land uses and should be protected

In addition, the name of “Residential Transition Overlay” closely resembles terminology from other designations used elsewhere in the Comprehensive Plan document, and thus, the multiple, similar sounding terms, each with different meanings and applications, is confusing to users. Specifically, the Comprehensive Plan contains provisions for a future “Residential Transition zoning district”.

This approach does not acknowledge the various zoning code requirements are already currently in effect to help ensure that a transition is provided between incompatible land uses. These requirements include:

- Maintaining similar height limits for low intensity commercial uses and public facility type uses with single-family residential uses
- Requiring commercial, industrial, and multi-family uses to provide minimum landscaping buffers when they abut single-family residential uses.
- Requiring industrial and some commercial type uses to meet performance standards to minimize odors, noise, and other nuisances.

- Establishment of the RO Residential Office zone, which allows for conversion of older single-family residences into low intensity commercial uses such as offices. These locations are generally located on busier roads and separate commercial or multi-family zoning districts from single-family residential neighborhoods.

Proposed Change/Approach:

To remedy this situation while maintaining the necessary policy framework that will assist in providing better transitions between incompatible land uses, it is recommended to remove the mapped RT Overlay from the Comprehensive Plan Land Use map while keeping slightly modified RT Overlay policy statements. This will allow for flexibility in approach and gives the basis for the city to, as a future action, implement a zoning overlay (rather than comprehensive plan overlay) by developing specific regulations in the future that can apply to the more intensely zoned areas to provide improved protection to residential uses. This requires a future code amendment that would be reviewed by Planning Commission and City Council.

PLANNING COMMISSION RECOMMENDATION

Planning Commission **recommended approval** to the City Council of policy text amendments to Volume 1, "Land Use Element" of the Comprehensive Plan to remove the mapped designation of "Residential Transition Overlay" from the Comprehensive Plan Map. The text requires modification to eliminate references to the map location.

Comprehensive Plan Map (CPM) Amendments (File No. CPA18-0002, City initiated)

CPM #1

Change the Comprehensive Plan Map, "Designated Areas, and Map #1.3" to remove "Environmental Park" Designated Area, since the area was rezoned by Ordinance No. 6660 in 2017 to M-1 Light Industrial and thus is no longer unique and distinguished from other areas. Also, change to the Comprehensive Plan Map, "Impression Corridors Map #1.5" to agree with the list of streets provided in the Comprehensive Plan. *The changes are shown in the working binder behind the "Comp. Plan Map Amendments" tab.*

Discussion

(This is the same topic as text amendment P/T #6, but is repeated as a map amendment since it requires revision to both the text and map of the comprehensive plan document. See discussion and analysis under text amendment P/T #6.)

During the Planning Commission regular meeting held on October 16, 2018, the Planning Commission requested that staff perform the following:

1.0 Reconcile the list of "Impression Corridors" included on Pages 7-8 of the "Amendment to Special Planning Areas Designation" Section of the Land Use Element, and those shown on the "Impression Corridors Map #1.5"; and

2.0 Determine why State Route 167 is shown as an Impression Corridor on Map #1.5, while State Route 18 is not.

1.0 Reconcile Impression Corridors list vs. Map #1.5

Staff reviewed the list of Impression Corridors provided on Pages 7-8 of the “Amendment to Special Planning Areas Designation” section of the “Land Use Element”. To reconcile the list, staff reviewed drafts of the “Special Planning Areas” text and maps that were previously presented to the Planning Commission prior to adoption of the new Comprehensive Plan in 2015. It appears that due to a mapping error, the following Impression Corridors were omitted from the “Impression Corridors Map #1.5”:

- M ST SE/Harvey RD (between Auburn WY S and 15th ST NE)
- 15th ST NW/NE (between Harvey RD and W Valley HWY)
- 8th ST NE (between Auburn WY N and Lea Hill RD SE)
- W Valley HWY (between the northern and southern City limits)

Additionally, for ease in identification, labels were added to Map #1.5 for the following impression corridors:

- Interurban Trail
- Mill Creek
- Auburn Black Diamond Road
- Division Street
- Green River Road

Lastly, for consistency the following street labels included on Pages 7-8 of the proposed text amendment were changed to agree with the actual names depicted on Map #1.5:

- Lake Tapps Corridor was changed to Lake Tapps Pkwy SE
- 132nd St SE was changed to 132nd Ave SE

2.0 State Route 167 (SR 167) vs. State Route 18 (SR 18)

Per the City’s Transportation Element, the Washington State Department of Transportation (WSDOT) has jurisdiction over three major routes within Auburn: SR 167, SR 18, and SR 164 (Auburn Way South). Unlike Auburn Way South, both SR 167 and SR 18 are “full control limited access highways” – within the City limits and access is only allowed at interchanges. SR 164 is classified differently and does not have the same access restrictions as SR 18 and SR 167. The City of Auburn classifies SR 164 as a “Principal Arterial”; principal arterials carry the highest traffic volumes, experience the longest vehicle trips, and have the highest speed limits of all City streets. As a Principal Arterial, the City has the ability to affect infrastructure changes within the right of way, including pedestrian and aesthetic improvements. Improvements to an impression corridor consistent of aesthetic signage, landscaping, and monument features, and the rehabilitation or removal of existing buildings and property. For that reason, neither SR 18 nor SR 167 are included in the Impression Corridor list because the City does not have the ability to make these types of improvements. Therefore, staff concludes SR 167 was included on Map #1.5 in error and has been removed from Map #1.5

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of a map amendment to change the Comprehensive Plan Map, "Designated Areas Map #1.3" to remove "Environmental Park" Designated Area and change the Comprehensive Plan Map, "Impression Corridors Map #1.5" to agree with the updated list of streets in the Comprehensive Plan.

CPM #2

Add back an updated "Historic Resource Inventory" map from the pre-2015 Comprehensive Plan, Chapter 10, 'Historic Preservation Chapter', as a renumbered Map #8.1 retitled to "Historical Landmark & Registry Inventory Map" to correct an omission. Map shows landmark registry properties within the City. *The changes are shown in the working binder behind the "Comp. Plan Map Amendments" tab.*

Discussion

(This is the same topic as text amendment P/T #8, but is repeated as a map amendment since it requires revision to both the text and map of the comprehensive plan document. See discussion and analysis under text amendment P/T #8.)

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of a map amendment to add back an updated "Historical Landmark & Registry Inventory Map #8.1" from the pre-2015 Comprehensive Plan, Chapter 10, Historic Preservation Chapter.

CPM #3

Amend Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay" from Map #1.1. The mapped designation from 2015 Comprehensive Plan sets the stage for development of subsequent implementing regulations, however there are practical difficulties in formulating and applying these implementing regulations in location shown that warrant removing the mapped designation. *(The map changes are shown in the working binder behind the "Comp. Plan Map Amendments" tab.)*

Discussion

(This is the same topic as text amendment P/T #9, but is repeated as a map amendment since it requires revision to both the text and map of the comprehensive plan document. See discussion and analysis under text amendment P/T #9.)

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval to the City Council of a map amendment to Amend Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay" from Map #1.1.

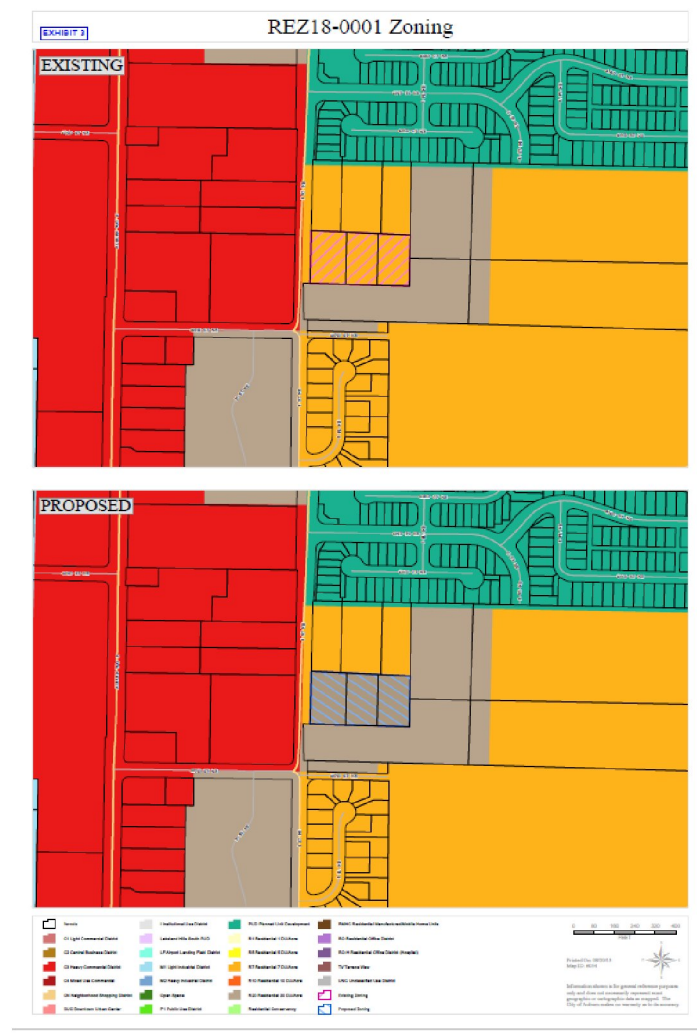
CPM #4 Private-Initiated Map Amendment (File #CPA18-0001) and Rezone (File #REZ18-0002) Labrador Ventures LLC *(Please refer to the 4th section (blue divider page) behind the "Comp Plan Map Amendments" tab in the working binder for the exhibits referenced for the Labrador Ventures LLC application materials.)*

FINDINGS OF FACT

1. The Applicant, David Toyer, of Toyer Strategic Consulting, representing Brad Hughes, Manager of Labrador Ventures, LLC ("Labrador Ventures"), submitted a Comprehensive Plan Map Amendment (City File No. CPA18-0001) and Rezone (REZ18-0002) applications on May 4, 2018. More specifically, the applications request a change in the land use

designation of three vacant parcels totaling approximately 1.89 acres from “Single Family Residential” with a “Residential Transition Overlay” to “Multiple Family Residential” (See Exhibit 2); and the rezoning (zoning map amendment) from “R-7, Residential 7 dwelling units per acre” to “R-20, Residential 20 dwelling units per acre” (See Exhibit 3).

2. The proposed site consists of three adjacent parcels located on the east side of ‘I’ St. NE, approximately 200 ft. north of 40th St. NE. The site is composed of King Co. Parcel Nos. 000420-0010, 000420-0027, and 000420-0028.



- Pursuant to Chapter 197-11 WAC and Chapter 16.06 ACC, this proposal is subject to State Environmental Policy Act ("SEPA") decision. A Determination of Non-Significance ("DNS"), for the Comprehensive Plan amendment and Rezone request was issued under City File No. SEP18-0008 on August 16, 2018; with the comment period ending August 31, 2018 and an appeal period ending September 14, 2018. One written public comment was received and responded to, and is attached as Exhibit 9; no appeal was filed.
- The Applicant has supplied narratives for the Comprehensive Plan amendment and the Rezone request applications (See Exhibit 4). At this time there is no specific project planned for the property if the requests are approved.
- As shown in the table below and the following map, the surrounding properties have varying degrees of development. The properties to the north contain existing single-family residences, the properties to the south and east are vacant and across 'I' St. NE to the west is developed commercial land.
- The current Comprehensive Plan Land Use designation, zoning classification, and land uses of the subject properties and surrounding properties are as follows:

	Comp Plan Designation	Zoning Classification	Existing Land Use
On-Site	"Single Family Residential" w/ "Residential Transition Overlay"	R-7, Residential	Vacant
North	"Single Family Residential" w/ "Residential Transition Overlay"	R-7, Residential	Single-family homes
South	"Multiple Family Residential"	R-20, Residential	Vacant
East	"Multiple Family Residential"	R-20, Residential	Vacant
West	"Heavy Commercial"	C-3, Heavy Commercial	Commercial and Manufacturing Uses

7. The western-most of the three parcels fronts onto 'I' ST. NE; the other two parcels are located adjacent and to the east. 'I' ST NE is classified as a 'Minor Arterial' street and connects to Auburn Way S ('Principal Arterial' classified street) via both 40th St. NE ('Local Residential') and 45th ST NE ('Residential Collector'). Future development of one or all of the parcels would require street frontage improvements to 'I' ST NE as well as internal access and circulation for vehicles.
8. A Traffic Memorandum was submitted in support of the application and was reviewed the City's Traffic Engineer (Exhibit 5) to look at how many additional trips would be generated based on a project built at the R-20 density. If the three parcels were fully built-out at the R-7 density it would include up to 9 single-family homes and under R-20 up to 38 multi-family units. Based on the Institute of Traffic Engineers (ITE) Trip Generation Manual (an industry standard), a project constructed under the R-7 zone would generate 9 PM peak-hour trips, and 21 PM peak-hour trips under R-20. "PM peak-hour trips" are weekday trips at the highest one-hour period between the hours of 4-6:00PM and are what the City's Level of Service standards in the Comprehensive Transportation Plan are based off of (LOS-04). Detailed trip generation numbers are included in Exhibit 5.
9. The public hearing notice was published on October 24, 2018 in the Seattle Times newspaper, at least 10 days prior to this November 7, 2018 Planning Commission public hearing. Public notice was also mailed to property owners of record within 300 feet, posting on-site and on the city's webpage.

COMPREHENSIVE PLAN RELATED – CONCLUSIONS:

The City Code provides certain criteria for decisions on amending the Comprehensive Plan under ACC 18.14.22.110. These criteria are listed below, followed by a Staff Analysis in italics. The Applicant's responses to these criteria are included in Exhibit 4.

1. Criterion #1 – ACC 14.22.110(A)(1): The proposed change will further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.

Staff Analysis: The Comprehensive Plan (Land Use Element, Page LU-9) provides the following explanation for the "Multiple Family Residential" Land Use Designation:

“Multiple Family Designation

Description

This category shall be applied to those areas that are either now developed or are reserved for multiple family dwellings. Densities may range from 20 to 24 units per acre. These communities are served by transit, have non-motorized connections to surrounding amenities and services, or have access to on-site amenities.

Designation Criteria

- 1. Previously developed high-density residential or manufactured/mobile home parks; or*
- 2. Properties that are connected to single-family and nonresidential designations by the Residential Transition designation and meet the development parameters of the multiple family designation.*

Implementing Zoning Designations

R-20 Residential Zone and Manufactured/Mobile Home Park

Policies

Policy LU-22. Development regulations should include density bonuses and flexible development City of Auburn Comprehensive Plan standards that create incentives for innovative site and building design, incorporation of open space and public art, non-motorized connectivity to parks and commercial areas, proximity to transit services, supplemental natural resource protection, supplemental use of CPTED, and supplemental use of low-impact development techniques.

Policy LU-23. Home occupations and shared housing should be allowed in this designation; however, given their high densities, it is appropriate to establish additional restrictions, procedures, and requirements in order to ensure that they are compatible with their surroundings and do not adversely affect the community.

Policy LU-24. Live-work units are encouraged.

Policy LU-25. Improve the quality of low-income neighborhoods and implement programs that encourage rehabilitation of deteriorating structures and facilities the downtown area, areas between lower-density residential uses and more intense nonresidential activities, and areas with high levels of transit service and available high-quality services.

Policy LU-26. Multiple-family development should be subject to building and site design standards. These standards should address the appearance of buildings, compatibility with nearby uses, exterior lighting, connectivity with surrounding properties and uses, the relationship of ground floor spaces and entryways with the streetscape, and connectivity to nearby nonresidential hubs (shopping centers and schools).

Policy LU-27. Provide a variety of housing typologies to suit the needs of various potential residents.

Policy LU-28. Establish intensity limitations such as floor area ratios, density, building height, coverage ratios, setbacks, and other standards.

Policy LU-29. Access to nearby amenities and health and human services should be considered when reviewing senior housing developments.

Policy LU-30. Encourage development of permanent supportive housing to address the homeless population and those with special needs.

Policy LU-31. Encourage adaptive reuse, particularly of historic properties.”

Per ACC 18.23.030(C), the intent of the R-20, Residential zoning district is:

“...intended to provide for multiple-family residential development and is further intended as a residential zone primarily of multiple-family residences, except as specifically provided elsewhere in this chapter. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.”

As identified in the R-20 intent statement above, this zoning district is geared toward multi-family developments, however, also allows uses such as mixed-use, nursing homes, etc. The full list of uses allowed within the R-20 zone are attached as Exhibit 6. Although no specific use is proposed at this time, any future development will be governed by the codes and standards in place at that time.

As shown and discussed above, the properties to the south and east are zoned R-20 (vacant land) and there is an existing apartment complex a few hundred feet to the southwest from the subject properties. Changing the Comprehensive Plan designation and Zoning classification to R-20 would not be out of character with the surrounding properties.

The requested Comprehensive Plan amendment will remain internally consistent with the Comprehensive Plan through approval / adoption of the associated Rezone request.

2. Criterion #2 – ACC 14.22.110(A)(2): Whether the capacity to provide adequate services is diminished or increased.

Staff Analysis: The proposed application for a change in the Comprehensive Plan designation has been reviewed by the City’s Utilities, Traffic division, and the Valley Regional Fire Authority. Based on these reviews, the change would not adversely affect the provision of services. As is typical with development in the City, adequate infrastructure improvements will be required to be provided concurrent with future development. Although no specific construction activity is proposed or permitted with this amendment, eventual buildout of one or more of these parcels is not anticipated to be detrimental to public services. A Traffic Memorandum has been prepared and reviewed by the City’s Traffic Engineer and no detrimental impacts to the City’s transportation system are anticipated.

3. Criterion #3 – ACC 14.22.110(A)(3): Assumptions upon which the comprehensive plan is based are found to be invalid.

Staff Analysis: While the policies of the Comprehensive Plan are not invalid, the Applicant’s request to change three parcels from single-family residential to multi-family residential is not out of character with the designations or uses in the immediate vicinity. The requested change is a logical request based on these existing surrounding uses and land use designations.

4. Criterion #4 – ACC 14.22.110(A)(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.

Staff Analysis: The proposed change is for three parcels to Multiple Family Residential, which is consistent with the adjacent parcels to the south and east. The Residential Transition Overlay was put in place during the 2015 update to the Comprehensive Plan and is proposed to be removed during this periodic update, thereby leaving a Single Family

Residential designation on these properties. Both the Single-Family and Multiple Family designations could be appropriate designations, however, based on the location in relation to existing Multiple Family designated properties and proximity to a “minor arterial” street, the Multiple Family designation appears to be best-suited.

5. Criterion #5 – ACC 14.22.110(A)(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.

Staff Analysis: The change, if approved, would continue to be consistent with the Growth Management Act (Chapter 36.70A RCW), the King County Countywide Planning Policies and Vision 2040. The proposal is consistent because upon future development it will provide housing.

6. Criterion #6 – ACC 14.22.110(A)(6): If the request is to change the land use designation of a specific property on the comprehensive plan 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.**

Staff Analysis: The requested change is consistent with Item b in that the adjacent properties to the west and south are designated “Multiple Family Residential”.

REZONE RELATED – CONCLUSIONS:

The Applicant has requested a rezone from “R-7, Residential” to “R-20, Multiple Family Residential”. Per ACC 18.68.030(B)(1)(b) if the rezone request also requires changes to the Comprehensive Plan, the Planning Commission shall hold a public hearing and make a recommendation to the City Council. Chapter 18.68 ACC contains the intent and process for zoning code amendments, in this case a site-specific zoning map amendment has been requested. Auburn City Code does not contain any specific rezone criteria for City Staff to review; however, Case Law offers some rezone criteria (“A Little Bit Pregnant: The Multi-Personalities of Site Specific Rezones - Or - A Cheat Sheet for Everything You Need to Know about Site-Specific Rezones”, by Phil Olbrechts on mrsc.org, April 1, 2013) as follows:

“...require that the proponents of a rezone must establish that conditions have substantially changed since the original adoption and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. If a rezone implements the comprehensive plan, a showing that a change of circumstances has occurred is not required.”

With the change in City procedures by Ordinance No. 6655 to allow concurrent recommendations by the Planning Commission on both the Comprehensive plan and zoning map changes, the recommendations on each should be consistent and therefore does not need to show a change in circumstances has occurred.

The requested rezone bears a substantial relationship to the public health, safety, morals and welfare. Adequate public facilities such as water, sewer, and electricity, are capable of being provided for the parcels upon future development and would therefore not be detrimental to public health. The rezone itself is not anticipated to allow any uses or acts that would pose any detrimental effects on the morals or welfare of the public. No impacts to public safety outside of normal residential development are anticipated.

PLANNING COMMISSION RECOMMENDATION

Planning Commission **recommended approval** of the Labrador Ventures LLC request for a Comprehensive Plan Land Use Map amendment for three parcels (Parcel Nos. 000420-0010, 000420-0027, and 000420-0028) from “Single Family Residential” with a “Residential Transition Overlay” to “Multiple Family Residential”; and a rezone from “R-7, Residential” to “R-20, Residential”.

EXHIBIT LIST: (CPA18-0001 & REZ18-0002)

(For Exhibits, please refer to the 4th section (blue divider page) behind the “Comp Plan Map Amendments” tab in the working binder)

- Exhibit 1. Staff Report CPA18-0001 and REZ18-0002
- Exhibit 2. Comprehensive Plan Map Amendment – Proposed Change
- Exhibit 3. Zoning Map Amendment – Proposed Change
- Exhibit 4. Completed Comprehensive Plan Amendment and Rezone Application forms and materials including Applicant’s Narrative Statement
- Exhibit 5. Traffic Memorandum, Prepared by Gibson Traffic Consultants
- Exhibit 6. Uses Allowed in the R-20 Zoning District
- Exhibit 7. Completed SEPA environmental checklist application SEP18-0008
- Exhibit 8. Combined Notice of Application and Determination of Non-Significance SEP18-0008
- Exhibit 9. SEPA Comment Letter and City Response
- Exhibit 10. Dept. of Commerce 60-Day Acknowledgement Letter
- Exhibit 11. Notice of Public Hearing
- Exhibit 12. Affidavits of Publication, Mailing, and Posting

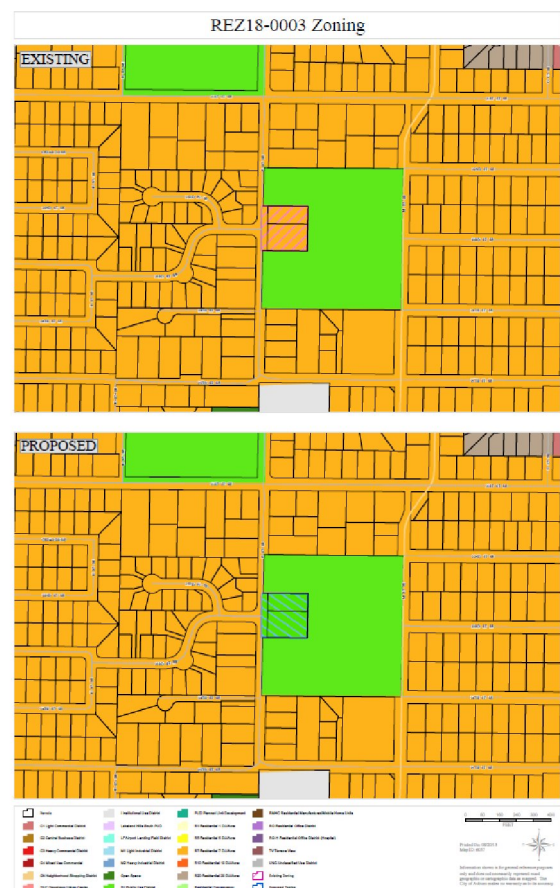
CPM #5 Private-Initiated Map Amendment (File #CPA18-0003) and Rezone (File #REZ18-0003) Auburn School District (Pioneer Elementary) *(Please refer to the 5th section (blue divider page) behind the “Comp Plan Map Amendments” tab in the working binder for the exhibits referenced for the Auburn School District application materials.)*

FINDINGS OF FACT:

1. The Applicant, Camie Anderson of Shockey Planning Group, representing Jeff Grose, Exec. Director of Capital Projects Auburn School District, submitted applications for a Comprehensive Plan map amendment (File No. CPA18-0003) and a related rezone (File No. REZ18-0003). More specifically, the applications request a change in the designation of the two parcels, totaling approximately 0.9 acres from the current designation of “Single-Family” to “Institutional” and a rezone from “R-7 Residential – Seven Dwelling Units per Acre” to “P-1 Public Use District”. This will allow for the future reconstruction of Pioneer Elementary to include and occupy the subject two properties, as well as within its existing area. Specific details on the proposed reconstruction of Pioneer Elementary are unknown at this time.
2. The “Site”, comprised of the two parcels, each with a single-family house are located on the east side of K ST SE in the 2200 block (between 21st ST SE and 25th ST SE, addressed as 2230 &

2236 K ST SE). The two parcels are identified as King Co. parcel numbers 1921059282 & 1921059190.

3. The Applicant submitted a Comprehensive Plan map amendment application on June 6, 2018, before the application submittal deadline for comprehensive plan amendments (June 8, 2018).



4. A Determination of Non-Significance (DNS), the environmental review decision required under the State Environmental Policy Act (SEPA), for the application by Auburn School District for a Comprehensive Plan Map Amendment and Rezone was issued under City File No. SEP18-0012 on August 9, 2018. The comment period ended August 24, 2018 and the appeal period ended September 7, 2018. There were no comments or appeals.
5. The current Comprehensive Plan designation, zoning classification and current land uses of the sites and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	Single-Family Residential	R-7 Residential Seven Dwelling Units per Acre	Single-Family Dwellings
North	“Institutional”	P1, Public Use	Elementary School Play Field
South	“Institutional”	P1, Pubic Use	Elementary School Play Field
East	“Institutional”	P1, Public Use	Elementary School
West	“Single-Family Residential”	R-7 Residential, Seven Dwelling Units per Acre	Single-Family Residential

6. The parcels border to the west by developed K ST SE, which is classified by the City as a “Local Non-Residential” street, which prescribes a two-lane road with 50 feet of right-of-way. The adjacent street is not currently fully developed to the “Local Non-Residential” street standards, as there is no sidewalk or vertical curb abutting the property.
7. The property is located within the King County portion of the City of Auburn. It was annexed to the City in 1958 by Ordinance No. 1239.
8. Based on historic zoning maps, the subject properties were zoned “R-2, Residential – Single Family”, at the time of annexation up until 2009 when it was part of an area wide rezone to “R-7 Residential Zone – Seven Dwelling Units per Acre”.
9. As indicated by the Applicant’s narrative submitted with the application, the Comprehensive Plan Amendment and related rezoning have been requested for the purpose of changing the land use designation of the property to ensure a consistent designation with Pioneer Elementary School, which abuts the site directly to the east. Pioneer Elementary is proposed to be demolished and rebuilt in the future.
10. The public hearing notice was published on October 24, 2018 in the Seattle Times at least 10 days prior to the Planning Commission public hearing scheduled for November 7, 2018. Public notice was also mailed to property owners of record within 300 feet, posting on-site and on the city’s webpage.

COMPREHENSIVE PLAN RELATED – CONCLUSIONS:

The City Code provides certain criteria for decisions on amending the Comprehensive Plan under ACC 18.14.22.110. These criteria are listed below in bold, followed by a Staff Analysis in italics.

1. Criterion #1 – ACC 14.22.110(A)(1) The change must further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.

Staff analysis: The subject two properties are adjacent to the existing Pioneer Elementary School. The parcels are needed in order to expand the area in which Pioneer Elementary is located and allow for its reconstruction in the future. The site is served by public infrastructure, including a “Local Non-Residential” street to the west and, should it be combined with the existing Pioneer Elementary site, a minor arterial street is located to the east. The proposal to change the mapped land use designation of the site from “Single-Family” to “Institutional” is supported by numerous Comprehensive Plan policies within both the Land Use Element and the Capital Facilities Element.

The City’s Comprehensive Plan contains the following objectives and policy guidance, as it relates to this application:

Volume 1 – Land Use Element

“Public and Institutional Land Use Designations”

“Character Sketch”

“Public and institutional uses will occur in both low and high-density environments. For passive uses, land and views will be protected; limited access to these areas will be typical. For more active uses, usability and accessibility will be key features and new development will be subject to standards reflecting programmed space and interconnectivity. These spaces will be varied in type, providing service to areas large and small, urban and more rural in character. Sustainable solutions and innovations that are responsive to the native ecology will be typical of public and institutional uses.”

“General Policies”

A general policy appropriate to this request is:

“Policy LU-89. The primary purpose of this designation is to address public needs while taking advantage of synergies with the adjacent areas where they are sited.”

“Institutional Designation”

“Description”

“This category includes those areas that are reserved for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation. For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institutions of a residential character are included in the residential designation”

*“Designation Criteria1. Previously developed institutional uses; or
2. Located along major arterial streets;*

3. *Properties that are buffered from the single-family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and*
4. *Meets the development parameters of the Institutional designation.*
5. *Properties identified in the Airport Master Plan as Landing Field.”*

An Institutional-related policy appropriate to this request is:

“Policy LU-102 Appropriate uses for this designation include facilities that serve the needs of the larger community such as public schools, active parks, city operated municipal facilities, large churches, and fire stations.”

The Capital Facilities Element also contains objectives and policies relevant to the request, as follows:

Volume 3 – Capital Facilities Element

“Planning Approach”

“The Capital Facilities planning approach is to manage growth in a manner that enhances rather than detracts from community quality and values by actively coordinating land use type and intensity with City facility and service development and provision.”

“Objectives and Policies”

“Objective 1.1. Ensure that new development does not outpace the City’s ability to provide and maintain adequate public facilities and services, by allowing new development to occur only when and where adequate facilities exist or will be provided, and by encouraging development types and locations that can support the public services they require.”

“Policy CF-3. Development shall be allowed only when and where such development can be adequately served by public services (police and fire) without reducing the level of service elsewhere.”

“Objective 1.2. To ensure that new developments are supported by an adequate level of public services through an effective system of public facilities.”

“Policy CF-10. Public facilities shall be provided in accord with the guidance of the Capital Facilities Plan or, as may be appropriate a system plan for each type of facility designed to serve at an adequate level of service the locations and intensities of uses specified in this Comprehensive Plan.”

“Objective 1.8. To site public and institutional buildings in accord with their service function and the needs of the members of the public served by the facility.”

“Policy CF-63. Public and institutional facilities that attract a large number of visitors City Hall, museums, libraries, educational facilities, permit and license offices, health and similar facilities, etc.) should be sited in areas that are accessible (within ¼ mile) by transit.”

The proposal to change the land use designation on the site to institutional will not be in conflict with the Comprehensive Plan, as it allows for a public facility to meet the needs of the community, adequate public facilities will be provided concurrent with the development to serve the future redevelopment of the site, and will be served by public transit.

2. Criterion #2 – ACC 14.22.110(A)(2) The comprehensive plan amendment must not diminish or increase the ability to provide adequate services.

Staff analysis: The applications for a change in Comprehensive Plan designation and zoning have been reviewed by Valley Regional Fire Agency and the City Utilities and Traffic divisions. Based on these reviews, the changes would not adversely affect the provision of services. The proposed Comprehensive Plan map change by itself, if approved will not affect the ability to provide adequate services. As typical with development in the city, the infrastructure improvements needed to support the development would be the responsibility of the future development. At the time of development, adequate services would be required to be provided concurrent with the development in order for the project to be authorized. Therefore, it is not anticipated that approval of the request negatively affects provision of services. Utility and street frontage improvements would be required to support the development

While the site is currently developed with single-family residences, it will eventually include a portion of the future Pioneer Elementary School. The existing Pioneer Elementary School is located directly to the east and currently served by adequate City services. Existing services either exists or can be provided to support the Comprehensive Plan Amendment to change the site's map designation from "Single-Family Residential" to "Institutional".

3. Criterion #3 – ACC 14.22.110(A)(3) The assumptions on which the comprehensive plan is based are found to be invalid.

Staff analysis: While the policies of the Comprehensive Plan are not invalid, the map designation of Pioneer Elementary directly to the east is "Institutional". Auburn School District acquired the two subject parcels in 2010 and 2012 with the intent of including them in the Pioneer Elementary School campus. As such, the requested change is logical, in that it will expand the existing "Institutional" designation that makes up the Pioneer Elementary School campus and is surrounded on three sides.

4. Criterion #4 – ACC 14.22.110(A)(4) That there has been a change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment.

Staff analysis: There has been a change in conditions that generates the need for the map change. Auburn School District acquired both of the subject parcels after the development of Pioneer Elementary, which was constructed in 1959. According to the Applicant, Pioneer Elementary will be redeveloped in the future to serve 650 students and have the ability to accommodate 150 students more through future phases. Based on the need for the Elementary School replacement and the increase in residential development and corresponding increase in student population throughout the surrounding area since the original 1959 construction date of the school, it is apparent that conditions have changed which would warrant the Comprehensive Plan amendment to "Institutional".

5. Criterion #5 – ACC 14.22.110(A)(5) The change must be determined to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of the relevant county and “Vision 2040: Growth and Transportation Strategy for the Puget Sound Region”.

Staff analysis: The change if approved would continue to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of King County and “Vision 2040: Growth and Transportation Strategy for the Puget Sound Region”. The proposal is consistent because it provides land suitable for institutional development, which will directly provide services (educational) to the immediate community within an urban area.

6. Criterion #6 – ACC 14.22.110(A)(6) As applies only to changes of the mapped land use designation of a specific property, 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.**

Staff analysis: The same land use designation as proposed occurs on the adjacent Pioneer Elementary School site to the east, and thus, meets Item b, matching an adjacent property in designation.

REZONE RELATED – CONCLUSIONS:

The Applicant has requested a rezone from “R-7, Residential” to “P-1, Public Use”. Per ACC 18.68.030(B)(1)(b) if the rezone request also requires changes to the Comprehensive Plan, the Planning Commission shall hold a public hearing and make a recommendation to the City Council. Chapter 18.68 ACC contains the intent and process for zoning code amendments; in this case, a site-specific zoning map amendment has been requested. Auburn City Code does not contain any specific rezone criteria for City Staff to review; however, Case Law offers some rezone criteria (“A Little Bit Pregnant: The Multi-Personalities of Site Specific Rezones - Or - A Cheat Sheet for Everything You Need to Know about Site-Specific Rezones”, by Phil Olbrechts on mrsc.org, April 1, 2013) as follows:

“...require that the proponents of a rezone must establish that conditions have substantially changed since the original adoption and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. If a rezone implements the comprehensive plan, a showing that a change of circumstances has occurred is not required.”

With the change in City procedures by Ordinance No. 6655 to allow concurrent recommendations by the Planning Commission on both the Comprehensive plan and zoning map changes, the recommendations on each should be consistent and therefore does not need to show a change in circumstances has occurred.

The requested rezone bears a substantial relationship to the public health, safety, morals and welfare. Adequate public facilities such as water, sewer, and electricity, are capable of being provided for the parcels upon future development and would therefore not be detrimental to public health. The rezone itself is not anticipated to allow any uses or acts that would pose any detrimental

effects on the morals or welfare of the public. No impacts to public safety outside of normal development are anticipated.

PLANNING COMMISSION RECOMMENDATION

Planning Commission **recommended approval** of the Auburn School District No. 408 (CPA18-0003) request for a Comprehensive Plan Map Amendment to change the map designation of two parcels, Parcel Nos. 192105-9282 and 192105-9190 from “Single-Family” to “Institutional” and to rezone both parcels from “R-7, Residential Zone - Seven Dwelling Units per Acre” to “P-1, Public Use” zoning district.

EXHIBIT LIST (CPA18-0003 & REZ18-0003)

(For Exhibits, please refer to the 5th section (blue divider page) behind the “Comp Plan Map Amendments” tab in the working binder)

Exhibit 1	Staff Report CPA18-0003 & REZ18-0003
Exhibit 2	Comprehensive Plan Map Amendment - Proposed Change
Exhibit 3	Zoning Map Amendment - Proposed Change
Exhibit 4	Completed Comprehensive Plan Amendment and Rezone Application forms and materials including Applicant’s Narrative Statement
Exhibit 5	Completed SEPA Environmental Checklist Application SEP18-0012
Exhibit 6	Combined Notice of Application and Determination of Non-Significance SEP18-0012
Exhibit 7	Dept. of Commerce 60-Day Acknowledgement Letter
Exhibit 8	Notice of Public Hearing
Exhibit 9	Affidavits of Publication, Mailing, and Posting

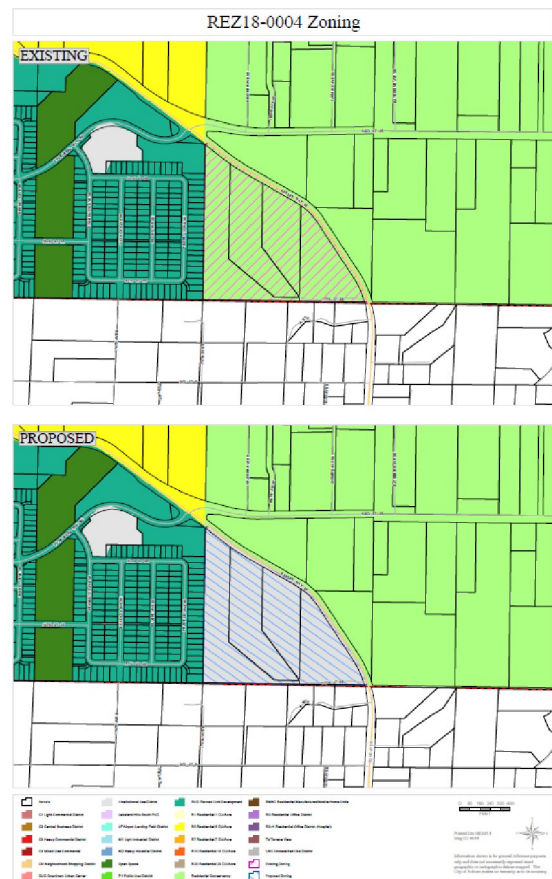
CPM #6 Private-Initiated Map Amendment (File #CPA18-0004) and Rezone (File #REZ18-0004) Auburn School District (Kersey Way SE) *(Please refer to the 6th section (blue divider page) behind the “Comp Plan Map Amendments” tab in the working binder for the exhibits referenced for the Auburn School District application materials.)*

FINDINGS OF FACT:

1. The Applicant, Camie Anderson of Shockley Planning Group, representing Jeff Grose, Exec. Director of Capital Projects Auburn School District, submitted applications for a Comprehensive Plan map amendment (File No. CPA18-0004) and a related rezone (File No. REZ18-0004). More specifically, the applications request a change in the designation of four parcels, totaling approximately 22.08 acres from the current designation of “Residential Conservancy” to “Institutional” and to subsequently rezone the site from “RC, Residential Conservancy” to “I, Institutional Zone”.
2. The “Site” is comprised of four parcels located on the west side of Kersey WY SE (between 53rd ST SE and 57th ST SE), addressed as 2901, 2925, & 3001 57th ST SE and identified as King County parcel numbers.
3. As indicated by the Applicant’s narrative statement submitted with the application, the Comprehensive Plan Amendment and related rezoning have been requested in order to allow for the construction of a future elementary school on the site to serve student population growth.

Agenda Subject: Ord #6698, CPA18-0001 & REZ18-0002, CPA18-0002, CPA18-0003 & REZ18-0003, and CPA18-0004 & REZ18-0004, - 2018 Comprehensive Plan Amendments – Map Amendments & Policy/Text Amendments & Assoc. Rezones

Date: December 11, 2018



4. In addition to the Comprehensive Plan Map Amendment Application and rezone application (File No. REZ18-0004), the Applicant also submitted an environmental checklist application (File No. SEP18-0013). A Determination of Non-Significance (DNS) the environmental review decision required under the State Environmental Policy Act (SEPA), for the proposal was issued by the City, under File No. SEP18-0013 on August 14, 2018. The comment period ended August 29, 2018 and the appeal period ended September 12, 2018.
5. Three comment letters from the surrounding neighborhood were received by the City in response to the combined public Notice of Application and DNS. Specifically, the comments presented concerns regarding traffic, pedestrian safety for children walking to the school, and site configuration issues that could arise with parents dropping off and picking up children at the school. Copies of these comments have been included as Exhibit 7.
6. The city provided written responses to the three public comments received. Staff noted that the Applicant will be required to construct a sidewalk along Kersey Way SE, the future elementary school is planned by the District to only have its students dropped off via school bus or private vehicle, that specific project related impacts will be reviewed more thoroughly when the school district begins design of the school, that the assumption of the traffic analysis are based on review of historic traffic count data in the area, and that specific mitigation will be required when the school submits a specific site plan for review to the City. The staff response letter is marked as Exhibit 8.

7. The applicant provided a Traffic Impact Analysis, prepared by PH Consulting LLC, dated September 25, 2017, noting the potential traffic impacts that could arise should the site be developed as a K-5 elementary school with a capacity of up to 800 students, with a build year of 2021. While limited in scope, the findings from the Traffic Impact Analysis confirmed that development of an elementary school for up to 800 students on the property will not result in any nearby intersections to not meet City of Auburn Level of Service (LOS) standards. A more detailed Traffic Impact Analysis will be prepared once the specific design of the school is determined, at which point, specific mitigation (if any) will be determined. The applicant's Traffic Impact Analysis is marked as Exhibit 10.
8. The Applicant submitted a Comprehensive Plan map amendment application on June 6, 2018, before the year 2018 application submittal deadline for comprehensive plan amendments (June 8, 2018).
9. It should be noted that at the time of application submittal, two of the four parcels subject to the map amendment and rezone were not owned by the District and owned by different parties. Since that time, one additional property has been acquired by the District. Currently, it is the City's understanding that Auburn School District has either obtained ownership of the last remaining parcel (parcel number 322105-9016) or will have ownership of it in the near future. The application for the Comprehensive Plan Map Amendment and Rezone has been signed by all property owners associated with the request.
10. The current Comprehensive Plan designation, zoning classification and current land uses of the sites and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Existing Land Use
On-Site	Residential Conservancy	RC Residential Conservancy	Single-family dwellings and vacant
North	Residential Conservancy	RC Residential Conservancy	Vacant / Single-Family Residential
South	Single-Family in Pierce County (within Auburn's Potential Annexation Area)	MSF – Moderate Density Single-Family Zone (Unincorporated Pierce County)	Single-Family Residential
East	Residential Conservancy	RC Residential Conservancy	Single-Family Residential
West	Single-Family Residential	PUD Planned Unit Development	Single-Family Residential

11. Parcel #322105-9058, addressed as 2901 57th St SE, contains a single-family residence. Parcel #322105-9057 is vacant. Parcel #322105-9056, addressed as 2925 57th St SE, contains a single-family residence. Parcel #322105-9016, addressed as 3001 57th St SE, contains a single-family residence.
12. All four parcels are served by 57th St SE, a private road (driveway) connecting directly to west side of Kersey WY SE. Kersey WY SE is classified as a “Minor Arterial”. Kersey WY SE is not currently fully developed to the “Minor Arterial” street standards, as there is not sidewalk or vertical curb abutting the property.
13. The property is located within the King County portion of the City of Auburn. It was annexed to the City in 1968 by Ordinance No. 2271.
14. Based on historic zoning maps, the subject properties previously were zoned “RR, Rural Residential” until 2009 when it was part of an area wide rezone to “RC Residential Conservancy”.
15. The public hearing notice was published on October 24, 2018 in the Seattle Times at least 10-days prior to the Planning Commission public hearing scheduled for November 7, 2018. Public notice was also mailed to property owners of record within 300 feet, posting on-site and on the city’s webpage.

COMPREHENSIVE PLAN RELATED CONCLUSIONS

The City Code provides certain criteria for decisions on amending the Comprehensive Plan under ACC 18.14.22.110. These criteria are listed below in **bold**, followed by a Staff Analysis.

1. **Criterion #1 – ACC 14.22.110(A)(1) That the change must further and be consistent with the goals and objectives of the plan and the plan will remain internally consistent.**

Staff Analysis: As identified by the Applicant, the purpose for the Comprehensive Plan map amendment is to allow for the subject four parcels to be developed with an elementary school. The applicant’s justification for the request notes that state-wide minimum class size mandates has put a greater need for Auburn School District to increase its elementary capacity in this area. Further, the area has experienced an increase in residential development, with more housing anticipated for the area in the future. The site is served by public infrastructure, including a “minor arterial” street immediately to the east. The proposal to change the mapped land use designation of the site from “Residential Conservancy” to “Institutional” is supported by numerous Comprehensive Plan policies within both the Land Use Element and the Capital Facilities Element, as follows:

The City’s Comprehensive Plan contains the following objectives and policy guidance, as it relates to this application:

*Volume 1 – Land Use Element
“Public and Institutional Land Use Designations”*

“Character Sketch”

“Public and institutional uses will occur in both low and high-density environments. For passive uses, land and views will be protected; limited access to these areas will be typical. For more active uses, usability and accessibility will be key features and new

development will be subject to standards reflecting programmed space and interconnectivity. These spaces will be varied in type, providing service to areas large and small, urban and more rural in character. Sustainable solutions and innovations that are responsive to the native ecology will be typical of public and institutional uses.”

“General Policies”

A general policy appropriate to this request is:

“Policy LU-89. The primary purpose of this designation is to address public needs while taking advantage of synergies with the adjacent areas where they are sited.”

“Institutional Designation”

“Description”

“This category includes those areas that are reserved for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation. For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institutions of a residential character are included in the residential designation”

“Designation Criteria

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

Institutional-related policies appropriate to this request are:

“Policy LU-102 Appropriate uses for this designation include facilities that serve the needs of the larger community such as public schools, active parks, city operated municipal facilities, large churches, and fire stations.”

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

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

The Capital Facilities Element also contains objectives and policies relevant to the request, as follows:

Volume 3 – Capital Facilities Element

“Planning Approach”

“The Capital Facilities planning approach is to manage growth in a manner that enhances rather than detracts from community quality and values by actively coordinating land use type and intensity with City facility and service development and provision.”

“Objectives and Policies”

“Objective 1.1. Ensure that new development does not outpace the City’s ability to provide and maintain adequate public facilities and services, by allowing new development to occur only when and where adequate facilities exist or will be provided, and by encouraging development types and locations that can support the public services they require.”

“Policy CF-3. Development shall be allowed only when and where such development can be adequately served by public services (police and fire) without reducing the level of service elsewhere.”

“Objective 1.2. To ensure that new developments are supported by an adequate level of public services through an effective system of public facilities.”

“Policy CF-10. Public facilities shall be provided in accord with the guidance of the Capital Facilities Plan or, as may be appropriate a system plan for each type of facility designed to serve at an adequate level of service the locations and intensities of uses specified in this Comprehensive Plan.”

“Objective 1.8. To site public and institutional buildings in accord with their service function and the needs of the members of the public served by the facility.”

The proposal to change the land use designation on the site to “Institutional” will not be in conflict with the Comprehensive Plan, as it will allow for a public facility to meet the needs of the community and adequate public facilities will be provided concurrent with the development to serve the future land use of the site.

Also, the intent of the I Institutional Zone is:

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

The I, Institutional Zone is an implementing zoning district of the “Institutional” Comprehensive Plan land use designation.

2. Criterion #2 – ACC 14.22.110(A)(2) The comprehensive plan amendment must not diminish or increase the ability to provide adequate services.

Staff Analysis: The applications for changes in comprehensive plan designation and zoning have been reviewed by Valley Regional Fire Agency and the City Utilities and Traffic divisions. Based on these reviews, the changes would not adversely affect the provision of services. The proposed Comprehensive Plan map change by itself, if approved will not affect the ability to

provide adequate services. As typical with development in the City, the infrastructure improvements needed to support the development would be the responsibility of the future development. At the time of development, adequate services would be required to be provided concurrent with the development in order for the project to be authorized. As such, it is not anticipated that approval of the request will negatively affect the provision of services. Utility and street frontage improvements, and possibly off-site improvements, would be required to support the development

While three of the four parcels that make up the site are developed with single-family residences, it is the District's plan to remove these and eventually redevelop the site with an elementary school and associated site improvements. Existing services either exists or can be provided to support the Comprehensive Plan Amendment to change the site's map designation from "Residential Conservancy" to "Institutional".

3. Criterion #3 – ACC 14.22.110(A)(3) The assumptions on which the comprehensive plan is based are found to be invalid.

Staff Analysis: *While the policies of the Comprehensive Plan are not invalid, the current map designation of the site as "Residential Conservancy" would not be consistent with a future rezone to the "I, Institutional" zoning needed to allow for an elementary school to be built on the site. Auburn School District acquired or is in the process of acquiring the parcels that make up the site with the intent of developing them with a new elementary school.*

4. Criterion #4 – ACC 14.22.110(A)(4) There has been a change or lack of change in conditions or circumstances has occurred since the adoption of the latest amendment to the comprehensive plan that dictates the need for a proposed amendment.

Staff Analysis: *There has been a change in conditions that generates the need for the map change. According to the Applicant, Auburn School District has been searching for a viable site in this general area to construct an elementary school for several years with difficulty. Based on the need for an elementary school to serve the increase in new housing surrounding the area and to maintain class size requirements, it is apparent that conditions have changed which would warrant the Comprehensive Plan amendment to "Institutional".*

5. Criterion #5 – ACC 14.22.110(A)(5) The change must be determined to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of the relevant county and "Vision 2040: Growth and Transportation Strategy for the Puget Sound Region".

Staff Analysis: *The change if approved would continue to be consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies of King County and "Vision 2040: Growth and Transportation Strategy for the Puget Sound Region". The proposal is consistent because it provides land suitable for institutional development which will directly provide services (educational) to the immediate community within an urban area.*

6. Criterion #6 – ACC 14.22.110(A)(6) As applies only to changes of the mapped land use designation of a specific property, 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.

Staff Analysis: According to the Applicant, Auburn School District has been searching and investigating property in this area for several years. No error or oversight in the Comprehensive Plan designation exists because when the last Comprehensive Plan was updated, the subject parcels were not identified as a school site by the School District and the designation had been in place for many years. The change is the school district

Further, if approved the designation will be compatible with the adjacent “Single Family Residential” to the west and south since the intensity of an elementary school is commonly located proximate to single family residential neighborhoods. Further, the site contains steeply sloping topography along its norther and eastern boundaries and a large wetland along its westerly boundary, all acting as buffers from nearby single-family development. Such conditions directly tied to Comprehensive Plan Policy LU-103. Elementary schools are most often located in single-family neighborhoods, as they serve a smaller immediate area than schools for upper grades. Also, if approved, the designation would be compatible with the “Residential Conservancy” designation located to the east, since this is separated by the minor arterial street of Kersey WY SE and steep transitions in ground surface elevation. In fact, these four parcels are an “island” of “Residential Conservancy” designation located on the west side of Kersey WY SE. The change would eliminate this “island”. As such, the proposal meets items b and c.

REZONE RELATED – CONCLUSIONS:

The Applicant has requested a rezone from “RC, Residential Conservancy” to “I, Institutional”. Per ACC 18.68.030(B)(1)(b) if the rezone request also requires changes to the Comprehensive Plan, the Planning Commission shall hold a public hearing and make a recommendation to the City Council. Chapter 18.68 ACC contains the intent and process for zoning code amendments, in this case a site-specific zoning map amendment has been requested. Auburn City Code does not contain any specific rezone criteria for City Staff to review; however, Case Law offers some rezone criteria (“A Little Bit Pregnant: The Multi-Personalities of Site Specific Rezones - Or - A Cheat Sheet for Everything You Need to Know about Site-Specific Rezones”, by Phil Olbrechts on mrsc.org, April 1, 2013) as follows:

“...require that the proponents of a rezone must establish that conditions have substantially changed since the original adoption and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. If a rezone implements the comprehensive plan, a showing that a change of circumstances has occurred is not required.”

With the change in City procedures by Ordinance No. 6655 to allow concurrent recommendations by the Planning Commission on both the Comprehensive plan and zoning map changes, the recommendations on each should be consistent and therefore does not need to show a change in circumstances has occurred.

The requested rezone bears a substantial relationship to the public health, safety, morals and welfare. Adequate public facilities such as water, sewer, and electricity, are capable of being provided for the parcels upon future development and would therefore not be detrimental to public health. The rezone itself is not anticipated to allow any uses or acts that would pose any detrimental effects on the morals or welfare of the public. No impacts to public safety outside of normal development are anticipated.

PLANNING COMMISSION RECOMMENDATION

Planning Commission **recommended approval** of the Auburn School District No. 408 (CPA18-0004) request for a Comprehensive Plan Map Amendment to change the map designation of four parcels, Parcel Nos. 3221059058, 3221059057, 3221059056, & 3221059016 from “Residential Conservancy” to “Institutional” and to rezone the four parcels from “RC, Residential Conservancy” to “I Institutional” zoning district.

EXHIBIT LIST: (CPA18-0004 & REZ18-0004)

(For Exhibits please refer to the 6th section (blue divider page) behind the “Comp Plan Map Amendments” tab in the working binder)

Exhibit 1	Staff Report (CPA18-0004 & REZ18-0004)
Exhibit 2	Comprehensive Plan Map Amendment - Proposed Change
Exhibit 3	Zoning Map Amendment - Proposed Change
Exhibit 4	Completed Comprehensive Plan Amendment Application Form
Exhibit 5	Completed Rezone Application Form
Exhibit 6	Applicant's Narrative Statement
Exhibit 7	Public Comments Received
Exhibit 8	City Response to Public Comments
Exhibit 9	SEPA Environmental Checklist
Exhibit 10	Traffic Impact Analysis, PH Consulting, LLC, September 25, 2017
Exhibit 11	Combined Notice of Application and Determination of Non-Significance SEP18-0013
Exhibit 12	Dept. of Commerce 60-Day Acknowledgement Letter
Exhibit 13	Notice of Public Hearing
Exhibit 14	Affidavits of Publication, Mailing, and Posting

ORDINANCE NO. 6 6 9 8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, RELATING TO PLANNING;
ADOPTING 2018 ANNUAL COMPREHENSIVE PLAN MAP
AND TEXT AMENDMENTS PURSUANT TO THE
PROVISIONS OF RCW CHAPTER 36.70A AND ADOPTING
CORRESPONDING REZONES RELATED TO CERTAIN MAP
AMENDMENTS

WHEREAS, since 1986 the City of Auburn has maintained a Comprehensive Plan, periodically updated and reaffirmed by the City Council, that includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan by Ordinance No. 6584; and

WHEREAS, in May 2018 the City of Auburn published in the *Seattle Times Newspaper* an advertisement that the City was accepting comprehensive plan amendment applications and established a deadline for submittal of June 8, 2018; and

WHEREAS, the City of Auburn received and processed three private-initiated map amendments for the year 2018 annual amendments; (Labrador Ventures LLC as CPA18-0001, Auburn School District as CPA18-0003, and Auburn School District as CPA 18-0004); and

WHEREAS, the City of Auburn initiated three map amendments (File No. CPA18-0002) and nine policy/text amendments (File No. CPA18-0002); and

WHEREAS, none of the City-initiated map amendments and all three of the private initiated map amendments have an associated rezone (zoning map amendment) to maintain consistency with the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan text/policy amendments and map amendments were processed by the Community Development Department as proposed Year 2018 annual amendments to the City of Auburn Comprehensive Plan; and

WHEREAS, the Growth Management Act, RCW 36.70A, requires the City to maintain a current Capital Facilities Plan; and

WHEREAS, the environmental impacts of the proposed Year 2018 Comprehensive Plan amendments and rezones were considered in accordance with procedures of the State Environmental Policy Act (File No. SEP18-0010 (city-initiated amendments), SEP18-0008 (Labrador Ventures LLC, private-initiated amendment), SEP18-0012 (Auburn School District Pioneer Elementary private-initiated amendment), and SEP18-0013 (Auburn School District Kersey WY SE private-initiated amendment) and were determined to have no environmental significance; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce, Growth Management Services Division, and other State agencies for the 60-day review period in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of the hearings, the Auburn Planning Commission on November 7, 2018, conducted public hearings on the proposed amendments heard and considered the public testimony, viewed the evidence and exhibits presented to it, and made recommendations to the City Council on the proposed Year 2018 annual Comprehensive Plan map and text amendments and for certain amendments, on the associated rezones; and

WHEREAS, on December 10, 2018, the Auburn City Council reviewed the Planning Commission's recommendations, and on December 17, 2017 considered the proposed Comprehensive Plan amendments and rezones.

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

Section 1. Application CPA18-0001 & REZ18-0002, Labrador Ventures LLC Comprehensive Plan Map Amendment, requesting a land use designation change from "Single Family Residential" with a "Residential Transition Overlay" to "Multiple family Residential" and a rezone (zoning map amendment) from "R-7, Residential 7 Dwelling Units Per Acre" to "R-20, Residential 20 Dwelling Units Per Acre" for three parcels totaling approximately 1.89 acres, identified by King County parcel numbers: 000420-0010, 000420-0027, and 000420-0028 is approved, the Comprehensive Plan Map and Zoning Map are amended as set forth in Exhibit "A," and the findings and conclusions outlined in the November 28, 2018 staff report to the City Council, as set forth in Exhibit "B" are adopted.

Section 2. Application CPA18-0003 & REZ18-0003, Auburn School District, Pioneer Elementary School Site Comprehensive Plan Map Amendment, requesting a land use designation change from "Single-Family" to "Institutional" and a rezone (zoning map amendment) from "R-7 Residential – Seven Dwelling Units per Acre" to "P-1 Public Use District" for two parcels totaling approximately 0.9 acres, identified by King County parcel numbers: 1921059282 & 1921059190 is approved, as set forth in Exhibit "C," and the findings and conclusions outlined in the November 28, 2018 staff report to the Council, as set forth in Exhibit "B," are adopted.

Section 3. Application CPA18-0004 & REZ18-0004, Auburn School District, Kersey Way SE Site Comprehensive Plan Map Amendment, requesting a land use designation change from “Residential Conservancy” to “Institutional” and a rezone (zoning map amendment) from “RC, Residential Conservancy” to “I, Institutional Zone” for four parcels totaling approximately 22.08 acres, identified by King County parcel numbers: 3221059058, 3221059057, 3221059056, & 3221059016 is approved, as set forth in Exhibit “D,” and the findings and conclusions outlined in the November 28, 2018 staff report to Council, as set forth in Exhibit “B”, are adopted.

Section 4. The 2018 Comprehensive Plan city-initiated Map Amendments (CPA18-0002) are approved, as set forth in Exhibit “E,” and the findings and conclusions contained in the November 28, 2018 staff report to Council, as set forth in Exhibit B, are adopted.

Section 5. The 2018 annual Comprehensive Plan city-initiated Text Amendments (CPA18-0002), as set forth in Exhibit "F," are approved. The full text of the Capital Facilities Plan of the City and the four school district’s Capital Facilities Plans are adopted, copies of which shall be on file with the Office of the City Clerk, and the Findings and Conclusions outlined in the November 28, 2018 staff report to Council, as set forth in Exhibit "B", are adopted.

Section 6. The adopted Comprehensive Plan as amended is designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act by the City’s responsible environmental official in accordance with RCW. 43.21C.060.

Section 7. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation to include incorporating into one document the adopted Comprehensive Plan map and text amendments, attached as Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E," and Exhibit "F" when preparing and publishing the amended Comprehensive Plan.

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 9. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

Nancy Backus
MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____

Exhibit "A"

Colored Map as an excerpt of the City's Comprehensive Plan Map showing a change from "Single Family Residential" with the "Residential Transition Overlay" to "Multiple Family Residential" for three parcels totaling approximately 1.89 acres, identified by parcel numbers: 000420-0010, 000420-0027, & 000420-0028 for Labrador Ventures LLC. (CPA18-0001)

Colored Map as an excerpt of the City's Zoning Map showing a change from "R-7, Residential 7 dwelling units per acre" to "R-20, 20 Dwelling Units Per Acre" for three parcels totaling approximately 1.89 acres, identified by parcel numbers: 000420-0010, 000420-0027, & 000420-0028 for Labrador Ventures LLC. (REZ18-0002)

(Please see "Comp. Plan Map Amendments CPA18-0001" tab in the working binder).

Exhibit "B"

See Staff Report dated December 11, 2018 transmitted to the City Council for the Regular Meeting on December 17, 2018.

Exhibit "C"

Colored Map as an excerpt of the City's Comprehensive Plan Map showing a change from "Single Family Residential" to "Institutional" for two parcels totaling approximately 0.9 acres, identified by parcel numbers: 192105-9190 & 192105-9282 for the Auburn School District Pioneer Elementary School Site (CPA18-0003)

Colored Map as an excerpt of the City's Zoning Map showing a change from "R-7, Residential 7 dwelling units per acre" to "P-1, Public Use" for two parcels totaling approximately 0.9 acres, identified by parcel numbers: 192105-9190 & 192105-9282 for the Auburn School District Pioneer Elementary School Site (REZ18-0003)

(Please see "Comp. Plan Map Amendments CPA18-0003" tab in the working binder).

Exhibit "D"

Colored Map as an excerpt of the City's Comprehensive Plan Map showing a change from "Residential Conservancy" to "Institutional" for four parcels totaling approximately 22.08 acres, identified by parcel numbers: 322105-9016, 322105--9056, 322105-9057, & 322105-9058 for the Auburn School District Kersey Way SE Site (CPA18-0005)

Colored Map as an excerpt of the City's Zoning Map showing a change from "RC, Residential Conservancy" to "I, Institutional" "R-7, Residential 7 dwelling units per acre" to "P-1, Public Use" for four parcels totaling approximately 22.08 acres, identified by parcel numbers: 322105-9016, 322105--9056, 322105-9057, & 322105-9058 for the Auburn School District Kersey Way SE Site (REZ18-0004)

(Please see "Comp. Plan Map Amendments CPA18-0004" tab in the working binder).

Exhibit "E"

CPM #1 - Change the Comprehensive Plan Map, "Designated Areas, Map # 1.3" to remove "Environmental Park" Designated Area, since the area was rezoned in 2017 to M-1, Light Industrial and thus is not distinguished from other areas.

CPM #2 - Add back the Historic Resource Inventory Map from former Chapter 10, Historic Preservation Chapter, from the pre-2015 Comprehensive Plan as a re-numbered Map 8.1.

CPM #3 - Amend Comprehensive Plan Map to remove the mapped designation of "Residential Transition Overlay".

(See "Comp. Plan Map Amendments" tab in the working binder)

Exhibit "F"

Annual Comprehensive Plan Map (CPM) Amendments (CPA18-0002 – City Initiated)

P/T #1 – Incorporate Auburn School District Capital Facilities Plan

P/T #2 – Incorporate Dieringer School District Capital Facilities Plan

P/T #3 – Incorporate Federal Way School District Capital Facilities Plan

P/T #4 – Incorporate Kent School District Capital Facilities Plan

P/T #5 – Incorporate City of Auburn Capital Facilities Plan

P/T #6 - Modify text at the end of Volume 1, "Land Use Element" to clarify and distinguish between the various subcategories of "Special Planning Areas" that are already described in the Plan. Bring back some missing explanation from previous pre-2015 Comprehensive Plan to aid in describing the purpose and actions associated with each subcategory. The changes are shown in strike through and underline. Also, change Map No. 1.3 to correspond. See the related Map amendment CPM #1.

P/T #7 - Amend text of Volume 6, Economic Development Element of Comprehensive Plan and the Comprehensive Plan's "Core Plan" (headline chapter) and specifically the Economic Development Vision Statement discussion to reflect preparation of the City of Auburn Ten-Year Economic Development Strategic Plan (TEDSP). Also, amend and the Appendices to include the document as one of the background documents to the Plan. The changes are shown in strike through and underline.

P/T #8 - Amend text and policies of Comprehensive Plan to add back the contents of the former Chapter 10, "Historical Preservation" from pre-2015 Comprehensive Plan as a new Chapter 8, with some minor revisions. Also, add a corresponding section to the "Core Plan" to maintain formatting, add a map of designated landmarks, as before and amend the Appendices to reflect the map addition. See related Map amendment CPM #2. The text changes are shown in strike through & underline.

P/T #9 - Modify text of Volume 1, "Land Use Element" of the Comprehensive Plan to remove the mapped designation of "Residential Transition Overlay" from the Comprehensive Plan Map. The text requires modification to eliminate references to the map location. See related Map amendment CPM #3.

(See "Comp. Plan Policy/Text Amendments" tab in the working binder)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6699 (Tate)

Department:

Community Development

Attachments:

[Attachment 1 - Agenda Bill](#)

[Attachment 2 - Ordinance No. 6699](#)

[Attachment 3 - Table Comparison 2019 rates](#)

Date:

December 11, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6699

Background Summary:

Please see the attached agenda bill.

Reviewed by Council Committees:

Other: Legal, Planning

Councilmember:**Staff:**

Tate

Meeting Date: December 17, 2018

Item Number:

ORD.B



AGENDA BILL APPROVAL FORM

Agenda Subject: ZOA18-0003; Ordinance No. 6699 to revise school district impact fees for effective year 2019		Date: December 11, 2018
Department: Department of Community Development	Attachments: Ordinance No. 6699 Table Comparison of Impact Fees as indicated in each School District Capital Facilities Plan (CFP)	Budget Impact: (none)
Administrative Recommendation: City Council to introduce and adopt Ordinance No. 6699 to revise school impact fees for 2019.		
Background Summary: Title 19 (Impact Fees) of the Auburn City Code contains standards and regulations pertaining to the collection of impact fees in the City of Auburn. Impact fees are authorized by state law. Specifically, Chapter 19.02 (School Impact Fees) addresses the establishment, calculation, collection and amendment of school impact fees within the municipal boundaries of the City of Auburn. The city originally established school impact fees in 1998 by Ordinance No. 5078. Portions of four school districts occur within the City limits. Pursuant to Code Section 19.02.060 (Annual Council Review) of the Auburn City Code, on at least an annual basis, the Auburn City Council shall review the information submitted by the Districts pursuant to ACC 19.02.050. The review shall be in conjunction with any update of the capital facilities plan element of the city's comprehensive plan. The City Council may also at this time determine if an adjustment to the amount of the impact fees is necessary. The City of Auburn Annual Comprehensive Plan Amendment process for 2018 included requests for City approval of the Capital Facilities Plans of the four districts as follows: * 2018 - 2024 Auburn School District Capital Facilities Plan; * 2019-2024 Dieringer School District Capital Facilities Plan; * 2019 Federal Way School District Capital Facilities Plan; and * 2018-2019 through 2023-2024 Kent School District Capital Facilities Plan. These requests were submitted in accordance with the provisions of Section 19.02.050 (Submission of District Capital Facilities Plan and Data) of the Auburn City Code. The School Districts' Capital Facilities Plans are contained in the working notebooks (three-ring binders) for the 2018 Annual Comprehensive Plan Amendments, distributed to the City Council prior to the 12-10-18 study session.		
Councilmember: DaCorsi		

Definition

The city's code section 19.02 contains the city's regulations governing school impact fees. It provides the following definition:

"Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve new growth and development that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the school facilities, and that is used for such facilities that reasonably benefit the new development.

Related Authority

Other key points of the city's regulations include:

- ❖ RCW 82.02.050 - .110 and WAC 365-196-850 authorize cities (towns & counties) planning under the Growth Management Act (GMA) to impose impact fees.
- ❖ The impact fee shall be based on a capital facilities plan adopted by the school district and incorporated by reference by the city as part of the capital facilities element of the city's comprehensive plan, adopted pursuant to Chapter 36.70A RCW, for the purpose of establishing the fee program.
- ❖ Separate fees shall be calculated for single-family and multifamily types of dwelling units, and separate student generation rates must be determined by the district for each type of dwelling unit.
- ❖ The fee shall be calculated on a district-wide basis using the appropriate factors and data supplied by the district. The fee calculations shall also be made on a district-wide basis to assure maximum utilization of all available school facilities in the district which meet district standards.
- ❖ As a condition of the city's authorization and adoption of a school impact fee ordinance, the city and the applicable district shall enter into an interlocal agreement governing the operation of the school impact fee program, and describing the relationship and liabilities of the parties. The agreement must provide that the district shall hold the city harmless for all damages.
- ❖ On an annual basis (by July 1st or on a date agreed to by district and the city and stipulated in the interlocal agreement), any district for which the city is collecting impact fees shall submit the Capital facilities plan and supporting information to the city.
- ❖ Applicants for single-family and multifamily residential building permits shall pay the total amount of the impact fees assessed before the building permit is issued, using the impact fee schedules in effect, unless the fee has been deferred pursuant to City Ordinance No. 6341.
- ❖ The impact fee calculation shall be based upon the formula set forth in ACC 19.02.110, "Impact fee formula". The formula is the city's determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020. Based on this formula, the "Fee Obligation" is the "Total Unfunded Need" x 50% = Fee Calculation.

The Capital Facilities Plans that were approved by each of the school boards contain proposed school impact fees for each of the Districts. The requests for adjustment of the school impact fees are required to be submitted concurrent with the submittal of the Capital Facilities Plans. Under City regulations a separate letter request is only required to be submitted to the city when the fee adjustment is requesting an increase.

Council Review and Decision

The establishment of the actual fee amount occurs through separate Council action amending Chapter 19.02 of the Auburn City Code. Section 19.02.060, (Annual Council Review) specifies the following:

"On at least an annual basis, the city council shall review the information submitted by the district pursuant to ACC 19.02.050. The review shall be in conjunction with any update of the capital facilities plan element of the city's comprehensive plan. The city council may also at this time determine if an adjustment to the amount of the impact fees is necessary; provided, that any school impact fee adjustment that would increase the school impact fee shall require the submittal of a written request for the adjustment by the applicable school district concurrent with the submittal of the annual capital facilities plan pursuant to ACC 19.02.050. In making its decision to adjust impact fees, the city council will take into consideration the quality and completeness of the information provided in the applicable school district capital facilities plan and may decide to enact a fee less than the amount supported by the capital facilities plan."

This Section provides the Auburn City Council is not obligated to accept the fees proposed by the School Districts within their submitted Capital Facilities Plans and may establish fees that the Council determines are more appropriate and consistent with the public's interest in reasonably mitigating school impacts within the affected portion of the City.

Recommendation (Contained in draft Ordinance No. 6699)

Auburn School District:

The Auburn School District indicated by letter submitted with their Capital Facilities Plan, that they are requesting an increase in school impact fees for the year 2019. The year 2019 fees for single-family dwellings is proposed to be \$5,715.68, an increase of \$2,393.82 and the requested fee for multiple-family dwellings is \$4,488.43, an increase of \$2,407.14.

Dieringer School District:

The Dieringer School District is not requesting an increase for year 2019. The year 2019 fees for single-family dwellings is proposed to be \$3,216.00, a decrease of \$269.00 and the requested fee for multiple family dwellings is \$450.00; a decrease of \$631.00.

Historically, the City has established fee rates for the Dieringer School district that is the same as the fee implemented in Pierce County's fee since it is more appropriate and consistent with the public's interest in reasonably mitigating school impacts within the affected portion of the City. Both, the school district fee calculations do not exceed the maximum fee obligation obligations established by Pierce County Ordinance by No. 2018-88s adopted November 13 2018; effective January 1, 2019. So no adjustment by the City of Auburn is necessary for the fee to be consistent with Pierce County. The Dieringer School District is the only school district common to both the jurisdictions of the City of Auburn and Pierce County.

Federal Way School District:

The Federal Way School District indicated by letter submitted with their Capital Facilities Plan that they are requesting an increase in school impact fees for year 2019. The year 2019 fees for single-family dwellings is proposed to be \$7,221.00, representing an increase of \$379.00 and the requested fee for multi-family dwellings is \$19,454.00, a decrease of \$632.00.

According to communication leading to last year's fee changes from Tanya Nascimento, Student & Demographic Forecaster, Federal Way Public Schools, there are several factors which have driven the impact fees to increase quite significantly in the preceding year. One factor is the steady increase in observed multiple-family student generation rates. In 2015, the first of three multi-family developments was opened and fully occupied in the City of Federal Way. The second was opened

and occupied in late 2016 and the third was opened in fully occupied this summer. The first two developments have been included in the generation rate calculation for last year's plan. The specific generation rates can be found on Page 34. These multiple-family complexes are generating more than one student per unit, which is significantly higher than past developments within the school district.

In addition to the high student generation rates, the district completed work with its Facilities Planning Committee which determined a need for additional capacity at a number of schools. As a result of this work, Phase II of the District's plan was the subject of a voter approved capital bond. The facilities impacted during Phase II can be found on Page 7 of the Capital Facilities Plan. It is important to note that not all projects within Phase II will create additional capacity. Only costs associated with project increasing needed capacity are used in the formula for calculating Impact Fees. The specific cost calculations are outlined on Page 32 of the Capital Facilities Plan.

Kent School District

The Kent School District indicated by letter submitted with their Capital Facilities Plan that they are requesting an increase in school impact fees for year 2019. The year 2019 fees for single-family dwellings is proposed to be \$5,397.00, representing an increase of \$162.00 and the requested fee for multi-family dwellings is \$2,279.00, an increase of \$12.00.

Scheduling of Actions

City Council action on Ordinance No. 6699 is scheduled for December 17, 2018.

ORDINANCE NO. 6 6 9 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON AMENDING SECTIONS
19.02.115, 19.02.120, 19.02.130 AND 19.02.140 OF THE
AUBURN CITY CODE RELATING TO SCHOOL IMPACT
FEES

WHEREAS, the City of Auburn has adopted a school impact fee ordinance and collects school impact fees on behalf of certain school districts located or located in part within the City of Auburn; and

WHEREAS, the Auburn School District, Dieringer School District, Federal Way School District, and the Kent School District, each being located in part within the City of Auburn, have provided the City of Auburn with updated capital facilities plans to be considered during the City's 2018 annual comprehensive plan amendment process that addresses among other things, the appropriate school impact fee for single family residential dwellings and multi- family residential dwellings for each district; and

WHEREAS, the Auburn School District issued a Determination of Non-Significance for the 2018 - 2024 Auburn School District Capital Facilities Plan June 11, 2018; the Dieringer School District issued a Determination of Non- Significance for the 2019-2024 Dieringer School District Capital Facilities Plan June 18, 2018; the Federal Way School District issued a Determination of Non-Significance for the 2019 Federal Way School District Capital Facilities Plan July 24, 2018; and the Kent School District issued a Determination of Non-Significance for the 2018-2019 through 2023-2024 Kent School District Capital Facilities Plan June 27, 2018; and

WHEREAS the City of Auburn issued a Determination of Non-Significance (DNS)

on September 19, 2018 for the City of Auburn Year 2018 city-initiated comprehensive plan map and text amendments (File No. SEP18-0010), and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of hearing, the Auburn Planning Commission on November 7, 2018 conducted public hearings on the proposed Auburn School District 2018-2024 Capital Facilities Plan, the proposed Dieringer School District 2019-2024 Capital Facilities Plan; the proposed Federal Way School District 2019 Capital Facilities Plan; and for the proposed Kent School District 2018-2019 through 2023-2024 Capital Facilities Plan; and

WHEREAS, following the conclusion of the public hearing on November 7, 2018, and subsequent deliberations, the Auburn Planning Commission, following individual positive motions, made separate recommendations to the Auburn City Council on the approval of the Auburn School District 2018-2024 Capital Facilities Plan, the Dieringer School District 2019-2024 Capital Facilities Plan; the Federal Way School District 2019 Capital Facilities Plan; and for the Kent School District 2018-2019 through 2023-2024 Capital Facilities Plan; and

WHEREAS, the Auburn City Council reviewed the recommendations of the Auburn Planning Commission on the school district capital facilities plans at a regularly scheduled study session on December 10, 2018; and

WHEREAS, the Auburn City Council considered the recommendations of the Auburn Planning Commission on the capital facilities plans at a regularly scheduled meeting on December 17, 2018, and a positive motion approved the Auburn School

District 2018-2024 Capital Facilities Plan, the Dieringer School District 2019-2024 Capital Facilities Plan; the Federal Way School District 2019 Capital Facilities Plan; and for the Kent School District 2018-2019 through 2023-2024 Capital Facilities; and

WHEREAS, on December 10, 2018 the Auburn City Council at a regularly scheduled study session reviewed amendments to Title 19 (Impact Fees) and more specifically, Chapter 19.02 (School Impact Fees) pertaining to school impact fees for single family residential dwelling units and multi-family dwelling units to be applied in the City of Auburn for the Auburn School District; Dieringer School District, Federal Way School District, and the Kent School District; respectively, based on the aforementioned capital facilities plans for each of these districts; and

WHEREAS, the Auburn City Code provides for adjustments to school impact fees based on a review of the capital facilities plans for each of the districts; and

WHEREAS, Section 19.02.060 (Annual Council Review) of the Auburn City Code specifies that the Auburn City Council will in making its decision to adjust impact fees take into consideration the quality and completeness of the information provided in the applicable school district capital facilities plan and may decide to enact a fee less than the amount supported by the capital facilities plan. NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to the City Code. Section 19.02.115 of the Auburn City Code is hereby amended to read as follows.

19.02.115 Impact fee calculation and schedule for the Dieringer School District.

The impact fee calculation and schedule below is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Dieringer School District Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2018~~2019, or the effective date of this ordinance whichever is later, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit ~~\$3,485.00~~\$3,216.00

Per Multifamily Dwelling Unit ~~\$1,081.00~~\$450.00

(Ord. 6668 § 1, Ord. 6627 § 1, 2016; Ord. 6581 § 1, 2016; Ord. 6542 § 1, 2014; Ord. 6488 § 1, 2013; Ord. 6445 § 1, 2012; Ord. 6393 § 1, 2011; Ord. 6341 § 2, 2011; Ord. 6340 § 1, 2010; Ord. 6279 § 1, 2009; Ord. 6214 § 1, 2008; Ord. 6134 § 1, 2007; Ord. 6060 § 1, 2006; Ord. 5950 § 2, 2005.)

Section 2. Amendment to the City Code. Section 19.02.120 of the Auburn City

Code is hereby amended to read as follows.

19.02.120 Impact fee calculation and schedule for the Auburn School District.

The impact fee calculation and schedule is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Auburn School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2018~~2019, or the effective date of this ordinance whichever is later, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit ~~\$3,321.86~~\$5,715.68

Per Multifamily Dwelling Unit ~~\$2,081.29~~\$4,488.43

(Ord. 6668 § 1, Ord. 6627 § 1, 2016; Ord. 6581 § 2, 2016; Ord. 6542 § 2, 2014; Ord. 6488 § 2, 2013; Ord. 6445 § 2, 2012; Ord. 6393 § 2, 2011; Ord. 6341 § 2, 2011; Ord. 6340 § 2, 2010; Ord. 6279 § 2, 2009; Ord. 6214 § 2, 2008; Ord. 6134 § 2, 2007; Ord. 6060 § 2, 2006; Ord. 5950 § 1, 2005; Ord. 5793 § 1, 2003; Ord. 5232 § 1, 1999.)

Section 3. Amendment to the City Code. Section 19.02.130 of the Auburn City

Code is hereby amended as follows.

19.02.130 Impact fee calculation and schedule for the Kent School District.

The impact fee calculation and schedule is based upon a review of the impact fee and calculation for single-family residences and for multifamily residences set forth in the most recent version of the Kent School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2018~~2019, or the effective date of this ordinance whichever is later, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit ~~\$5,235.00~~\$5,397.00

Per Multifamily Dwelling Unit ~~\$2,267.00~~\$2,279.00

(Ord. 6668 § 1, Ord. 6627 § 1, 2016; Ord. 6581 § 3, 2016; Ord. 6542 § 3, 2014; Ord. 6488 § 3, 2013; Ord. 6445 § 3, 2012; Ord. 6393 § 3, 2011; Ord. 6341 § 2, 2011; Ord. 6340 § 3, 2010; Ord. 6279 § 3, 2009; Ord. 6214 § 3, 2008; Ord. 6134 § 3, 2007; Ord. 6060 § 3, 2006; Ord. 5950 § 1, 2005; Ord. 5233 § 1, 1999.)

Section 4. Amendment to the City Code. Section 19.02.140 of the Auburn City

Code is hereby amended to read as follows.

Ordinance No. 6699
December 5, 2018
Page 5 of 7

19.02.140 Impact fee calculation and schedule for the Federal Way School District.

The impact fee calculation and schedule is based upon a review of the impact fee and calculation for single-family residences and for multifamily residences set forth in the most recent version of the Federal Way School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2018~~2019, or the effective date of this ordinance whichever is later, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit ~~\$6,842.00~~\$7,221.00

Per Multifamily Dwelling Unit ~~\$20,086.00~~\$19,454.00

(Ord. 6668 § 1, Ord. 6627 § 1, 2016; Ord. 6581 § 4, 2016; Ord. 6542 § 4, 2014; Ord. 6488 § 4, 2013; Ord. 6445 § 4, 2012; Ord. 6393 § 4, 2011; Ord. 6341 § 2, 2011; Ord. 6340 § 4, 2010; Ord. 6279 § 4, 2009; Ord. 6214 § 4, 2008; Ord. 6134 § 4, 2007; Ord. 6060 § 4, 2006; Ord. 6042 § 1, 2006.)

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

Section 6. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or

circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, Mayor

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____

School Impact Fee Proposal (Effective Year 2019)

School District	Multiple Family				Single Family			
	Past 2018 fee, Per ACC 19.02	CFP says:	Requested Amount	Change?	Past 2018 fee, Per ACC 19.02	CFP says:	Requested Amount	Change?
Auburn	\$2,081.29	\$4,488.43 Page 29	\$4,488.43	Increase of \$2,407.14	\$3,321.86	\$5,715.68 Page 29	\$5,715.68	Increase of \$2,393.82
Dieringer	\$1,081.00	\$450.00 Page 14	\$450.00	Decrease of \$631.00	\$3,485.00	\$3,216.00 Page 16	\$3,216.00	Decrease of \$269.00
Federal Way	\$20,086.00	\$19,454.00 Page 30	\$19,454.00	Decrease of \$632.00	\$6,842.00	\$7,221.00 Page 30	\$7,221.00	Increase of \$379.00
Kent	\$2,267.00	\$2,279.00 Page 32 & 34	\$2,279.00	Increase of \$12.00	\$5,235.00	\$5,397.00 Page 31 & 34	\$5,397.00	Increase of \$162.00

CFP = Capital Facilities Plan
ACC = Auburn City Code



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6707 (Gaub)

Department:

Public Works

Attachments:

[Ordinance No. 6707](#)

Date:

December 4, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council introduce and adopt Ordinance No. 6707.

Background Summary:

The effect of Ordinance No. 6707 is the establishment of regulations and local requirements for the location, construction, and modification of small wireless facilities within the City rights-of-way to be in conformance with recent federal rulings.

The FCC recently adopted its Declaratory Ruling and Third Report and Order concerning processing of applications by local governments for the deployments of small wireless facilities. In order to stay compliant with current federal regulations and effectively manage the use of the City's rights-of-way, the attached draft Ordinance No. 6707 and Exhibit A add a new City Code Chapter 20.14.

As telecommunications companies, operators and providers expand and upgrade their networks and provide services to their customers they seek to deploy and place their facilities such as small wireless antennas in the City's rights-of-way and potential on City facilities. The proposed City Code sets forth the process and requirements for those entities to obtain approval of specific installations in the rights-of-way.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: December 17, 2018

Staff:

Item Number:

Gaub

ORD.C

ORDINANCE NO. 6 7 0 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO TELECOMMUNICATIONS INFRASTRUCTURE, AND ADOPTING NEW CHAPTER 20.14, SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the Federal Communications Commission (“FCC”) and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “1996 Act”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, in September of 2018, the FCC adopted its Declaratory Ruling and Third Report and Order, concerning processing of applications by local governments for the deployments of small wireless facilities; and

WHEREAS, the City is adopting regulations establishing local requirements for the location, construction, and modification of small wireless facilities within the City rights-of-way and;

WHEREAS, the City wishes to manage the use of the Right of Way; and

WHEREAS, the City Council finds that the proposed regulations are reasonable, necessary, and in the public interest;

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

Section 1. Adoption of New City Code Chapter 20.14. Auburn City Code Chapter 20.14, Small Wireless Facilities in the Public Right of Way is adopted as shown in Exhibit A.

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

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____

Ordinance No. 6707
December 3, 2018
Page 3 of 9

Exhibit A

Chapter 20.14

SMALL WIRELESS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY

Sections:

- 20.14.010 Overview.**
- 20.14.020 Application for small wireless facilities permits.**
- 20.14.030 Implementation – Small wireless facilities permits.**
- 20.14.040 Small wireless facility permit review process.**
- 20.14.050 Deviations.**
- 20.14.060 Small wireless facility approvals and processes.**
- 20.14.070 Additional review procedures.**
- 20.14.080 Compliance with federal processing limitations.**
- 20.14.090 Design Standards.**
- 20.14.100 Non-interference.**
- 20.14.110 Facility Removal.**

20.14.010 Overview.

A. Service providers or any other persons or entities who seek to use the public right-of-way for small wireless facilities deployment to provide personal wireless service, data transmission, or other related services, must have a valid franchise under Chapter 20.06 ACC to use the right-of-way and a small wireless facility permit to deploy that technology at each proposed location. Entities with franchises who wish to use a small wireless facility deployment to upgrade or expand their existing services, will use the processes set forth in this chapter to obtain approval of specific installations. An entity without a franchise will apply for a franchise as well as a small wireless facility permit for its initial deployment, and the applications will be processed concurrently.

B. Nothing in this chapter revises or diminishes the rights and obligations of an existing franchise.

C. Small wireless facilities deployment elements that require SEPA review may use these processes only in conjunction with SEPA review.

D. For purposes of this chapter, “small wireless facilities” are defined as facilities that meet the following conditions:

1. The facilities:

i. are mounted on structures 50 feet or less in height, including their antennas as defined in 47 CFR 1.1320(d), or

ii. are mounted on structures no more than 10 percent taller than other adjacent structures, or
iii. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and

2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR 1.1320(d)) is no more than three cubic feet in volume; and

3. All other wireless equipment associated with the structure, (including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure), is no more than 28 cubic feet in volume; and

4. The facilities do not require antenna structure registration under Code of Federal Regulations, Title 47, Part 17; and

5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 Code of Federal Regulations 1.1307(b); and

7. The facilities are currently located or are proposed to be located within the public right-of-way. For facilities currently located or proposed to be located on private property, please see ACC Chapter 18.31. For facilities currently located or proposed to be located on public property or facilities, please see ACC Chapter 20.08.

20.14.020 Application for small wireless facilities permits.

For locations in the public right-of-way, the Director of Public Works ("Director") is charged with administration of small wireless facilities deployments and other small wireless facilities permit review processes for use of public right-of-way established under this Chapter.

Unless previously provided with an application for a franchise, the following information will be provided by all applicants seeking to use small wireless facilities deployment:

A. Specific locational information, including GIS coordinates of all proposed facilities, and

B. Specific design information and plans, addressing poles or other support structures, attachments, conduit, and any ground-mounted equipment, and

C. A narrative addressing how the proposed plans are consistent with the franchise exhibit(s), if applicable, or otherwise meet the design requirements of this chapter, and otherwise as required within the ACC, and

D. A concealment plan demonstrating how the proposed small wireless facilities comply with the City of Auburn Engineering Design Standards, and

E. Provision of proof of Federal Communications Commission and other regulatory approvals required to provide the service(s) or use the technologies sought to be installed, and

F. Provision of proof that the proposed facilities will not interfere with the City's automated meter (AMI), telemetry (SCADA), automated light meter facilities, or other City communication facilities, and

G. Provision of proof from pole or structure owners that the additional load of small wireless facilities can be accommodated by the poles or structures or if the City is the pole or structure owner, proof of compliance with ACC Chapter 20.08, and

H. Any other information determined by the Director to be necessary for processing the application.

Permits issued under this Chapter will not supplant any other permits required under federal or state law, or the Auburn City Code, including but not limited to, ACC Chapter 12.24 and 13.32 A.

20.14.030 Implementation – Small wireless facilities permits.

The rights granted under a franchise are implemented through the issuance of small wireless facilities permits. The franchise application, required under Chapter 20.06 ACC, may be accompanied by one or more applications for a small wireless facilities permit to deploy small wireless facilities. An initial franchise and any related small wireless facilities permit applications will be processed concurrently.

A. Up to five (5) sites may be specified in one small wireless facilities permit application for processing.

B. Issuance of a small wireless facilities permit to install small wireless facilities will be contingent upon approval of a franchise under Chapter 20.06 ACC, or the possession of a valid franchise.

C. Any element of a deployment that qualifies as an eligible facilities request under 47 Code of Federal Regulations Section 1.40001 will be specifically designated by the applicant and may be addressed separately by the Director in order to comply with the shot clocks established by federal law.

D. The Director may approve, deny, or conditionally approve all or any portion of the sites proposed in a small wireless facilities permit application. Any denial of an application under this Chapter must be made in writing and be supported by substantial evidence.

E. Any application for a small wireless facilities permit that contains an element that is not exempt from SEPA review, will simultaneously submit a SEPA Environmental Checklist under Chapter 43.21C RCW and Chapter 16.06 ACC.

F. The City recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of electromagnetic radio frequency emissions and small wireless facilities that meet Federal Communications Commission standards will not be conditioned or denied on the basis of radio frequency or electromagnetic frequency impacts. Applicants for small wireless facilities will be required to provide the City information on the projected power density of the facility and compliance with the Federal Communications Commission requirements.

20.14.040 Small wireless facility permit review process.

The following provisions relate to applications for a small wireless facility permit:

A. *Federal law.* Review of the site locations proposed by the applicant will be governed by the provisions of 47 U.S.C. § 253 and 47 U.S.C. § 332 and applicable regulations and case law. Applicants will be treated in a competitively neutral and nondiscriminatory manner with other service providers whose facilities are similarly situated in terms of structure, placement, or cumulative impacts. Small wireless facilities permit review under this chapter will neither prohibit nor have the effect of prohibiting the ability of an applicant to provide telecommunications services.

B. *Concealment.* The City will permit small wireless facility deployment on existing or replacement poles or structures conforming to the City's generally applicable pole design standards, the City's Engineering Design and Construction Standards, the concealment element plan approved as part of the small wireless facilities permit(s), and consistent with the relevant franchise exhibit (if applicable). Small wireless facilities may not be expanded unless the expansion does not defeat the facility's required concealment elements.

C. The Director will review applications for small wireless facilities permits for consistency with relevant franchise exhibits and design standards.

D. Small wireless facilities permits to install facilities will be processed within the time frames set by applicable federal regulations.

E. The decision of the Director to approve a small wireless facility permit will be final and is not subject to appeal under city code or further legislative review.

20.14.050 Deviations.

Any request for deviations from the approved small cell facilities design designated in the franchise, or any previously approved small wireless facility permit, will be considered a new small wireless facilities permit request. An applicant seeking approval of a deviation from an approved small wireless facilities permit will apply for a new small wireless facilities permit.

20.14.060 Small wireless facility approvals and processes.

Approval of a small wireless facility permit and/or other approval referenced in this chapter are conditioned on the following requirements:

- A. Satisfy applicable bulk requirements, such as noise and light regulations.
- B. Comply with adopted design and concealment standards as provided by the City's Engineering Design and Construction Standards.
- C. Obtain the written approval of the owner of any pole or structure for the installation of its facilities on such pole or structure. Approval of a franchise under Chapter 20.06 ACC does not authorize attachment to City-owned poles or other structures.
- D. Unless specifically provided for in a franchise, obtain a lease or other applicable authorization from the City to use City owned poles, ground space or infrastructure for the installation of any small wireless facility, or to locate any new ground-based structure, base station, or other attendant equipment on City right-of-way.
- E. Comply with all city construction standards and state and federal codes when operating in the right-of-way and obtain a required permit to enter the right-of-way for construction.

20.14.070 Additional review procedures.

Small wireless facilities in shorelines management zones or environmentally critical areas are subject to review as provided in Chapters 16.08 and/or 16.10 ACC.

20.14.080 Compliance with federal processing limitations.

Review of small wireless facilities permits will comply with the provisions of 47 CFR Part 1, subpart U, if applicable. Applications will be reviewed, completeness determined, and the time frame tolled as provided in this chapter and Chapter 20.06 ACC.

20.14.090 Design Standards.

All small wireless facilities will be constructed or installed according to applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), state and city regulations and standards, including the City of Auburn Engineering Design and Construction Standards.

20.14.100 Non-interference.

Wireless facilities of any kind will not interfere with any emergency, communication, or utility infrastructure systems of the City.

A. If the City notifies service providers that their equipment is potentially interfering with public safety communications equipment, the providers will cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry – public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.

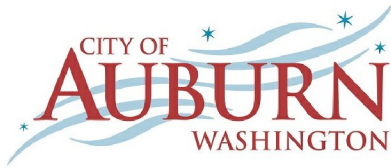
B. If any service provider or facility owner fails to cooperate with the City in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the City communications equipment, the owner who fails to cooperate and/or the owner of the facility or facilities which caused the interference will be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference. For the purposes of this subsection, failure to cooperate will include failure to initiate any response or action as described in the “Best Practices Guide” within 24 hours of the City’s notification.

20.14.110 Facility Removal.

A small wireless facility will be removed:

A. Within 180 days of the date the facility’s use is discontinued, it ceases to be operational, the permit is revoked; or if the facility falls into disrepair and is not maintained, within 90 days of a notice from the City to effect repairs and maintenance to the satisfaction of the City. The owner and/or operator of a facility will notify the City upon the discontinued use of a particular facility; however,

B. If the owner and/or operator fails to remove the facility as required then the facility is a nuisance and subject to appropriate legal proceeding.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6708 (Tate)

Date:

December 11, 2018

Department:

Community Development

Attachments:

[Ordinance No. 6708](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council to adopt Ordinance No. 6708

Background Summary:

This Ordinance will provide Code Compliance Officers additional tools related to the enforcement of the Auburn City Code. If adopted, the effect of the code changes would be to:

- On occasion, a code violation may call for a rapid response or involve uncorrectable damage, where the current tools may cause undue delay or ineffective enforcement. For example, if a code enforcement officer witnesses an individual dumping solid or liquid waste into a wetland the current enforcement procedure requires that the officer first issue a notice to correct and provide between 1 to 15 days to correct the violation. The effect of the code change would be to allow the officer to skip this step and proceed directly to issuance of a citation.
- The Ordinance will also allow Code Compliance Officers to streamline their process pertaining to the issuance of a Notice to Correct, as well as a Notice of Civil Penalty. This new process removes the requirement for certified mailings, which are cumbersome, unnecessary, and produce confusion to the receiving party. The effect of the code change is to change the "method of service" to a process that is consistent with service of criminal citations. Criminal citations can be served using regular post office mailings. By removing the requirement to utilize certified mailing, it saves time and several thousand dollars per year in mailing cost without compromising outcomes.
- In addition, this Ordinance will amend the section of City code that adopts the International Property Maintenance Code under ACC 15.06 and 15.08A. Although the International Property Maintenance Code is a model code, certain provisions within the code require the adopting government to specify measurements, amounts, or dates that it prefers. Without these unspecified figures or dated, the City is unable to enforce certain provisions of the adopted Code.

Ordinance No. 6708 was discussed at December 10, 2018 Study Session and City Council agreed to move forward for action.

Reviewed by Council Committees:

Planning And Community Development Other: Legal

Councilmember:**Staff:**

Tate

Meeting Date: December 17, 2018

Item Number:

ORD.D

ORDINANCE NO. 6708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING NEW SECTIONS 15.20.75 AND 15.20.77 AND AMENDING SECTIONS 1.25.030, 1.25.040, 1.25.065 AND 15.20.030 OF THE AUBURN CITY CODE RELATING TO CODE ENFORCEMENT

WHEREAS, Auburn City Code requires that code enforcement officials first issue a code violator a Notice to Correct Violation prior to issuing an infraction for a violation; and

WHEREAS, because some code violations call for a rapid response or concern damage that is uncorrectable, a Notice to Correct may be superfluous or cause undue delay in enforcement; and

WHEREAS, RCW 7.80.050 requires code enforcement officers to use a different process for citing violators depending upon whether the violation occurs in the official's presence or not; and

WHEREAS, the current requirement that the City send all Notices to Correct and Civil Penalties by both certified mail and regular post is cumbersome, unnecessary, and produces confusion; and

WHEREAS, in 2016, the City Council adopted by reference the International Property Maintenance Code, which is a model code published by the International Code Council; and

WHEREAS, although the International Property Maintenance Code is a model code, certain provisions of the Code require the adopting government to specify measurements, amounts, or dates that it prefers; and

WHEREAS, the City is unable to enforce provisions of the Property Maintenance Code that contain unspecified figures or dates.

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

Section 1. Amendment to City Code. That section 1.25.030 of

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

1.25.030 Notice to correct violation.

A. Authority to Issue.

1. Whenever the code enforcement official or other authorized enforcement official, or his/her designee, determines that a violation is occurring or has occurred, he/she may issue a notice to correct the violation, in a form pursuant to subsection C of this section, to the property owner(s) and/or tenant(s) and/or to any person(s) causing or allowing or participating in the violation.

2. If a notice to correct the violation has been issued, the code enforcement official shall require the violation to be corrected within one to 15 working days from the issuance of the notice to correct. The length of time to correct shall be determined, in the sole discretion of the code enforcement official or other authorized enforcement official, or his/her designee, by the scope of violation, the history of prior violations by the same persons and/or at the same location and method needed to correct violation. All violations, in any event, shall be corrected expeditiously.

B. Receipt of Correction Notice.

1. Upon receipt of notice to correct violation, the violator shall either correct the violation or ask the code enforcement official for a reconsideration of the notice to correct within the time frame set out in subsection (B)(3) of this section.

2. If the violator corrects the violation, the code enforcement official shall close the violation file and notify violator of compliance.

3. The property owner and/or tenant may request reconsideration of the notice to correct violation by the code enforcement official. This request must be made in writing prior to the date on which corrections are to be completed as specified in the notice. The code enforcement official shall respond to the request for reconsideration, if timely received, no later than seven calendar days from the date the request for reconsideration was received. The code enforcement official

may amend the notice (a) to correct the notice, (b) for good cause to allow for a longer time to correct the violation, (c) to amend the scope of violation, or (d) to rescind the notice. A stay of the time allowed for correction shall be in effect from the date that a request for reconsideration was received, if timely received, until the date a response to the request for reconsideration is sent.

4. If the violator corrects the violation pursuant to the reconsideration determination, the code enforcement official shall close the violation file and notify the violator of compliance.

C. Content. The notice to correct violation shall contain the following:

1. The name and address of the property owner and/or tenant and/or other person to whom the notice to correct violation is directed; and

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

3. A description of the violation and a reference to the Auburn City Code or related provision, standard, regulation, procedure or permit which has been violated; and

4. A statement of the action required to be taken to correct the violation as determined by the code enforcement official and a date or time by which correction is to be completed; and

5. A statement that the property owner and/or tenant may request a reconsideration of the notice to correct violation by the code enforcement official and the procedures required for such request; and

6. A statement that the consequences of failing to correct the violation may result in monetary penalties and/or other enforcement requirements; and

7. A statement that the person to whom the notice to correct violation is directed shall inform the code enforcement official of the correction so an inspector can be sent to the violation premises to confirm the correction.

D. Service of Notice. The code enforcement official shall cause the notice to correct violation to be served on the person(s) to whom it is directed by personal service or by mailing a copy of the notice to correct violation ~~both~~ by regular mail ~~and by certified mail~~, postage prepaid, ~~return receipt requested~~, to such person(s) at his/her last known address. If the person's address is unknown, service shall be completed by mailing the notice to the address of the most

recent payer of the property tax for the property, as shown in the county's records, and by posting a copy of the notice to correct violation conspicuously on the affected property or structure. Mailed notices shall be deemed received three (3) business days after the postmark.

E. Extension. Upon written request received prior to the correction date or time, the code enforcement official may extend the date set for correction for good cause. The code enforcement official may consider but is not limited to the consideration of substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause.

F. Repeat Violations. Notwithstanding the above provisions, in the case of a repeat violation, the code enforcement official or other authorized enforcement official, or his/her designee, may issue a notice of infraction regardless of whether a notice to correct violation has been issued. For the purposes hereof, "repeat violation" means that the same person or property has been the subject of one or more notice to correct violation within the preceding 12 months. (Ord. 6615 § 5, 2016; Ord. 5966 § 3, 2006; Ord. 5677 § 2, 2002; Ord. 5246 § 1 (Exh. B), 1999; Ord. 5212 § 1 (Exh. B), 1999; Ord. 4460 § 1, 1991.)

Section 2. Amendment to City Code.

That section 1.25.040 of

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

1.25.040 Notice of infraction.

~~A. Authority to Issue. W~~Notwithstanding the provisions of ACC 1.25.030,
whenever the code enforcement official determines that a violation has
occurred not been corrected pursuant to ACC 1.25.030, he/she shall be
authorized to issue a notice of infraction, ~~on an appropriate form for filing with the~~
~~court of limited jurisdiction authorized to hear cases of the city,~~ to the property
owner(s) and/or tenant(s) and/or to any person(s) causing or allowing or
participating in the violation. If a violation occurs outside the official's presence,
the official shall file, according to the process described in RCW 7.80.050, a
notice of infraction with the court of limited jurisdiction for Auburn for the court to
issue to the person(s). If a violation occurs in the official's presence, the official
may issue the notice of infraction either directly to the person(s) or by filing it with
the court, according to RCW 7.80.050. Once issued, the infraction shall be

~~B. Infraction Process. Once the notice of infraction has been filed with the court~~
~~of limited jurisdiction authorized to hear cases of the city, it shall be sent in the~~
~~normal course to the property owner(s), tenant(s) and/or to other person(s)~~
~~causing or allowing or participating in the violation, and thereafter~~ processed for
court proceedings in accordance with applicable rules and procedures. (Ord.

6429 § 3, 2012; Ord. 5677 § 2, 2002; Ord. 5246 § 1 (Exh. B), 1999; Ord. 5212 § 1 (Exh. B), 1999; Ord. 4460 § 1, 1991.)

Section 3. Amendment to City Code.

That section 1.25.065 of

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

1.25.065 Additional penalty and enforcement provisions

A. Civil Penalty. In addition to any other enforcement actions available to the city, if the code enforcement official determines that a violation has not been corrected pursuant to ACC 1.25.030 within the time specified in the notice to correct violation or recurs within 60 days of remediation of the same violation, he/she is authorized to impose a civil penalty against the property owner on whose property the violation exists, and/or the person in possession of the property, and/or the person otherwise causing or responsible for the violation. The penalty shall be up to \$500.00 for the first day and \$100.00 per day for each additional full day the violation continues. In the event a violation is remediated but recurs within 60 days, the city may impose a penalty that is double that of the above listed penalty amounts. Each day on which a violation or recurrence thereof continues shall constitute a separate violation. If unpaid within 14 calendar days of becoming effective, each penalty shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

B. Notice of Penalty. The penalty shall be imposed by serving a notice of penalty. Service of the notice shall be made upon all persons identified in the notice either personally or by mailing a copy of such order by certified-regular mail, postage prepaid, ~~return receipt requested~~. If an address for mailed service cannot be ascertained, service shall be accomplished by posting a copy of the notice conspicuously on the affected property or structure. The initial penalty shall be effective and the recurring daily penalty shall commence on the date service is effective. Service by certified-regular mail shall be effective five calendar days after the date of postmark, unless U.S. postal records show actual receipt prior to that date. If service is by personal service, service shall be deemed effective immediately. If service is made by posting, service shall be effective on the third day following the day the notice is posted. Recurring penalties shall become effective every 24 hours after midnight of the effective date of the initial penalty, if the violation is not corrected.

The notice shall contain all the information required to be placed in a notice to correct violation, under ACC 1.25.030, and in addition the following:

1. The amount of the initial penalty and the amount of the per day penalty for each day the violation(s) continues, and, if applicable, the conditions on which assessment of such civil penalty is contingent.

2. A statement that the recurring penalty accrues each day automatically, without further notice.

3. The procedure for appealing the penalty, as described in this chapter.

4. That if the penalties are unpaid within 10 days of when they become effective, they shall become a lien on the property that shall be of equal rank with state, county and municipal taxes.

C. Withdrawal. The code enforcement officer may withdraw a notice of penalty if compliance is achieved, as determined by the officer, within 14 calendar days of the service date of the notice. The officer shall not withdraw a notice of penalty if it is the second notice issued by the officer to the same person for the same or similar violation committed within six months.

D. Continued Duty to Correct. Payment of a penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the enforcement officer. Correction of the violation does not relieve a person of the obligation to pay the penalty assessed, unless dismissed, withdrawn, or modified by the hearing examiner or the code enforcement officer.

E. Appeal of Notice of Penalty.

1. An assessed civil penalty may be appealed to the city hearing examiner within 14 calendar days of the penalty's effective date, in the same manner as determinations of the building official are appealed under ACC 15.07.130. After the 14-day period, penalties shall be final and binding. The hearing examiner may grant an extension of time for filing an appeal if the person establishes that he/she did not receive the notice of penalty due to good cause. The burden of proving such good cause circumstances is on the person making the claim.

2. The appeal shall be processed and the hearing conducted according to the provisions of ACC 15.07.130 and the provisions of that section are adopted by reference for the purpose of this chapter. The person appealing may appeal either the determination that a violation exists or the amount of the civil penalty imposed, or both. The person appealing may appeal all penalties that are not final and binding. The hearing examiner has the authority to affirm, dismiss, or modify the civil penalty. The city shall have the burden of proving by a preponderance of the evidence the commission of a violation. If the hearing examiner finds that a violation was not committed at the time the notice of penalty was issued, the examiner shall dismiss all penalties before him/her that were imposed for the alleged violation and the city shall dismiss all additional penalties, whether effective or final, that were imposed for the alleged violation.

3. The civil penalties for a continuing violation shall not continue to accrue pending determination of the appeal; however, the hearing examiner may impose a daily monetary penalty, to a maximum of \$100.00 per day, from the date of service of the notice of penalty if the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance. An appeal does not lift or stay a notice to correct violation.

4. A person is precluded from appealing a penalty if the hearing examiner finds that it has determined in a prior appeal all the issues of fact and law raised by the person appealing.

5. At his/her discretion, the hearing examiner may consolidate appeals of penalties imposed on the same property for the same violations.

F. Cost Recovery and Lien.

1. Any monetary penalty imposed under this chapter constitutes a personal obligation of the person served the notice of penalty. The city attorney is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking of which shall neither stay nor terminate the accrual of additional per-day penalties so long as the violation continues.

2. The city may authorize the use of collection agencies to recover monetary penalties, in which case the cost of the collection process shall be assessed in addition to the monetary penalty.

3. Once civil penalties are effective and due, pursuant to this section, the code enforcement officer may file a lien with the county auditor on the property where the violation exists for the amount of the unpaid civil penalties. The lien shall be of equal rank with state, county and municipal taxes, and shall be in similar form, be filed with the same county office, be enforced and foreclosed in the same manner, and subject to the same exemptions as state law provides for the foreclosure of labor and material liens. The claim of lien shall contain the following:

- a. The authority for imposing a civil penalty;
- b. A brief description of the civil penalty imposed, including the violations charged and the duration thereof;
- c. A legal description of the property to be charged with the lien;
- d. The name of the known or reputed owner; and

e. The amount, including lawful and reasonable costs, for which the lien is claimed. (Ord. 6647 § 2, 2017; Ord. 6615 § 7, 2016; Ord. 6328 § 4, 2010.)

Section 4. Amendment to City Code.

That section 15.20.030 of

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

15.20.030 Section 103.1 and 103.5 amended.

Sections 103.1 and 103.5 of the International Property Maintenance Code ~~is~~are amended to read as follows:

103.1 Department of property maintenance inspection. The department of community development and public works is responsible for implementation and enforcement of the International Property Maintenance Code.

103.5 Fees. The fees for activities and services performed by the city in carrying out its responsibilities under this code, including hearings conducted by the hearing examiner, shall be as indicated in the City of Auburn Fee Schedule. (Ord. 6615 § 1, 2016.)

Section 5. New Section to City Code.

That a new Section 15.20.075 of

the Auburn City Code, entitled “Sections 302.4 and 304.14 Amended -- General Requirements,” is hereby created to read as follows:

15.20.075 Sections 302.4 and 304.14 Amended -- General Requirements.

Sections 302.4 and 302.14 of the International Property Maintenance Code are amended to read as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, according

to the abatement process contained in ACC 8.12, and the costs of such removal shall be paid by the owner or against responsible for the property.

304.14 Insect Screens. During the period from April 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.”

Section 6. New Section to City Code. That a new Section 15.20.077 of the Auburn City Code, entitled “Sections 602.3 and 602.4 Amended – Mechanical and Electrical Requirements,” is hereby created to read as follows:

15.20.075. Sections 602.3 and 602.4 amended – Mechanical and Electrical Requirements.

Sections 602.3 and 602.4 of the International Property Maintenance Code are amended to read as follows:

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during year-round to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat year-round to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.”

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

Section 8. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 9. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution 5396 (Faber)

Date:

December 12, 2018

Department:

Parks/Art and Recreation

Attachments:

[RES 5396](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

City Council approve Resolution 5396

Background Summary:

The City of Auburn has received grant funding through 4Culture for renovation work at the Auburn Arts & Culture Center. The grant funding will expire in mid-February 2019. In order to utilize these grant funds, demolition work that is required for the overall renovation at the Arts & Culture center is being completed while the City continues to work toward raising funds for the main floor renovation.

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

Faber

Meeting Date: December 17, 2018

Item Number:

RES.A

RESOLUTION NO. 5396

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO AWARD BIDS AND EXECUTE AN AGREEMENT FOR PROJECT NUMBER CP1612, AUBURN ARTS AND CULTURE CENTER INTERIOR DEMOLITION

WHEREAS, the City Council of the City of Auburn has determined that it is the best interests of the City to renovate and restore the historic 1937 Post Office Building to serve as the future Auburn Arts and Culture Center; and

WHEREAS, this contract is eligible to be awarded under the City's Small Works Roster, and Staff is currently soliciting bids from contractor; and

WHEREAS, state law requires the contract to be awarded to the lowest responsive, responsible bidder; and

WHEREAS, because of grant funding requirements and the recent uncertainty of the contracting market, there is not sufficient time to bring the contract award to Council before the funding expires; and

WHEREAS, staff recommends that Council give it the authority to enter into an agreement within budgeted funds for this project to preserve the grant funding.

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

Resolution No. 5936
December 11, 2018
Page 1 of 3

Section 1. The Mayor of the City of Auburn is authorized to review bids, award, and execute agreements between the City of Auburn and the lowest responsive, responsible bidder for Project Number CP1612, Auburn Arts and Culture Center Interior Demolition, as long as the bid amount does not exceed budgeted funds.

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

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

Dated and Signed this _____ day of _____, 2018.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:

Steven L. Gross, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5398 (Gaub)

Date:

December 11, 2018

Department:

Public Works

Attachments:

[Resolution No. 5398](#)

Budget Impact:

\$3,000,000.00

Administrative Recommendation:

City Council adopt Resolution No. 5398

Background Summary:

Resolution No. 5398 authorizes the City to apply for a \$3 million loan through the Washington Drinking Water State Revolving Fund loan program to replace old water service lines that may contain lead components.

In 2016, Governor Inslee directed the Washington Department of Health (DOH) to prioritize the removal of lead service lines and other lead components in water distribution systems, with the goal to remove all lead components within 15 years. It is estimated that the City water distribution system has between 500 and 1,000 service line connections in the City that were installed before 1945 that may contain some lead components.

DOH administers the Drinking Water State Revolving Fund loan program. Loans up to \$3,000,000.00 are available for removal of lead service line components.

Resolution No. 5398 authorizes the Mayor to apply for a Drinking Water State Revolving Fund loan for the lead service line replacement program. This program is currently included in the 2019-2024 Capital Facilities Plan (CFP); however, it is planned for a slower implementation over the 6 year CFP and beyond. This loan would allow the City to complete removal of a significant portion of any potential lead components in a more effective and timely manner. Additionally, if the loan is approved, the resolution authorizes the Mayor to sign loan agreements, to issue bid documents, and to award contracts up to the amount of the loan proceeds. The debt service for this loan is anticipated to be from the Water Fund and is within the funding capacity of the fund.

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

Gaub

Meeting Date: December 17, 2018

Item Number:

RES.B

RESOLUTION NO. 5398

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, RELATED TO THE LEAD
SERVICE LINE REPLACEMENT PROGRAM;
AUTHORIZING AN APPLICATION FOR THE DRINKING
WATER STATE REVOLVING FUND LOAN AND, IF
APPROVED, ACCEPTANCE AND EXPENDITURE OF
LOAN PROCEEDS

WHEREAS, it is estimated the City water distribution system has between 500
and 1000 lead gooseneck service line connections in the City; and

WHEREAS, the Governor of the State of Washington issued a directive on May
2, 2016 to remove all lead service lines and lead components in drinking water systems
within 15 years; and

WHEREAS, the Drinking Water State Revolving Fund (DWSRF) makes funds
available to drinking water systems to pay for infrastructure improvements; and

WHEREAS, the infrastructure improvements funded by the DWSRF covers capital
improvements that increase public health and compliance with drinking water regulations;
and

WHEREAS, the City wishes to apply for a DWSRF loan to conduct removal of lead
service lines.

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

Section 1. The Mayor is authorized to apply for a DWSRF loan for the lead
service line replacement program.

Section 2. If the City's application is approved, the Mayor is authorized to enter into a DWSRF loan agreement with the State, and to enter into contracts as appropriate to expend the loan proceeds for program purposes.

Section 3. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation, including proposing budget amendments if necessary to account for the loan proceeds.

Section 4. This Resolution will take effect and be in full force on passage and signatures.

Dated and signed this _____ day of _____, 2018.

CITY OF AUBURN

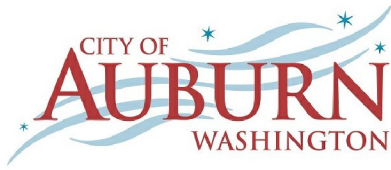
NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5399 (Gross)

Date:

December 11, 2018

Department:

Council

Attachments:

[Resolution 5399](#)

[Resolution 5399 Exh. A](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Move to Approve Resolution 5399

Background Summary:

Section 16A of the Council's Rules of Procedure designates the Council's Special Focus Areas (SFAs). At its December 10, 2018 Study Session, Council reviewed the Administration and staff recommendations, and provided input to how the SFAs should be organized.

This amendment to Rule 16A implements Council's discussion.

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

Gross

Meeting Date: December 17, 2018

Item Number:

RES.C

RESOLUTION NO. 5399

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON RELATING TO COUNCIL RULES
OF PROCEDURE; AMENDING THE DESIGNATION OF
SPECIAL FOCUS AREAS, AND AMENDING COUNCIL
RULES OF PROCEDURE

WHEREAS, The City Council adopted Ordinance Number 5802 on February 2, 2004, establishing Rules of Procedure; and,

WHEREAS, the Rules have been amended several times, most recently by Resolution 5308, August 7, 2017; and,

WHEREAS, at its December 10, 2018 Study Session, Council reviewed the Administration and Staff recommendations regarding amendments to the designation of Council's Special Focus Areas, which are established in Section 16 of the Council Rules.

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

Section 1. Section 16A of the Council Rule of Procedure is amended as set forth in 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 _____, 2018.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

SECTION 16 - COUNCIL STUDY SESSIONS, COMMITTEES AND CITIZEN ADVISORY BOARDS

- 16.1 In addition to the regularly scheduled City Council meetings (Regular Council Meetings) scheduled on the first and third Mondays of the month, City Council shall regularly schedule Council Study Sessions on the second, fourth and fifth Mondays of the month for review of matters that would come back before the City Council at Regular Council Meetings. Different than the format for Regular Council Meetings (identified in Section 3 hereof), Study Sessions shall be less formal than Regular Council Meetings and shall give the City Council the opportunity to discuss and debate issues coming before it for action at Regular Council meetings. The format for these meetings shall be as follows:

A. General Business Focus and Special Focus Areas

Study Sessions shall consist of two (2) Focus divisions per meeting; (1) a General Business Focus and (2) a Special Focus Area. The General Business Focus shall be scheduled first, and shall include agenda items that relate to issues of general City concern, items that will be coming before the City Council at upcoming meetings and presentations and reports to the City Council. The Special Focus Area groups shall, on a rotating basis described below, commence their portion of the Study Session following the conclusion of the Study Session General Business Focus. The Special Focus Area groups shall review matters of Council concern related to their areas of oversight responsibility. The Special Focus Area groups shall consist of the following: (1) Public Works & Community Development; (2) Municipal Services; (3) Health & Human Services; and (4) Finance & Economic Development. These Special Focus Area groups shall be tasked with oversight of Council considerations as follows:

1. Public Works & Community Development;
 - Utilities
 - Transportation
 - Sustainability
 - Environmental Protection
 - Cultural Arts and Public Arts
 - Planning and Zoning
 - Permits and Development
 - Right of Way Management
 - Airport
 - Airport Business
2. Municipal Services
 - Police
 - SCORE Jail
 - District Court

- Parks & Recreation
 - Animal Control
 - Solid Waste
 - Emergency Planning
 - Multimedia
 - Cemetery
3. Community Wellness
- Public Health and Wellness
 - Community and Neighborhood Services
 - Homelessness and Homeless Prevention
 - Housing Quality, Affordability, and Attainability
 - Medical Community Relations
 - Human and Social Services
 - Domestic Violence Services
 - Community Equity
4. Finance, Technology, & Economic Development
- Equipment Rental
 - Facilities
 - Innovation and Technology
 - City Real Property
 - Business Development
 - Sister Cities International

Aside from the above Special Focus Area topics, there shall be a Finance ad hoc Committee to review vouchers and payroll.