	<p>City Council Study Session Finance - Econ Dev SFA</p> <p>February 12, 2018 - 5:30 PM</p> <p>Council Chambers - City Hall</p> <p>AGENDA</p> <p>Watch the meeting LIVE!</p> <p>Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.</p>
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- I. CALL TO ORDER
 - A. Roll Call
- II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS
- III. AGENDA ITEMS FOR COUNCIL DISCUSSION
 - A. Brannan Park and Reddington Levee Use Agreement (Faber) (10 Minutes)
Relinquish Flood Protection Easement and replace it with a Use Agreement with King County
 - B. Public Art Selection - Les Gove Park (Faber) (20 Minutes)
 - C. Ordinance No. 6670 (Gaub) (10 Minutes)
An Ordinance of the City Council of the City of Auburn, Washington, authorizing the renewal and amendment of Ordinance No. 6452 For Zayo Group, LLC, Franchise Agreement No. 12-41 for a telecommunications system
 - D. NPDES Annual Report and Stormwater Management Program Plan (Gaub) (15 Minutes)
 - E. Ordinance No. 6677 (Tate) (15 Minutes)
Planning Commission recommendation to adopt text and map amendments to establish and implement the Open Space zoning district created when City Council adopted the 2015 Comprehensive Plan and Comprehensive Land Use Map
- IV. FINANCE AND ECONOMIC DEVELOPMENT DISCUSSION ITEMS
 - A. King County Draft Comprehensive Solid Waste Management Plan (Coleman) (30 Minutes)
 - B. Streamlined Sales Tax (SST) Update (Coleman) (15 Minutes)
 - C. Ordinance No. 6678 (Coleman) (10 Minutes)
An Ordinance of the City Council of the City of Auburn, Washington, establishing the Local Sales and Use Tax rate for Local Revitalization Financing for 2018
- V. OTHER DISCUSSION ITEMS
- VI. NEW BUSINESS

VII. MATRIX

A. Matrix

VIII. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Brannan Park and Reddington Levee Use Agreement (Faber)
(10 Minutes)

Date:

January 24, 2018

Department:

Parks/Art and Recreation

Attachments:

[RES 5347](#)

[Easement Relinquishment](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Resolution to Execute Use Agreement

Background Summary:

In February 2013, the City adopted Resolution No. 4905 which authorized the City to enter into an Interlocal Agreement with King County and the King County Flood Control District for easements associated with the Reddington Levee Extension and Setback Project. Pursuant to the Interlocal Agreement, the City granted a Flood Protection Easement to King County, which granted King County perpetual easement for flood protection purposes. A portion of the easement area is located on a portion of Brannan Park, which was purchased by the City in 1971 with grant funds from The Washington Recreation and Conservation Office (RCO). The RCO has determined that the granting of real property interest in the form of a Flood Control Easement triggers a land conversion requirement, while a Use Agreement does not amount to granting of real property interest running with the land in perpetuity. Therefore, a Use Agreement to provide King County access to the area in perpetuity for the purposes of maintaining the flood control structure would not trigger a land conversion requirement.

Park staff has determined that prior to the Reddington Levee Setback Project, the area of land at Brannan Park that was subject to the "take" to accommodate the levee setback project was comprised of Open Space along the Green River. Since the levee was setback from the Green River, the area of "take" remains as Open Space, which still provides access to the river. An element of the Reddington Levee Setback Project was a 1.7 mile paved trail along the top of the levee, which resulted in a substantial improvement to the recreational value of the area.

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

Faber

Meeting Date: February 12, 2018

Item Number:

RESOLUTION NO. 5 3 4 7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT FOR RELINQUISHMENT AND
QUITCLAIM OF EASEMENT RIGHTS, INCLUDING A USE
AGREEMENT WITH KING COUNTY FOR A PORTION OF
BRANNAN PARK, ALL RELATED TO BRANNAN PARK

WHEREAS, on February 19, 2013, the City adopted Resolution No. 4905 which authorized the City to enter into an Interlocal Agreement with King County and the King County Flood Control Zone District for easements associated with the Reddington Levee Extension and Setback Project; and

WHEREAS, pursuant to the Interlocal Agreement, the City, on April 24, 2013, granted a Flood Protection Easement to King County which granted King County a perpetual easement for flood protection purposes; and

WHEREAS, a portion of the Flood Protection Easement area is located on a portion of Brannan Park, a municipal park purchased by the City in 1971 with funds from the predecessor in interest to the State of Washington Recreation and Conservation Office (RCO); and

WHEREAS, the City is responsible for complying with the terms and conditions of the 1971 RCO project agreement and grant program requirements; and

WHEREAS, RCO has determined that the grant of a real property interest in the form of Flood Control Easement has triggered a conversion requirement; and

WHEREAS, RCO has also determined that a Use Agreement that does not amount to grant of a real property interest running with the land in perpetuity would not trigger such a conversion requirement; and

WHEREAS, to resolve the issue and to carry out the intent of the 2013 Flood Control Zone District Interlocal Agreement, King County agrees to relinquish and quitclaim its rights under the Easement back to the City in return for the City agreeing to enter into a Use Agreement with King County for flood protection purposes.

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

Section 1. That the Mayor is hereby authorized to execute documents reflecting agreement between the City and King County providing for easement, use and flood protection purposes for and related to Brannan Park, including Relinquishment and Quitclaim of Easement Rights, as well as a Use Agreement with King County for a portion of Brannan Park, which agreement documents shall be in substantial conformity with the documents attached hereto, collectively marked as Attachment "I" and incorporated herein by this reference.

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

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2018.

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

ATTACHMENT “I”

AFTER RECORDING RETURN TO:
King County Real Estate Services Section
500 Fourth Avenue, Suite 830
Seattle, WA 98104

Reference No: 20140425000455,
Relinquishor of Easement Rights: KING COUNTY, a political subdivision of the State of Washington
Property Owner: City of Auburn, a Washington Municipal Corporation
Tax ID No: 000100-0081

RELINQUISHMENT AND QUITCLAIM OF EASEMENT RIGHTS

This Relinquishment and Quitclaim of Easement Rights is made by King County, a political subdivision of the State of Washington (“King County” or “Relinquishor”) in favor of the City of Auburn, a Washington municipal corporation, (“City”) (collectively referred to herein as the “Parties”).

RECITALS

A. King County, the Relinquishor herein, is the Grantee of a Flood Protection Easement adjacent to the Green River in the City of Auburn, in King County, Washington, recorded under Auditors File number 20140425000455 (the “Easement”) and granted by the City of Auburn (“Grantor”). The property that is subject to the Easement is identified in Exhibit A to the Easement, the Easement area is described in Exhibit B to the Easement, and the Easement area is depicted in Exhibit C to the Easement (“Easement Area”). Each of these Exhibits is attached hereto and incorporated herein by this reference.

B. The City of Auburn is the owner of the underlying fee interest of the Property described in Exhibit A and is the Grantor of the Easement. The Property functions as a City of Auburn municipal park called “Brannan Park”, and the park was purchased by the City in 1971 with funds from the predecessor in interest to the State of Washington Recreation and Conservation Office (“RCO”). The City is responsible for complying with the terms and conditions of the RCO project agreement and grant program requirements.

C. The Easement granted King County a perpetual easement for the purposes of (1) accessing and constructing, inspecting, monitoring, reconstructing, maintaining and repairing river bank protection, levees and/or other flood related works, including installing, inspecting and maintaining all vegetation and any other appurtenances thereto, (2) constructing, reconstructing, repairing, maintaining, locating and relocating utilities

and stormwater facilities or improvements, and (3) constructing, reconstructing, repairing, maintaining, locating and relocating trail improvements across, in, under, on, over and upon the Easement Area.

D. RCO has determined that the grant of the real property interest in the form of the Easement has triggered a conversion requirement with respect to the Easement Area, but that a use agreement that does not amount to a grant of a real property interest running with the land in perpetuity would not trigger such conversion requirement.

E. King County is agreeable to relinquishing and quitclaiming its rights under the Easement back to the City of Auburn, in exchange for the City agreeing to enter into a use agreement with King County for access to and use of the Easement Area for flood protection purposes. The City of Auburn is agreeable to accepting the relinquishment and quitclaim of easement rights and to entering into a use agreement for the Easement Area, substantially in the form of the Use Agreement attached hereto as Exhibit D.

NOW, THEREFORE, in consideration of the mutual benefits described herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, King County hereby agrees that right, title and interest in the Easement is to be relinquished and quitclaimed to the City of Auburn and terminated under the following terms and conditions.

1. The Recitals above are hereby incorporated herein and made a part hereof.
2. King County hereby relinquishes and quitclaims all right, title and interest in the Easement recorded under Auditor's File Numbers 20140425000455 to the City of Auburn, upon execution by both Parties of the Use Agreement, substantially in the form of that attached hereto as Exhibit D.
3. The City of Auburn, as the fee owner of the Easement Area, hereby accepts and approves the relinquishment and quitclaim by King County of all King County's right, title and interest in the Easement to the City of Auburn, and hereby consents to the termination of any and all obligations and rights of the City of Auburn, and any and all obligations and rights of King County, under the terms of the Easement, upon execution of the Use Agreement, substantially in the form of that attached hereto as Exhibit D.
4. The City of Auburn (the City herein) shall, on or before _____[date], sign a Use Agreement, substantially in the form of that attached hereto as Exhibit D, for the area owned by the City that is necessary for King County to meet its flood protection purposes.
5. The Parties agree that this Relinquishment and Quitclaim of Easement Rights shall not be recorded until the Use Agreement, as referred to in Paragraphs 2, 3, and 4 above, is fully executed.

This Relinquishment and Quitclaim of Easement Rights shall inure to the benefit of and be binding upon the heirs, executors, administrators, and successors in interest and assigns of King County and the City of Auburn.

DATED this _____ day of _____, 201____.

KING COUNTY, WASHINGTON

APPROVED AS TO FORM:

(name)
Real Estate Services Division

Senior Deputy Prosecuting Attorney

DATED: _____

DATED: _____

CITY OF AUBURN

APPROVED AS TO FORM:

DATED: _____

DATED: _____

STATE OF WASHINGTON)
)SS
COUNTY OF KING)

I certify that _____, signed this instrument, and on oath stated that _____ was authorized by the King County Executive to execute the instrument, and acknowledged it as the Manager of the Real Estate Services Section of the Facilities Management Division of the Department of Executive Services of King County, Washington to be the free and voluntary act of said County for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 201____.

NOTARY PUBLIC in and for the State of Washington,
residing at: _____
My appointment expires: _____

EXHIBIT A

PROPERTY SUBJECT TO THE EASEMENT

LEGAL DESCRIPTION

That portion of the William H. Brannan Donation Land Claim No. 37, in Section 6, Township 21 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point South 0°59'00" East 157.60 feet from the Northwest corner of said donation claim;

Thence North 89°19'00" East 1,117.00 feet to the true point of beginning;

Thence North 89°19'00" East 1083.10 feet to the West bank of the Green River (formerly "White River");

Thence along said West bank South 17°24'00" West 59.50 feet;

Thence South 6°48'00" West 242.70 feet;

Thence South 1°25'00" West 184.50 feet;

Thence South 17° 53'00" East 153.10 feet;

Thence South 6°28'00" East 260.00 feet;

Thence South 12°25'00" East 298.90 feet;

Thence South 89°19'00" West 1,148.30 feet, more or less, to a point from which the true point of beginning bears North 0°59'00" West;

Thence North 0°59' 00" West 1,183.69 feet, more or less, to the true point of beginning;

Except those portions thereof conveyed to King County for John Reddington Co. Road by deeds recorded under Auditor's file numbers 2776025 and 2776026;

And, except portion, if any, lying within 26th Street Northeast (Also known as South 303rd Street);

And except that portion described as follows:

Commencing at the Northwest corner of said Donation Claim No. 37;

Thence North 89°19' East along the North line thereof, 1,117 feet;

Thence South 0°59' East, parallel to the West line thereof, 728.6 feet to the point of beginning;

Thence South 0°59' East 612.27 feet;

Thence North 89°17'14" East 505 feet;

Thence Westerly along a curve to the right, the radius of which is equal to 538.42 feet through a central angle of 10°42'23", a distance of 100.61 feet;

Thence South 89°19' West 220 feet;

Thence westerly along a curve to the left, the radius of which is equal to 336.345 feet through a central angle of 13°33'51" a distance of 79.63 feet;

Thence South 75°45'09" West 9.505 feet;

Thence westerly along a curve to the right, the radius of which is equal to 336.345 feet through a central angle of $13^{\circ}33'51''$ a distance of 79.63 feet;
Thence South $89^{\circ}19'$ West 10.00 feet to the point of beginning. (Being known as Great Western Addition Division No. I)
And being the same as described in Warranty Deed recorded under Recording Number 7111010246, records of King County.

EXHIBIT B

EASEMENT AREA

All that portion of the above described Exhibit "A", located in the Southeast Quarter of Section 6, Township 21 North, Range 5 East, Willamette Meridian, King County, Washington, lying easterly of the following described line:

Commencing at engineers station 0+00.00 point on the Levee Alignment Survey recorded under Recording Number 20121017900001, Records of King County;

Thence N11°03'14"W a distance of 13.24 feet to the beginning of a curve concave to the southwest the radius point of which bears S78°56'46"W, 37.90 feet distant;

Thence along said curve through a delta angle of 48°56'36" a distance of 32.38 feet to a point on the easterly boundary line of the property described in Exhibit "A," at engineers station 0+45.62 on said Levee Alignment Survey and the TRUE POINT OF BEGINNING;

Thence continuing along said curve through a delta angle of 09°05'35" a distance of 6.01 feet;

Thence N69°05'25"W a distance of 97.06 feet to the beginning of a curve concave to the northeast the radius point of which bears N20°54'35"E, 112.50 feet distant; thence along said curve through a delta angle of 69°56'48" a distance of 137.34 feet;

Thence N02°53'41"E a distance of 186.69 feet to the beginning of a curve concave to the west the radius point of which bears S89°36'42"W, 659.86 feet distant;

Thence along said curve through a delta angle of 08°50'56" a distance of 101.91 feet;

Thence N12°31'14"W a distance of 256.63 feet to the beginning of a curve concave to the east the radius

point of which bears N 78°23'02" E, 315.34 feet distant;

Thence along said curve through a delta angle of 20°21'52" a distance of 112.08 feet;

Thence N07°49'02"E a distance of 239.99 feet to the beginning of a curve concave to the east the radius point of which bears S 84°10'18" E, 117.61 feet distant;

Thence along said curve through a delta angle of 14°19'40" a distance of 29.41 feet;

Thence N16°58'24"E a distance of 66.40 feet;

Thence N17°52'31"E a distance of 15.99 feet to a point on the north line of the property described in Exhibit "A," opposite engineers station 12+95.42 on said Levee Alignment Survey and 0.93 feet easterly measured at right angles therefrom, and the TERMINUS OF THIS LINE.

Containing 130,031 square feet (2.99 acres).

Note: Basis of bearings for this Exhibit B description is Record of Survey filed under Recording Number 20121017900001.

EXHIBIT C

EASEMENT DIAGRAM

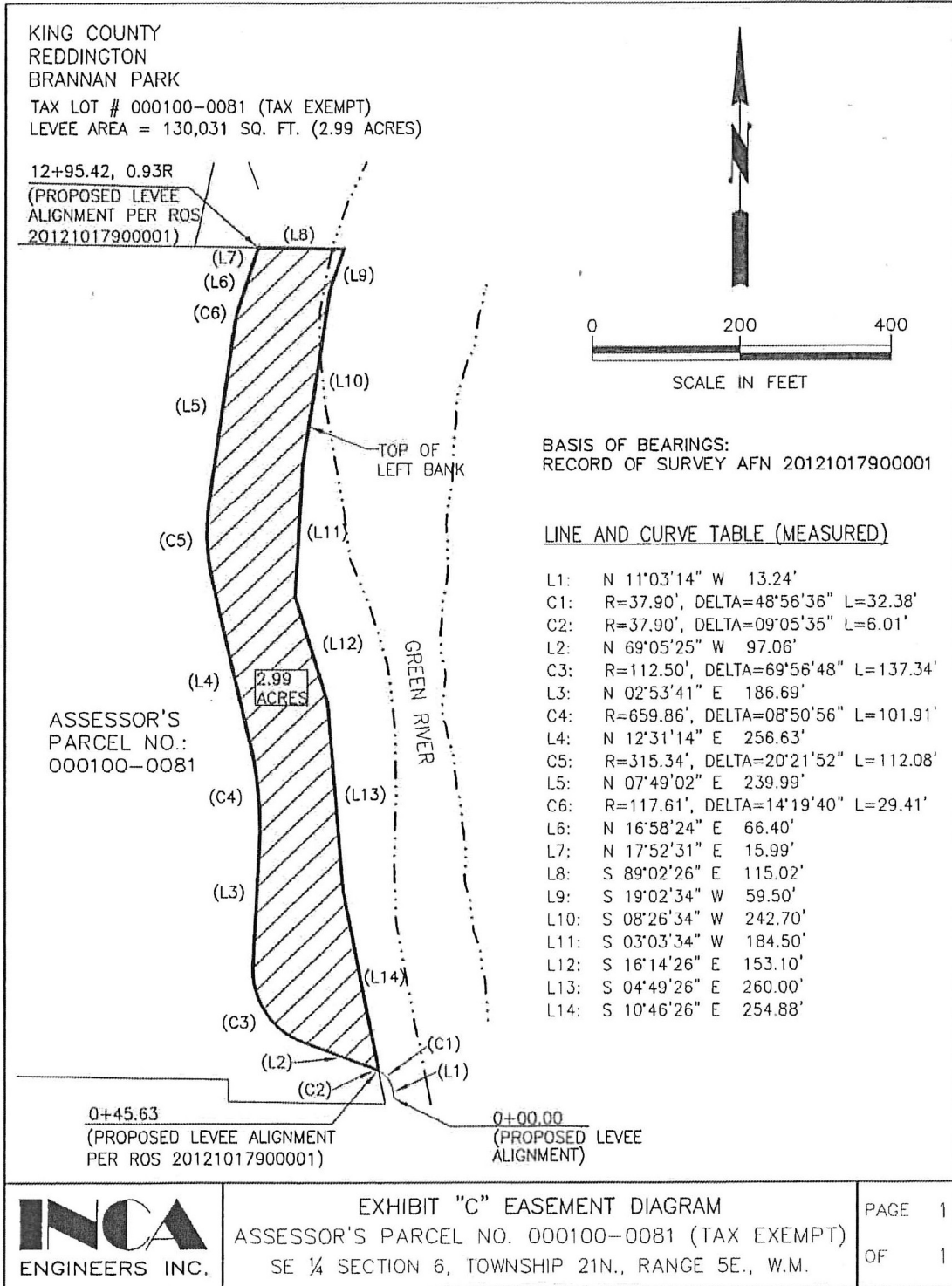


EXHIBIT D

USE AGREEMENT

USE AGREEMENT FOR PORTION OF BRANNAN PARK

The City of Auburn, a municipal corporation of the State of Washington (“City”), as owner of the property legally described in Exhibit 1, attached hereto and incorporated herein by this reference (“Property”), hereby enters into this Use Agreement for Portion of Brannan Park (“Use Agreement”) with King County, a political subdivision of the State of Washington, whereby King County is granted the right to use of a portion of the Property, as described in Exhibit 2 and depicted in Exhibit 3, attached hereto and incorporated herein by this reference (“Use Area”), for river protection purposes, as more fully specified herein.

Recitals:

- A. Brannan Park, a municipal park owned and operated by the City for park recreation purposes, is adjacent to the Green River and has been threatened by flooding when the river reaches flood stages.
- B. King County, as service provider to the King County Flood Control District (“District”) has constructed through District funding a flood protection facility along a portion of the Green River, called the Reddington Setback Levee Project (“Project”).
- C. A portion of the Project has been built in the Use Area, and provides enhanced flood protection to Brannan Park and other portions of the City.
- D. In order to operate, maintain and repair the Project, King County needs access to the Use Area to engage in the activities described in Paragraph 2 below.
- E. Upon the completion of construction of the Project, grass and landscaping in the Use Area were installed, such that a compatible use with other Brannan Park grassed and landscaped areas has been achieved.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City as the owner of the Property and King County as the entity responsible for the Project, hereby agree as follows:

- 1. The Recitals above are hereby incorporated herein and made a part hereof.
- 2. The City grants King County the right to use the Use Area for the purposes of (a) accessing and constructing, inspecting, monitoring, reconstructing, maintaining and repairing river bank protection, levees and/or other flood related works, including installing, inspecting and maintaining all vegetation and any other appurtenances thereto, (b) constructing, reconstructing, repairing, maintaining, locating and relocating utilities and stormwater facilities or improvements, and (c)

constructing, reconstructing, repairing, maintaining, locating and relocating trail improvements across, in, under, on, over and upon the Use Area.

3. Upon undertaking any of the actions provided for in Paragraph 2 above, the County shall return the area impacted by such activities to the prior grassed and landscaped condition, provided that such restorative measures can be reasonably undertaken without compromising the flood protection features of the Project.
4. King County shall have reasonable ingress and egress upon the Property to access the Use Area.
5. King County shall have the right at such time as may be necessary and in the exercise of its reasonable discretion, to enter upon the Property and to have unimpeded access to, in and through the Use Area for the purposes of undertaking the activities described in Paragraphs 2, 3, and 4 above.
6. The City agrees not to plant non-native vegetation within the Use Area and not to remove or otherwise alter any improvements installed by the County, including any native vegetation that maybe planted and any flood protection works that may be constructed, within the Use Area, without obtaining the prior approval of the County.
7. For the purposes of this Use Agreement, the term “native vegetation” shall mean vegetation comprised of plant species, other than noxious weeds (as identified on the State of Washington noxious weed list found at Washington Administrative Code Chapter 16-750, as amended from time to time), which are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur at the site.
8. Neither the City nor the County under the terms of this Use Agreement are obligated to future maintenance, repair or other action related to the Project. This Use Agreement and/or any flood related works constructed or to be constructed within the Use Area shall not be construed as granting any rights to any third person or entity, or as a guarantee of any protection from flooding or flood damage, and nothing contained herein shall be construed as waiving any immunity to liability granted to the City and the County by any state statute, including Chapters 86.12 and 86.15 of the Revised Code of Washington, or as otherwise granted or provided for by law.
9. This Use Agreement is of indefinite duration, and may only be terminated by the City upon written notice being delivered to the County at least sixty (60) days prior the termination date on the basis that the County has breached the terms of this Use Agreement. If the breach is curable, the County may cure the breach within the 60 day period and provide notice of such cure within the 60 day period.

The Parties agree to engage in arbitration before undertaking any litigation with regard to the terms of this Use Agreement or its breach.

10. The rights, conditions, and provisions of this Use Agreement shall inure to the benefit of and be binding upon the successors in interest and assigns of the City and the County.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the _____ day of _____, 201____.

KING COUNTY, WASHINGTON

APPROVED AS TO FORM:

DATED: _____

DATED: _____

CITY OF AUBURN

APPROVED AS TO FORM:

DATED: _____

DATED: _____

EXHIBIT 1

PROPERTY SUBJECT TO THE USE AGREEMENT

LEGAL DESCRIPTION

That portion of the William H. Brannan Donation Land Claim No. 37, in Section 6, Township 21 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point South 0°59'00" East 157.60 feet from the Northwest corner of said donation claim;
Thence North 89°19'00" East 1,117.00 feet to the true point of beginning;
Thence North 89°19'00" East 1083.10 feet to the West bank of the Green River (formerly "White River");
Thence along said West bank South 17°24'00" West 59.50 feet;
Thence South 6°48'00" West 242.70 feet;
Thence South 1°25'00" West 184.50 feet;
Thence South 17° 53'00" East 153.10 feet;
Thence South 6°28'00" East 260.00 feet;
Thence South 12°25'00" East 298.90 feet;
Thence South 89°19'00" West 1,148.30 feet, more or less, to a point from which the true point of beginning bears North 0°59'00" West;
Thence North 0°59' 00" West 1,183.69 feet, more or less, to the true point of beginning;

Except those portions thereof conveyed to King County for John Reddington Co. Road by deeds recorded under Auditor's file numbers 2776025 and 2776026;

And, except portion, if any, lying within 26th Street Northeast (Also known as South 303rd Street);

And except that portion described as follows:

Commencing at the Northwest corner of said Donation Claim No. 37;
Thence North 89°19' East along the North line thereof, 1,117 feet;
Thence South 0°59' East, parallel to the West line thereof, 728.6 feet to the point of beginning;
Thence South 0°59' East 612.27 feet;
Thence North 89°17'14" East 505 feet;
Thence Westerly along a curve to the right, the radius of which is equal to 538.42 feet through a central angle of 10°42'23", a distance of 100.61 feet;
Thence South 89°19' West 220 feet;
Thence westerly along a curve to the left, the radius of which is equal to 336.345 feet through a central angle of 13°33'51" a distance of 79.63 feet;
Thence South 75°45'09" West 9.505 feet;

Thence westerly along a curve to the right, the radius of which is equal to 336.345 feet through a central angle of $13^{\circ}33'51''$ a distance of 79.63 feet;
Thence South $89^{\circ}19'$ West 10.00 feet to the point of beginning. (Being known as Great Western Addition Division No. I)
And being the same as described in Warranty Deed recorded under Recording Number 7111010246, records of King County.

EXHIBIT 2

RIGHT TO USE AREA

All that portion of the above described Exhibit "1", located in the Southeast Quarter of Section 6, Township 21 North, Range 5 East, Willamette Meridian, King County, Washington, lying easterly of the following described line:

Commencing at engineers station 0+00.00 point on the Levee Alignment Survey recorded under Recording Number 20121017900001, Records of King County;

Thence N11°03'14"W a distance of 13.24 feet to the beginning of a curve concave to the southwest the radius point of which bears S78°56'46"W, 37.90 feet distant;

Thence along said curve through a delta angle of 48°56'36" a distance of 32.38 feet to a point on the easterly boundary line of the property described in Exhibit "1," at engineers station 0+45.62 on said Levee Alignment Survey and the TRUE POINT OF BEGINNING;

Thence continuing along said curve through a delta angle of 09°05'35" a distance of 6.01 feet;

Thence N69°05'25"W a distance of 97.06 feet to the beginning of a curve concave to the northeast the radius point of which bears N20°54'35"E, 112.50 feet distant; thence along said curve through a delta angle of 69°56'48" a distance of 137.34 feet;

Thence N02°53'41"E a distance of 186.69 feet to the beginning of a curve concave to the west the radius point of which bears S89°36'42"W, 659.86 feet distant;

Thence along said curve through a delta angle of 08°50'56" a distance of 101.91 feet;

Thence N12°31'14"W a distance of 256.63 feet to the beginning of a curve concave to the east the radius

point of which bears N 78°23'02" E, 315.34 feet distant;

Thence along said curve through a delta angle of 20°21'52" a distance of 112.08 feet;

Thence N07°49'02"E a distance of 239.99 feet to the beginning of a curve concave to the east the radius point of which bears S 84°10'18" E, 117.61 feet distant;

Thence along said curve through a delta angle of 14°19'40" a distance of 29.41 feet;

Thence N16°58'24"E a distance of 66.40 feet;

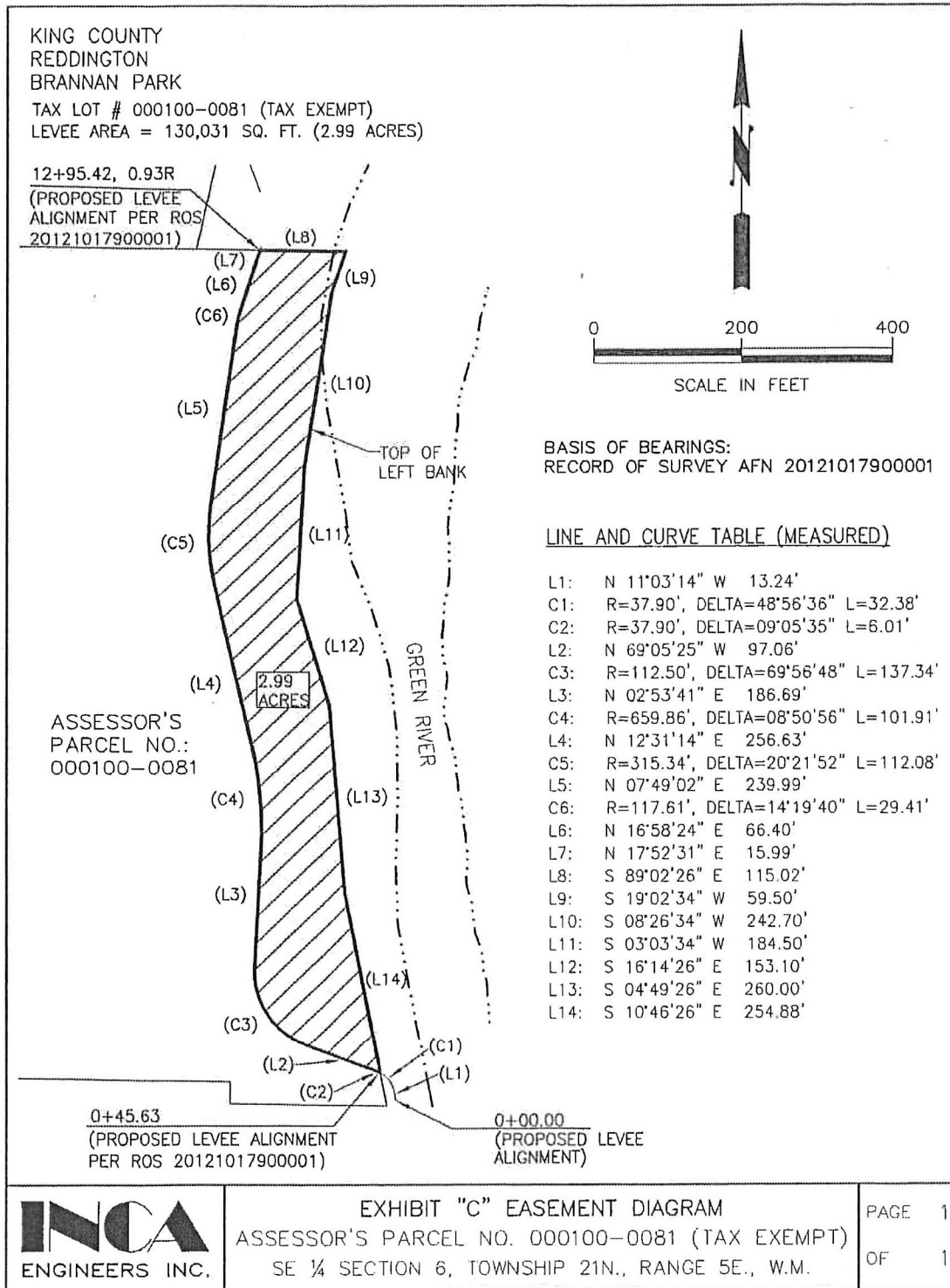
Thence N17°52'31"E a distance of 15.99 feet to a point on the north line of the property described in Exhibit "1," opposite engineers station 12+95.42 on said Levee Alignment Survey and 0.93 feet easterly measured at right angles therefrom, and the TERMINUS OF THIS LINE.

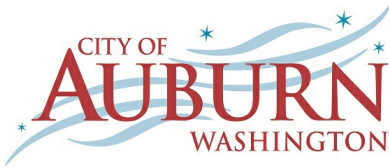
Containing 130,031 square feet (2.99 acres).

Note: Basis of bearings for this Exhibit 2 description is Record of Survey filed under Recording Number 20121017900001.

EXHIBIT 3

DIAGRAM OF RIGHT TO USE AREA





AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Art Selection - Les Gove Park (Faber) (20 Minutes)

Date:

January 16, 2018

Department:

Parks/Art and Recreation

Attachments:

[Presentation](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Arts Commission Recommendation

Background Summary:

In the spring of 2017, the City of Auburn started the process of selecting and commissioning an artist to create an "Iconic Public Artwork" for the new park area of Les Gove Park that fronts Auburn Way South. The budget for this public art project is \$125,000 and is part of the CIP budget, inclusive of design, fabrication, installation, travel and WA sales tax.

An Iconic Public Art Sub-Committee was convened that included individuals from the Arts Commission and Park Board, as well as the White River Valley Museum Director and a member of the landscape architect firm, The Berger Partnership. Staff from the Parks, Arts & Recreation Department and the Community Development & Public Works Department provided guidance to the sub-committee. The sub-committee determined the goals and required qualifications to include in the call to artists and the outlined the initial selection process. The call to artists was created and promoted in partnership with 4Culture, seeking applications from artists in Washington and Oregon with a submission deadline of May 24, 2017. There were 34 artist or artist group applications received from the call. After thorough review and evaluation by the sub-committee, two finalists were selected to write proposals and present to the sub-committee on June 29, 2017.

Of the two artists, Peter Reiquam was selected by the Iconic Public Art Sub-Committee and after a second presentation of three concept designs on July 27, the sub-committee approved a design and forward their recommendation onto the Arts Commission for consideration. The Arts Commission reviewed the design on August 8, 2017 and voted to move the design forward. However, after receiving feedback from the Arts Commission following their August meeting, the design was discussed further at the Arts Commission meeting in September. Due to mixed feelings on the design, the Arts Commission voted again to bring the design back to the sub-committee, and recommended further concept sketches from the artist that might suit the site of Les Gove Park better. On November 8, Reiquam presented another round of eight rough concept sketches to the sub-committee. The Iconic Public Art Sub-Committee voted to forward their recommendation of Reiquam's "Crow With Fries" design on to the Arts Commission for review at the December 2017 Arts

Commission meeting. The Arts Commission voted to approve the design at their December 2017 meeting and asked for the design to be forwarded on to the Auburn City Council for final consideration.

Reviewed by Council Committees:

Councilmember:

Staff: Faber

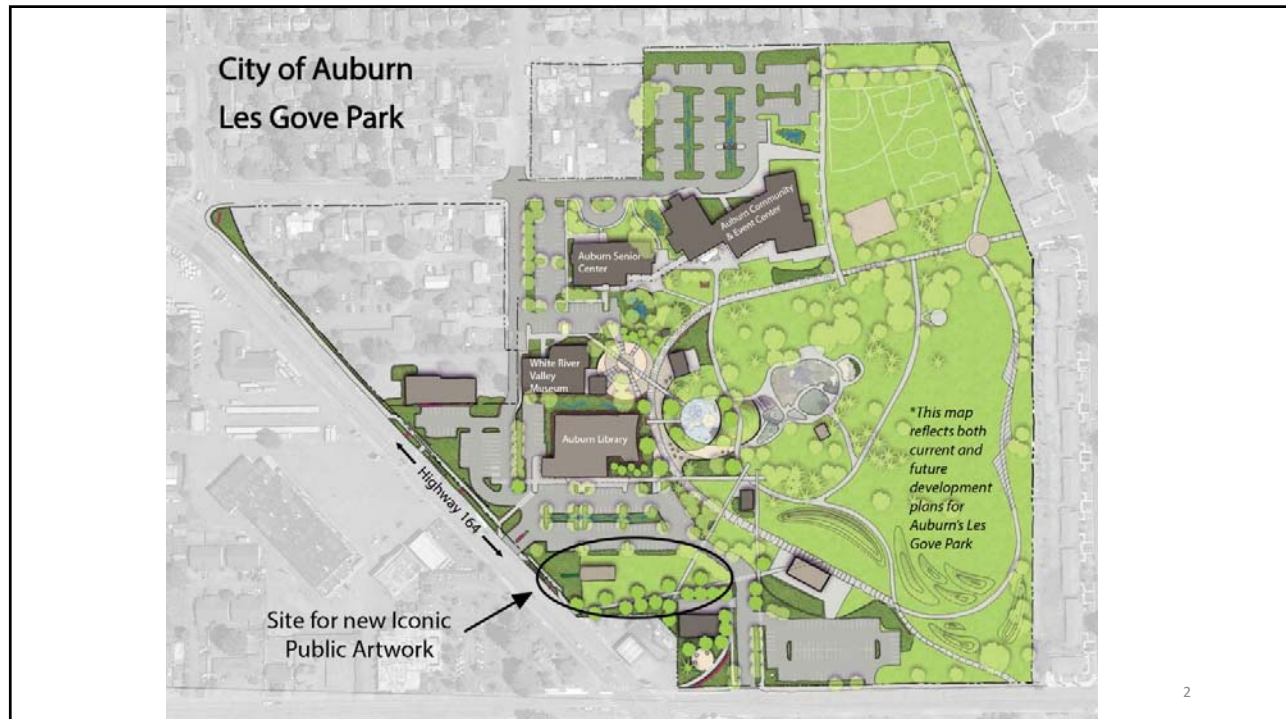
Meeting Date: February 12, 2018

Item Number:

ICONIC PUBLIC ARTWORK for Les Gove Park



1



2

ICONIC PUBLIC ARTWORK for Les Gove Park

Call to Artists - Created, posted and promoted by 4Culture

- \$125,000 Budget (within the CIP)
- Open to artists in Washington and Oregon
- We received 32 applications

Subcommittee Members

- Patricia Cosgrove, White River Valley Museum
- Arts Commissioners: Greg Watson, Jan Jensen, Nancy Colson
- Park Board Members: Wayne Osborne, Lisa J Russell
- Other members in attendance:
 - Guy Michaelsen, Berger Partnership (Landscape Architect)
 - Kevin Snyder, Planning/PW Director
- Sub-Committee created original "wish list" for the piece and created application criteria/requirements

3

ICONIC PUBLIC ARTWORK for Les Gove Park

Priorities & wish list for artwork:

- **A large-scale outdoor artwork** for the street-side section of Auburn's Les Gove Park along Auburn Way South
- **Indicate presence of park from Auburn Way:** will welcome visitors to the community park, have a broad community impact, high visibility, and the hope of becoming an iconic symbol for the park and the City.
- Engaging, iconic, and complements the public park setting; a catalyst for the change envisioned for this area
- **WOW factor** - "selfie magnet," the place that has the giant " _____!"
- **Colorful/Fun/Playful/Whimsical**
- **Interactive/Touchable/Sitable/Physically Engaging**
- **Connect to a very broad audience** - Connect to old/young, local/visitors, male/female, diverse backgrounds, etc.
- **Something that could be replicated** – inside the park or along Auburn Way

4

ICONIC PUBLIC ARTWORK for Les Gove Park

Review Process

- The subcommittee reviewed applications and selected two finalists for interviews which took place on June 29, 2017: Peter Reiquam and Koryn Rolstad (each presented an initial concept design)
- Peter Reiquam was the selected artist, and subsequently went through two more rounds of design process to arrive at recommended art piece.

Approval Process Outlined In Arts Commission Policies

- Sub-Committee approval and recommendation to Auburn Arts Commission
- Arts Commission approval and recommendation to City Council
- City Council review; recommended action

5

PETER REIQUAM Past Work



BUCKET BRIGADE

Fire Station #4, Roswell, GA (2017)

Seven powder-coated stainless steel buckets, graduated in size, are arranged in an arc describing the motion of passing a bucket of water, hand to hand, neighbor to neighbor, and throwing it onto a raging fire.

7' x 19.5' x 2.5'

6

PETER REIQUAM Past Work



HIT OR MISS, Pierce County Skills Center, Puyallup, WA

An iconic, interactive, freestanding sculpture, Hit or Miss representing the most basic of tools and by extension all of the specialized tools used in the various programs taught at the Skills Center. This colossal hammer becomes a metaphor... students learn(ing) through hands-on experience, and that failure is an integral part of learning any new skill.

Powder-coated aluminum, stainless steel

15' x 10' x 10', Washington State Arts Commission and Bethel School District , 2015

7

PETER REIQUAM Past Work

FIRE ROCKET

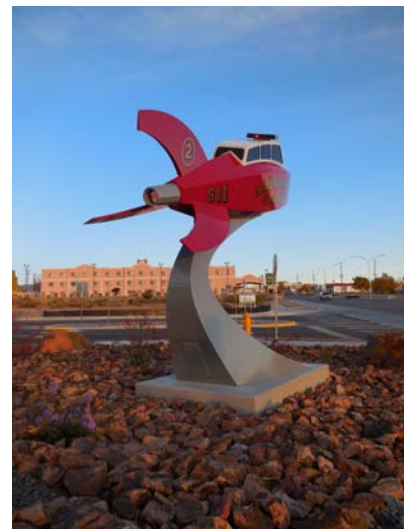
Albuquerque Fire Station #2,
Albuquerque, NM

A rocket ship in the guise of an Albuquerque fire engine, "Fire Rocket"... a metaphor for the rapid response capabilities of a modern fire fighting force and makes reference to New Mexico's long history of rocketry.

Painted Aluminum, animated, solar
powered LED lights

10' x 3.5' x 13'

Albuquerque Public Art Program
and Albuquerque Fire Department



8

PETER REIQUAM Past Work



NINE LIVES

Inspired by the iconic Eveready Battery logo depicting a stylized black cat with a lightning-bolt tail jumping through the number 9, “Nine Lives” expands this graphic image into a giant three-dimensional cat that appears to be stepping off of the firehouse roof. At night, the cat’s glass eyes glow from internal LED lights.

Powdercoated aluminum, glass, LED light, 10’ x 2’ x 20’, Seattle Office of Arts and Culture, 2013

9

PETER REIQUAM Past Work

BIG CORN

Willis Street Gateway, Kent, WA

This cartoon corn recalls the history of the Kent Valley as a rich agricultural area. Standing over seventeen feet tall, the piece features ears of corn nearly two-feet long.

Powdercoated steel

17’ x 13’ x 10’

Kent Arts Commission, 2007



10



PETER REIQUAM "Crow With Fries"

" My proposed sculpture, *Crow With Fries* addresses all of these criteria and does so with a sense of humor and elegance. The giant stylized crow will stand approximately 12' high in the space adjacent to the library parking area, between the sidewalk along Auburn Way and the architectural remnant of the former drive-in. Facing roughly southeast, perhaps with his head cocked slightly toward the park itself, the colossal corvid will be fabricated of aluminum with a durable, semi-gloss black powder-coated finish. With a planar, faceted surface, the black finish will pick up light from a variety of angles as well as some subtly reflected colors from the surrounding lawn, trees and sky. Glass eyes will be internally illuminated using low-voltage LED lights and additional LED fixtures will be installed in the ground surrounding the sculpture, illuminating its surface so that the piece will be highly visible after dark. "



"Giant stylized crow... fabricated of aluminum with a durable, semi-gloss black powder-coated finish"

"Glass eyes internally illuminated with LED lights and in-ground lighting to illuminate the piece at night"

12

PETER REIQUAM "Crow With Fries"



Clenched within the big bird's beak will be a giant French fry, seemingly plucked from the carton that sits nearby, perhaps stolen from the adjacent drive-in by the wily crow. The French fries and carton will be brightly colored – yellow fries and a bright red box.

13

PETER REIQUAM "Crow With Fries"



For the purposes of care and maintenance of the sculpture and the surrounding lawn, it may be necessary to design a small plaza beneath the giant crow. This might be concrete, or some type of pavers. This would facilitate mowing around the piece and allow viewers to approach the sculpture more easily.

14

PETER REIQUAM "Crow With Fries"

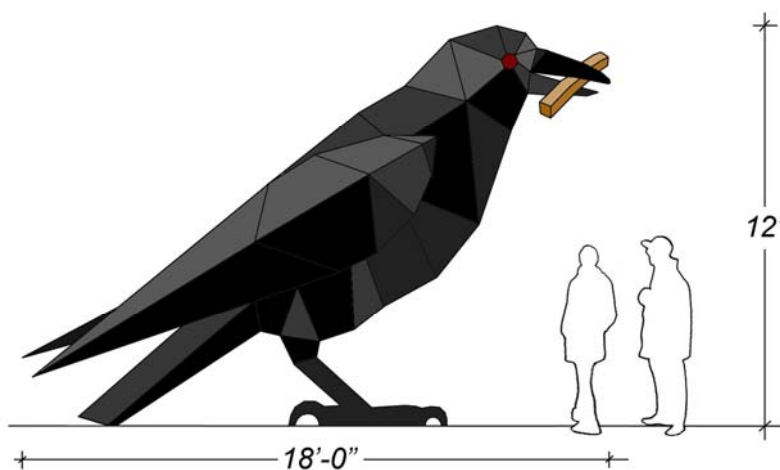


Up-lights mounted in the plaza would provide illumination after dark.

15

PETER REIQUAM "Crow With Fries"

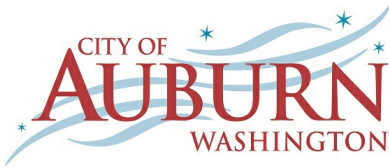
This sketch shows the relative scale of the proposed sculpture.



16

QUESTIONS?





AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6670 (Gaub) (10 Minutes)

Date:

December 19, 2017

Department:

CD & PW

Attachments:

[Draft Ord 6670](#)

[Ord No. 6452](#)

Budget Impact:**Administrative Recommendation:**

Discussion of Draft Ordinance No. 6670 for Zayo Group, LLCs Telecommunications System Franchise Renewal

Background Summary:

Zayo Group, LLC has applied for renewal and amendment to their existing Franchise Agreement to continue to operate within the City's rights of way a telecommunications system throughout the City. The applicant is currently in compliance with all licensing, bonding and insurance requirements of the existing Franchise Agreement and Auburn City Code. Any construction, maintenance, improvements or changes to Zayo's facilities are managed through the City's permitting processes that are a requirement of the existing Franchise Agreement.

Approval of Ordinance No. 6670 would renew Franchise Agreement No. 12-41 for an additional five years from the effective date of Ordinance No. 6670 and amend Ordinance No. 6452 to update Zayo's contact address.

Per Auburn City Code Chapter 20.06.130 and Section 3 of existing Franchise Agreement No. 12-41, Ordinance No. 6452, the Grantee may renew this Franchise for an additional five year period upon submission and approval of the application specified under ACC 20.06.130. A Public Hearing for this renewal is scheduled before City Council on February 20, 2018 in accordance with Auburn City Code Chapter 20.06.140.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: February 12, 2018

Staff:

Gaub

Item Number:

ORDINANCE NO. 6 6 7 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE RENEWAL AND AMENDMENT OF ORDINANCE NO. 6452 FOR ZAYO GROUP, LLC, FRANCHISE AGREEMENT NO. 12-41 FOR A TELECOMMUNICATIONS SYSTEM

WHEREAS, on April 1, 2012, the City Council adopted Ordinance No. 6452, granting a telecommunications franchise to Zayo Group, LLC; and,

WHEREAS, Zayo Group LLC wishes to renew said Franchise Agreement for an additional five year term; and

WHEREAS, following proper notice, the City Council held a public hearing on Zayo Group, LLC's request for renewal of Ordinance No. 6452, at which time representatives of Zayo Group, LLC and interested citizens were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, based upon the foregoing recital clauses and from information presented at such public hearing and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City and its inhabitants that the renewal of Ordinance No. 6452 be granted to Zayo Group, LLC.

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

Section 1. The City approves Zayo Group, LLC's application for renewal for one five-year period as provided for in Section 3 of Ordinance No. 6452, a copy of which is attached hereto, marked as Exhibit A, under the conditions set forth in this Ordinance. Such five-year renewal period shall commence on the effective date of this Ordinance.

Section 2. Section 2, Paragraph A. of Ordinance No. 6452 regarding Grantee contact information is hereby amended as follows;

Grantee:

Zayo Group, LLC
Attn. General Counsel, ~~ZFTI~~
~~400 Centennial Parkway, Suite 200~~
1805 29th Street, Suite 2050
~~Louisville, CO 80027~~
Boulder, CO 80301

Section 3. Zayo Group, LLC shall, within thirty (30) days after the effective date of this Ordinance, file with the City, a fully executed Statement of Acceptance of this Ordinance, which written acceptance shall be Exhibit B, attached hereto and incorporated herein by this this reference.

Section 4. This Ordinance shall supersede Ordinance No. 6452 to the extent that it contains terms and conditions that change, modify, delete, add to, supplement or otherwise amend the terms and conditions of Ordinance No. 6452. All other provisions of Ordinance No. 6452 shall remain unchanged and in full force and effect.

Section 5. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 6. 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 7. 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:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____

EXHIBIT "B"

STATEMENT OF ACCEPTANCE

Zayo Group, LLC., for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise Agreement, Ordinance No. 6452, attached hereto and incorporated herein by this reference as amended by Ordinance No. 6670.

Zayo Group LLC
1805 29th St SE, Suite 250
Boulder, CO 80301

By: _____ Date: _____
Name:
Title:

STATE OF _____)
)ss.
COUNTY OF _____)

On this ____ day of _____, 2018, before me the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared, _____ of _____, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

Signature

NOTARY PUBLIC in and for the State of _____
_____, residing at _____
MY COMMISSION EXPIRES: _____

Draft Ordinance No. 6670
Zayo Franchise Agreement Renewal
December 6, 2017
Page 5 of 5

ORDINANCE NO. 6452

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, GRANTING TO
ZAYO GROUP, LLC, A DELAWARE LIMITED
LIABILITY COMPANY, A FRANCHISE FOR A
TELECOMMUNICATIONS SYSTEM**

WHEREAS, Zayo Group, LLC, ("Grantee") has applied to the City of Auburn ("City") for a non-exclusive Franchise for the right of entry, use, and occupation of certain public right(s)-of-way within the City, expressly to install, construct, erect, operate, maintain, repair, relocate and remove its facilities in, on, over, under, along and/or across those right(s)-of-way; and

WHEREAS, following proper notice, the City Council held a public hearing on March 18, 2013, on Grantee's request for a Franchise, at which time representatives of Grantee and interested citizens were heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, from information presented at such public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City and its inhabitants that the franchise be granted to Grantee,

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

Section 1. Grant of Right to Use Franchise Area

A. Subject to the terms and conditions stated herein, the City grants to the Grantee general permission to enter, use, and occupy the right(s)-of-way and/or other public property specified in Exhibit "A," attached hereto and incorporated by reference (the "Franchise Area").

B. The Grantee is authorized to install, remove, construct, erect, operate, maintain, relocate and repair the types of facilities specified in Exhibit "B," attached hereto and incorporated by reference, and all necessary appurtenances thereto, ("Grantee Facilities") for provision of those services set forth in Exhibit "C" ("Grantee Services") in, along, under and across the Franchise Area.

C. This Franchise does not authorize the use of the Franchise Area for any facilities or services other than Grantee Facilities and Grantee Services, and it extends no rights or privilege relative to any facilities or services of any type, including Grantee Facilities and Grantee Services, on public or private property elsewhere within the City.

D. This Franchise is non-exclusive and does not prohibit the City from entering into other agreements, including Franchises, impacting the Franchise Area, unless the City determines that entering into such agreements interferes with Grantee's right set forth herein.

E. Except as explicitly set forth herein, this Franchise does not waive any rights that the City has or may hereafter acquire with respect to the Franchise Area or any other City roads, rights-of-way, property, or any portions thereof. This Franchise shall be subject to the power of eminent domain, and in any proceeding under eminent domain, the Grantee acknowledges its use of the Franchise Area shall have no value.

F. The City reserves the right to change, regrade, relocate, abandon, or vacate any right-of-way within the Franchise Area. If, at any time during the term of this Franchise, the City vacates any portion of the Franchise Area containing Grantee Facilities, the City shall reserve an easement for public utilities within that vacated portion, pursuant to RCW 35.79.030, within which the Grantee may continue to operate any existing Grantee Facilities under the terms of this Franchise for the remaining period set forth under Section 3.

G. The Grantee agrees that its use of Franchise Area shall at all times be subordinated to and subject to the City and the public's need for municipal infrastructure, travel, and access to the Franchise Area, except as may be otherwise required by law.

Section 2. Notice

A. Written notices to the parties shall be sent by certified mail to the following addresses, unless a different address shall be designated in writing and delivered to the other party.

City: Engineering Aide, Public Works Department - Transportation
City of Auburn
25 West Main Street
Auburn, WA 98001-4998
Telephone: (253) 931-3010; Fax: (253) 931-3048

with a copy to: City Clerk
 City of Auburn
 25 West Main Street
 Auburn, WA 98001-4998

Grantee:

 Zayo Group, LLC
 Attn. General Counsel, ZFTI
 400 Centennial Parkway, Suite 200
 Louisville, CO 80027

B. Any changes to the above-stated Grantee information shall be sent to the City's Engineering Aide, with copies to the City Clerk, referencing the title of this agreement.

C. The above-stated Grantee voice and fax telephone numbers shall be staffed at least during normal business hours, Pacific time zone.

Section 3. Term of Agreement

A. This Franchise shall run for a period of five (5) years, from the date of execution specified in Section 5.

B. **Renewal Option of Term:** The Grantee may renew this Franchise for an additional five (5) year period upon submission and approval of the application specified under ACC 20.06.130, as it now exists or is amended, within the timeframe set forth therein (currently 240 to 180 days prior to expiration of the then-current term). Any materials submitted by the Grantee for a previous application may be considered by the City in reviewing a current application, and the Grantee shall only submit those materials deemed necessary by the City to address changes in the Grantee Facilities or Grantee Services, or to reflect specific reporting periods mandated by the ACC.

C. **Failure to Renew Franchise – Automatic Extension.** If the Parties fail to formally renew this Franchise prior to the expiration of its term or any extension thereof, the Franchise automatically continues month to month until renewed or either party gives written notice at least one hundred and eighty (180) days in advance of intent not to renew the Franchise.

Section 4. Definitions

For the purpose of this agreement:

"ACC" means the Auburn City Code.

"Emergency" means a condition of imminent danger to the health, safety and welfare of persons or property located within the City including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots, acts of terrorism or wars.

"Maintenance or Maintain" shall mean examining, testing, inspecting, repairing, maintaining and replacing the existing Grantee Facilities or any part thereof as required and necessary for safe operation.

"Relocation" means permanent movement of Grantee facilities required by the City, and not temporary or incidental movement of such facilities, or other revisions Grantee would accomplish and charge to third parties without regard to municipal request.

"Rights-of-Way" means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, easements, rights-of-ways and similar public properties and areas.

Section 5. Acceptance of Franchise

A. This Franchise, and any rights granted hereunder, shall not become effective for any purpose unless and until Grantee files with the City Clerk (1) the Statement of Acceptance, attached hereto as Exhibit "D," and incorporated by reference, (2) all verifications of insurance coverage specified under Section 15, and (3) the financial guarantees specified in Section 16 (collectively, "Franchise Acceptance"). The date that such Franchise Acceptance is filed with the City Clerk shall be the effective date of this Franchise.

B. Should the Grantee fail to file the Franchise Acceptance with the City Clerk within 30 days after the effective date of the ordinance approving the Franchise, the City's grant of the Franchise will be null and void.

Section 6. Construction and Maintenance

A. The Grantee shall apply for, obtain, and comply with the terms of all permits required under ACC Chapter 12.24 for any work done upon Grantee

Facilities. Grantee shall comply with all applicable City, State, and Federal codes, rules, regulations, and orders in undertaking such work, which shall be done in a thorough and proficient manner.

B. Grantee agrees to coordinate its activities with the City and all other utilities located within the public right-of-way within which Grantee is under taking its activity.

C. The City expressly reserves the right to prescribe how and where Grantee Facilities shall be installed within the public right-of-way and may from time to time, pursuant to the applicable sections of this Franchise, require the removal, relocation and/or replacement thereof in the public interest and safety at the expense of the Grantee.

D. Before commencing any work within the public right-of-way, the Grantee shall comply with the One Number Locator provisions of RCW Chapter 19.122 to identify existing utility infrastructure.

E. Tree Trimming. Upon prior written approval of the City and in accordance with City ordinances, Grantee shall have the authority to reasonably trim trees upon and overhanging streets, public rights-of-way, and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with the Grantee Facilities. Grantee shall be responsible for debris removal from such activities. If such debris is not removed within twenty-four (24) hours of completion of the trimming, the City may, at its sole discretion, remove such debris and charge Grantee for the cost thereof. This section does not, in any instance, grant automatic authority to clear vegetation for purposes of providing a clear path for radio signals. Any such general vegetation clearing will require a land clearing permit.

Section 7. Repair and Emergency Work

In the event of an emergency, the Grantee may commence such repair and emergency response work as required under the circumstances, provided that the Grantee shall notify the City Construction Manager in writing as promptly as possible, before such repair or emergency work commences, or as soon thereafter as possible, if advance notice is not practical. The City may act, at any time, without prior written notice in the case of emergency, but shall notify the Grantee in writing as promptly as possible under the circumstances.

Section 8. Damages to City and Third-Party Property

Grantee agrees that if any of its actions under this Franchise impairs or damages any City property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, said property to a safe condition. Such repair work shall be performed and completed to the satisfaction of the City Engineer.

Section 9. Location Preference

A. Any structure, equipment, appurtenance or tangible property of a utility, other than the Grantee's, which was installed, constructed, completed or in place prior in time to Grantee's application for a permit to construct or repair Grantee Facilities under this Franchise shall have preference as to positioning and location with respect to the Grantee Facilities. However, to the extent that the Grantee Facilities are completed and installed prior to another utility's submittal of a permit for new or additional structures, equipment, appurtenances or tangible property, then the Grantee Facilities shall have priority. These rules governing preference shall continue in the event of the necessity of relocating or changing the grade of any City road or right-of-way. A relocating utility shall not necessitate the relocation of another utility that otherwise would not require relocation. This Section shall not apply to any City facilities or utilities that may in the future require the relocation of Grantee Facilities. Such relocations shall be governed by Section 11.

B. Grantee shall maintain a minimum underground horizontal separation of five (5) feet from City water, sanitary sewer and storm sewer facilities and ten (10) feet from above-ground City water facilities; provided, that for development of new areas, the City, in consultation with Grantee and other utility purveyors or authorized users of the Public Way, will develop guidelines and procedures for determining specific utility locations.

Section 10. Grantee Information

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested of the City Engineering Aide to coordinate municipal functions with Grantee's activities and fulfill any municipal obligations under state law. Said information shall include, at a minimum, as-built drawings of Grantee Facilities, installation inventory, and maps and plans showing the location of existing or planned facilities within the City. Said information may be requested either in hard copy or electronic format, compatible with the City's data base system, as now or hereinafter existing, including the City's geographic information Service (GIS) data base. Grantee shall keep the City Right-of-Way

Manager informed of its long-range plans for coordination with the City's long-range plans.

B. The parties understand that Washington law limits the ability of the City to shield from public disclosure any information given to the City. Accordingly, the City agrees to notify the Grantee of requests for public records related to the Grantee, and to give the Grantee a reasonable amount of time to obtain an injunction to prohibit the City's release of records.

Grantee shall indemnify and hold harmless the City for any loss or liability for fines, penalties, and costs (including attorneys fees) imposed on the City because of non-disclosures requested by Grantee under Washington's open public recordsact, provided the City has notified Grantee of the pending request.

Section 11. Relocation of Grantee Facilities

A. Except as otherwise so required by law, Grantee agrees to relocate, remove, or reroute its facilities as ordered by the City Engineer at no expense or liability to the City, except as may be required by RCW Chapter 35.99. Pursuant to the provisions of Section 14, Grantee agrees to protect and save harmless the City from any customer or third-party claims for service interruption or other losses in connection with any such change, relocation, abandonment, or vacation of the Pubic Way.

B. If a readjustment or relocation of the Grantee Facilities is necessitated by a request from a party other than the City, that party shall pay the Grantee the actual costs thereof.

Section 12. Abandonment and or Removal of Grantee Facilities

A. Within one hundred and eighty days (180) of Grantee's permanent cessation of use of the Grantee Facilities, or any portion thereof, the Grantee shall, at the City's discretion, either abandon in place or remove the affected facilities.

B. The parties expressly agree that this Section shall survive the expiration, revocation or termination of this Franchise.

Section 13. Undergrounding

A. The parties agree that this Franchise does not limit the City's authority under federal law, state law, or local ordinance, to require the undergrounding of utilities.

B. Whenever the City requires the undergrounding of aerial utilities in the Franchise Area, the Grantee shall underground the Grantee Facilities in the manner specified by the City Engineer at no expense or liability to the City, except as may be required by RCW Chapter 35.99. Where other utilities are present and involved in the undergrounding project, Grantee shall only be required to pay its fair share of common costs borne by all utilities, in addition to the costs specifically attributable to the undergrounding of Grantee Facilities. Common costs shall include necessary costs for common trenching and utility vaults. Fair share shall be determined in comparison to the total number and size of all other utility facilities being undergrounded.

Section 14. Indemnification and Hold Harmless

A. The Grantee shall defend, indemnify, and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, suits, or liabilities of any nature including attorneys' fees arising out of or in connection with the Grantee's performance under this Franchise, except to the extent such costs, claims, injuries, damages, losses, suits, or liabilities are caused by the negligence of the City.

B. The Grantee shall hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee Facilities caused by maintenance and/or construction work performed by, or on behalf of, the City within the Franchise Area or any other City road, right-of-way, or other property, except to the extent any such damage or loss is directly caused by the negligence of the City, or its agent performing such work.

C. The Grantee acknowledges that neither the City nor any other public agency with responsibility for fire fighting, emergency rescue, public safety or similar duties within the City has the capability to provide trench, close trench or confined space rescue. The Grantee, and its agents, assigns, successors, or contractors, shall make such arrangements as Grantee deems fit for the provision of such services. The Grantee shall hold the City harmless from any liability arising out of or in connection with any damage or loss to the Grantee for the City's failure or inability to provide such services, and, pursuant to the terms of Section 14(A), the Grantee shall indemnify the City against any and all third-party costs, claims, injuries, damages, losses, suits, or liabilities based on the City's failure or inability to provide such services.

D. Acceptance by the City of any work performed by the Grantee shall not be grounds for avoidance of this section.

E. It is further specifically and expressly understood that the indemnification provided herein constitutes the Grantee's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Section 15. Insurance

A. The Grantee shall procure and maintain for the duration of this Franchise, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Grantee, its agents, representatives, or employees in the amounts and types set forth below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles with a minimum combined single limit for bodily injury and property damage of \$1,000,000.00 per accident. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance with limits no less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate and a \$2,000,000.00 products-completed operations aggregate limit. Coverage shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, and personal injury and advertising injury and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate Per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial General Liability insurance for liability arising from explosion, collapse, or underground property damage. The City shall be named as an additional insured under the Grantee's Commercial General Liability insurance policy with respect to the work performed under this Franchise using ISO Additional Insured Endorsement CG 20 10 10 01 and Additional Insured-Completed Operations

endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. Professional Liability insurance with limits no less than \$1,000,000.00 per claim for all professional employed or retained Grantee to perform services under this Franchise.

4. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability, and Commercial General Liability insurance:

1. The Grantee's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Grantee's insurance and shall not contribute with it.

2. The Grantee's insurance shall be endorsed to state that coverage shall not be cancelled by either party except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

D. Verification of Coverage. Grantee shall furnish the City with documentation of insurer's A.M. Best rating and with original certificates and a copy of amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

E. Grantee shall have the right to self-insure any or all of the above-required insurance. Any such self insurance is subject to approval by the City.

F. Grantee's maintenance of insurance as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 16. Performance Security

The Grantee shall provide the City with a financial guarantee in the amount of Fifty Thousand Dollars (\$50,000.00) running for, or renewable for, the term of this Franchise, in a form and substance acceptable to the City. In the event Grantee shall fail to substantially comply with any one or more of the provisions of this Franchise, then there shall be recovered jointly and severally from the principal and any surety of such financial guarantee any damages suffered by City as a result thereof, including but not limited to staff time, material and equipment costs, compensation or indemnification of third parties, and the cost of removal or abandonment of facilities hereinabove described. Grantee specifically agrees that its failure to comply with the terms of Section 19 shall constitute damage to the City in the monetary amount set forth therein. Such a financial guarantee shall not be construed to limit the Grantee's liability to the guarantee amount, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 17. Successors and Assignees

A. All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors, assigns of, and independent contractors of the Grantee, and all rights and privileges, as well as all obligations and liabilities of the Grantee shall inure to its successors, assignees and contractors equally as if they were specifically mentioned herein wherever the Grantee is mentioned.

B. This Franchise shall not be leased, assigned or otherwise alienated without the express prior consent of the City by ordinance; Provided, that prior consent for an assignment to Grantee's affiliates may be granted administratively.

C. Grantee and any proposed assignee or transferee shall provide and certify the following to the City not less than sixty (60) days prior to the proposed date of transfer: (a) Complete information setting forth the nature, term and conditions of the proposed assignment or transfer; (b) All information required by the City of an applicant for a Franchise with respect to the proposed assignee or transferee; and, (c) An application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing, and investigating the proposed assignment or transfer.

D. Prior to the City's consideration of a request by Grantee to consent to a Franchise assignment or transfer, the proposed Assignee or Transferee shall file with the City a written promise to unconditionally accept all terms of the

Franchise, effective upon such transfer or assignment of the Franchise. The City is under no obligation to undertake any investigation of the transferor's state of compliance and failure of the City to insist on full compliance prior to transfer does not waive any right to insist on full compliance thereafter.

Section 18. Dispute Resolution

A. In the event of a dispute between the City and the Grantee arising by reason of this Agreement, the dispute shall first be referred to the operational officers or representatives designated by Grantor and Grantee to have oversight over the administration of this Agreement. The officers or representatives shall meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute.

B. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies. This Franchise shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case, and such fees shall be included in the judgment.

Section 19. Enforcement and Remedies

A. If the Grantee shall willfully violate, or fail to comply with any of the provisions of this Franchise through willful or unreasonable negligence, or should it fail to heed or comply with any notice given to Grantee under the provisions of this agreement, the City may, at its discretion, provide Grantee with written notice to cure the breach within thirty (30) days of notification. If the City determines the breach cannot be cured within thirty days, the City may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or the Grantee does not comply with the specified conditions, the City may, at its discretion, either (1) revoke the Franchise with no further notification, or (2) claim damages of Two Hundred Fifty Dollars (\$250.00) per day against the financial guarantee set forth in Section 16 for every day after the expiration of the cure period that the breach is not cured.

B. Should the City determine that Grantee is acting beyond the scope of permission granted herein for Grantee Facilities and Grantee Services, the City reserves the right to cancel this Franchise and require the Grantee to apply for, obtain, and comply with all applicable City permits, franchises, or other City permissions for such actions, and if the Grantee's actions are not allowed under applicable federal and state or City laws, to compel Grantee to cease such actions.

Section 20. Compliance with Laws and Regulations

A. This Franchise is subject to, and the Grantee shall comply with all applicable federal and state or City laws, regulations and policies (including all applicable elements of the City's comprehensive plan), in conformance with federal laws and regulations, affecting performance under this Franchise. Furthermore, notwithstanding any other terms of this agreement appearing to the contrary, the Grantee shall be subject to the police power of the City to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in the Franchise Area.

B. The City reserves the right at any time to amend this Franchise to conform to any hereafter enacted, amended, or adopted federal or state statute or regulation relating to the public health, safety, and welfare, or relating to roadway regulation, or a City Ordinance enacted pursuant to such federal or state statute or regulation upon providing Grantee with thirty (30) days written notice of its action setting forth the full text of the amendment and identifying the statute, regulation, or ordinance requiring the amendment. Said amendment shall become automatically effective upon expiration of the notice period unless, before expiration of that period, the Grantee makes a written call for negotiations over the terms of the amendment. If the parties do not reach agreement as to the terms of the amendment within thirty (30) days of the call for negotiations, the City may enact the proposed amendment, by incorporating the Grantee's concerns to the maximum extent the City deems possible.

C. The City may terminate this Franchise upon thirty (30) days written notice to the Grantee, if the Grantee fails to comply with such amendment or modification.

Section 21. License, Tax and Other Charges

This Franchise shall not exempt the Grantee from any future license, tax, or charge which the City may hereinafter adopt pursuant to authority granted to it

under state or federal law for revenue or as reimbursement for use and occupancy of the Franchise Area.

Section 22. Consequential Damages Limitation

Notwithstanding any other provision of this Agreement, in no event shall either party be liable for any special, incidental, indirect, punitive, reliance, consequential or similar damages.

Section 23. Severability

If any portion of this Franchise is deemed invalid, the remainder portions shall remain in effect.

Section 24. Titles

The section titles used herein are for reference only and should not be used for the purpose of interpreting this Franchise.

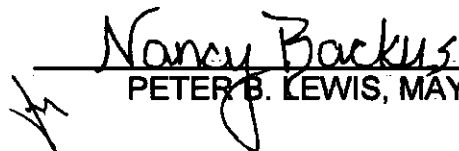
Section 25. Implementation.

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

Section 26. 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: APR - 1 2013
PASSED: APR - 1 2013
APPROVED: APR - 1 2013



PETER B. LEWIS, MAYOR

ATTEST:


Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Feld, City Attorney

Published: April 4, 2013 in the *Seattle Times*

Franchise Agreement No 12-41 Zayo Group LLC

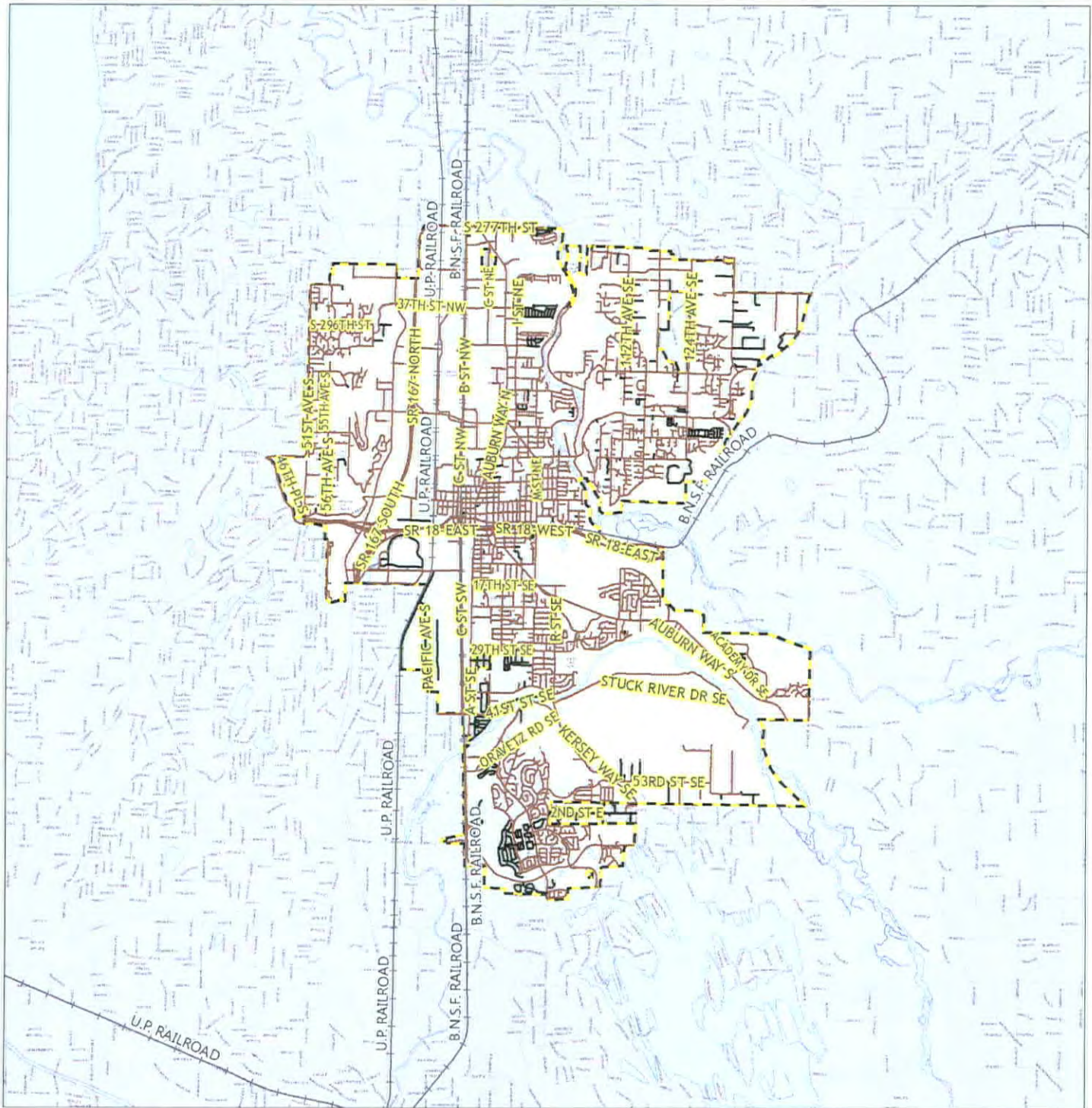


Exhibit "A" Franchise Area City Limits

Printed Date: 1/29/2013
Map Created by City of Auburn eGIS

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



Exhibit "B"

Grantee Facilities

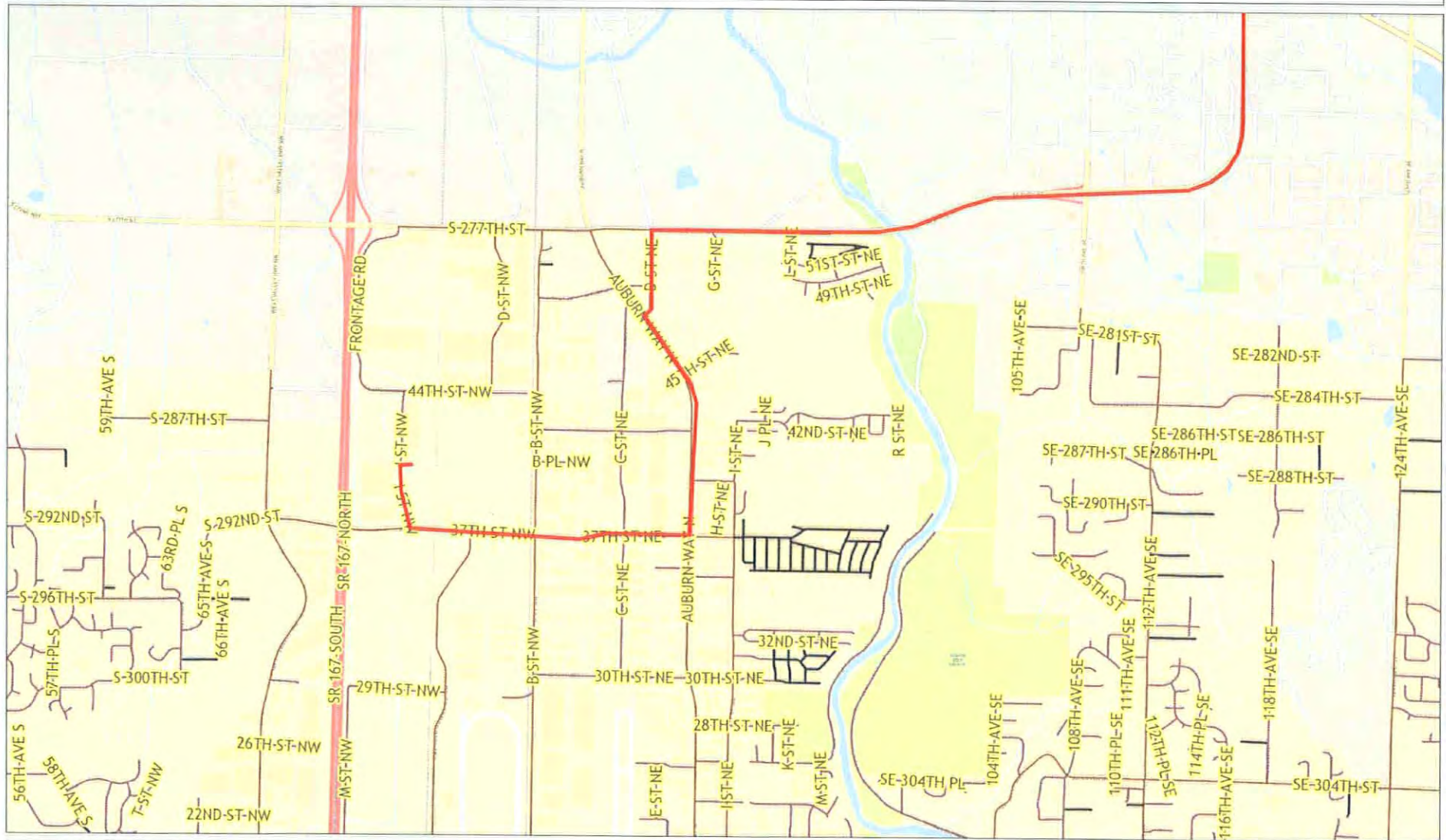
Underground and overhead fiber optic cable consisting of individual fiber optic strands.

Exhibit "C"

Grantee Services

Zayo is a provider of bandwidth infrastructure solutions, offering traditional lit telecommunications services (including private lines and wavelengths, Internet access and co-location) to wholesale and enterprise customers over a fiber-optic network in metropolitan markets from coast-to-coast. Wholesale carrier customers include telecom, wireless, cable, LEC and Internet service providers. Enterprise customers include web-centric and technology businesses, government entities, educational institutions, financial services companies, healthcare providers and smaller firms needing to connect multiple facilities. Zayo does not provide any residential, voice, cable or video service.

Zayo Group Proposed Initial Buildout



Proposed initial buildout alignment. Final alignment and location to be determined during engineering review of required construction permits.

Printed Date: 1/29/2013
Map Created by City of Auburn eGIS

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



EXHIBIT "D"

STATEMENT OF ACCEPTANCE

Zayo Group, LLC, for itself, its successors and assigns, hereby accepts and agrees to be bound by all lawful terms, conditions and provisions of the Franchise attached hereto and incorporated herein by this reference.

[Grantee]

By: [Signature]
Name: Greg Friedman
Title: CEO-ZFTI, Zayo Group, LLC

Date: 4/11/13

STATE OF Colorado)
)ss.
COUNTY OF Boulder)

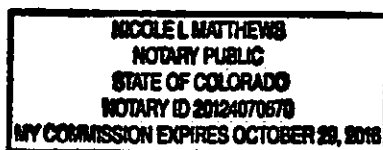
On this 11th day of April, 2013, before me the undersigned, a Notary Public in and for the State of Colorado, duly commissioned and sworn, personally appeared, Greg Friedman of Zayo Group, the company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

[Signature]
Signature

NOTARY PUBLIC in and for the State of
Colorado, residing at Boulder County

MY COMMISSION EXPIRES: 10/29/14



Ordinance No. 6452
Franchise Agreement No. 12-41
DATE 01/29/2013



AGENDA BILL APPROVAL FORM

Agenda Subject:

NPDES Annual Report and Stormwater Management Program
Plan (Gaub) (15 Minutes)

Date:

February 5, 2018

Department:

CD & PW

Attachments:

[NPDES Draft Annual Report with attachments](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

For discussion only.

Background Summary:

The material to be presented at this study session initiates a 3-week public review and comment period associated with the City of Auburn's National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit (Permit).

Background Summary:

The City's NPDES Permit was issued by the Washington State Department of Ecology for the period 2013-2018. Conditions of the Permit include submittal of an Annual Report describing the NPDES activities completed during the previous year (2017), and development of a Stormwater Management Program Plan (SWMP Plan) for NPDES activities planned for the current year (2018).

The study session will include a discussion of the City's 2017 NPDES activities and its proposed 2018 NPDES activities.

The Permit requires that the City allow public input on the SWMP Plan as part of the Public Involvement and Participation requirements in the City's Permit. After the Study Session, the SWMP Plan will be posted on Auburn's website for public review and comment. A Public Hearing is being scheduled for the Council's March 5, 2018 meeting to receive public input on the SWMP Plan, and notice of the public hearing has been published in the newspaper. A resolution for adoption of the SWMP Plan will be presented for the City Council's consideration at the March 19, 2018 meeting. The annual report and the SWMP Plan must be submitted to Ecology by March 31, 2018.

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

Gaub

Meeting Date: February 12, 2018

Item Number:

Annual Report

Number	Permit Section	Question
1	S5.A.2	Attach updated annual Stormwater Management Program Plan (SWMP Plan). (S5.A.2) Saved Document Name: 2018 SWMP Plan Draft 20180104_1_02012018024349
2	S9.D.5	Attach a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period per S9.D.5. Not Applicable
3	S5.A.3	Implemented an ongoing program to gather, track, and maintain information per S5.A.3, including costs or estimated costs of implementing the SWMP. Yes
4	S5.A.5.b	Coordinated among departments within the jurisdiction to eliminate barriers to permit compliance. (S5.A.5.b) Yes
5	S5.C.1.a.i and ii	Attach description of public education and outreach efforts conducted per S5.C.1.a.i and ii. Saved Document Name: Auburn Question 5_5_02012018024638
6	S5.C.1.b	Created stewardship opportunities (or partnered with others) to encourage resident participation in activities such as those described in S5.C.1.b. Yes
7	S5.C.1.b	Used results of measuring the understanding and adoption of targeted behaviors among at least one audience in at least one subject area to direct education and outreach resources and evaluate changes in adoption of targeted behaviors. (Required no later than February 2, 2016, S5.C.1.b) Yes
8	S5.C.2.a	Describe the opportunities created for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP. (S5.C.2.a) Public comment is requested through advertisement in the newspaper and on the City's website. A public hearing is held a City Council meeting.
9	S5.C.2.b	Posted the updated SWMP Plan and latest annual report on your website no later than May 31. (S5.C.2.b) Yes
9b	S5.C.2.b	List the website address. www.auburnwa.gov
10	S5.C.3.a.i - vi	Maintained a map of the MS4 including the requirements listed in S5.C.3.a.i.-vi. Yes

Number	Permit Section	Question
11	S5.C.3.b.v	Implemented a compliance strategy, including informal compliance actions as well as enforcement provisions of the regulatory mechanism described in S5.C.3.b. (S5.C.3.b.v) Yes
12	S5.C.3.b.vi	Updated, if necessary, the regulatory mechanism to effectively prohibit illicit discharges into the MS4 per S5.C.3.b.vi. (Required no later than February 2, 2018) Yes
12b		Cite the Prohibited Discharges code reference ACC 13.48.210
13	S5.C.3.c.i	Implemented procedures for conducting illicit discharge investigations in accordance with S5.C.3.c.i. Yes
13b	S5.C.3.c.i	Cite methodology Illicit Connection and Illicit Discharge Field Screening and Source Tracking Guidance Manual
14	S5.C.3.c.i	Percentage of MS4 coverage area screened in reporting year per S5.C.3.c.i. (Required to screen 40% of MS4 no later than December 31, 2017 (except no later than June 30, 2018 for the City of Aberdeen) and 12% on average each year thereafter. (S5.C.3) 40
15	S5.C.3.c.ii	List the hotline telephone number for public reporting of spills and other illicit discharges. (S5.C.3.c.ii) (253) 931-3048
15b	S5.C.3.c.ii	Number of hotline calls received. 10
16	S5.C.3.c.iii	Implemented an ongoing illicit discharge training program for all municipal field staff per S5.C.3.c.iii. Yes
17	S5.C.3.c.iv	Informed public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste. (S5.C.3.c.iv) Yes
17b	S5.C.3.c.iv	Describe the information sharing actions. (S5.C.3.c.iv) Contracted with ECOSS to conduct pollution prevention outreach to businesses in Auburn. The program served 107 businesses, 43% of which spoke English as a second language. Mailed "Rain Drain" postcards to two areas where evidence of illicit discharges were identified. 46 new and existing employees received Illicit Discharge Recognition and Reporting training.
18	S5.C.3.d	Implemented an ongoing program to characterize, trace, and eliminate illicit discharges into the MS4 per S5.C.3.d. Yes
19	S5.C.3.d.iv	Number of illicit discharges, including illicit connections, eliminated during the reporting year. (S5.C.3.d.iv) 37

Number	Permit Section	Question
20	S5.C.3.d.iv	<p>Attach a summary of actions taken to characterize, trace and eliminate each illicit discharge found by or reported to the permittee. For each illicit discharge, include a description of actions according to required timeline per S5.C.3.d.iv</p> <p>Saved Document Name: Auburn Question 20_20_02012018025658</p>
21	S5.C.3.e	<p>Municipal illicit discharge detection staff are trained to conduct illicit discharge detection and elimination activities as described in S5.C.3.e.</p> <p>Yes</p>
22	S5.C.4.a	<p>Implemented an ordinance or other enforceable mechanism to address runoff from new development, redevelopment and construction sites per the requirements of S5.C.4.a.</p> <p>Yes</p>
23b	S5.C.4.a.i-iii	<p>Cite code reference for revised ordinance or other enforceable mechanism to address runoff from new development, redevelopment and construction sites.</p> <p>Ordinance 6617</p>
24	S5.C.4.a.i	<p>Number of exceptions granted to the minimum requirements in Appendix 1. (S5.C.4.a.i., and Section 6 of Appendix 1)</p> <p>0</p>
25	S5.C.4.a.i	<p>Number of variances granted to the minimum requirements in Appendix 1. (S5.C.4.a.i., and Section 6 of Appendix 1)</p> <p>0</p>
26	S5.C.4.b.i	<p>Reviewed Stormwater Site Plans for all proposed development activities that meet the thresholds adopted pursuant to S5.C.4.a.i. (S5.C.4.b.i)</p> <p>Yes</p>
26b	S5.C.4.b.i	<p>Number of site plans reviewed during the reporting period.</p> <p>232</p>
27	S5.C.4.b.ii	<p>Inspected, prior to clearing and construction, permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 Determining Construction Site Sediment Damage Potential, or alternatively, inspected all construction sites meeting the minimum thresholds adopted pursuant to S5.C.4.a.i. (S5.C.4.b.ii)</p> <p>Yes</p>
27b	S5.C.4.b.ii	<p>Number of construction sites inspected per S5.C.4.b.ii.</p> <p>87</p>
28	S5.C.4.b.iii	<p>Inspected permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. (S5.C.4.b.iii)</p> <p>Yes</p>
28b	S5.C.4.b.iii	<p>Number of construction sites inspected per S5.C.4.b.iii.</p> <p>105</p>
29	S5.C.4.b.ii, iii and	<p>Number of enforcement actions taken during the reporting period (based on construction phase inspections at new development and redevelopment projects). (S5.C.4.b.ii, iii and v)</p>

Number	Permit Section	Question
6		
30	S5.C.4.b.iv	Inspected all permitted development sites that meet the thresholds in S5.C.4.a.i upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities. (S5.C.4.b.iv) Yes
31	S5.C.4.b.ii-iv	Achieved at least 80% of scheduled construction-related inspections. (S5.C.4.b.ii-iv) Yes
32	S5.C.4.b.iv	Verified a maintenance plan is completed and responsibility for maintenance is assigned for projects. (S5.C.4.b.iv) Yes
33	S5.C.4.c	Implemented provisions to verify adequate long-term operation and maintenance (O&M) of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to S5.C.4. a and b. (S5.C.4.c) Yes
35	S5.C.4.c.iii	Annually inspected stormwater treatment and flow control BMPs/facilities per S5.C.4.c.iii. Yes
35b	S5.C.4.c.iii	If using reduced inspection frequency for the first time during this permit cycle, attach documentation per S5.C.4.c.iii Not Applicable
36	S5.C.4.c.iv	Inspected new residential stormwater treatment and flow control BMPs/facilities and catch basins every 6 months per S5.C.4.c.iv to identify maintenance needs and enforce compliance with maintenance standards. Yes
37	S5.C.4.c.v	Achieved at least 80% of scheduled inspections to verify adequate long-term O&M. (S5.C.4.c.v) Yes
38	S4.C.4.c.vi	Verified that maintenance was performed per the schedule in S5.C.4.c.vi when an inspection identified an exceedance of the maintenance standard. Yes
38b	S5.C.4.c.vi	Attach documentation of any maintenance delays. (S5.C.4.c.vi) Not Applicable
39	S5.C.4.d	Provided copies of the Notice of Intent for Construction Activity and Notice of Intent for Industrial Activity to representatives of proposed new development and redevelopment. (S5.C.4.d) Yes
40	S5.C.4.e	All staff responsible for implementing the program to control stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement are trained to conduct these activities. (S5.C.4.e) Yes

Number	Permit Section	Question
42	S5.C.4.g	Participated and cooperated with the watershed-scale stormwater planning process led by a Phase I county. (S5.C.4.g) Not Applicable
43	S5.C.5.a	Updated and implemented maintenance standards as protective, or more protective, of facility function as those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington (as amended 2014). (Required no later than December 31, 2016, except no later than June 30, 2017 for Permittees in Lewis and Cowlitz counties, and no later than June 30, 2018 for the City of Aberdeen, S5.C.5.a). Yes
44	S5.C.5.a	Applied a maintenance standard that is not specified in the Stormwater Management Manual for Western Washington. Not Applicable
45	S5.C.5.a.ii	Performed timely maintenance per S5.C.5.a.ii. Yes
46	S5.C.5.b	Annually inspected all municipally owned or operated permanent stormwater treatment and flow control BMPs/facilities. (S5.C.5.b) Yes
46b	S5.C.5.b	Number of known municipally owned or operated stormwater treatment and flow control BMPs/facilities. (S5.C.5.b) 589
46c	S5.C.5.b	Number of facilities inspected during the reporting period. (S5.C.5.b) 583
46d	S5.C.5.b	Number of facilities for which maintenance was performed during the reporting period. (S5.C.5.b) 75
47	S5.C.5.b	If using reduced inspection frequency for the first time during this permit cycle, attach documentation per S5.C.5.b. Not Applicable
48	S5.C.5.c	Conducted spot checks and inspections (if necessary) of potentially damaged stormwater facilities after major storms as per S5.C.5.c. Yes
49	S5.C.5.d	Inspected all municipally owned or operated catch basins and inlets as per S5.C.5.d, or used an alternative approach. (Required once no later than August 1, 2017 and every two years thereafter, except once no later than June 30, 2018 and every two years thereafter for the City of Aberdeen) Yes
49b	S5.C.5.d	Number of known catch basins. 9798
49c	S5.C.5.d	Number of catch basins inspected during the reporting period. 3403

Number	Permit Section	Question
49d	S5.C.5.d	Number of catch basins cleaned during the reporting period. 1001
50	S5.C.5.d.i-ii	Attach documentation of alternative catch basin cleaning approach, if used. (S5.C.5.d.i or ii) Not Applicable
51	S5.C.5.f	Implemented practices, policies and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. (S5.C.5.f) Yes
52	S5.C.5.g	Implemented an ongoing training program for Permittee employees whose primary construction, operations or maintenance job functions may impact stormwater quality. (S5.C.5.g.) Yes
53	S5.C.5.h	Implemented a Stormwater Pollution Prevention Plan for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under an NPDES permit that covers stormwater discharges associated with the activity. (S5.C.5.h) Yes
54	S7.A	Complied with the Total Maximum Daily Load (TMDL)-specific requirements identified in Appendix 2. (S7.A) Yes
55	S7.A	For TMDLs listed in Appendix 2: Attach a summary of relevant SWMP and Appendix 2 activities to address the applicable TMDL parameter(s). (S7.A) Saved Document Name: Auburn Question 55_55_02012018030445
56	S8.A	Attach a description of any stormwater monitoring or stormwater-related studies as described in S8.A. Not Applicable
57	S8.B.1	Participated in cost-sharing for the regional stormwater monitoring program (RSMP) for status and trends monitoring. (S8.B.1) Yes
58	S8.C.1	Participated in cost-sharing for the regional stormwater monitoring program (RSMP) for effectiveness studies. (S8.C.1) (Required to begin no later than August 15, 2014) Yes
59	S8.D.1	Contributed to the RSMP for source identification and diagnostic monitoring information repository in accordance with S8.D.1. (Required to begin no later than August 15, 2014) Yes
60	G3	Notified Ecology in accordance with G3 of any discharge into or from the Permittees MS4 which could constitute a threat to human health, welfare or the environment. (G3) Yes
61	G3	Number of G3 notifications provided to Ecology.

Number	Permit Section	Question
15		
62	G3.A	Took appropriate action to correct or minimize the threat to human health, welfare, and/or the environment per G3.A. Yes
63	S4.F.1	Notified Ecology within 30 days of becoming aware that a discharge from the Permittee's MS4 caused or contributed to a known or likely violation of water quality standards in the receiving water. (S4.F.1) Yes
64	S4.F.3.a	If requested, submitted an Adaptive Management Response report in accordance with S4.F.3.a. Not Applicable
65	S4.F.3.d	Attach a summary of the status of implementation of any actions taken pursuant to S4.F.3 and the status of any monitoring, assessment, or evaluation efforts conducted during the reporting period. (S4.F.3.d) Not Applicable
66	G20	Notified Ecology of the failure to comply with the permit terms and conditions within 30 days of becoming aware of the non-compliance. (G20) Not Applicable
67	G20	Number of non-compliance notifications (G20) provided in reporting year. 0
67b	G20	List the permit conditions described in non-compliance notification(s). Not Applicable

Attachments:

View Files Attached to Submission

	DocDescr	DocName	DocExt	DocID	SubID	AppName
View	WAR045502_1_02012018024349	2018 SWMP Plan Draft 20180104_1_02012018024349	.pdf	645030	1604664	wqwebportal
View	WAR045502_20_02012018025658	Auburn Question 20_20_02012018025658	.pdf	645056	1604664	wqwebportal
View	WAR045502_5_02012018024638	Auburn Question 5_5_02012018024638	.pdf	645035	1604664	wqwebportal
View	WAR045502_55_02012018030445	Auburn Question 55_55_02012018030445	.pdf	645069	1604664	wqwebportal

Close

CITY OF AUBURN
2018 STORMWATER MANAGEMENT
PROGRAM PLAN

City of Auburn, WA
March 2018



TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1 Overview.....	1
1.2 Regulatory Background	1
1.3 City of Auburn Regulated Area	2
1.4 SWMP Implementation Responsibilities	2
1.5 Document Organization	2
2. STORMWATER MANAGEMENT PROGRAM ADMINISTRATION	4
2.1 Permit Requirements	4
2.2 Planned 2018 Compliance Activities.....	4
3. PUBLIC EDUCATION AND OUTREACH	5
3.1 Permit Requirements	5
3.2 Planned 2018 Compliance Activities.....	5
4. PUBLIC INVOLVEMENT AND PARTICIPATION	7
4.1 Permit Requirements	7
4.2 Planned 2018 Compliance Activities.....	7
5. ILLICIT DISCHARGE DETECTION AND ELIMINATION.....	8
5.1 Permit Requirements	8
5.2 Planned 2018 Compliance Activities.....	8
6. CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES..	10
6.1 Permit Requirements	10
6.2 Planned 2018 Compliance Activities.....	11
7. MUNICIPAL OPERATIONS AND MAINTENANCE	12
7.1 Permit Requirements	12
7.2 Planned 2018 Compliance Activities.....	13
8. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS	14
8.1 Planned 2018 Compliance Activities.....	15
9. MONITORING.....	16
9.1 Permit Requirements	16
9.2 Planned 2018 Compliance Activities.....	16
APPENDIX A	17

LIST OF TABLES

Table 2-1. 2018 Stormwater Management Administration Program Work Plan	4
Table 3-1. 2018 Public Education and Outreach Work Plan	6
Table 4-1. 2018 Public Involvement and Participation Work Plan	7
Table 5-1. 2018 Illicit Discharge Detection and Elimination Work Plan	8
Table 6-1. 2018 Controlling Runoff from Development, Redevelopment, and Construction Sites Work Plan	11
Table 7-1. 2018 Municipal Operations and Maintenance Work Plan	13
Table 8-1. 2018 Compliance with TMDL Load Requirements Work Plan	15
Table 9-1. 2018 Water Quality Monitoring Work Plan	16

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

1. INTRODUCTION

1.1 Overview

This document presents the City of Auburn's Stormwater Management Program (SWMP). Preparation and maintenance of this SWMP Plan is required by the Washington State Department of Ecology (Ecology) as a condition of the Western Washington Phase II Municipal Stormwater Permit (the Phase II Permit). The Phase II permit covers discharges from regulated small municipal separate storm sewer systems (MS4s). The SWMP Plan is intended to inform the public of the planned SWMP activities for the upcoming year.

The permit to discharge stormwater is designed to reduce the discharge of pollutants, protect water quality, and meet the requirements of the federal Clean Water Act.

Appendix A includes acronyms and definitions from the Permit to help the reader understand the City's Stormwater Management Program.

1.2 Regulatory Background

The National Pollutant Discharge Elimination System (NPDES) permit program is a requirement of the federal Clean Water Act, which is intended to protect and restore waters for "fishable, swimmable" uses. The federal Environmental Protection Agency (EPA) has delegated permit authority to state environmental agencies, and these agencies can set permit conditions in accordance with and in addition to the minimum federal requirements. In Washington, the NPDES-delegated permit authority is the Washington State Department of Ecology (Ecology).

In Washington, municipalities with a population of over 100,000 are designated as Phase I communities and must comply with Ecology's Phase I NPDES Municipal Stormwater Permit. Auburn's population is below the 100,000 threshold, so the City must comply with the Phase II Municipal Stormwater Permit. About 100 other municipalities in Washington must also comply with the Phase II Permit, as operators of small municipal separate storm sewer systems (MS4s). Ecology's Phase II Municipal Stormwater Permit is available on Ecology's website at

[https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/Western-Washington-Phase-II-Municipal-Stormwat-\(1\)](https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/Western-Washington-Phase-II-Municipal-Stormwat-(1))

The Permit allows municipalities to discharge stormwater runoff from municipal drainage systems into the state's water bodies (e.g., streams, rivers, lakes, wetlands, and aquifers) as long as municipalities implement programs to protect water quality by reducing the discharge of "non-point source" pollutants to the "maximum extent practicable" (MEP) through application of Permit-specified "best management practices" (BMPs). The BMPs specified in the Permit are collectively referred to as the Stormwater Management Program (SWMP) and grouped under the following Program components:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination

- Controlling Runoff from New Development, Redevelopment, and Construction Sites
- Municipal Operations and Maintenance

In addition to the SWMP components the Permit contains special conditions covering:

- Compliance with Total Maximum Daily Load requirements
- Monitoring and Assessment
- Reporting Requirements

The Permit issued by Ecology became effective on August 1, 2013, was modified January 16, 2014 and expires on July 31, 2018. **Ecology has decided to extend the Permit for one year as they prepare the new permit conditions. In accordance with WAC 173-226-220(3), the current (2013 – 2018) permit will remain in effect during the extension.** The Permit requires the City to submit an annual report no later than March 31st of each year on progress in SWMP implementation. The Permit also requires submittal of a SWMP Plan which describes proposed SWMP activities for the current calendar year. The SWMP Plan is to be updated annually and be included in the submittal of the previous year's annual report.

1.3 City of Auburn Regulated Area

The Western Washington Phase II Permit applies to operators of regulated small MS4s that discharge stormwater to waters of Washington State located west of the crest of the Cascade Range (west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties). For cities, the Permit requirements extend to those areas of each City that drain to MS4s. Most of Auburn drains to MS4s that ultimately discharge into the Green River, the White River, or Mill Creek. In addition, some portions of the City drain to public infiltration facilities where the stormwater soaks into the ground.

1.4 SWMP Implementation Responsibilities

The Utilities Engineering Division in the Community Development and Public Works Department coordinates the overall administration of efforts to comply with Permit requirements. The work plan tables in each Chapter provide the lead departments for the associated task. Other major departments/divisions included in the 2018 SWMP implementation are Maintenance and Operations (M&O), Human Resources (HR), Development Engineering, Permit Center, Innovation and Technology (IT), and Parks.

1.5 Document Organization

The contents of this document are based upon Permit requirements and Ecology's "Guidance for City and County Annual Reports for Western Washington, Phase II Municipal Stormwater General Permits." The program components of this SWMP are organized as listed in the Permit:

- **Section 2.0** addresses administering the City's Stormwater Management Program.
- **Section 3.0** addresses public education and outreach.
- **Section 4.0** addresses public involvement and participation.
- **Section 5.0** addresses illicit discharge detection and elimination.
- **Section 6.0** addresses controlling runoff from new development, redevelopment, and construction sites.
- **Section 7.0** addresses municipal operations and maintenance.
- **Section 8.0** addresses compliance with TMDL requirements.

- **Section 9.0** addresses monitoring.

Each section includes a summary of the relevant Permit requirements and a table showing the planned activities for 2018. This document also includes acronyms and definitions in Appendix A for easy reference.

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

2. STORMWATER MANAGEMENT PROGRAM ADMINISTRATION

This section of the SWMP describes Permit requirements related to overall Stormwater Management Program administration, and planned compliance activities for 2018.

2.1 Permit Requirements

The Permit (Section S5.A) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Develop and implement a Stormwater Management Program (SWMP) and prepare written documentation (SWMP Plan) for submittal to Ecology by March 31 of each year. The purpose of the SWMP is to reduce the discharge of pollutants from the municipal stormwater system to the maximum extent practicable and thereby protect water quality. The SWMP Plan is intended to inform the public of the planned SWMP activities for the upcoming calendar year, including any actions to meet the requirements of S7 Compliance with Total Maximum Daily Load Requirements, and S8 Monitoring.
- Implement a program for gathering, tracking, maintaining, and using information to evaluate SWMP development, implementation and permit compliance and to set priorities.
- Coordinate with other permittees on stormwater related policies programs, and projects within adjacent or shared areas.
- Coordinate between City departments to eliminate barriers to compliance with the terms of the permit.

2.2 Planned 2018 Compliance Activities

Auburn has positioned itself to maintain compliance. Table 2-1 presents the proposed work plan for the 2018 SWMP administration activities.

Table 2-1. 2018 Stormwater Management Administration Program Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
SWMP-1	Revise and update the City's Stormwater Management Program Plan (SWMP Plan) to identify planned SWMP activities for 2018.	Utilities Engineering	The SWMP submittal is due by March 31st of each year.
SWMP-2	Track program element implementation.	Utilities Engineering	Annual Reporting is due by March 31 st of each year.

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

3. PUBLIC EDUCATION AND OUTREACH

This section describes the Permit requirements related to public education and outreach, and planned compliance activities for 2018.

3.1 Permit Requirements

The Permit (Section S5.C.1) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Prioritize and target education and outreach activities to specified audiences, including the general public, businesses, residents/homeowners, landscapers, property managers, engineers, contractors, developers, and land use planners to build general awareness and to effect behavior change with the intent to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.
- Have an outreach program that is designed to improve the target audience's understanding of the problem and what they can do to solve it.
- Create and/or partner with existing organizations to encourage residents to participate in stewardship opportunities.
- Measure the understanding and adoption of the targeted behaviors for at least one target audience in at least one subject area. Use the resulting measurements to direct education and outreach resources most effectively.
- Track and maintain records of public education and outreach activities.

3.2 Planned 2018 Compliance Activities

The City plans to continue the program that has been developed over the permit cycle. The target audiences include:

- The general public
- Businesses (including home-based and mobile businesses)
- Residents/homeowners
- Landscapers
- Property managers
- Engineers, contractors, developers and land use planners

Table 3-1 presents the work plan for the 2018 SWMP public education and outreach activities.

Table 3-1. 2018 Public Education and Outreach Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
EDUC-1	Continue collaboration with other NPDES municipalities through Stormwater Outreach for Regional Municipalities (STORM) and Puget Sound Starts Here efforts to promote regional education and outreach programs.	Utilities Engineering	Refinements to existing public education and outreach activities are on-going.
EDUC-2	Refine education and outreach strategy to supplement existing education activities. An example would be evaluating the current pet waste cleanup education strategy to determine whether more frequent outreach is required.	Utilities Engineering	
EDUC-3	Implement new or modify existing education and outreach activities. An example would be adding the new school classroom education program.	Utilities Engineering	
EDUC-4	Staff training related to Surface Water Management Manual Implementation/Technical Standards: <ul style="list-style-type: none"> • Permitting • Plan Review • Site Inspections • Maintenance Standards. 	Community Development and Public Works Department	
EDUC-4a	Educate select city staff and elected officials to develop a common level of knowledge related to Low Impact Development stormwater management techniques.	Community Development and Public Works Department	Ongoing
EDUC-4b	Educate the general public and developers to develop a common level of knowledge related to Low Impact Development stormwater management principles and techniques.	Community Development and Public Works Department	Ongoing
EDUC-5	Inform public employees, businesses and the general public of the hazards associated with illegal discharges and improper disposal of waste.	Utilities Engineering	Ongoing
EDUC-6	Provide stewardship opportunities such as planting native plants and invasive species removal at the Auburn Environmental park.	Environmental Services	Ongoing

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

4. PUBLIC INVOLVEMENT AND PARTICIPATION

This section describes the Permit requirements related to public involvement and participation, and planned compliance activities for 2018.

4.1 Permit Requirements

The Permit (Section S5.C.2) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Provide ongoing opportunities for public involvement and participation through advisory boards or commissions, public hearings, watershed committees, public participation in developing rate structures and budgets, or other similar activities. The public must be able to participate in the decision-making processes, including development, implementation, and update of the SWMP.
- Make the SWMP Plan and Annual Compliance Report available to the public, by posting on the City's website. Make any other documents required to be submitted to Ecology in response to Permit conditions available to the public.

4.2 Planned 2018 Compliance Activities

The City of Auburn has a history of including the public in decision making. Table 4-1 below presents the work plan for the 2018 SWMP public involvement and participation activities.

Table 4-1. 2018 Public Involvement and Participation Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
PI-1	Provide public involvement opportunities for annual SWMP update.	Utilities Engineering	Public involvement opportunities will be available before the March 31, 2018 submittal.
PI-2	Make SWMP document Report available to public by posting on the City website.	Utilities Engineering	

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

5. ILLICIT DISCHARGE DETECTION AND ELIMINATION

This section describes the Permit requirements related to illicit discharge detection and elimination (IDDE), and planned compliance activities for 2018.

5.1 Permit Requirements

The Permit (Section S5.C.3) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement an ongoing program to detect and remove illicit discharges, connections, and improper disposal, including any spills into the municipal separate storm sewers owned or operated by the City.
- Maintain a storm sewer system map, have ordinances that prohibit illicit discharges, and implement an ongoing program to detect and address illicit discharges.
- Publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Track illicit discharge reports and actions taken in response through close-out, including enforcement actions.
- Inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste.
- Train staff on proper IDDE response SOPs and train municipal field staff to recognize and report illicit discharges.
- Summarize all illicit discharges and connections reported to the City and response actions taken, including enforcement actions, in the Annual Compliance Report; identify any updates to the SWMP.

5.2 Planned 2018 Compliance Activities

Table 5-1 presents the work plan for 2018 SWMP illicit discharge detection and elimination activities.

Table 5-1. 2018 Illicit Discharge Detection and Elimination Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
IDDE-1	Continue to implement City-wide IDDE Program and develop any necessary supplemental IDDE activities. Enforce ACC 13.48.210 using education and technical support as a first action and escalating code enforcement as needed. Publicize a phone number for public reporting of spills and illicit discharges.	Utilities Engineering	Ongoing
IDDE-2	Continue to review and update storm system map to address data gaps and Permit requirements.	Utilities Engineering/IT	Ongoing

IDDE-3	Provide IDDE training to new hires in Utility Engineering and Maintenance & Operations.	Utilities Engineering	Ongoing
IDDE-4	Perform IDDE field screening of at least 12% of MS4 annually.	Utilities Engineering and M&O	Ongoing

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

6. CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES

This section describes the Permit requirements related to controlling runoff from new development, redevelopment, and construction sites, and planned compliance activities for 2018.

6.1 Permit Requirements

The Permit (Section S5.C.4) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement, and enforce a program to reduce pollutants in stormwater runoff (i.e., illicit discharges) to the municipal separate storm sewer system from new development, redevelopment, and construction site activities. The program must apply to both private and public projects, including roads, and address all construction/development-associated pollutant sources.
- Have adopted regulations (codes and standards), plan review, inspection, and escalating enforcement SOPs necessary to implement the program in accordance with Permit conditions, including the minimum technical requirements in Appendix 1 of the Permit by December 31, 2016.
- Review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID best management practices (BMPs) with the intent of making LID the preferred and commonly-used approach to site development by December 31, 2016.
- Participate in watershed-scale stormwater planning under condition S5.C.4.c of the Phase I Municipal Stormwater General Permit if required.
- Have adopted regulations (codes and standards) and processes to verify adequate long-term operations and maintenance of new post-construction permanent stormwater facilities and BMPs in accordance with Permit conditions, including an annual inspection frequency and/or approved alternative inspection frequency and maintenance standards for private drainage systems as protective as those in Chapter 4 of Volume V of the 2012 Ecology Stormwater Management Manual for Western Washington by December 31, 2016.
- Provide copies of the Notice of Intent (NOI) for construction or industrial activities to representatives of the proposed new development and redevelopment.
- Provide training to staff on the new codes, standards, and SOPs and create public education and outreach materials.
- Record and maintain records of all inspections and enforcement actions by staff.
- Summarize annual activities for the “Controlling Runoff” component of the Annual Compliance Report; identify any updates to the SWMP.

6.2 Planned 2018 Compliance Activities

The City has a program to help reduce stormwater runoff from new development and construction sites. Table 6-1 presents the work plan for 2018 SWMP activities related to runoff control for new development, redevelopment, and construction sites.

Table 6-1. 2018 Controlling Runoff from Development, Redevelopment, and Construction Sites Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
CTRL-1	Track and report construction, new development, and redevelopment permits, inspections and enforcement actions.	Planning/ Permit Center	On-going
CTRL-1a	Prior to clearing and construction, inspect all permitted development sites that have a high potential for sediment transport.	Construction	On-going
CTRL-1b	Inspect all permitted development sites during construction.	Construction	On going
CTRL-1c	Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy.	Construction	Ongoing
CTRL-1d	Inspect all permanent stormwater treatment and flow control BMPs/facilities and catch basins in new residential developments every six months until 90% of the lots are constructed or construction has stopped and site is fully stabilized.	Construction	Ongoing
CTRL-2	Conduct annual inspection of all treatment and flow control BMPs/facilities (other than catch basins) – i.e., private systems.	Utilities Engineering	On-going
CTRL-6	Provide copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.	Permit Center	Ongoing
CTRL-7	Enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.	Construction and Code Enforcement	Ongoing

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

7. MUNICIPAL OPERATIONS AND MAINTENANCE

This section describes the Permit requirements related to municipal operations and maintenance, and planned compliance activities for 2018.

7.1 Permit Requirements

The Permit (Section S5.C.5) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement an O&M program, with the ultimate goal of preventing or reducing pollutant runoff from municipal separate stormwater system and municipal O&M activities.
- Implement maintenance standards for the municipal separate stormwater system that are at least as protective as those specified in the 2012 Stormwater Management Manual for Western Washington as amended in 2014.
- Conduct annual inspection of all municipally owned or operated permanent stormwater treatment and flow control BMPs/facilities and perform maintenance as needed to comply with maintenance standards.
- Inspect all catch basins and inlets owned or operated by the City at least once no later than August 1, 2017 and every two years thereafter. Clean the catch basins if inspections indicate cleaning is needed to comply with maintenance standards.
- Check treatment and flow control facilities after major storms and perform repairs as needed in accordance with adopted maintenance standards.
- Have SOPs in place to reduce stormwater impacts associated with runoff from municipal O&M activities, including but not limited to streets, parking lots, roads, or highways owned or maintained by the City, and to reduce pollutants in discharges from all lands owned or maintained by the City.
- Train staff to implement the SOPs and document the training.
- Prepare Stormwater Pollution Prevention Plans (SWPPPs) for all heavy equipment maintenance or storage yards identified for year-round facilities or yards, and material storage facilities owned or operated by the City.
- Summarize annual activities for the “Pollution Prevention and Operations and Maintenance for Municipal Operations” component of the Annual Compliance Report; identify any updates to the SWMP.

7.2 Planned 2018 Compliance Activities

Table 7-1 presents the work plan for 2018 SWMP activities related to municipal operations and maintenance.

Table 7-1. 2018 Municipal Operations and Maintenance Work Plan			
Task ID	Task Description	Responsible	Schedule Notes
MOM-1	Conduct annual inspection of all treatment and flow control (other than catch basins) in the public system and perform maintenance as triggered by the maintenance standards.	Community Development and Public Works Department	On-going
MOM-2	Continue catch basin inspections at a rate that ensures all catch basins are inspected every two years.	M&O	On-going
MOM-2a	Clean catch basin as needed based on inspection results.	M&O	Ongoing
MOM-3	Perform street sweeping to reduce the amount of street waste that enters the storm drainage conveyance system.	M&O	Ongoing
MOM-4	Implement SWPPPs at M&O, Parks-GSA, Cemetery	M&O Parks Cemetery	Ongoing
MOM-5	Implement Low Impact Development maintenance standards, levels of service and inspection procedures adopted in 2016.	Community Development and Public Works, and Parks Departments	Ongoing

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

8. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

The federal Clean Water Act requires that Ecology establish “Total Maximum Daily Loads” (TMDL) for rivers, streams, lakes, and marine waters that don’t meet water quality standards. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards. After the TMDL has been calculated for a given water body, Ecology determines how much each source must reduce its discharges of the pollutant in order bring the water body back into compliance with the water quality standards. TMDL requirements are included in the stormwater NPDES permits for discharges into affected water bodies.

Stormwater discharges covered under this Permit are required to implement actions necessary to achieve the pollutant reductions called for in applicable TMDLs. Applicable TMDLs are those approved by the EPA before the issuance date of the Permit or which have been approved by the EPA prior to the issue date of the Permit or the date Ecology issues coverage under the Permit, whichever is later. Information on Ecology’s TMDL program is available on Ecology’s website at <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process>.

In accordance with Permit condition S7 Compliance with Total Maximum Daily Load Requirements the City must comply with the following TMDL.

Name of TMDL	Puyallup Watershed Water Quality Improvement Project
Document(s) for TMDL	<i>Puyallup River Watershed Fecal Coliform Total Maximum Daily Load – Water Quality Improvement Report and Implementation Plan</i> , June 2011, Ecology Publication No. 11-10-040. https://fortress.wa.gov/ecy/publications/SummaryPages/1110040.html
Location of Original 303(d) Listings	Puyallup River 16712, 7498, White River 16711, 16708, 16709, Clear Creek 7501, Swan Creek 7514, Boise Creek 16706
Area Where TMDL Requirements Apply	Requirements apply in all areas regulated under the Permittee’s municipal stormwater permit and discharging to water bodies listed within the specific requirement in this TMDL section.
Parameter	Fecal Coliform
EPA Approval Date	September 2011
MS4 Permittee	Phase I Permit: King County, Pierce County Phase II Permit: Auburn, Edgewood, Enumclaw, Puyallup, Sumner

Actions required of the City under this TMDL include:

- Beginning no later than October 1, 2013, conduct twice monthly wet weather sampling of stormwater discharges to the White River at Auburn Riverside High School to determine if specific discharges from Auburn's MS4 exceed the water quality criteria for fecal coliform bacteria.
 - Data shall be collected for one wet season.
 - Data shall be collected in accordance with an Ecology-approved QAPP.
 - Data collected since EPA TMDL approval can be used to meet this requirement.

These actions have been completed.

- For any of the outfalls monitored, showing discharges that exceed water quality criteria for primary contact recreation: designate those areas discharging via the MS4 of concern as high priority areas for illicit discharge detection and elimination efforts and implement the schedules and activities identified in S5.C.3 of the Western Washington Phase II permit for response to any illicit discharges found beginning no later than August 1, 2014.

This action has been completed.

- Install and maintain pet waste education and collection stations at municipal parks and other Permittee owned and operated lands adjacent to streams. Focus on locations where people commonly walk their dogs.

8.1 Planned 2018 Compliance Activities

Table 8-1 presents the work plan for 2018 SWMP activities related to TMDL requirement compliance.

Table 8-1. 2018 Compliance with TMDL Load Requirements			
Task ID	Task Description	Responsible	Schedule Notes
TMDL - 1	Include summary of activities conducted in TMDL area to address TMDL parameter (fecal coliform) with annual report to Ecology.	Utilities Engineering	March 31, 2018
TMDL-2	Maintain pet waste education and collection stations at municipal parks and other public lands adjacent to the White River and its tributaries.	Parks Department	On-going

CITY OF AUBURN 2018 STORMWATER MANAGEMENT PROGRAM PLAN

9. MONITORING

This section describes the Permit requirements related to water quality monitoring, and planned compliance activities for 2018.

9.1 Permit Requirements

The Permit (Section S8) requires the City to either conduct Status and Trends Monitoring, and Effectiveness Studies, or pay annually into a collective fund to implement monitoring through the Regional Stormwater Monitoring Program (RSMP). The RSMP was renamed in 2017 and is now called SAM (Stormwater Action Monitoring), other than a new name the program remains the same. The City committed in 2013 to pay \$45,096.00 annually into the collective RSMP monitoring fund for both Status and Trends Monitoring and Effectiveness Studies.

All permittees are required to pay into the RSMP to implement the RSMP Source Identification Information Repository (SIDIR). Auburn's annual payment will be \$2,614.00.

During the one year permit extension these payments will remain the same and are due to the Department of Ecology by August 15th each year.

The City is required to provide the following monitoring and/or assessment data in each annual report:

- A description of any stormwater monitoring or studies conducted by the City during the reporting period. If stormwater monitoring was conducted on behalf of the City, or if studies or investigations conducted by other entities were reported to the City, a brief description of the type of information gathered or received shall be included in the annual report.

9.2 Planned 2018 Compliance Activities

Table 9-1 presents the work plan for 2018 SWMP monitoring activities.

Table 9-1. 2018 Water Quality Monitoring Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
MNTR -1	Pay \$47,710.00 annually into the RSMP collective fund for implementation of Status and Trends Monitoring, Effectiveness Studies, and the Source Identification Information Repository.	Utilities Engineering	Annual payment due by August 15 th .

APPENDIX A

Acronyms and Definitions

The following definitions and acronyms are taken directly from the Phase II Permit and are reproduced here for the reader's convenience.

40 CFR means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

AKART means all known, available, and reasonable methods of prevention, control and treatment. See also State Water Pollution Control Act, chapter 90.48.010 RCW and chapter 90.48.520 RCW.

All known, available and reasonable methods of prevention, control and treatment refers to the State Water Pollution Control Act, chapter 90.48.010 RCW and chapter 90.48.520 RCW.

Applicable TMDL means a TMDL which has been approved by EPA on or before the issuance date of this Permit, or prior to the date that Ecology issues coverage under this Permit, whichever is later.

Beneficial Uses means uses of waters of the state which include but are not limited to use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

Best Management Practices are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

BMP means Best Management Practice.

Bypass means the diversion of stormwater from any portion of a stormwater treatment facility.

Census defined urban area means Urbanized Area.

Circuit means a portion of a MS4 discharging to a single point or serving a discrete area determined by traffic volumes, land use, topography or the configuration of the MS4.

Component or **Program Component** means an element of the Stormwater Management Program listed in S5 Stormwater Management Program for Cities, Towns, and Counties or S6 Stormwater Management Program for Secondary Permittees, S7 Compliance with Total Maximum Daily Load Requirements, or S8 Monitoring of this permit.

Conveyance system means that portion of the municipal separate storm sewer system designed or used for conveying stormwater.

Co-Permittee means an owner or operator of an MS4 which is in a cooperative agreement with at least one other applicant for coverage under this permit. A Co-Permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A Co-Permittee is only responsible for permit conditions relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1)

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq).

Director means the Director of the Washington State Department of Ecology, or an authorized representative.

Discharge Point means the location where a discharge leaves the Permittee's MS4 through the Permittee's MS4 facilities/BMPs designed to infiltrate.

Entity means a governmental body, or a public or private organization.

EPA means the U.S. Environmental Protection Agency.

General Permit means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

Ground water means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. Refer to chapter 173-200 WAC.

Hazardous substance means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or WAC 173-303-100.

Heavy equipment maintenance or storage yard means an uncovered area where any heavy equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are washed or maintained, or where at least five pieces of heavy equipment are stored on a long-term basis.

Highway means a main public road connecting towns and cities.

Hydraulically near means runoff from the site discharges to the sensitive feature without significant natural attenuation of flows that allows for suspended solids removal. See Appendix 7 Determining Construction Site Sediment Damage Potential for a more detailed definition.

Hyperchlorinated means water that contains more than 10 mg/Liter chlorine.

Illicit connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this

permit (S5.C.3 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this permit (S5.C.3 and S6.D.3).

Impervious surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Land disturbing activity means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

LID means Low Impact Development.

LID BMP means low impact development best management practices.

LID Principles means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

Low Impact Development means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low impact development best management practices means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

Material Storage Facilities means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

Maximum Extent Practicable refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act which reads as follows: Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.

MEP means Maximum Extent Practicable.

MS4 means municipal separate storm sewer system.

Municipal Separate Storm Sewer System means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of Washington State.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.; and
- (v) Which is defined as “large” or “medium” or “small” or otherwise designated by Ecology pursuant to 40 CFR 122.26.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

Native vegetation means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

New development means land disturbing activities, including Class IV General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development. Refer to Appendix 1 for a definition of hard surfaces.

New Permittee means a city, town, or county that is subject to the *Western Washington Municipal Stormwater General Permit* and was not subject to the permit prior to August 1, 2013.

New Secondary Permittee means a Secondary Permittee that is covered under a municipal stormwater general permit and was not covered by the permit prior to August 1, 2013.

NOI means Notice of Intent.

Notice of Intent means the application for, or a request for coverage under a General Permit pursuant to WAC 173-226-200.

Notice of Intent for Construction Activity means the application form for coverage under the

Construction Stormwater General Permit.

Notice of Intent for Industrial Activity means the application form for coverage under the *General Permit for Stormwater Discharges Associated with Industrial Activities*.

NPDES means National Pollutant Discharge Elimination System.

Outfall means a point source as defined by 40 CFR 122.2 at the point where a discharge leaves the Permittee's MS4 and enters a surface receiving waterbody or surface receiving waters. Outfall does not include pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

Permeable pavement means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permittee unless otherwise noted, the term "Permittee" includes city, town, or county Permittee, Co-Permittee, New Permittee, Secondary Permittee, and New Secondary Permittee.

Physically Interconnected means that one MS4 is connected to another storm sewer system in such a way that it allows for direct discharges to the second system. For example, the roads with drainage systems and municipal streets of one entity are physically connected directly to a storm sewer system belonging to another entity.

Project site means that portion of a property, properties, or right-of-ways subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. Refer to Appendix 1 for a definition of hard surfaces.

QAPP means Quality Assurance Project Plan.

Qualified Personnel means someone who has had professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee. Qualified Personnel may be staff members, contractors, or volunteers.

Quality Assurance Project Plan means a document that describes the objectives of an environmental study and the procedures to be followed to achieve those objectives.

RCW means the Revised Code of Washington State.

Receiving waterbody or receiving waters means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or ground water, to which infiltration MS4 discharges.

Redevelopment means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. Refer to Appendix 1 for a definition of hard surfaces.

Regional Stormwater Monitoring Program means, for all of western Washington, a stormwater-focused monitoring and assessment program consisting of these components: status and trends monitoring in small streams and marine nearshore areas, stormwater management program effectiveness studies, and a source identification information repository (SIDIR). The priorities and

scope for the RSMP are set by a formal stakeholder group. For this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin only.

Regulated Small Municipal Separate Storm Sewer System means a Municipal Separate Storm Sewer System which is automatically designated for inclusion in the Phase II stormwater permitting program by its location within an Urbanized Area, or by designation by Ecology and is not eligible for a waiver or exemption under S1.C.

RSMP means Regional Stormwater Monitoring Program.

Runoff is water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system. See also “Stormwater.”

Secondary Permittee is an operator of a regulated small MS4 which is not a city, town or county. Secondary Permittees include special purpose districts and other public entities that meet the criteria in S1.B.

Sediment/Erosion-Sensitive Feature means an area subject to significant degradation due to the effect of construction runoff, or areas requiring special protection to prevent erosion. See Appendix 7 Determining Construction Site Sediment Transport Potential for a more detailed definition.

Shared water bodies means water bodies, including downstream segments, lakes and estuaries that receive discharges from more than one Permittee.

SIDIR means Source Identification Information Repository.

Significant contributor means a discharge that contributes a loading of pollutants considered to be sufficient to cause or exacerbate the deterioration of receiving water quality or instream habitat conditions.

Small Municipal Separate Storm Sewer System means an MS4 that is not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

Source control BMP means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The *SWMMWW* separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the *SWMMWW* (2012) for details.

Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow.

Stormwater Associated with Industrial and Construction Activity means the discharge from any conveyance which is used for collecting and conveying stormwater, which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant, or associated with clearing, grading and/or excavation, and is required to have an NPDES permit in accordance with 40 CFR 122.26.

Stormwater Management Program means a set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the MEP and to protect water quality, and comprising the components listed in S5 (for cities, towns and counties) or S6 (for Secondary Permittees) of this Permit and any

additional actions necessary to meet the requirements of applicable TMDLs pursuant to *S7 Compliance with TMDL Requirements*, and *S8 Monitoring and Assessment*.

Stormwater Treatment and Flow Control BMPs/Facilities means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet Appendix 1 Minimum Requirements #6 (treatment), #7 (flow control), or both.

SWMMWW or Stormwater Management Manual for Western Washington means *Stormwater Management Manual for Western Washington (as amended in 2014)*.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

Total Maximum Daily Load means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources.

The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

Tributary conveyance means pipes, ditches, catch basins, and inlets owned or operated by the Permittee and designed or used for collecting and conveying stormwater.

UGA means Urban Growth Area.

Urban Growth Area means those areas designated by a county pursuant to RCW 36.70A.110.

Urbanized Area is a federally-designated land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. Urbanized Areas are designated by the U.S. Census Bureau based on the most recent decennial census.

Vehicle Maintenance or Storage Facility means an uncovered area where any vehicles are regularly washed or maintained, or where at least 10 vehicles are stored.

Water Quality Standards means Surface Water Quality Standards, chapter 173-201A WAC, Ground Water Quality Standards, chapter 173-200 WAC, and Sediment Management Standards, chapter 173-204 WAC.

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

Waters of the United States refers to the definition in 40 CFR 122.2.

City of Auburn 2017 Public Education and Outreach Summary

Public Education / Outreach Activity	Target Audience	Comments
City Storm Drainage Web Site	General public	City website provides general information on the City's storm drainage program, links to the City's SWMP and annual reports, link to Puget Sound Starts Here website and lists the Spill Reporting phone number.
City Storm Drainage Web Site	Private Storm Facility Owners and Managers	City website provides information on maintenance standards for private storm drainage systems.
City Environmental Services Web Site	General public	City website provides information on floodplain and natural area restoration.
Stormwater Outreach for Regional Municipalities (STORM)	General public	Auburn participates in this regional public education and outreach program. Auburn brands its stormwater outreach material with the Puget Sound Starts Here (PSSH) logo to promote the regional effort.
ECOSS Spill Kit Program	Business types included automotive, food service, manufacturing, property maintenance, and retail	Outreach and educational training on spill prevention and cleanup, and stormwater pollution prevention was provided to 107 businesses in 2017. 43% of the businesses contacted spoke English as a second language.
Water Festival	Fourth and fifth grade students	408 Auburn students attended Water Festival 2017 where they learned about stormwater, pollution prevention, wetlands, salmon, drinking water and sanitary sewer issues through hands on activities and presentations.
Natural Yard Care Workshops	Homeowners	Three workshops were attended by between 34 and 49 people per session (59 unique households) from the Lakeland Hills area of Auburn. Attendees learned that they could have beautiful, healthy yards while reducing their dependence on pesticides and fertilizer.
Kid's Day	School children and their parents	One-day fair where approximately 1,500 children visited the Auburn Utilities booth where they could learn about stormwater pollution prevention and other water resource information. Approximately 400 kids visited the Environmental Services booth for a sensory box experience where they got to learn about native plant and animal species, in addition to other elements of nature that they could find in Auburn..
Carwash Kit Program / IDDE	Property owners / managers	Kit checkout procedures continued to include a process where the City verifies that a kit should function at a site prior to it being checked out for use.
Fall Stewardship Events	General Public	The City organized and led 3 events involving native plant planting, clean-up, mulching plants and pathways, and ramp building at the Environmental Park. Three volunteers in total attended the events.

Public Education / Outreach Activity	Target Audience	Comments
Clean Sweep	General public	Approximately 30 volunteers helped with City led planting, cleaning, and invasive plant removal at the Auburn Environmental Park.
Newspapers in Education	School children, general public	The City participated in a regional multi-jurisdictional educational insert in the Seattle Times newspaper on salmon and automotive related storm water pollution prevention.
Scoop it, Bag it and Put it in the Trash article	Pet owners	Infographic promoting proper disposal of pet waste was included in the winter and fall Auburn Magazine issues that were mailed to residences and businesses in Auburn.
The Car is Clean...But What About the Water? article	General Public	Article on car washing and alternatives to fundraising carwashes was included in the summer Auburn Magazine that was mailed to residences and businesses in Auburn.
Environment	Homeowners, General Public	Article on Auburn's Community Vision and Value Statement regarding the environment including information on Low Impact Development was included in the spring Auburn Magazine that was mailed to residences and businesses in Auburn.
Puget Sound Starts Here article	General Public	Article talking about Puget Sound Starts Here Month was included in the Spring Auburn Magazine that was mailed to residences and businesses in Auburn.
Don't Drip & Drive Inspection Event	Vehicle owners	A Don't Drip & Drive Vehicle Inspection Event was held in conjunction with Auburn's Clean Sweep.
Rain Drain Postcard	Homeowners in areas where illicit discharges are suspected	Postcards were mailed to residences and businesses in two areas where illicit discharges had been identified.
Illicit Discharge Recognition and Reporting video	City staff	MS PowerPoint training video was distributed to newly hired staff using Human Resources automated training program. 46 staff members were trained, or retrained on identification and reporting of illicit discharges.
When it Rains, It Pours video	General Public	Link to Puget Sound Starts Here, Drain Rangers video on stormwater pollution prevention posted on the City's Storm Drainage Utility web page.

Attached please find a summary of the Department of Ecology spreadsheet that is included in the Annual Report as an attachment to Question 20. The actual spreadsheet contains too much information to be legible when produced as a paper copy. This summary covers the information that was pertinent to the responses encountered by the City in 2017.

If you would like to see the full spreadsheet please contact Chris Thorn at (253) 804-5065 or cthorn@auburnwa.gov.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
2/9/2017		S.E. 307th Place	Construction Inspection	Visual	Sediment	Construction dewatering	N/A	Inspection report	Contractor was observed dewatering a utility trench into the street. Inspector asked them to redirect the discharge on site.
2/17/2017		A St SW	ERTS	Visual	Antifreeze	Vehicle equipment failure	Absorbent and vactoring of liquid from catch basin	None	Pierce Transit bus leaked antifreeze onto street. A small quantity entered a catch basin. Pierce Transit staff used absorbent to clean the street surface and contracted to have the catch basin cleaned.
3/2/2017	1002	Auburn Way N	Police Report	Visual	Grease (F.O.G.)	Improper disposal	Information provided on contractors to clean up the mess	Technical assistance and code enforcement	Police reported that employees of the Kentucky Fried Chicken restaurant had been dumping grease along the east boundary of their property. C. Teterud provided technical assistance on FOG management. Code Enforcement to ensure clean up occurs.
3/3/2017		M St SE	Spill Hotline	Visual	Diesel	Spill	Non recoverable	None	Report of diesel fuel spilled on the roadway on 3/2/2017. The report was received by the City on 3/3/2017 after a day of consistant rain. V. Konkler, C. Teterud and C. Thorn responded. There was a slight odor of diesel but no other evidence. The system outlet was checked and there was no evidence of diesel.
3/9/2017		A St NE	Construction Inspection	Visual	Turbidity/sediment	Construction runoff	Contractor turn a pump back on that was supposed to be pumping the water to a treatment system.	Stormwater Inspection Report provided to contractor	City inspector D. Alvarez observed turbid water leaving the Reserve construction site and entering the MS4. Water drained from there to a fish bearing stream (ditch) between B St and the BNRR railroad tracks. A pump that directed water to the on-site treatment system was off. The contractor turned it back on and the issue was solved.
3/13/2017		SE 304th Street	Construction Inspection	Visual	Turbidity/sediment	Construction runoff		Water Quality Corrections Required Notice given to contractor	City Stormwater Inspector D. Alvarez observed turbid water leaving the Raceway Mini Storage construction site and entering the MS4. The contractor was given a Water Quality Corrections Notice and all soil disturbing work was shut down until the turbid discharge was addressed.
3/21/2017		Lakeland Hills Way	Call to staff	Visual	None	Unknown	None	N/A	Report from Waste Management that a City vehicle may have been leaking oil on Lakeland Hills Way and Nathan Ave SE. Reporter said that three different City vehicles were seen in the area. M. May and C. Teterud responded and could find no evidence of oil on the road surface.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
3/28/2017		Auburn Way N	Call to staff	Visual	Motor oil	Vehicle accident	Absorbent and sweeper	N/A	Report of oil spilled on roadway from a vehicle accident. VFRA applied absorbent and put absorbent pads around the catch basin. A sweeper cleaned up the absorbent. Non-recoverable sheen remained.
3/28/2017		Lea Hill Rd SE	Call to staff	Visual	Motor oil	Vehicle accident	Absorbent applied and cleaned up	N/A	Report of oil spilled on roadway from a vehicle accident. Absorbent was applied and cleaned up. Some non-recoverable sheen washed off the roadway into the adjacent lawn.
3/29/2017		SE 312th St	Observed by City storm inspector	Visual	Turbidity	Dewatering a power vault	Discharge stopped and a vactor used to finish the job	N/A	D. Alvarez observed a PSE subcontractor discharging turbid water into a ditch. The discharge was stopped and the job was completed using a vactor truck.
4/3/2017	Buffmasters	4210 Auburn Way N	ERTS	Visual	Wastewater from vehicle washing	Detail shop vehicle washing	Cleaned oil water separator and changed business practices so that all wash water goes to the sanitary sewer	Letter to correct and to obtain a business license was issued	Report of wastewater and oil dumping into a storm drain and onto a road. M. May and C. Teterud investigated and found a vehicle wash area with a catch basin that drains to the sanitary sewer. Adjacent to the wash area was a catch basin that may be tied to the storm system. Dye test conducted on 4/6 confirmed that the catch basin was tied to the storm system. Letter prepared identifying need to clean the storm catch basins and correct the illicit connection.
4/5/2017		A St SE	APD called	Visual	Transmission fluid	Vehicle transmission leak	Applied absorbent and swept then applied sand and swept	N/A	APD reported a large transmission fluid spill. M&O and Storm Engineering responded. Absorbent was applied and the street sweeper used to sweep it up. Sand was applied and swept as well. No fluid entered the storm drainage system.
4/7/2017	Taco Bell	15th St NE	Waste Management called Solid Waste Supervisor	Visual	N/A	N/A	Referred back to Solid Waste for Code Enforcement	N/A	Waste Management notified Solid Waste about grease and garbage in a dumpster enclosure at Taco Bell. C. Thorn and M. May investigated. The dumpster enclosure drains to a trench drain. The trench drain was dye tested and there was no indication that it was tied to the storm drainage system. Issue was referred back to Solid Waste.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
4/11/2017		C St NE	Staff Report	Visual	N/A	N/A	N/A	N/A	Maintenance staff reported a possible illicit discharge from an industrial park into the MS4. M. May and C. Thorn responded and noted that the water in the CB was opaque and that there was evidence of iron bacteria on the inlet pipe wall. The private storm system was inspected and no evidence of illicit connection/ discharge was found. Conclusion was that the flow was groundwater inflow with iron bacteria.
4/20/2017		36th St SE	Hotline	Visual	None	N/A	N/A	N/A	Anonymous report of oil on the street. No issue could be found.
4/21/2017	1031	14th St NE	Staff Report	Visual	Hydraulic fluid	Broken hydraulic line on a truck	Contractor applied sand and used a street sweeper to clean it up.	N/A	Lakeside Paving called the City to report that they had broken a hydraulic line on one of their trucks and spilled fluid on the street. They applied sand and used a street sweeper to clean it up. No fluid entered the storm drainage system.
4/24/2017	5900	S 300th St	Staff Report	Visual	Sediment	Construction site	Install and maintain TESC measures.	Construction Stormwater Management Inspection Report	Stormwater Inspector Alvarez observed muddy water leaving a construction site. The site superintendent was notified and directed to improve their TESC measures.
4/26/2017	124	West Main	Staff Report	Visual	None	Pressure washing	None	None	Report of someone pressure washing the sidewalk on Main Street near 2nd SW. C. Thorn and C. Teterud investigated and found that the side of the building and sidewalk were wet, but no one was observed washing. There was no evidence of sediment entering the storm system.
5/25/2017	2406	A St SE	APD called	Visual	Radiator fluid	Vehicle accident	Applied absorbent and swept	None	Vehicle accident resulted in spill of approximately 5 gallons of radiator fluid. Absorbent was applied and swept up. There was no impact to the storm system.
6/7/2017	3530	C St NE	Citizen call	Visual	None	Reported illicit discharge	None	Will send postcard to all businesses in the vicinity	Report of employee from business washing out a gas tank into landscaping and water running off into the storm system. No evidence to support the report was found in the landscaping or storm system. "Only Rain Down the Drain" postcard to be mailed to the local businesses as a follow-up.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
6/20/2017	3722	Auburn Way N	Citizen call	Visual	Paint overspray	Vehicle parts painting	Activity moved inside	Code enforcement spoke with manager	Report of employees painting vehicle parts and washing cars in the parking lot. Storm Inspector and Code Enforcement Officer responded and observed an employee with painting equipment and freshly painted parts in the parking lot. No evidence of car washing. Code enforcement spoke with the business manager and they were directed to use their paint booth for future work.
6/27/2017	412	8th St SW	Forwarded report from the King County Illegal Dumping Hotline	Visual	Oil	Parking lot runoff	None	None	Report of illegally stripped down cars and oil and debris flowing down the sewer system. C. Thorn investigated and found a minor amount of very aged oil in the on-site catch basin. Also checked the sanitary sewer which appeared clean.
7/9/2017	307	Oravetz Pl SE	Citizen call	Visual	Sanitary sewage	Force main overflow	Sewage flow in pipe resumed after KC Metro pump station power outage was addressed	None	City received report of a sewage overflow. The cause was determined to be from a power outage at the King County WWTD pump station. Power was reestablished and sewage flow resumed. City crews cleaned the street surface and catch basins and reported the event to Ecology. Further cleanup was left to King County.
7/6/2017	814	Auburn Way S	Employee report	Visual	Water	Car wash rinse water	N/A	None	Car wash rinse water dripping from vehicles leaving the car was was draining on the ground and forming a puddle near a catch basin. No evidence that the drainage was anything other than clean water.
6/26/2017		Nathan Ave SE	Citizen call	Visual	Concrete rinse	Concrete work	N/A	None	Report that concrete rinse water had drained into a catch basin. Observed some staining in the gutter but no evidence of concrete rinsate in the catch basin.
7/14/2017		C St NW	Citizen e-mail	Visual	None	Leakage from a carpet cleaning vehicle	N/A	None	Report received on the 14th of an incident that occurred on the 13th. Report of True Clean carpet cleaning vehicle leaking what appeared to be water from near the side door. There was no evidence that anything had been discharged when our inspection occurred on the 14th.
7/25/2017		10th St NE	Employee report	Visual	Vehicle fluids	Vehicle accident	N/A	None	Received report of spill on 10th St NE from a vehicle accident. M. May responded and found that absorbent had already been applied and cleaned up. No impact to the storm system.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
7/26/2017	15343	East Valley Access Rd	Observed by City storm inspector	Visual	Latex paint	Illegal dumping	N/A	None	Eight 5-gallon buckets of paint were dumped outside the fence of a City storm pond. Two buckets spilled. Buckets containing liquid were taken to the hazardous waste storage locker for disposal. Dry paint buckets were put in solid waste.
8/3/2017		S 277th St	Citizen call	Visual	Hydraulic fluid	Broken hose on tractor	Absorbent, sand and sweeper	None	Received multiple reports of oil on 277th. One report was that a tractor had blown a hydraulic hose. Oil was leaked from D St NW to past B St NW. Absorbent was applied and the street sanded. Sweeper was called to sweep up the residual.
8/4/2017		15th St SW	ERTS	Visual	Oil	Vehicle	Absorbent	None	Received ERTS from DOE about spill on off ramp to 15th. Found a small spill to which absorbent had been applied at the north bound offramp from SR 167. Notified Ecology that this was on WSDOT ROW.
8/8/2017	2600	Auburn Way N	APD called	Visual	Oil	Vehicle	None	None	Light spill of oil in the center of the center southbound lane of Auburn Way N. Determined that absorbent would not help. Decided not to sand because it was not very slippery for vehicles.
8/11/2017		14th St NW	APD called	Visual	Oil and Antifreeze	Vehicle	Applied absorbent and swept it up.	None	A Fed Ex truck blew it's engine and drained oil and antifreeze onto the road surface. Absorbent was applied and cleaned up. No impact to the storm drainage system.
8/14/2017		23rd Pl SE	Citizen call	Visual	Oil	Vehicle	None	Sent Don't Drip and Drive information	Received report of a vehicle leaking and dripping oil as it left a house and drove away. Information on fixing vehicle leaks was mailed to the address.
8/21/2017	3520	Pacific Ave S	ERTS	Visual	Liquid food waste	Commercial trailers	None	None	Received ERTS reporting that commercial trailers were leaking food wastes at the Safeway Distribution Site. The report could not be confirmed from the street. There was no evidence of illicit discharge from the site.
9/1/2017		15th St NE	VRFA	Visual	Vehicle fluids	Illicit dumping	CB was cleaned	None	Report of vehicle fluids (possibly oil) dumped into a CB at the KC Metro Park and Ride lot. M&O staff responded and KC was contacted to have the CB cleaned. Follow-up found that the cleaning had occurred.
9/25/2016	11826	SE 318th Pl	Citizen call	Visual	Vehicle fluids	Vehicle leak	N/A	Sent Only Rain Down the Drain Postcards to nearby homes	Received report of oil spilled on cul de sac. Found oil leaked and tracked on a private access easement. Sent postcards to the adjoining homes letting them know that storm drains are for rain water only.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
10/13/2017		Elizabeth Ave SE	Staff Report	Visual	Hydraulic fluid	Line break on truck	Street was cleaned	None	A Waste Management truck broke a hydraulic line and spilled fluid on the street. Waste Management cleaned the street. Nothing entered the storm drainage system.
10/16/2017		17th St SE	Staff observed	Visual	Paint	Dumped paint cans	Disposed of cans	None	Three partially full cans of paint were left by the side of the street. The cans were transported to M&O and put in the hazardous waste storage locker for disposal.
10/18/2017		Unknown	ERTS	N/A	None	Unknown	None	None	Received ERTS from Ecology with an anonymous report of the Tile & Stone company pumping dirty water into the ground. No address or contact information was provided. Conducted an on-line search and reviewed City business licenses but could find no business with a name of Tile and Stone in Auburn.
10/20/2017	850	Oravetz Rd SE	Site Inspection	Visual	Sediment, turbidity	Construction	Outlet plugged, water pumped to onsite dispersion, Baker tank installed for presettling	Contractor notified to correct issues and self report release	Turbid discharge noted from a construction site during inspection. Contractor was direct to stop the discharge. The pond outlet was plugged and the water pumped to onsite dispersion. A Baker tank was installed to provide settling of sediment. The contractor was notified of their responsibility to self report the discharge to Ecology.
10/31/2017		A St SE	Staff report	Visual	Vehicle fluids	Accident	None	None	Small spill of vehicle fluids from accident. Adjacent storm system (catchbasin) was checked the day after the accident and there was no evidence that it had been impacted.
11/3/2017		Auburn Way South	Staff report	Visual	Vehicle fluids	Accident	Applied absorbent and cleaned up.	None	Spill of vehicle fluids from accident. Less than 2 gallons spilled. Applied absorbent and cleaned it up.
11/2/2017	2810	SE Auburn Black Diamond Rd	Citizen call	Visual	Unknown	Illicit dumping	Referred to property owner and Ecology	None	Unknown person discarded a 200 gallon poly tank on private property adjacent to King County ROW. Approximately 5 - 10 gallons of unknown material spilled onto the ground. The property owner and the Department of Ecology were notified.
12/1/2017		S 300th St	Report from developer	Visual	Turbid water	Construction site runoff	Contractor added BMPs and pumped the water back onto site for treatment	None	Developers CESCL discovered turbid water leaving the Wyncrest II development. Additional BMPs were applied and the water pumped to a vegetated portion of the site. The discharge was self reported to the City and Ecology.
12/7/2017		Auburn Way S	Report from APD	Visual	Diesel Fuel	Unknown	Applied and swept up absorbent	None	Spill of diesel fuel. Absorbent applied and swept up. No impact to the storm drainage system. Ecology notified.

3. Date incident initially reported	4. Location	4a. Street Address	9. How did you learn about the problem?	10. Source Tracing Methods:	12. Pollutant(s) Identified:	13. Source or Cause:	14. Correction/ Elimination Method:	14a. Enforcement	16. Field notes, explanations, and other comments:
12/13/2017		21st St SE	Staff Report	Visual	None	Seasonal baseflow	N/A	None	Report of flow entering the 21st St SE pond during a period of dry weather. C Thorn, M May and R Struck traced the flow through the storm system until the source was determined to be groundwater entering the system through a collection system on Riverwalk Dr SE.
12/19/2017		East Valley Access Rd	Police Report	Visual	Diesel fuel	Truck accident	Absorbent pads and booms, and vactor truck used to clean up spilled diesel	None	Diesel spilled from truck accident. City crew and Pro-Tow incident response tem used absorbent and a vactor truck to clean-up the spilled fuel.
12/26/2017	136	East Main St	VRFA	Visual	Runoff, debris and foam from fire fighting activities	Structure fire	No action, emergency fire fighting activities are exempt	None	Water, debris and foam from fire fighting activities entered the storm system and discharged to the Green River. No petroleum products were observed. Notified Ecology.

Response to Annual Report Question 55

TMDL: Puyallup Watershed Water Quality Improvement Project

City of Auburn 2017 TMDL Activities

1. The City maintained existing pet waste collection stations
2. Infographic promoting proper disposal of pet waste was included in the winter and fall Auburn Magazine issues that were mailed to residences and businesses in Auburn.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6677 (Tate) (15 Minutes)

Department:

Community Development &
Public Works

Attachments:

[Agenda Bill](#)

[Ordinance No. 6677](#)

[Exhibit 1 to Ordinance No. 6677](#)

[August 8, 2017 Staff Report to the Planning](#)

[Commission](#)

[Public Comments Received](#)

[PowerPoint Presentation](#)

Date:

February 6, 2018

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:**Background Summary:**

Please see the attached Agenda Bill.

Reviewed by Council Committees:**Councilmember:**

Meeting Date: February 12, 2018

Staff:

Tate

Item Number:



AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6677 - Zoning Code Text Amendments to Chapter 18.02 (General Provisions), Chapter 18.35 (Special Purpose Zones), and Map amendment to the Zoning Map to establish an Open Space zoning district that will implement the "Open Space" land use designation, as provided in the City of Auburn's Comprehensive Plan and Comprehensive Land Use Map		Date: January 25, 2018
Department: Community Development & Public Works Dept.	Attachments: Item 1 - Ordinance No. 6677 Item 2 - Ordinance No. 6677 – Exhibit 1 Area-Wide Rezone Map Item 3 - Planning Commission Materials Item 4 - Public Comments Received	Budget Impact: (none)
Administrative Recommendation: City Council to approve the Planning Commission's Recommendation and adopt Ordinance No. 6677.		
Summary: <p>Through Ordinance No. 6584, the City of Auburn adopted a new Comprehensive Plan at the end of 2015 that includes a new land use map designation of "Open Space". Under the existing comprehensive plan document structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards. Currently, there is no implementing Open Space zone in the Auburn City Code.</p> <p>To establish an implementing Open Space zone, on December 6, 2016 staff presented the proposed open space text amendments and zoning map amendment to the Planning Commission. The Planning Commission held subsequent public meetings on January 4, 2017, March 7, 2017, and April 4, 2017. During these public meetings, Planning Commissioners reviewed the proposed text and map amendments, directed questions to staff, and requested additional information, particularly pertaining to the effect on the proposed open space zoning district to private property owners.</p> <p>On July 5, 2017 the Planning Commission held a public hearing regarding the creation of the Open Space zone. During this public hearing, staff addressed comments received from the City of Auburn Parks Department, City of Auburn Economic Development Department, and Nancy Bainbridge Rogers, representing Mark Segale, a private property owner, and presented a revised staff recommendation. The Planning Commission continued the public hearing to August 8, 2017, requesting that staff conduct additional noticing to and/or coordination efforts with Andrew and Elena Cherny, private property owners, and Muckleshoot Indian Tribe (MIT). Following the July 5, 2017, staff conducted additional noticing efforts as requested and coordinated review of the proposed zoning map amendment with the MIT.</p> <p>At the August 8, 2017 continued public hearing, the Planning Commission deliberated and modified the staff recommendation such that City of Auburn staff would continue to coordinate planning efforts with the MIT.</p>		
Background: <ol style="list-style-type: none"> The staff report provided to the Planning Commission and included as Item 3 this packet provides the detailed background that led to the Planning Commission's recommendation. Of particular note are the following items: <ul style="list-style-type: none"> The Open Space zone is generally meant to apply to parcels that are largely undeveloped in character and feature natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, watersheds or areas with significant development restrictions. The majority of the parcels are owned by the City of Auburn (COA). The COA-owned parcels 		

<p>generally feature either a critical area, such as a wetland or geologic hazard area, utility infrastructure, or are within the shoreline jurisdiction and subject to the COA SMP.</p> <ul style="list-style-type: none"> • The majority of the non-City owned parcels are governmentally-owned or utility-owned parcels which are encumbered by utility infrastructure, such as a transmission line. • The remaining non-City owned parcels, are privately owned and are either: <ul style="list-style-type: none"> ○ Contain a critical area, such as a wetland or geologic hazard area (regulated by Chapter 16.10 Auburn City Code (ACC)); ○ Feature a split-land use designation due to the shoreline of the White River and are subject to the City of Auburn (COA) Shoreline Master Program (SMP)); or ○ Were originally set aside as open space per previous plat requirement. 															
<p>2. The adoption of Ordinance No. 6667 on December 18, 2017 (which adopted the 2017 annual Comprehensive Plan annual amendments) changed the land use designation of numerous parcels that were previously included in the “open space” and thus originally proposed for this zoning map amendment (to make the Comprehensive Plan designation and zoning agree). The parcels modified under Ordinance No. 6667, were originally incorrectly designated during the 2015 Comprehensive Plan mapping update. Throughout the open space zoning amendment, staff recognized that there were some inconsistencies and refinements needed as a result of this mapping process, and intended to make refinements during the annual comprehensive plan amendment process. The annual comprehensive plan process is the avenue in which staff may make changes to the Comprehensive Plan Map. Thus, since the parcels changed per Ordinance No. 6667 are no longer designated “Open Space”, they been removed from this proposed open space zoning map amendment. Ordinance No. 6677 Exhibit 1 – Area-Wide Rezone Map has been updated to that effect.</p>															
<p>3. Planning Commission’s recommendation recognizes that the proposed zoning code language and zoning map amendment does not affect “Indian Lands” and is not intended to, usurp or exercise land use control over such lands. The intent of the text and map amendment is to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character. This recognition is consistent with the language contained in ACC 18.01.050 (adopted under Ordinance No. 6667) which addresses how do city zoning and land use regulations relate to Indian Lands.</p>															
<p>Request: Schedule Ordinance No. 6677 for action by City Council at the regular meeting on February 26, 2018.</p>															
<p>Attached to this agenda bill are the following:</p> <ul style="list-style-type: none"> • Item 1 - Ordinance No. 6677 • Item 2 - Ordinance No. 6677 Exhibit 1 – Area-Wide Rezone Map • Item 3 - August 8, 2017 staff report to the Planning Commission • Item 4 - Public comments received 															
<p>Action: Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing __/__/__ Referred to _____ Until __/__/__ Tabled _____ Until __/__/__</p>															
<p>Reviewed by Departments & Divisions:</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Building</td> <td><input type="checkbox"/> M&O</td> </tr> <tr> <td><input type="checkbox"/> Cemetery</td> <td><input type="checkbox"/> Mayor</td> </tr> <tr> <td><input type="checkbox"/> Finance</td> <td><input type="checkbox"/> Parks</td> </tr> <tr> <td><input type="checkbox"/> Fire</td> <td><input checked="" type="checkbox"/> Planning</td> </tr> <tr> <td><input type="checkbox"/> Legal</td> <td><input type="checkbox"/> Police</td> </tr> <tr> <td><input type="checkbox"/> Public Works</td> <td><input type="checkbox"/> Human Resources</td> </tr> <tr> <td><input type="checkbox"/> Information Services</td> <td><input type="checkbox"/> Surveying</td> </tr> </table>	<input type="checkbox"/> Building	<input type="checkbox"/> M&O	<input type="checkbox"/> Cemetery	<input type="checkbox"/> Mayor	<input type="checkbox"/> Finance	<input type="checkbox"/> Parks	<input type="checkbox"/> Fire	<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Legal	<input type="checkbox"/> Police	<input type="checkbox"/> Public Works	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Information Services	<input type="checkbox"/> Surveying	
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<input type="checkbox"/> Public Works	<input type="checkbox"/> Human Resources														
<input type="checkbox"/> Information Services	<input type="checkbox"/> Surveying														

Staff: Snyder
Meeting Date: February 12, 2018

ORDINANCE NO. 6 6 7 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.02.070, 18.35.020, 18.35.030, 18.35.040, OF THE AUBURN CITY CODE AND THE CITY ZONING MAP, CREATING A NEW OPEN SPACE ZONING DISTRICT

WHEREAS, by Ordinance No. 6584, on December 14, 2015 the City of Auburn adopted a new Comprehensive Plan that establishes a new land use map designation of “Open Space” by map and text; and

WHEREAS, under the existing comprehensive plan document structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards. Currently, there is no implementing Open Space zoning district in the Auburn City Code; and

WHEREAS, the purpose of this amendment to the City zoning code and zoning map is to create a zoning district that implements the Open Space Land Use Designation of the Comprehensive Plan Map; and

WHEREAS, pursuant to RCW 36.70A the proposed code language was transmitted to the Washington State Department of Commerce on April 20, 2017. The transmittal initiated the 60-day state agency review period. The 60-day state agency comment period expired on June 19, 2017. The City did not receive any state agency comments.

WHEREAS, the code amendment was subject to environmental review process under the Washington State Environmental Policy Act (SEPA). A Determination of Non-

Significance (DNS) was issued June 13, 2017 and the City observed a fifteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the code and map amendment and duly deliberated the effect of the text and map amendment on public and private property owners at its December 6, 2016, January 4, 2017, March 7, 2017, and April 4, 2017 Planning Commission meetings; and

WHEREAS, the City received three public comment letters in response to notice of the public hearing, and one additional notice prior to the Planning Commission public hearing; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments at the July 5, 2017 Planning Commission meeting, and requested that staff conduct additional noticing efforts to Andrew and Elena Cherny and coordination with the Muckleshoot Indian Tribe (MIT); and

WHEREAS, at the continued public hearing on August 8, 2017, after the close the public hearing the Planning Commission forwarded a recommendation for approval to the City Council; and

WHEREAS, Ordinance No. 6667, pertaining to the 2017 annual Comprehensive Plan amendments, modified the land use designation of numerous parcels that were included in the proposed “open space zoning district map amendment. Thus, prompting their removal from the proposed open space zoning map amendment; and

WHEREAS, per Auburn City Code Section 18.01.050, adopted under Ordinance No. 6667 (on December 18, 2017) the City of Auburn recognizes and acknowledges that

the Muckleshoot Indian Tribe has jurisdiction and land use control over “Indian Lands”. The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character. Until those circumstances change for such lands, the city regulations shall be for informational purposes only; and

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

Section 1. Amendment to City Code. That Section 18.02.070 of the Auburn City Code be and the same hereby is amended to read as follows:

- 18.02.070 Establishment of zones.
- A. The city is divided into the following classes of zones:
 1. RC, residential conservancy zone (one dwelling unit per four acres);
 2. R-1, residential zone (one dwelling unit per acre);
 3. R-5, residential zone (five dwelling units per acre);
 4. R-7, residential zone (seven dwelling units per acre);
 5. R-10, residential zone (10 dwelling units per acre);
 6. R-16, residential zone (16 dwelling units per acre);
 7. R-20, residential zone (20 dwelling units per acre);
 8. RMHC, manufactured/mobile home community zone;
 9. RO, residential office zone and RO-H, residential office-hospital zone;
 10. C-N, neighborhood shopping zone;
 11. C-1, light commercial zone;
 12. C-2, central business zone;
 13. C-3, heavy commercial zone;
 14. M-1, light industrial zone;
 15. M-2, heavy industrial zone;
 16. BP, business park zone;
 17. LF, airport landing field zone;
 18. P-1, public use zone;
 19. UNC, unclassified use zone;

- 20. I, institutional use zone;
- 21. EP, environmental park zone;
- 22. DUC, downtown urban center zone;
- 23. OS, open space zone.

B. The zones set out in Subsection A of this Section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the City of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title. (Ord. 6245 § 2, 2009.)

Section 2. Amendment to City Code. That Section 18.35.020 of the Auburn

City Code is amended to read as follows:

18.35.020 Intent of special purpose zones.

A. General. This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

B. RO and RO-H Residential Office and Residential Office-Hospital Zone. The RO and RO-H is intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community

C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

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

E. OS Open Space Zone. The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks,

watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the Open Space zone tends to be predominately passive in character and with relatively fewer developed facilities than parks included in the Institutional zone. Private sites containing critical areas or shorelines may be included. (Ord. 6434 § 1, 2012.)

Section 3. Amendment to City Code. That Section 18.35.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.35.030 Uses.

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
PUBLIC						
Animal shelter, public	X	X	P	X	<u>X</u>	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	<u>C</u>	
Municipal parks and playgrounds	P	P	P	P	<u>P</u>	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY						
Campgrounds and recreational vehicle parks, private	X	X	X	P	<u>P</u>	
<u>Recreational vehicle parks, private</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	
Cemetery, public	X	X	P	A	<u>X</u>	
Cemetery, private	X	X	X	A	<u>X</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
College, university, public	X	X	A	A	<u>X</u>	
Commercial recreation facility – Indoor	X	X	X	P	<u>X</u>	
Commercial recreation facility – Outdoor	X	X	X	A	<u>C</u>	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	<u>X</u>	
Library, museum	X	X	P	P	<u>A</u>	
Meeting facility, public or private	A	A	P	P	<u>A</u>	
Private school – specialized education/training (for profit)	P	P	X	P	<u>X</u>	
Public schools (K-12) and related facilities	X	X	P	P	<u>X</u>	
Religious institutions, lot size less than one acre	A	P	X	P	<u>X</u>	
Religious institutions, lot size more than one acre	C	A	X	P	<u>X</u>	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	<u>X</u>	

RESIDENTIAL

Duplex	P (1)	X	X	A	<u>X</u>	
Home occupation	P	P	X	P	<u>P</u>	Chapter 18.60 ACC

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
Live/work, work/live unit	A	P	X	A	<u>X</u>	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	<u>X</u>	
One detached single-family dwelling	P	X	X	X	<u>P (5)</u>	
Nursing home, assisted living facility	A	A	X	P	<u>X</u>	
Senior housing	A	A	X	A	<u>X</u>	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	<u>X</u>	
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SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	<u>X</u>	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	<u>A</u>	
Home-based daycare	P	P	X	P	<u>P</u>	
Medical services – Clinic or urgent care (4)	P	P	X	X	<u>X</u>	
Mortuary, funeral home, crematorium	X	P	X	X	<u>X</u>	
Professional offices	P	P	X	A	<u>A</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
Personal service shops	P	P	X	X	<u>X</u>	
Pharmacies	X	P	X	X	<u>X</u>	
<u>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</u>						
<u>Utility facilities, substations, utility transmission or distribution line</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>See ACC 18.02.040(E)</u>
<u>OTHER USES THAT ARE NOT LISTED</u>						
<u>Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required.
2. Multifamily dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.
3. Multifamily dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit.
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.
5. One single-family detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

(Ord. 6642 § 11, 2017; Ord. 6434 § 1, 2012.)

Section 4. Amendment to City Code. That Section 18.35.040 of the Auburn

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

18.35.040 Development standards.

Table 18.35.040 RO, RO-H, P-1, I Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential I Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	<u>OS</u> <u>Open Space</u>
Minimum lot area	7,200 sf	None	None	6,000 sf	<u>None</u>
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft	<u>None</u>
Maximum lot coverage	55 percent (1)	None	None	35 percent	<u>5 percent</u>
Maximum impervious area	NA	NA	NA	NA	<u>20 percent (7)</u>
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>				
Front	20 ft (2)	10 ft	20 ft	20 ft	<u>20 ft</u>
Side – Interior	5 ft	None	5 ft (4)	5 ft	<u>5 ft</u>
Side – Corner	10 ft	10 ft	10 ft	10 ft	<u>10 ft</u>
Rear	25 ft (3)	None	25 ft	25 ft	<u>25 ft</u>
Accessory structure(s)	See note (5) below	NA	NA	See note (5) below	
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height limitations – Exceptions) for height limit exceptions.</i>				
Maximum height	35 ft	65 ft	45 ft	45 ft (6)	<u>35 ft</u>
Fences and hedges	See Chapter 18.31 ACC				

Table 18.35.040 RO, RO-H, P-1, I Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential I Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	<u>OS</u> <u>Open Space</u>
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1. New single-family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative area of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum lot coverage is 35 percent.
2. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.
3. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.
4. A 25-foot setback is required when adjacent to a residential zone.
5. Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.
6. Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.

7. Maximum impervious area includes all hard surfaces per Auburn City Code 13.48.010(J).

(Ord. 6434 § 1, 2012.)

Section 5. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Ordinance No. 6677
January 26, 2018
Page 10

Section 6. 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 7. 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

NANCY BACKUS, MAYOR

ATTEST:

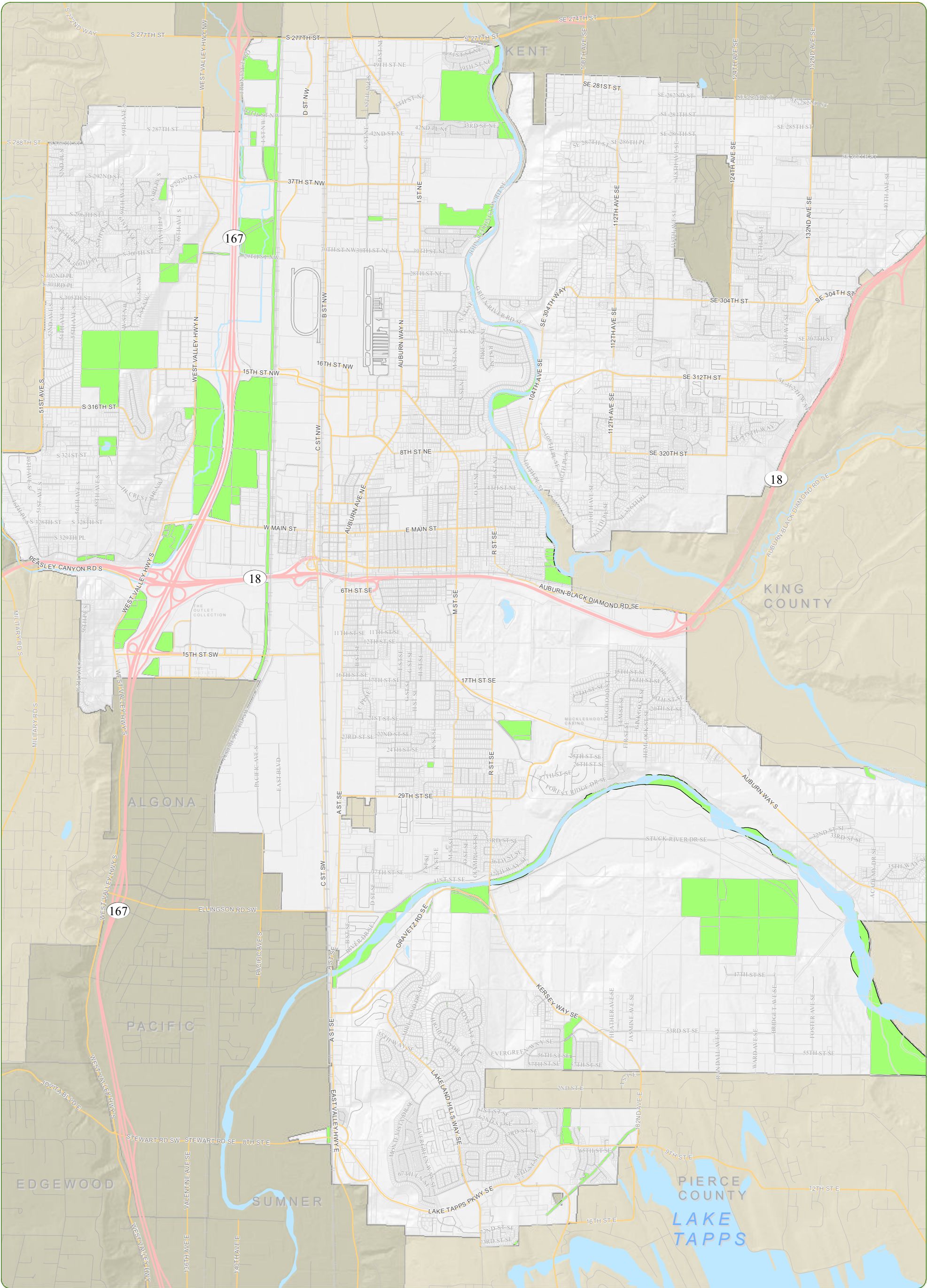
Danielle E. Daskam, City Clerk


APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

PUBLISHED: _____

Proposed Open Space Zoning Amendment

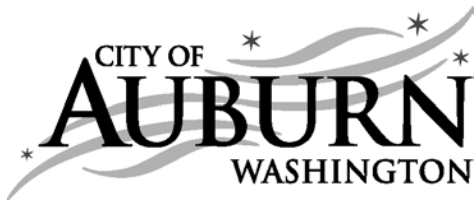


 Proposed Zoning District



Printed On: 2/2/2018
Map ID: 5957

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



Memorandum

TO: Judi Roland, Chair, Planning Commission
Ron Copple, Vice-Chair, Planning Commission
Planning Commission Members

FROM: Alexandria Teague, Planner II, Community Development Services
With support by Lisa Grueter, BERK Consulting

DATE: July 31, 2017

RE: Staff Response to Planning Commission Request Regarding Noticing Efforts for the Open Space Zone Amendments (City File Nos.: ZOA16-0009 and SEP17-0010)

BACKGROUND: Staff conducted additional noticing efforts to Andrew and Elena Cherny (the Chernys) and Muckleshoot Indian Tribe (MIT) per the request of the Planning Commission. The purpose of the memo is to discuss the noticing efforts.

PROPOSAL: The following amendments related to the Open Space zone are currently under consideration for the Planning Commission.

- Amendments to the Auburn City Code Chapter 18.02 (General Provisions): establish the Open Space zone as a zoning classification among the list of established zones in the City's zoning code.
- Amendment to Chapter 18.35 (Special Purpose Zones): propose an intent statement, allowed uses, and zoning development standards for the Open Space zone.
- Amendments to the Comprehensive Zoning Map: changes the zoning district of the parcels to the Open Space zone.

These amendments have been included in Planning Commission's packet for the August 8, 2017 Planning Commission meeting and Public Hearing.

FINDINGS OF FACT:

1. Under Ordinance No. 6584, the City of Auburn adopted a new Comprehensive Plan at the end of 2015 that includes a new land use map designation of "Open Space".
2. Under the existing comprehensive plan document structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards. Currently, there is no implementing Open Space zone in the Auburn City Code.
3. Implementation of the "Open Space" comprehensive plan designation, has been discussed with the Planning Commission previously. The Planning Commission has reviewed four memorandums regarding the creation of an Open Space zone as follows:
 - a. On December 6, 2016, the Planning Commission reviewed the first memorandum titled, "Open Space Zone: Background, Options, and Recommendations". This memorandum provided background and analysis of the City of Auburn's Open Space land use designation, and some issues and options for implementing the Open Space zone, including examples of other jurisdictions' open space zoning code language.

- b. On January 4, 2017, the Planning Commission reviewed the second memorandum titled "Open Space Zone: Supplemental Responses to Planning Commission Questions". This memorandum included the general difference between the Comprehensive Plan land use designations and zoning districts, and further described the ownership and number of parcels currently designated "open space".
 - c. On March 7, 2017 the Planning Commission reviewed the third memorandum titled "Open Space Zone: Proposed Code". This memorandum provided a discussion on the text amendment including an intent statement, allowed uses, and zoning development standards for the Open Space zone.
 - d. On April 4, 2017 the Planning Commission reviewed the fourth memorandum titled "Open Space Zone: Supplemental Materials". This memorandum provided information regarding the acreage of all privately owned (non-governmental agency) parcels, former and current land use designation of the parcels owned by the Muckleshoot Indian Tribe (MIT) and within the MIT reservation boundary, and the former and current land use designation of privately owned parcels.
4. On July 5, 2017 the Planning Commission held a public hearing regarding the creation of the Open Space Zone. Staff provided the Planning Commission two memorandums for the public hearing. The first memorandum was titled, "Amending Auburn City Code Chapter 18.02 (General Provisions), Chapter 18.35 (Special Purpose Zones), and the Comprehensive Zoning Map" and contained findings of fact and an initial recommendation for the Open Space Amendments. The second memorandum was titled, "Staff Response to Comment Letters regarding Amending Auburn City Code regarding the Open Space Zoning District and the Comprehensive Zoning Map". This memorandum addressed comments received from the City of Auburn Parks Department, City of Auburn Economic Development Department, and Nancy Bainbridge Rogers, representing Mark Segale, a private property owner, and contained a revised staff recommendation.
 5. Pursuant to RCW 36.70A the proposed code language was transmitted to the Washington State Department of Commerce on April 20, 2017. The transmittal initiated the 60-day state agency review period. The 60-day state agency comment period expired on June 19, 2017. The City did not receive any state agency comments.
 6. A State Environmental Policy Act (SEPA) non-project environmental checklist was prepared that evaluates the environmental impacts of the proposed amendments to Auburn City Code Chapter 18.02 General Provisions, Chapter 18.35 Special Purpose Zones, and the Comprehensive Zoning Map. The SEPA determination of non-significance (DNS) was issued on June 13, 2017. Pursuant to Auburn City Code Title 14 the following methods of noticing for the Planning Commission public hearing were conducted:
 - a. The combined SEPA DNS and notice of public hearing was published in the Seattle Times on June 13, 2017.
 - b. The SEPA DNS and notice of public hearing was mailed on June 13, 2017 to all affected property owners (owners of properties currently designated open space).
 - c. A revised notice of public hearing was mailed on July 19, 2017, to the Muckleshoot Indian Tribe.
 - d. Additional attempts to mail the SEPA DNS and notice of public hearing to the Chernys was conducted on June 28, 2017 and July 6, 2017.
 7. The combined SEPA DNS and notice of public hearing publication established a 15-day SEPA public comment period which expired at 5:00 PM on June 28, 2017. The combined public notification provided public comment opportunity under both SEPA (City project file no. SEP17-0010) and the zoning amendment (City file no. ZOA16-0009). As of the date of writing of this report, staff has received three public comments the comment letters. The comment letters were included in the July 5, 2017 Public Hearing packet.

8. Title 18 of the Auburn City Code (ACC) includes Chapter 18.68, (Amendments), which addresses the procedures for amendments to Title 18 Zoning and the Comprehensive Zoning Map.

ADDITIONAL NOTICING EFFORTS:

Andrew and Elena Cherny, private property owners of parcel no. 3421059021:

City Staff has been working to notice the Andrew and Elena Cherny, property owners of the proposed code amendments presented at public hearing on July 5, 2017 and continued to August 8, 2017.

1. On June 13, 2017 per the requirements of Auburn City Code a Determination of Non-Significance (DNS) and Notice of Public Hearing was sent to Andrew and Elena Cherny, XXXXX 6th Ave S, Federal Way, WA. The address selected for the mailing was obtained through King County Records as the taxpayer of record for Parcel No. 3421059021 which is the customary method.
2. On June 28, 2017 city staff received the Cherny mailing from the Postmaster as "return to sender/not deliverable" for the XXXXX 6th Ave S, Federal Way, WA address.
3. On June 28, 2017 an additional search of King County Records revealed the address provided in the tax records was no longer owned by the Chernys. A search on the internet provided a potential address for one of the parties and the mailing was then sent to that address, XXXXX 26th Ave S, Federal Way, WA. A confirmation was not provided to determine if the parties received the notice.
4. On July 6, 2017 staff performed a search on the name of one of the parties in a program used by our code enforcement team for abatement. An additional notice and letter was sent to the Chernys providing them with the original notice and the date of the continued public hearing, August 8th to the address at XXXXX 32nd Ave S, Auburn, WA and XXXX S 273rd St, #174, Federal Way, WA (the latter provided by Assistant City Attorney Doug Ruth as a possible address).
5. On July 24, 2017 city staff received the Cherny mailing from the Postmaster as "return to sender/not deliverable" for the XXXX S 273rd St, No. 174 Federal Way, WA address.

As of the date of writing of this report, staff has not received any comments from the Andrew or Elena Cherny.

Muckleshoot Indian Tribe (MIT), owner and/or trustee of parcel nos. 2021059037, 2821059032, 2821059033, 2021059047, 3421059025, 3421059030, 3421059008, 2821059030, and 2021059041.

1. On July 18, 2017 staff emailed the Muckleshoot Indian Tribe (MIT) planner present at the July 5, 2017 Public Hearing the parcel ownership and acreage information for the MIT owned/trustee properties.
2. On July 19, 2017 staff mailed a revised notice of public hearing to the Muckleshoot Indian Tribe.
3. On July 27, 2017, City of Auburn Planning Staff met with two (2) new MIT Planning staff regarding the open space amendment. The purpose of this meeting was to familiarize the new MIT staff with their parcels included in the proposed amendment and to provide additional information as requested by the MIT Planning staff.
4. On July 28, 2017, the City's Geographic Information System (GIS)/Database Specialist staff provided Auburn parcel, zoning, and land use information GIS data to the MIT Planning staff.

As of the date of writing of this report, staff has not received any formal comments/recommendation from the Muckleshoot Indian Tribe Planning staff regarding the recommendation; however, staff expects that the MIT Planning staff will provide comments later in the week and/or provide public comment at the public hearing.

AMENDED STAFF RECOMMENDATION: Staff recommends the Planning Commission recommend:

Approval of the amendments to Auburn City Code Chapter 18.02, (General Provisions) and Chapter 18.35, (Special Purpose Zones) as presented in the materials distributed for the meeting and approval of the revised amendment to the Comprehensive Zoning Map (Attachment B) with the following revisions:

Except parcel no. 7815700095 and 7815700135, owned by Levan Auburn Development LLC, parcel no. 7815700085, owned by the City of Auburn, and parcel no. 2921059002, 2921059021, 2921059044, and 3021059361, owned by Segale, which are all removed from the amendment to the Comprehensive Zoning Map.

CURRENT ACTION: To assist the Planning Commission in their consideration of the proposed amendments to Auburn City Code Chapter 18.02 (General Provisions), Chapter 18.35 (Special Purpose Zones), the Comprehensive Zoning Map, staff is providing the following summarized information. Items 1 through 4, below are summarized information from previous presentations and meetings. The 5th item of information while it has been discussed before, has not been presented as a map.

- Item 1 depicts the proposed text change to show “Open Space” among the list of established zones in the City’s zoning code.
- Item 2 is the proposed text change of the open space intent statement of the zoning district.
- Item 3 summarizes the text change in table format of all proposed uses, both allowed and prohibited.
- Items 4 shows the text change of the zoning development standards, which consist of the required setbacks, height, site coverage, for the Open Space zone.
- Item 5 shows an excerpted Comprehensive Zoning Map, depicting the current zoning classification of parcels designated as “Open Space” by the comprehensive plan map and that would be changed to the “OS, Open Space” zoning district by the proposed action.

The full text of the changes follows as the attachments.

Item 1. Add Open Space Zone to list of Established Zones - Chapter 18.02 GENERAL PROVISIONS

This item amends Chapter 18.02, (General Provisions) to established open space as a zone within the Zoning Code (Title 18).

18.02.070 Establishment of zones.

A. The city is divided into the following classes of zones:

1. RC, residential conservancy zone (one dwelling unit per four acres);
2. R-1, residential zone (one dwelling unit per acre);
3. R-5, residential zone (five dwelling units per acre);
4. R-7, residential zone (seven dwelling units per acre);
5. R-10, residential zone (10 dwelling units per acre);
6. R-16, residential zone (16 dwelling units per acre);
7. R-20, residential zone (20 dwelling units per acre);
8. RMHC, manufactured/mobile home community zone;
9. RO, residential office zone and RO-H, residential office-hospital zone;
10. C-N, neighborhood shopping zone;
11. C-1, light commercial zone;
12. C-2, central business zone;
13. C-3, heavy commercial zone;
14. M-1, light industrial zone;
15. M-2, heavy industrial zone;
16. BP, business park zone;
17. LF, airport landing field zone;
18. P-1, public use zone;
19. UNC, unclassified use zone;
20. I, institutional use zone;
21. EP, environmental park zone;
22. DUC, downtown urban center zone.
23. OS, open space zone.

Item 2. Proposed Open Space Zone Intent Statement - Chapter 18.35 SPECIAL PURPOSE ZONES

Within Auburn City Code Title 18 – Zoning (the Zoning Code) an intent statement is provided for each zoning district. The purpose of an intent statement is described in Auburn City Code Section 18.02.070 “Establishment of zones”:

“C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the city of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title.”

The intent statement for each zoning district must be consistent with the overall description of its corresponding land use designation.

Exhibit 1. Open Space Comprehensive Plan Description and Open Space Zone Intent

Comprehensive Plan Open Space Description as adopted in the 2015 Comprehensive Plan	Proposed Open Space Zone Intent Statement
This category shall be applied to areas which are owned by a public entity and managed in a largely undeveloped character. It includes parks, watersheds, shoreline areas, significant wildlife habitats, storm drainage ponds, utility corridors with public access, and areas with significant development restrictions.	The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks, watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the Open Space zone tends to be predominately passive in character and with relatively fewer developed facilities than parks included in the Institutional zone. Private sites containing significant critical areas or areas of shorelines may be included.

Item 3. Proposed Open Space Zone Uses - Chapter 18.35 SPECIAL PURPOSE ZONES

Each zoning district features a table of allowed uses which establishes whether a specific use is allowed in a zone and whether that use is allowed as a permitted, administrative, or conditional use. A table of allowed uses also indicates which uses are prohibited. The range of allowed uses must be consistent with the intent statement of that zoning district.

The allowed uses include those that are generally lower in intensity. All uses, including both allowed and prohibited uses are excerpted and summarized below.

Exhibit 2. Summary of Allowed and Prohibited Uses

Allowed	Prohibited*
<u>Permitted</u> <ul style="list-style-type: none"> • Municipal parks and playgrounds • Campgrounds • One detached single family dwelling • Home occupations • Home based day care • Other uses determined consistent with intent of zone and other uses permitted 	<ul style="list-style-type: none"> • Animal shelter, public • Recreational vehicle parks, private • Cemetery, public • Cemetery, private • College, university, public • Commercial recreation facility – Indoor • Conference/convention facility • Private school – specialized education/training (for profit) • Public schools (K-12) and related facilities • Religious institutions, lot size less than one acre • Religious institutions, lot size more than one acre • Studio – Art, dance, martial arts, music, etc. • Duplex • Live/work, work/live unit • Multiple-family dwellings, stand-alone • Nursing home, assisted living facility • Senior housing • Restaurant, cafe, coffee shop, excluding drive-through facilities • Banking and related financial institutions, excluding drive-through facilities • Medical services – Clinic or urgent care • Mortuary, funeral home, crematorium • Personal service shops • Pharmacies
<u>Administrative</u> <ul style="list-style-type: none"> • Library, museum • Meeting facility, public or private • Utility facilities, substations, utility transmission or distribution line • Daycare, including mini daycare, daycare center, preschools or nursery schools 	
<u>Conditional</u> <ul style="list-style-type: none"> • Government facilities • Commercial recreation facility – Outdoor 	

Item 4. Proposed Development Standards - Chapter 18.35 SPECIAL PURPOSE ZONES

The aforementioned allowed uses are subject to zoning development standards. Zoning development standards are specified for each zoning district, and commonly prescribe the required setbacks, height, site coverage, building layout, and site design.

The proposed zoning development standards for the Open Space zone focus on limiting the intensity of uses in terms of height, coverage, and impervious area given the intent of the zone for environmentally sensitive or passive uses:

- Maximum structure height: 35 feet
- Setbacks:
 - Front: 20 feet
 - Side – Interior: 5 feet
 - Side – Corner: 10 feet
 - Rear: 25 feet
- Maximum lot coverage (e.g. by buildings): 5%

- Maximum impervious area: 10% hard surface (e.g. roofs and pavement)

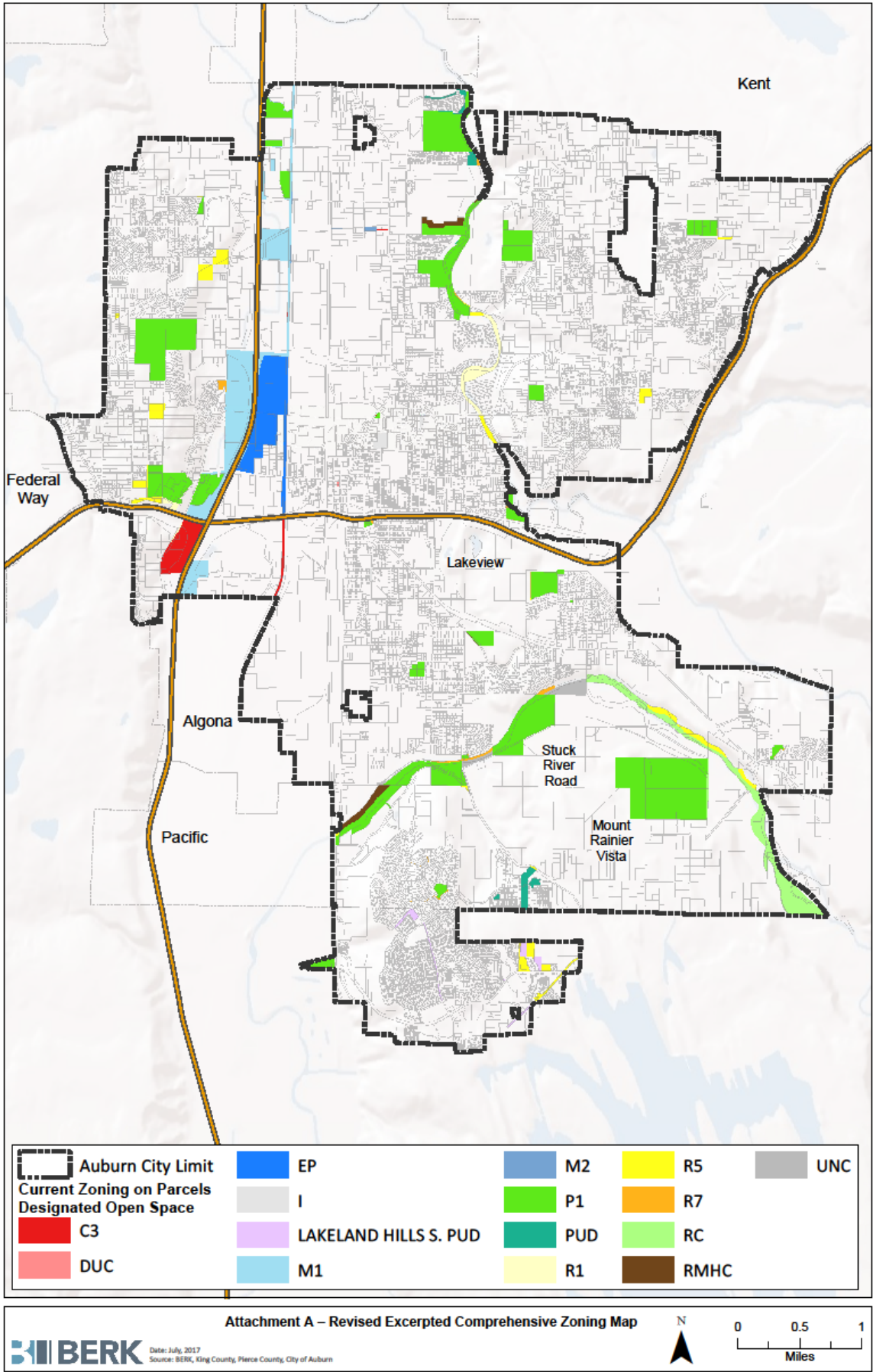
Item 5. Revised Excerpted Comprehensive Zoning Map

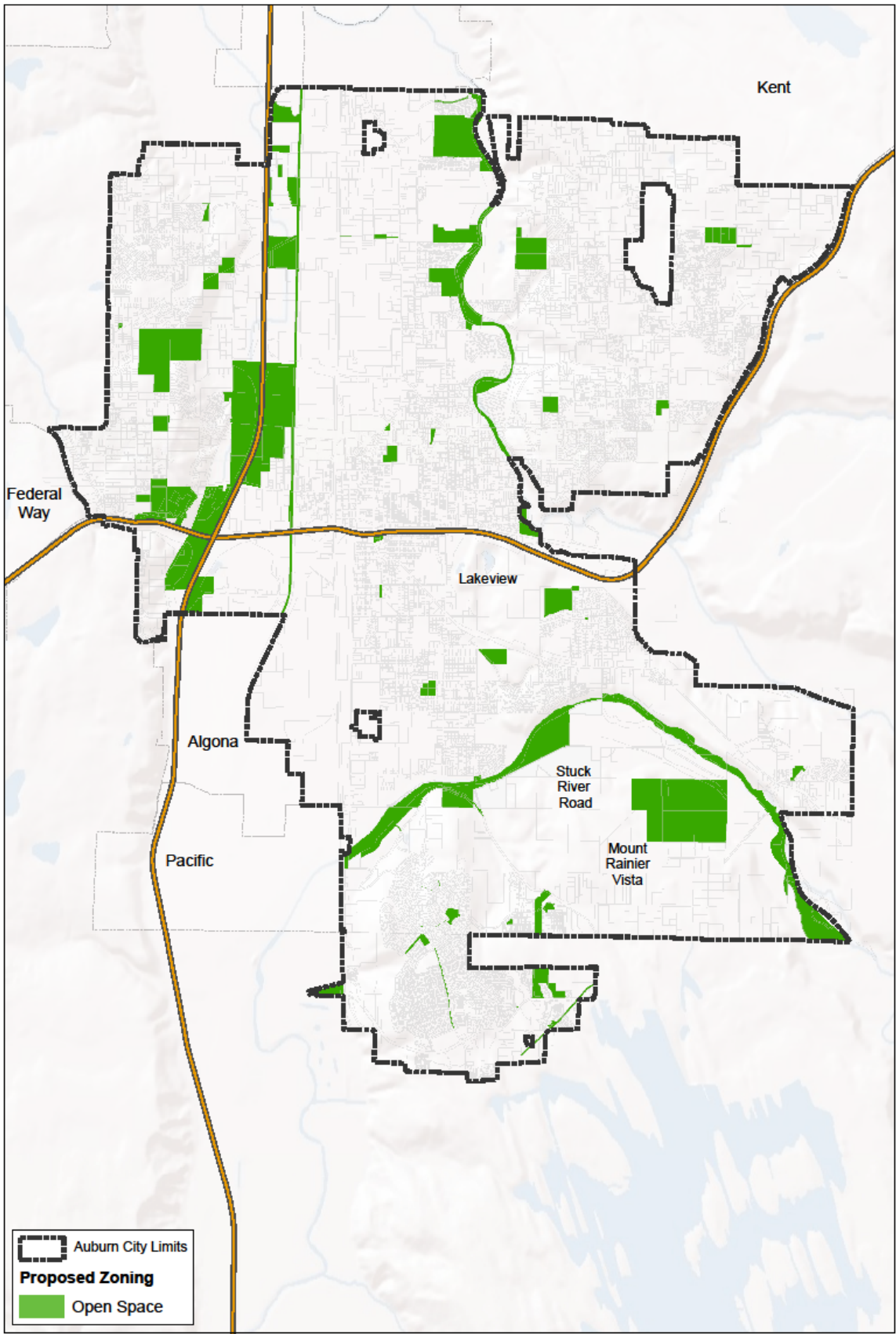
The map below depicts the current zoning classification of parcels designated “Open Space” by the comprehensive plan map and that would be changed to the “OS, Open Space” zoning district by the proposed action. An excerpt of the intent statement for each zone shown below is included in Attachment E. By amending the Comprehensive Zoning Map, with the exception of three parcels currently zoned: “DUC, Downtown Urban Center”, the zoning of the parcels shown below, will be changed to “OS, Open Space” to align with the Open Space land use designation. The proposed revised amendment to the Comprehensive Zoning Map is included in Attachment B. Please note, that the Revised Excerpted Comprehensive Zoning Map was included in the July 5, 2017 Supplemental Memo.

Note: As previously discussed with the Planning Commission, the City may change the land use designation, and subsequently change the zone, of some parcels that are currently inappropriately designated open space (e.g. cemeteries and some active and “monument” parks). Modifying the land use designation of the aforementioned parcels would occur as part of the City’s annual amendment cycle, which allows for amendments to the Comprehensive Plan Map, and is not further addressed here.

ATTACHMENTS:

- A – Revised Excerpted Comprehensive Zoning Map**
- B – Revised Amendment to the Comprehensive Zoning Map**
- C – Draft Open Space Zone Code Language**
- D – Excerpt of Key Definitions from Auburn City Code**
- E – Excerpt of Zoning District Intent Statements from Auburn City Code**
- F – Parcel Information of Private Property Owned Parcels**

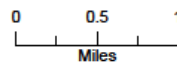




Attachment B – Revised Amendment to the Comprehensive Zoning Map



Date: July, 2017
Source: BERK, King County, Pierce County, City of Auburn



ATTACHMENT C – Draft Open Space Zone Code Language

Chapter 18.02
GENERAL PROVISIONS

Sections:

- 18.02.010 Short title.
- 18.02.020 Authority to adopt code.
- 18.02.030 Purpose.
- 18.02.040 Applicability.
- 18.02.050 Minimum requirements.
- 18.02.060 Rules for administrative interpretations.
- 18.02.065 Methods of calculating density.
- 18.02.070 Establishment of zones.
- 18.02.080 Zoning map.
- 18.02.090 Zone boundary interpretation.
- 18.02.100 Zoning for annexed land.
- 18.02.110 Zoning for property influenced by Auburn Municipal Airport.
- 18.02.120 Permitted land uses established.
- 18.02.130 Neighborhood review meeting.

18.02.070 Establishment of zones.

A. The city is divided into the following classes of zones:

- 1. RC, residential conservancy zone (one dwelling unit per four acres);
- 2. R-1, residential zone (one dwelling unit per acre);
- 3. R-5, residential zone (five dwelling units per acre);
- 4. R-7, residential zone (seven dwelling units per acre);
- 5. R-10, residential zone (10 dwelling units per acre);
- 6. R-16, residential zone (16 dwelling units per acre);
- 7. R-20, residential zone (20 dwelling units per acre);
- 8. RMHC, manufactured/mobile home community zone;
- 9. RO, residential office zone and RO-H, residential office-hospital zone;
- 10. C-N, neighborhood shopping zone;
- 11. C-1, light commercial zone;
- 12. C-2, central business zone;
- 13. C-3, heavy commercial zone;
- 14. M-1, light industrial zone;
- 15. M-2, heavy industrial zone;
- 16. BP, business park zone;

- 17. LF, airport landing field zone;
- 18. P-1, public use zone;
- 19. UNC, unclassified use zone;
- 20. I, institutional use zone;
- 21. EP, environmental park zone;
- 22. DUC, downtown urban center zone.
- 23. OS, open space zone.

B. The zones set out in subsection A of this section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the city of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title.

Chapter 18.35 SPECIAL PURPOSE ZONES

Sections:

- 18.35.010 Purpose.
- 18.35.020 Intent of special purpose zones.
- 18.35.030 Uses.
- 18.35.040 Development standards.
- 18.35.050 Additional development standards for both the RO and RO-H zones.

18.35.010 Purpose.

This chapter lists the land uses that may be allowed within the residential office, residential office-hospital, public use, institutional, and open space zones established by ACC 18.02.070 (Establishment of zones), determines the type of land use approval required for each use, and provides basic development standards for site layout and building size.

18.35.020 Intent of special purpose zones.

A. General. This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

B. RO and RO-H Residential Office and Residential Office-Hospital Zone. The RO and RO-H is intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone.

This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards

encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community.

C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

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

E. OS Open Space Zone. The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks, watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the Open Space zone tends to be predominately passive in character and with relatively fewer developed facilities than parks included in the Institutional zone. Private sites containing critical areas or shorelines may be included.

18.35.030 Uses.

A. General Permit Requirements. Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.

B. Requirements for Certain Specific Land Uses. Where the last column in Table 18.35.030 ("Standards for Specific Land Uses") includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
PUBLIC						
Animal shelter, public	X	X	P	X	<u>X</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	<u>C</u>	
Municipal parks and playgrounds	P	P	P	P	<u>P</u>	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds and recreational vehicle parks, private	X	X	X	P	<u>P</u>	
<u>Recreational vehicle parks, private</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	
Cemetery, public	X	X	P	A	<u>X</u>	
Cemetery, private	X	X	X	A	<u>X</u>	
College, university, public	X	X	A	A	<u>X</u>	
Commercial recreation facility – Indoor	X	X	X	P	<u>X</u>	
Commercial recreation facility – Outdoor	X	X	X	A	<u>C</u>	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	<u>X</u>	
Library, museum	X	X	P	P	<u>A</u>	
Meeting facility, public or private	A	A	P	P	<u>A</u>	
Private school – specialized education/training (for profit)	P	P	X	P	<u>X</u>	
Public schools (K-12) and related facilities	X	X	P	P	<u>X</u>	
Religious institutions, lot size less than one acre	A	P	X	P	<u>X</u>	
Religious institutions, lot size more than one acre	C	A	X	P	<u>X</u>	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	<u>X</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	

RESIDENTIAL

Duplex	P (1)	X	X	A	<u>X</u>	
Home occupation	P	P	X	P	<u>P</u>	Chapter 18.60 ACC
Live/work, work/live unit	A	P	X	A	<u>X</u>	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	<u>X</u>	
One detached single-family dwelling	P	X	X	X	<u>P (5)</u>	
Nursing home, assisted living facility	A	A	X	P	<u>X</u>	
Senior housing	A	A	X	A	<u>X</u>	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	<u>X</u>	
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SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	<u>X</u>	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	<u>A</u>	
Home-based daycare	P	P	X	P	<u>P</u>	
Medical services – Clinic or urgent care (4)	P	P	X	X	<u>X</u>	
Mortuary, funeral home, crematorium	X	P	X	X	<u>X</u>	
Professional offices	P	P	X	A	<u>A</u>	
Personal service shops	P	P	X	X	<u>X</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
Pharmacies	X	P	X	X	X	
<u>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</u>						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040(E)
<u>OTHER USES THAT ARE NOT LISTED</u>						
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted.	P	P	P	P	P	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required.
2. Multifamily dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.
3. Multifamily dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit.
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.
5. One single-family detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

18.35.040 Development standards.

Hereafter, no use shall be conducted and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the requirements in Table 18.35.040 (RO, RO-H, P-1, I, OS Zone Development Standards) and in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. These standards may be modified through either an administrative variance or variance, subject to the procedures of Chapter 18.70 ACC.

Table 18.35.040 RO, RO-H, P-1, I Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential I Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	<u>OS Open Space</u>
Minimum lot area	7,200 sf	None	None	6,000 sf	<u>None</u>
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft	<u>None</u>
Maximum lot coverage	55 percent (1)	None	None	35 percent	<u>5 percent</u>
Maximum impervious area	NA	NA	NA	NA	<u>10 percent (7)</u>
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>				
Front	20 ft (2)	10 ft	20 ft	20 ft	<u>20 ft</u>
Side – Interior	5 ft	None	5 ft (4)	5 ft	<u>5 ft</u>
Side – Corner	10 ft	10 ft	10 ft	10 ft	<u>10 ft</u>
Rear	25 ft (3)	None	25 ft	25 ft	<u>25 ft</u>
Accessory structure(s)	See note (5) below	NA	NA	See note (5) below	
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height limitations – Exceptions) for height limit exceptions.</i>				
Maximum height	35 ft	65 ft	45 ft	45 ft (6)	<u>35 ft</u>
Fences and hedges	See Chapter 18.31 ACC				
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1. New single-family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative area of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum lot coverage is 35 percent.
2. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.

3. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.
4. A 25-foot setback is required when adjacent to a residential zone.
5. Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.
6. Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.
7. Maximum impervious area includes all hard surfaces per Auburn City Code 13.48.010(J).

18.35.050 Additional development standards for both the RO and RO-H zones.

-
- A. All uses shall be conducted entirely within an enclosed structure, except noncommercial municipal automobile parking facilities in the RO-H zone.
 - B. There shall be no outside storage of materials allowed.
 - C. Refuse cans, containers or dumpsters shall be screened from the view of adjoining properties.
 - D. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities, shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW).
 - E. Any new construction, including additions and alterations, within the RO district shall utilize similar bulk, scale, and architectural and landscape elements of the existing site structure or those of the neighborhood in which the property is located. A site plan and building elevation plans shall be prepared by the applicant which address compliance with the requirements as outlined in this subsection. The plans shall be approved by the planning director or designee prior to the issuance of any building permits. The planning director and the public works director or designees may deviate from the development standards under ACC 18.35.040 up to 10 percent, for example, reduce rear yard setback by one and one-half feet, to address unusual circumstances for conversions of single-family residential uses to nonresidential uses.

ATTACHMENT D – Excerpt of Key Definitions from Auburn City Code**18.04.025 Administrative use.**

“Administrative use” means a use permitted in a zone only after review and approval by the planning director or designee. Administrative uses are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following review by the city to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.

18.04.200 Building height.

“Height of building” means the vertical distance measured from the finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. If a structure has none of the above features then the height shall be measured from the finished grade to the highest portion of the structure. See Figure 18.04.200. (Ord. 6245 § 3, 2009; Ord. 4229 § 2, 1987.)

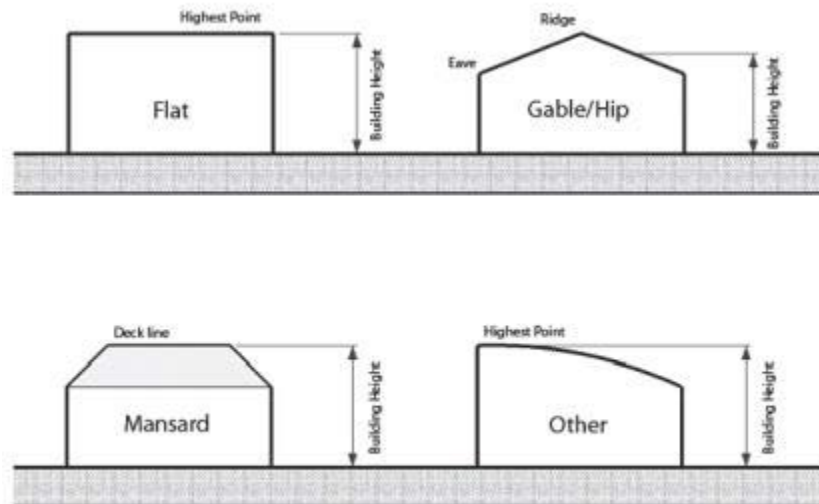


Figure 18.04.200 Building Height

18.04.260 Conditional use.

“Conditional use” means a use permitted in a zone only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zone, or if the site is regulated in a certain manner in order to achieve the purposes of this title.

18.04.310 Development standards.

“Development standards” means regulations pertaining to setbacks, landscaping, height, site coverage, signs, building layout, site design and related features of land use.

18.04.550 Lot coverage.

“Lot coverage” means that percentage of the plot or lot area covered by all buildings including accessory buildings and uses. Coverage is determined by measuring along a horizontal plane from the

outermost edge of eaves, cornices, overhangs, or areas covered by a weathertight roof. The first two feet of an eave overhang will, however, not be used in the lot coverage calculation. See Figure 18.04.550.

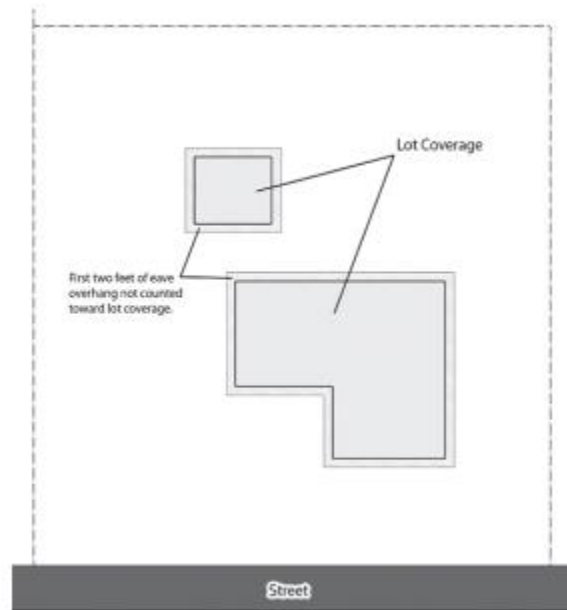


Figure 18.04.550 Lot Coverage

18.04.696 Permitted use.

“Permitted use” means a land use that is allowed outright within a zone.

18.04.752 Prohibited use.

“Prohibited use” means any use which is not specifically enumerated or interpreted by the city as allowable in that zone. Any use not specifically listed as a permitted, administrative, conditional, or accessory use is prohibited, except those determined to be unclassified and permitted by the planning director pursuant to ACC 18.02.120(C)(6). Any prohibited use is illegal.

18.04.497 Impervious surface.

“Impervious surface” means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

18.04.810 Setback.

“Setback” means the distance between a lot line and the corresponding parallel setback line.

13.48.010(J) Hard surface.

“Hard Surface” means an impervious surface, a permeable pavement, or a vegetated roof.

ATTACHMENT E – Excerpt of Zoning District Intent Statements from Auburn City Code

C-3, Heavy Commercial Zone. The intent of the C-3 zone is to allow for medium to high intensity uses consisting of a wide range of retail, commercial, entertainment, office, services, and professional uses. This zone is intended to accommodate uses which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The uses allowed can include outside activities, display, fabrication or service features when not the predominant portion of the use. The uses enumerated in this classification have potential for impacts to surrounding properties and street systems than those uses permitted in the more restrictive commercial classifications.

DUC Downtown Urban Center District. The downtown urban center zone is intended to create a distinct and strong identity for downtown Auburn by establishing land use and design standards for review of development proposals within the core area of the city of Auburn's designated urban center, in order to implement the city of Auburn downtown plan and the goals, policies and objectives of the Auburn comprehensive plan. This zone is intended to produce a concentration and mixture of commercial, office, medical, retail, residential and civic uses within the downtown area; to encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents; to provide a development pattern that supports pedestrian movement, bicycles and use of public transit; and to provide opportunities to increase the city's tax base, thereby helping to fund public improvements and public services.

EP, Environmental Park Zone. The environmental park district is intended to allow uses in proximity to the Auburn Environmental Park that benefit from that location and will complement the park and its environmental focus. Uses allowed in this zone will focus upon medical, biotech and "green" technologies including energy conservation, engineering, water quality and similar uses. Other uses complementary to and supporting these uses are also allowed. Incorporation of sustainable design and green building practices will be a primary aspect of this zone. The construction of leadership in energy and environmental design (LEED) and built green certified buildings is encouraged and built green will be required for multiple-family dwellings. The city recognizes that much of the property in this zone was developed under earlier standards, so the goals of the district will be realized over a period of time as properties are redeveloped.

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

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

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

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

M-2, Heavy Industrial Zone. The M-2 zone is intended to accommodate a broad range of manufacturing and industrial uses. Permitted activity may vary from medium to higher intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Heavy industrial uses should not be located near residential development.

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

PLANNED UNIT DEVELOPMENT DISTRICT (PUD) – Lakeland Hills South. The comprehensive plan provides the Lakeland Hills South special area plan is intended to be consistent with the conditions of approval of the Lakeland Hills South PDD (Pierce County Hearings Examiner Case No. Z15-90/UP9-70) as amended. The conditions of approval which remain applicable are attached to Ordinance No. 5092 as Exhibit A and incorporated herein by reference. Auburn has accepted the Lakeland Hills South PUD as an approved PUD. Therefore, this purpose section shall apply to minor and major amendments to the Lakeland Hills South PUD.

P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

RC Residential Conservancy Zone – One Dwelling Unit per Four Acres. The RC residential conservancy zone is intended primarily to provide for low-intensity single-family residential uses with characteristics of an agricultural environment; provided, that the agricultural uses are secondary to the single-family uses. These areas allow for a lifestyle similar to that of rural areas that includes allowance of farm animals and streets without sidewalks. This zone is intended to protect areas with significant environmental constraints or values from impacts typically associated with urban levels of development while allowing low-intensity development designed to minimize impacts on the natural environmental features designated for conservation.

Public improvements required within the RC zone will be less than is normally required for the higher intensity residential zones within the city.

This zone shall only be applied in areas designated as residential conservancy on the comprehensive plan. This zone shall allow one dwelling unit per four acres minimum lot area.

R-MHC Manufactured/Mobile Home Community Zone. The intent of the R-MHC manufactured/mobile home community zone is to provide a residential zone of single-family manufactured homes exclusively within a planned community. It is further intended that the R-MHC zone shall only be prescribed in those areas that are bordered on, contain physical features, or shall be planned and designed as part of a larger development incorporating other housing types in a manner which limits further expansion into adjacent areas.

R-5 Residential Zone – Five Dwelling Units per Acre. The R-5 single-family residential zones are intended to create a living environment of optimum standards for single-family dwellings. It is further intended to achieve development densities of four to five dwelling units per net acre. This zone will provide for the development of single-family detached dwellings and for such accessory uses as are related, incidental and not detrimental to the single-family residential environment.

R-7 Residential Zone – Seven Dwelling Units per Acre. The R-7 single-family residential zones are intended to create a living environment of optimum standards for single-family dwellings. It is further intended to achieve development densities of five to seven dwelling units per net acre. This zone will provide for the development of single-family detached dwellings and for such accessory uses as are related, incidental and not detrimental to the residential environment.

UNC Unclassified Use District. The purpose and objective of the UNC classification is to regulate the use of land in generally undeveloped areas or in areas not otherwise zoned following annexation thereof to the city so as to prevent the uncontrolled intrusion of business, industrial and similar uses which would be in conflict or incompatible with existing or planned future land uses established by the comprehensive plan.

Those areas previously annexed to the city for which no city zoning classification has been fixed or determined by ordinance are zoned UNC, unclassified use district. Unclassified zoned property shall assume the R-1 standards for permitted uses and development standards.

ATTACHMENT F – Parcel Information of Private Property Owned Parcels

Charts depicting parcel information of the parcels designated Open Space were presented to the Planning Commission during the April 4, 2017 and July 5, 2017 Planning Commission meetings. The charts highlight particular properties in tribal, utility, and private ownership. Based on a closer review of parcels through the preparation of property notices for the hearing, staff compared the charts and noticing efforts and have provided the charts that reflect these efforts. All of the charts below were previously shown during the April 4, 2017 Planning Commission meeting.

Property Use, if Known	Muckleshoot Indian Tribe	Northwest Pipeline	Olympic Pipeline (Private)	Puget Sound Energy	Private Resident	Private-Segale	Subdivision Tract	Riverfront-Subdivision
Plat-Open Space							4	
Plat-Waterbody								6
Private-Mine-Waterbody						3		
Private-Waterbody					1			
Public-Cemetery	1							
Public-Tribal	4							
Public-Tribal Split Zone	2							
Public-Tribal-Cemetery	1							
Public-Unspecified	1							
Utility-Private		3	1	4				
Utility-Private-Critical Area				1				
Utility-Private-ROW				6				
Total	9	3	1	11	1	3	4	6

TABLE OF OWNERS – PRIVATE*

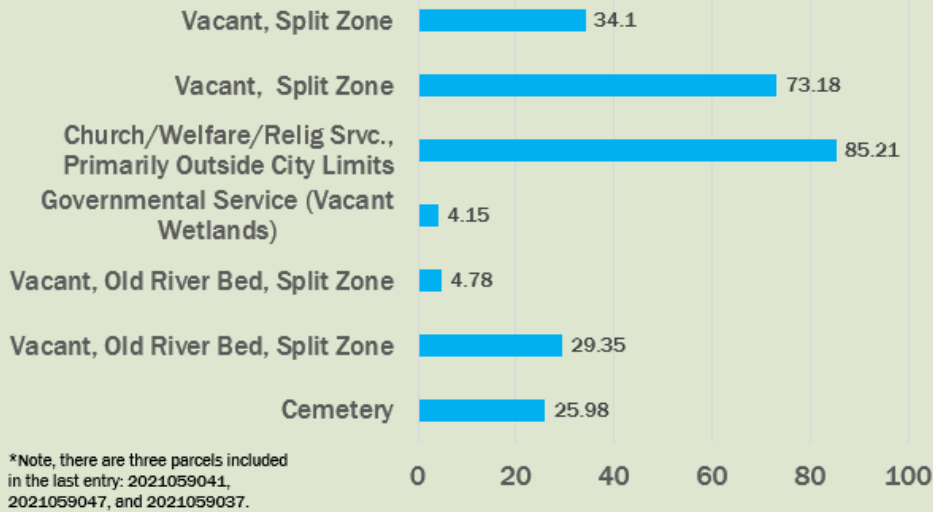
Corrections

NW Pipeline – 3 parcels not 4 (one parcel was double-counted)

MIT – 9 parcels instead of 7
2 added are split zone and mostly Residential

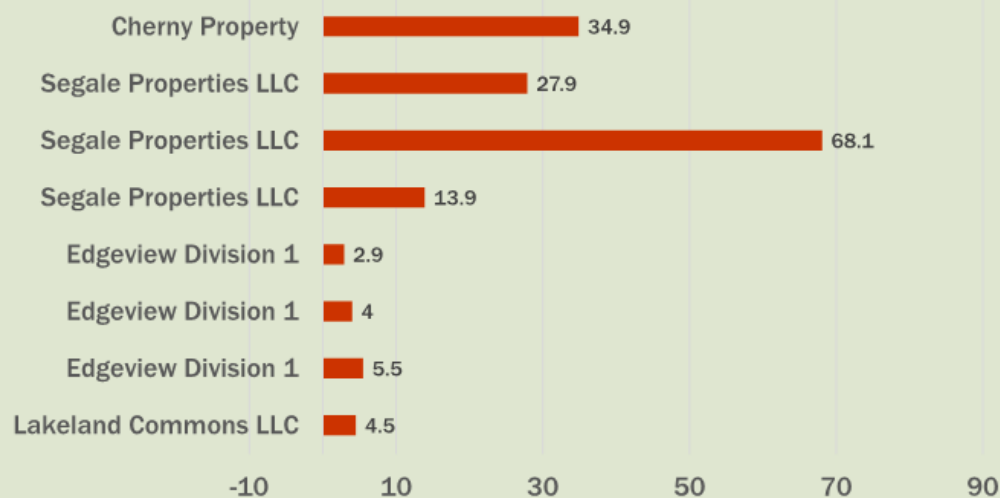
*Table from April 4, 2017 Planning Commission meeting.

SIZES OF “OTHER PUBLIC” (MIT) PARCELS DESIGNATED OPEN SPACE (IN ACRES)* *



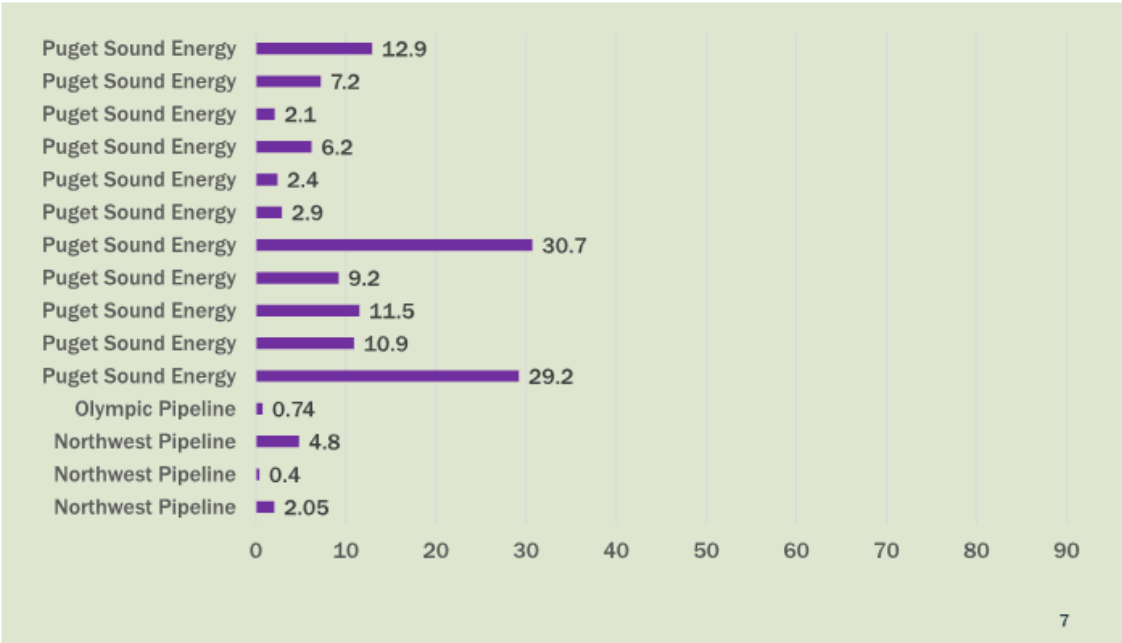
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SIZES OF PRIVATELY OWNED PARCELS DESIGNATED OPEN SPACE (IN ACRES)



6

SIZES OF PRIVATE UTILITY PARCELS DESIGNATED OPEN SPACE (IN ACRES)



To: City of Auburn – Alex Teague & Jeff Tate

Date: June 19, 2017

RE: Amendments to Auburn City Code Chapter 18.02 General Provisions, Chapter 18.35 Special Purpose Zones, and the Comprehensive Zoning Map ZOA16-0009 & SEP17-0010

This letter is being submitted to you requesting that King County Parcel numbers 781570-0135, 781570-0095 & 781570-0085 each be removed from the zoning change consideration of DUC to Open Space and be placed back under the DUC Comprehensive Land Use.

Parcels 781570-0135 and 781570-0095 are each owned by the same private ownership group: **Levan Auburn Development LLC**. The development group also owns two other parcels on the same block which were not identified to be a part of the Zoning and Comprehensive Land Use change. The development group obtained ownership of these parcels in April of 2015 with the intention of developing the parcels into a single mixed-use development. The current Open Space land use designation and possible Open Space Zoning change would prohibit these parcels from being developed in the manner for which they were obtained and open the City up to question.

Parcel 781570-0085 is owned by the City of Auburn and currently being used as a passive use Park. It also makes up the northeast corner of the block which the afore mentioned parcels are also a part of and slated for development. The City of Auburn at present time has not been approached by the development group to obtain ownership of the City parcel, but is being looked at as an accompanying factor in the development by Levan. Unlike many of the City's Park properties, this particular property is not encumbered with a restriction on title. Changing the zoning and land use designation to something other than that of the adjacent parcels may act much in the same manner however. So it is in the best interest of the City that parcel number 781570-0085 also be removed from the zoning change consideration and the land use be amended to reflect the DUC land use code.

For further questions or clarification please contact Dana Hinman, Director of Administration for the City of Auburn at 253.931.4009 or dhinman@auburnwa.gov

Sincerely,



Dana Hinman
Director of Administration
City of Auburn

City of Auburn
Community Development & Public Works Department
Attn: Alexandria Teague
25 West Main
Auburn, WA 98002-6200

Dear Alexandria,

Thank you for meeting with me to explain the process for amending the 2015 Comprehensive Plan, specifically as it pertains to the updated Institutional and Open Space land use designations.

Based on the Parks, Recreation and Open Space Plan adopted in 2015, Parks staff is generally supportive that most of the City's park properties fit with the definition of these two land use designations. One exception to this is that it does not appear that there is any reference to agricultural uses in Table 18.35.030 (Permitted, Administrative, Conditional and Prohibited Uses by Zone) for either of the land use designations. Mary Olson Farm has an element of agricultural use that compliments the programming at the farm.

Per our discussions, there are currently a number of properties that the Parks Department believes to be inappropriately designated as Open Space. Parks staff has provided land use designation recommendations for each property in the City's parkland inventory, which is based on land use intensities and recreational uses for each individual property.

I would be happy to present the recommendations of the Parks Department for Open Space and Institutional land use designations to the Planning Commission and/or City Council. Please let me know if it is necessary for me to present this information.

Sincerely,



Jamie Kelly
Park Planning and Development Manager

CH&CAIRNCROSS&HEMPELMANN
ATTORNEYS AT LAW

524 2nd Ave., Suite 500
Seattle, WA 98104
www.cairncross.com

office 206.587.0700
fax 206.587.2308

June 28, 2017

Via Email to: ateague@auburnwa.gov

City of Auburn Planning Commission
ATTN: Alexandria Teague
25 W. Main Street
Auburn, WA 98001

Re: Segale Properties LLC
Comments on Open Space Zone Amendments to Auburn City Code Chapter 18.02
General Provisions, Chapter 18.35 Special Purpose Zones, and the Comprehensive
Zoning Map – SEP17-0010 & ZOA16-0009

Dear Ms. Teague and Auburn Planning Commissioners:

This firm represents Segale Properties LLC. Segale owns over 600 acres of land in the City of Auburn near the Stuck River, including a significant gravel mine, and some adjoining undeveloped parcels. We provide these comments on the draft amendments to Auburn City Code Chapter 18.02 General Provisions, Chapter 18.35 Special Purpose Zones, and the Comprehensive Zoning Map for the Open Space Zone, and the City's Determination of Non-significance ("DNS").

As a preliminary matter, we note that the City's Comprehensive Plan maps are difficult to obtain and sometimes do not yet exist. For example, the Segale property is part of the "Stuck River Road Special Planning Area." However, that designation is yet to be documented on any map that is part of the publicly available 2015 Comprehensive Plan. While we understand that City Staff is working on assuring public access to a full set of accurate maps, we remain uncertain as to whether we have reviewed accurate information to prepare this comment letter. Therefore, we recommend that the work needed to complete the 2015 Comprehensive Plan and associated maps be completed before the City processes any new amendments, including these Open Space amendments. Having accurate background information available to the public is the only way to assure adequate public participation in the amendment process, as is required under the Growth Management Act ("GMA").

As to the Open Space amendments, the proposal appears to include a plan to re-zone portions of Segale's property to Open Space,¹ which would prevent future development or re-development for economically viable uses, and might render continued use of a portion of the gravel mine haul road a legal non-conforming use. This is contrary to Segale's plans for the land. It is also contrary to the

¹ Specifically, it appears that a rezone to Open Space is proposed for all of tax parcel nos. 2921059002 (13.32 acres), 2921059021 (approx. 10 acres), and portions of tax parcel nos. 2921059044 (west of Kersey Way), and 3021059361 (including a portion of the gravel mine haul road).

City of Auburn Planning Commission
ATTN: Alexandria Teague
June 28, 2017
Page 2

existing planning structure assigned to these lands. The text of the 2015 Comprehensive Plan (see p. 28, Land Use Element), as well as the earlier 2011 Comprehensive Plan, explain that because the Segale property is part of a "Designated Special Planning Area," eventually, the City will prepare a detailed Sub-Area Plan which will evaluate and determine the best future uses for all of the property, including uses following the completion of gravel mining. The City should wait to alter zoning of any of the Segale lands until such time as that detailed Sub-Area Plan process has taken place. Stated differently, applying these Open Space amendments to the Segale property now, is contrary to the purpose of the GMA to assure that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. *See*, RCW 36.70A.010.

Next, the proposed "intent" of the new special purpose Open Space zone is plainly directed at protecting public lands, or lands that are highly constrained and undevelopable. *See*, proposed code section 18.35.020.E defining the intent of the new zone. The impacted Segale lands are not publicly owned, nor are they uniformly restricted from future re-development due to significant environmental constraints. In fact, one portion of the impacted lands is currently in use as part of an access road to the active gravel mine. Because they do not meet the intent of the Open Space zone, the Segale lands must be removed from the pending amendment.

As to the SEPA DNS, this is not the proper SEPA threshold determination for an action that sweeps up into an amendment package affecting largely public lands, also Segale's private lands, some of which are in active use for a roadway serving a gravel mine, and all of which are targeted for later detailed land use analysis, and a potential myriad of future uses. In addition, there is no evaluation of the impacts of converting an existing legal use (the gravel haul road) into a non-conforming use.

In short, the City should not be re-zoning or designating any of the Segale land for any use as Open Space. We ask that you remove the Segale parcels from this amendment process, and that any future changes be addressed through the Sub-Area planning process for the Special Planning Area.

Thank you for your attention to these comments.

Very truly yours,



Nancy Bainbridge Rogers

NBR/kgb
cc: Mark Segale



MUCKLESHOOT PLANNING COMMISSION

39015 172nd Avenue S.E. • Auburn, Washington 98092
Phone: (253) 876-3329



August 8, 2017

Ms. Judi Roland, Chair
Planning Commission
City of Auburn
25 West Main St.
Auburn, WA. 98001

Comments on Proposed Amendments to Auburn City Code; ZOA16-009:
Chapter 18.02 General Provisions; and
Chapter 18.35 Special Purpose Zones; and
The Comprehensive Zoning Map

Dear Chairperson Roland:

The Muckleshoot Indian Tribe Planning Commission (MITPC) appreciates the opportunity to comment on the proposed ZOA16-009 Open Space Zoning Amendment before you this evening. Continued consultation and cooperation between the Tribe and the City of Auburn to attain consistency among our respective planning efforts and processes is extremely important to both jurisdictions.

The Muckleshoot Indian Reservation was established to provide a permanent homeland for the Muckleshoot people by Executive Orders in 1857 and 1874 under the authority of the Treaties of Medicine Creek and Point Elliot. As a federally recognized Indian tribe, the Muckleshoot Tribe has exercised its sovereign governmental powers over its people and lands and continues to exercise its inherent right to protect the health, safety and welfare of its citizens and resources within the Reservation. The tribal government, headed by its elected Tribal Council, is responsible for public safety, health care, housing and public infrastructure. The tribal government is also responsible for planning, land use, and environmental regulation. Protecting our people, land, and treaty rights will always be of paramount importance to the Tribe. Therefore, it is crucial that the City of Auburn and its Planning Commission (COAPC) recognize the Muckleshoot Indian Reservation homeland and its water and environmental resources.

In 1977 the Muckleshoot Tribal Council, whose authority to govern the Muckleshoot Indian Reservation was established in accordance with Article III, Section I of its Constitution and Bylaws and approved by the United States Secretary of the Interior on May 13, 1936, adopted Resolution 77-38-1, which established and empowered the MITPC "To formulate planning policies for the areas of, but not limited to, the Muckleshoot Indian Reservation." The MITPC is a ten-member body, composed of nine tribal members and one non-tribal member. The MITPC is established with the authority and responsibility to prepare a comprehensive plan and official controls for consideration of the Tribal Council, and to review certain land use permit applications. Given the unique land ownership and land use permitting issues on the Muckleshoot Reservation, we believe it is beneficial for the City and the Tribe to work together to develop a joint Comprehensive Land Use Plan and permitting program to provide clarity and certainty for all landowners.

The long history of conflicting federal policies regarding reserved Indian lands has resulted in a checker boarding of land ownership with the Muckleshoot Reservation, which includes land owned in fee and trust status by the Tribe and its members, as well as, non-Indian owned lands. However, the original boundaries of the Muckleshoot Indian Reservation, established under the Executive Order of 1874, have never been diminished. The MITPC is committed to the principles of due process and fundamental fairness in the application of land use regulatory laws for all residents of the Reservation. By continuing to work together we can achieve public health, safety, and quality of life, for all on the Reservation. While the Reservation is the permanent homeland of the Muckleshoot Indian Tribe, it is also home to many other residents, some of which have families that have lived here for many generations. We hold hopes for a "Tribal Element" chapter within your Comprehensive Plan to articulate and codify the cooperative relations which, as the recent past has demonstrated, is both possible and optimal. The MIT is committed to working with City of Auburn to address land use issues and make the Reservation a better place for future generations.

We have conducted our review and assessment of the documentation provided, and offer the following comments regarding ZOA16-009.

The MITPC has no objections, issues, concerns, or comments with the proposal's items 1-4:

- Item 1. Establish Open Space Zone to list of Zones – Chapter 18.02 – General Provisions
- Item 2. Proposed Open Space Zone Intent Statement - Chapter 18.35 Special Purpose Zones
- Item 3. Proposed Open Space Zone Uses - Chapter 18.35 Special Purpose Zones
- Item 4. Proposed Development Standards - Chapter 18.35 Special Purpose Zones

Item 5. Proposed changes to the Comprehensive Zoning Map as defined in the Auburn City Code Chapter 18.02 specific to the following parcels:

2021059037	2021059047	3421059008
2821059032	3421059025	2821059030
2821059033	3421059030	2021059041

With respect to item 5;

All of the aforementioned parcels are located within the boundaries of the Muckleshoot Indian Reservation and are held either in Trust, in Fee Simple MIT possession, or in Fee Simple Tribal Member possession. The MITPC would be remiss if it failed to remind the COAPC that all jurisdictional authority related to subdivision, improvement, development, or use on these properties is in the hands of our Board as embodied and empowered by the Muckleshoot Tribal Council (MIT Resolution 77-38-1).

While the proposed rezone will have no tangible effect on the use or development potential of these properties, it does have some overarching concerns with respect to the potential confusion and conflict when both jurisdictions espouse, possess, and regulate under their own Zoning and Land Use maps and code. The fact is, the current City of Auburn Zoning Map lacks any delineation of the Muckleshoot Indian Reservation. This oversight, incorrectly suggests that the City possesses zoning authority over land owned by the Tribe and its members. We therefore suggest that the City zoning maps delineate the Reservation boundary and note that fee and trust land owned by the Tribe and its members located within the Reservation is not subject to City land use regulation, and that trust land title to which is held by the United States in trust for the Tribe and its member outside of the Reservation is also not subject to City land use regulation.

In addition to a clear and bold perimeter outline of the Muckleshoot Indian Reservation being incorporated into the official zoning map for the City of Auburn, our preference would be for the City of


Auburn to establish a MIT Zone for Tribal Holdings (on the Reservation). Language could be crafted within ACC chapter 18.02 along with associated language in chapter 18.35 which articulates in part, that the City of Auburn defers all land use regulatory authority in that zone to the MIT. As a means to protect itself in the highly unlikely event that Tribal Holdings somehow found their way back into Non-Tribal hands, the City could devise protective zoning underlay language within 18.35 which would affect a development "freeze" upon parcels in those instances until such time as the COAPC and the City Council could adopt a more appropriate land use designation and zoning classification. We fully understand that these initiatives may or may not be practical at this point in your deliberations; perhaps over the course of the next nine months, Staff from both of our jurisdictions could coordinate to produce a proposal for your Comprehensive Plan update next year which would acknowledge jurisdictional authority for all reservation properties and eliminate the duplicate Zoning and Land Use maps (which in many areas are in direct conflict with one another).

Thank you for considering our input and comments on this matter. We trusts that the COAPC will give our comments due consideration, both now and in the future. We will continue to observe your legislative and political processes and hope that in doing so we can strengthen positive and productive communication and coordination between our respective jurisdictions.

For further information you may contact Krongthip Sangkapreecha, MIT Planning Director at (253) 876-3329.

Sincerely,

Jaison Elkins

FOR


Chairman

Muckleshoot Planning Commission

cc: Kenny Calvert, MIT Planning Commissioner
Krongthip Sangkapreecha, MIT Planning Director

Page 158 of 201

ORDINANCE NO. 6677 – ESTABLISH THE OPEN SPACE ZONING DISTRICT IN CITY ZONING CODE AND ZONING MAP

Community Development and Public Works Department

Engineering Services • Administrative Services • Environmental Services

Community Development Services • Maintenance & Operations Services

OPEN SPACE ZONING AMENDMENT PURPOSE

- Through Ordinance No. 6584, the City of Auburn adopted a new Comprehensive Plan at the end of 2015 that includes a new land use map designation of “Open Space”.
- Under the existing comprehensive plan document structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards.
- Currently, there is no implementing Open Space zone in the Auburn City Code.

PLANNING COMMISSION REVIEW SUMMARY

- On December 6, 2016 staff presented the proposed zoning code text and zoning map amendments to the Planning Commission.
- The Planning Commission held subsequent public meetings on January 4, 2017, March 7, 2017, and April 4, 2017.
- On July 5, 2017 the Planning Commission held a public hearing regarding the creation of the Open Space zone. During this public hearing, staff addressed comments received from the City of Auburn Parks Department, City of Auburn Economic Development Department, and Nancy Bainbridge Rogers, representing Mark Segale, a private property owner, and presented a revised staff recommendation.

PLANNING COMMISSION REVIEW SUMMARY

- The Planning Commission continued the public hearing to August 8, 2017, requesting that staff conduct additional noticing to and/or coordination efforts with Andrew and Elena Cherny, private property owners, and Muckleshoot Indian Tribe (MIT).
- Following the July 5, 2017, staff conducted additional noticing efforts as requested and coordinated review of the proposed zoning map amendment with the MIT.

PLANNING COMMISSION REVIEW SUMMARY

- At the August 8, 2017 continued public hearing, the Planning Commission deliberated and modified the staff recommendation such that City of Auburn staff would continue to coordinate planning efforts with the Muckleshoot Indian Tribe.

OPEN SPACE ZONING AMENDMENT BACKGROUND

1. The staff report provided to the Planning Commission and included as Item 3 this packet provides the detailed background that led to the Planning Commission's recommendation.

■ Of particular note are the following items:

- The Open Space zone is generally meant to apply to parcels that are largely undeveloped in character and feature natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, watersheds or areas with significant development restrictions.

OPEN SPACE ZONING AMENDMENT BACKGROUND

- The majority of the parcels are owned by the City of Auburn (COA). The COA-owned parcels generally feature either a critical area, such as a wetland or geologic hazard area, utility infrastructure, or are within the shoreline jurisdiction and subject to the COA SMP.
- The majority of the non-City owned parcels are governmentally-owned or utility-owned parcels which are encumbered by utility infrastructure, such as a transmission line.
- The remaining non-City owned parcels, are privately owned and are either:
 - Contain a critical area, such as a wetland or geologic hazard area (regulated by Chapter 16.10 Auburn City Code (ACC));
 - Feature a split-land use designation due to the shoreline of the White River and are subject to the City of Auburn (COA) Shoreline Master Program (SMP)); or
 - Were originally set aside as open space per previous plat requirement.

OPEN SPACE ZONING AMENDMENT BACKGROUND

2. The adoption of Ordinance No. 6667 on December 18, 2017 (which adopted the 2017 annual Comprehensive Plan annual amendments) changed the land use designation of numerous parcels that were previously included in the “open space” and thus originally proposed for this zoning map amendment (to make the Comprehensive Plan designation and zoning agree).
- The parcels modified under Ordinance No. 6667, were originally incorrectly designated during the 2015 Comprehensive Plan mapping update.

OPEN SPACE ZONING AMENDMENT BACKGROUND

- Throughout the open space zoning amendment, staff recognized that there were some inconsistencies and refinements needed as a result of this mapping process, and intended to make refinements during the annual comprehensive plan amendment process. The annual comprehensive plan process is the avenue in which staff may make changes to the Comprehensive Plan Map.
- Thus, since the parcels changed per Ordinance No. 6667 are no longer designated “Open Space”, they been removed from this proposed open space zoning map amendment. Ordinance No. 6677 Exhibit 1 – Area-Wide Rezone Map has been updated to that effect.

OPEN SPACE ZONING AMENDMENT BACKGROUND

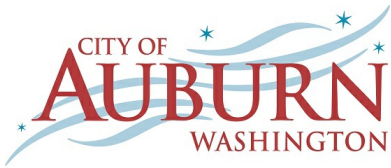
3. Planning Commission's recommendation recognizes that the proposed zoning code language and zoning map amendment does not affect "Indian Lands" and is not intended to, usurp or exercise land use control over such lands.

- The intent of the text and map amendment is to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character.
- This recognition is consistent with the language contained in ACC 18.01.050 (adopted under Ordinance No. 6667) which addresses how do city zoning and land use regulations relate to Indian Lands.

REQUEST OF CITY COUNCIL

- **Schedule Ordinance No. 6677 for action by City Council at the regular meeting on February 26, 2018.**

QUESTIONS?



AGENDA BILL APPROVAL FORM

Agenda Subject:

King County Draft Comprehensive Solid Waste Management Plan (Coleman) (30 Minutes)

Date:

February 6, 2018

Department:

Finance

Attachments:

[Comp Plan Draft](#)

Budget Impact:**Administrative Recommendation:**

For discussion only.

Background Summary:

The King County Solid Waste Division released the Draft Comprehensive Solid Waste Management Plan for public review and comment on January 8, 2018. The Draft Plan outlines programs to prevent, recycle, and dispose of waste in King County. The deadline for submitting comments is March 8, 2018, but there will be additional opportunities for public comment as the Draft Plan undergoes the review and adoption process that runs through approximately March 2019.

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

Coleman

Meeting Date: February 12, 2018

Item Number:

King County Draft Comprehensive Solid Waste Management Plan January 2018



A Policy Roadmap for the Regional System

- State law and agreements with 37 partner cities require the Plan
- County, its advisory committees, and partner cities collaborate on Plan development
- The Plan guides how to prevent, recycle, and dispose waste in ways that are efficient, cost effective and protect the environment

Regional Solid Waste System

Serving 1.4 million people

- King County *regional service provider*
- 37 cities *all but Seattle & Milton*
- 6 urban transfer stations
- 4 rural transfer facilities
- 9 closed landfills
- 1 open landfill



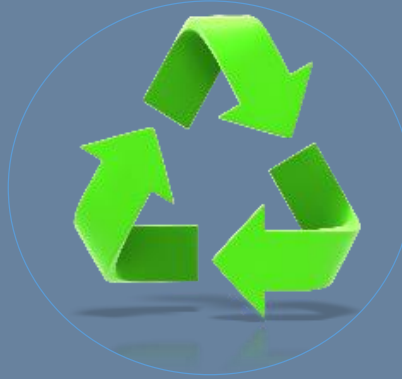
Six Major Planning Elements



Existing Solid
Waste System



Forecasting
& Data



Sustainable
Materials
Management
(Recycling)



Transfer &
Processing



Disposal &
Landfill
Management



Finance

Equity & Social Justice

Recycle

Recicla

No plastic bags
except for shredded paper

No hay bolsas de plástico a excepción de papel triturado


Items must be empty
and clean (no food)

Los recipientes deben estar vacíos y limpios (sin alimentos)

Yes – Sí


Paper

Papel




Cartons, cups, plastic containers

Envases y vasos de cartón y plástico




Glass bottles and jars, metal cans

Botellas y frascos de vidrio, latas de comida




Shredded paper
(securely tied in clear plastic bags)

Papel triturado (seguramente amarrado en bolsas de plástico transparente)



Large lids:
3 inches or more

Tapas grandes:
de más de tres pulgadas



NO

NO ceramics, glassware, light bulbs, mirrors, windows

NO food or food contaminated paper

NO garbage or liquids

NO hazardous or toxic products or product containers

NO juice pouches (foil lined)

NO paper towels, paper napkins, or paper plates

NO prescription vials/bottles

NO small caps or lids

NO Styrofoam (polystyrene)

NO ceramics, cristalería, focos (bombillas), espejos y ventanas

NO comida o papel contaminado con comida

NO basura o líquidos

NO productos peligrosos o tóxicos o envases de productos

NO bolsas de jugo forradas con aluminio


NO toallas de papel, o servilletas de papel, o platos de papel

NO sin receta médica

NO tapas o tapones pequeños

NO poliestireno

Climate Protection



Page 176 of 201

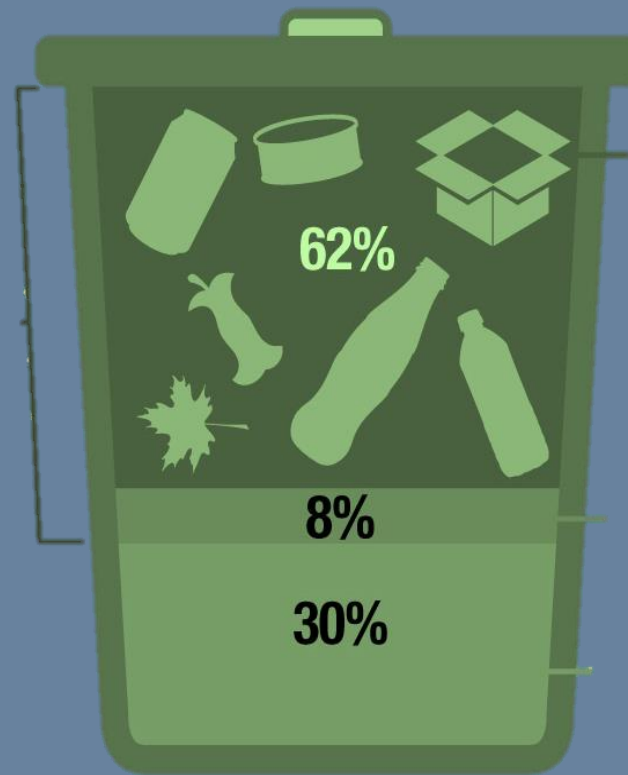


Sustainable Materials Management (Recycling)

Recycling Goal: 70%

Our Latest Recycling Rate Is 52%

70% of what is currently thrown away as trash could be recycled



Readily recyclable & compostable

Potentially recyclable

Limited recyclability

How do we achieve 70% recycling?

- Plan includes a menu of actions including:

- Waste prevention and reuse
- Product stewardship
- Recycling and composting
- Education
- Incentives
- Mandates
- Infrastructure improvements

RECYCLE

- Put recyclables in the bin loose
- Scrape out food residue
- Flatten boxes; large pieces next to bin; do not tie with twine
- Lids and caps go in the garbage
- Recycle plastic by shape: bottles, tubs, jugs and cups can be recycled
- Labels are okay
- Ignore the chasing arrow symbols and numbers on plastic containers
- Empty and rinse containers

Plastics:

Yogurt, dairy and margarine tubs
Shampoo, conditioner bottles
Household cleaner bottles
Detergent, fabric softener bottles
NEW! Plastic plant pots (no soil)
Plastic cups

Aluminum and tin cans:

Soda cans
Metal food cans
NEW! Clean aluminum foil and foil trays

Metal:

Limit 2 ft. x 2 ft. x 2 ft.,
Fewer than 35 lbs

Cardboard:

Cardboard without a waxy or plastic coating
Limit 3 ft. x 3 ft. x 3 ft.

Paper and newspaper:

Newspaper, inserts
Mail, envelopes (windowed too)
Cereal and dry food boxes (no liners)
Frozen food boxes
Paperback books
Magazines, catalogs and phone books
Non-foil wrapping paper
Juice boxes, milk, soy milk and broth containers
Milk, ice cream cartons
Paper cups, coffee cups

Glass jars and bottles, any color:

No broken glass

*Not sure whether it's recyclable in your neighborhood?
Check your garbage hauler's website.*

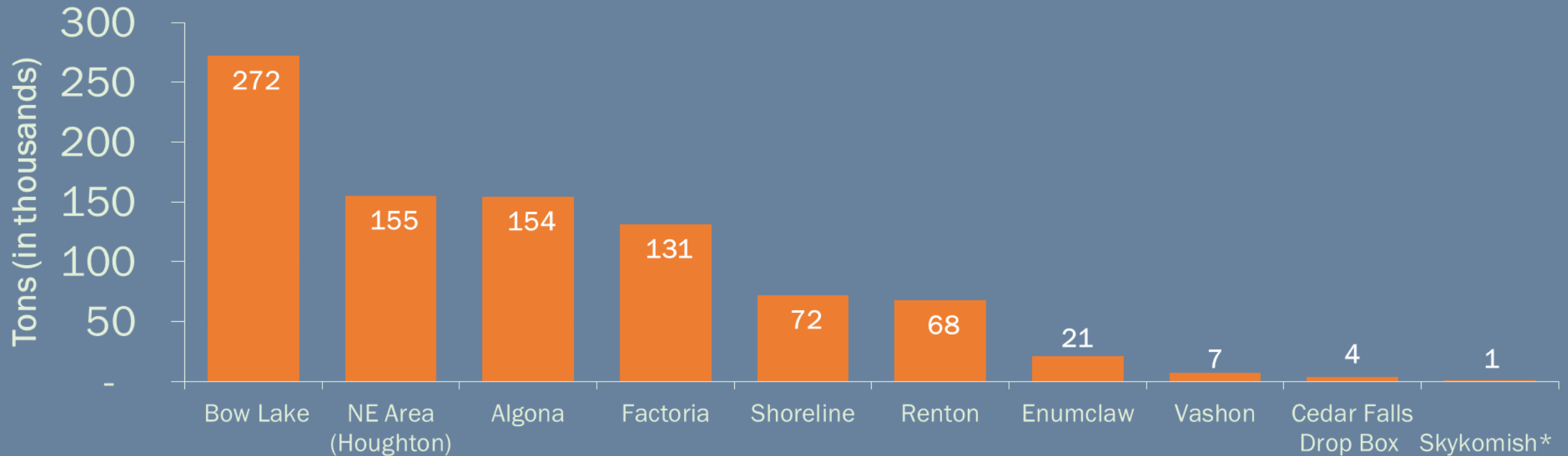


Printed on recycled paper.
AUGUST 16

Transfer and Processing



Tons of Garbage Disposed at King County Transfer Stations in 2016*



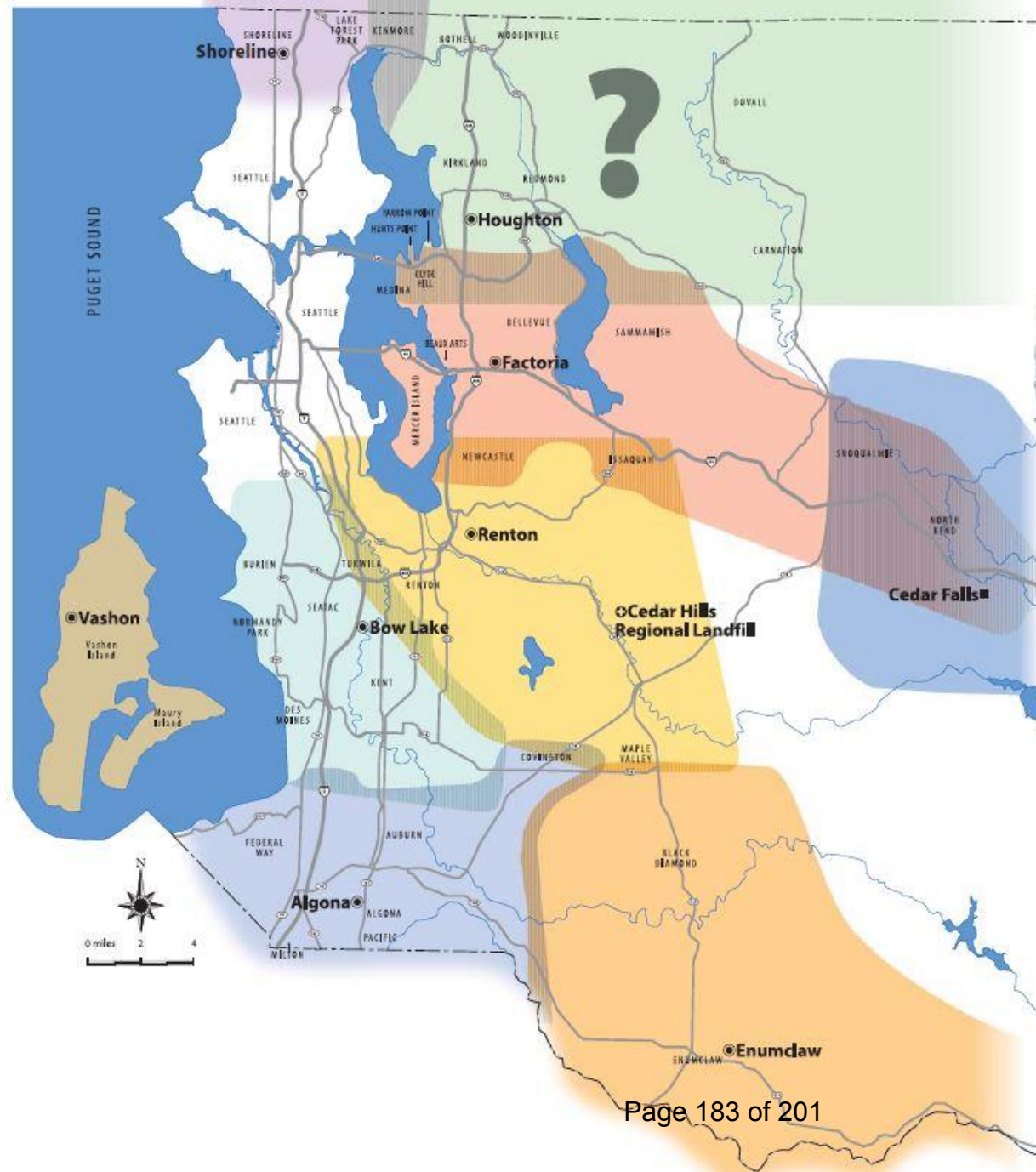
* Note: Data reflect transfer station tons only – they do not include disposed tons from regional direct, special, and other waste sent to Cedar Hills Regional Landfill

Modernizing Garbage & Recycling Facilities

- Improved customer convenience
- Faster unloading
- Expanded recycling services
- Garbage compaction
- Sustainable building design and operation



King County Waste Transfer System



How should service be provided in the NE area?

- Houghton “as is”
- New NE station
- Combination of facilities

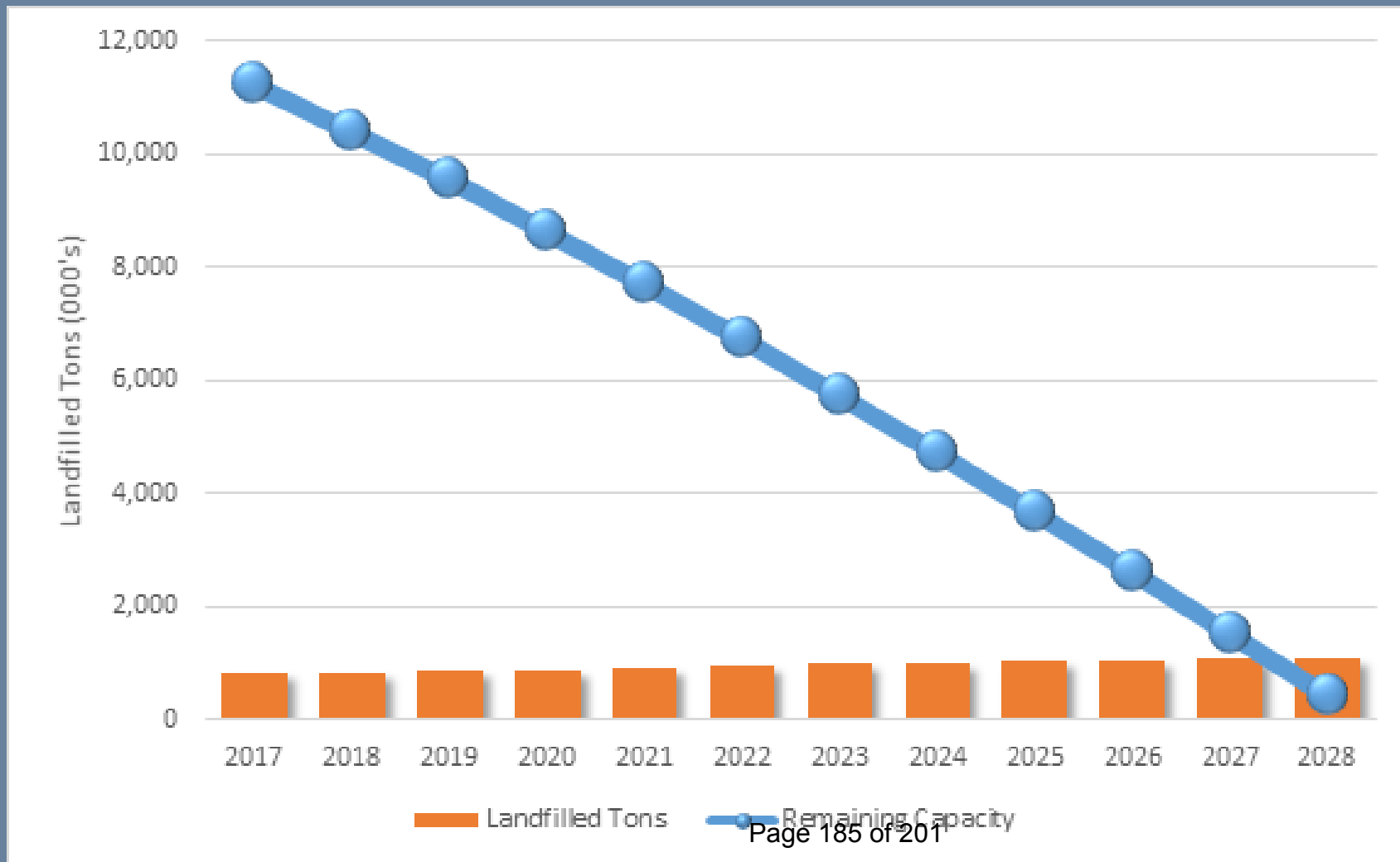
A recommended approach will be identified after public comment period



Disposal

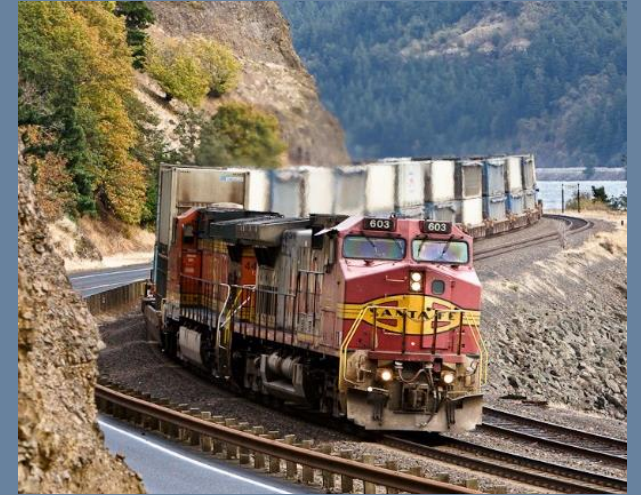


Cedar Hills Projected To Be Full By 2028 Unless New Capacity Is Developed



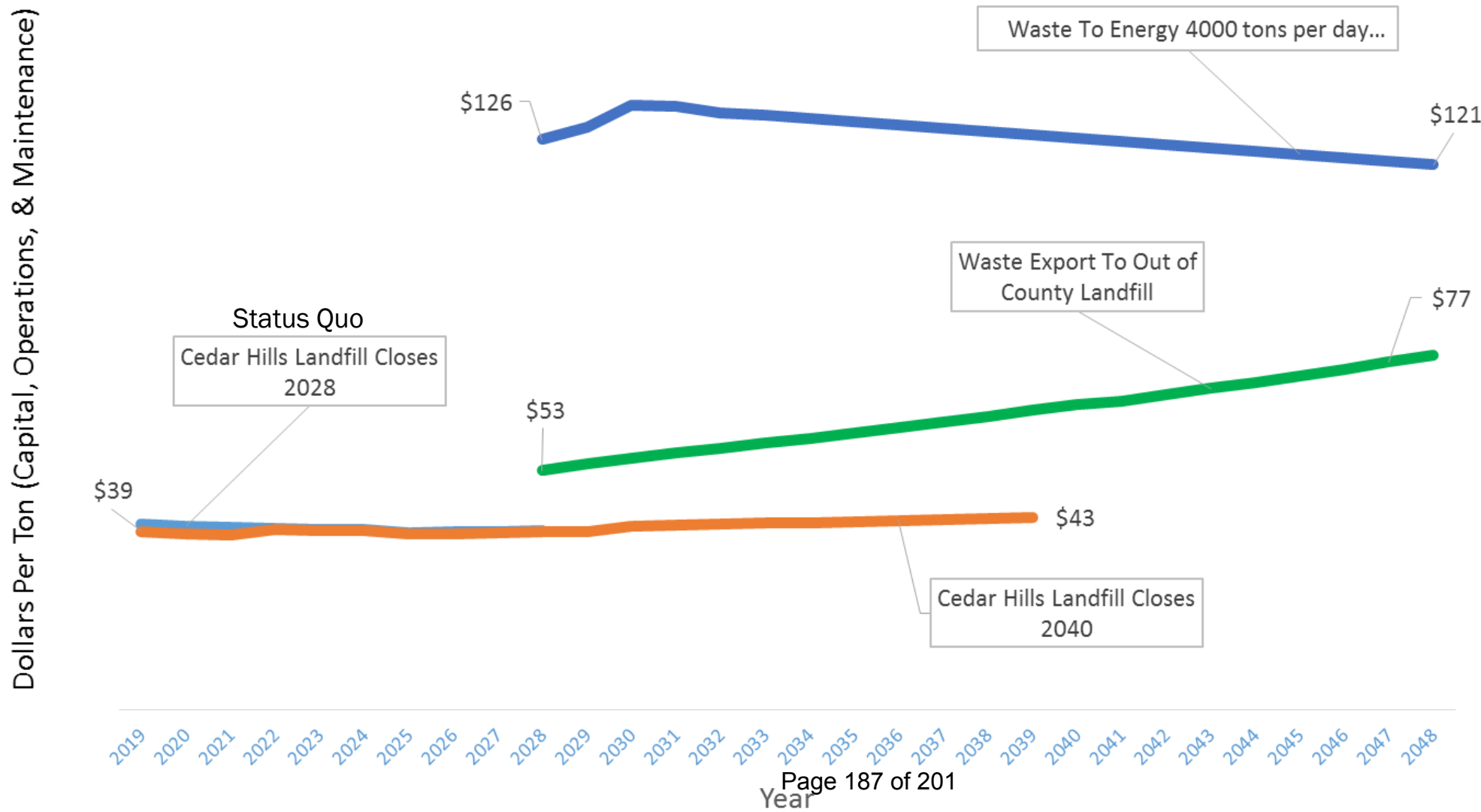
Plan Identifies Three Disposal Options for Beyond 2028

- Further develop Cedar Hills landfill
- Export waste by rail to an out-of-county landfill
- Build a waste to energy facility in King County



A recommended approach will be identified after the public comment period

Three Future Options Have Different Disposal Cost

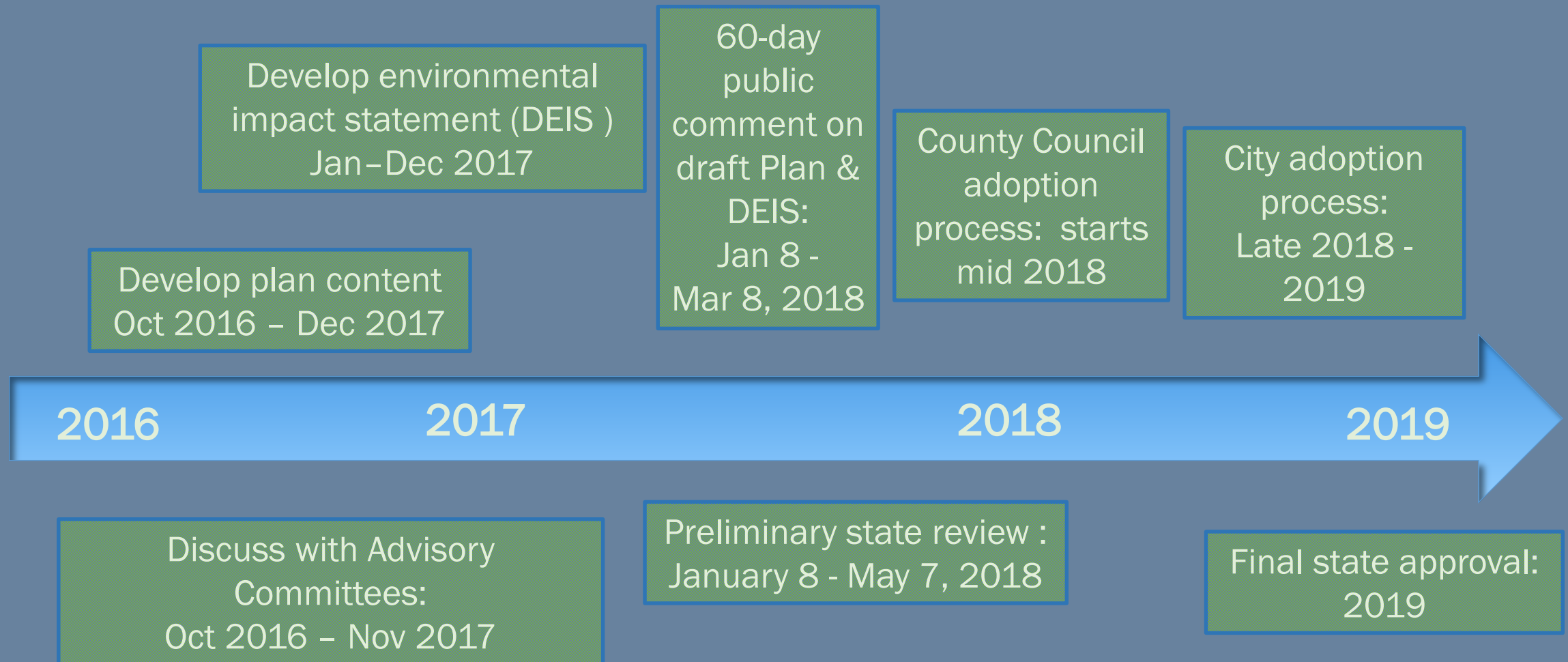




Existing System, Forecasting, Finance



Estimated Comp Plan Adoption Timeline



Public Comment Period: January 8 to March 8, 2018

- Learn about the plan:

www.kingcounty.gov/solid-waste-comp-plan

- How to comment:

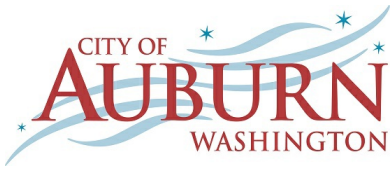
- Complete the online survey
- Send an email
- Send a letter
- Attend an open house





Public Open Houses

- January 24, 2018
Kingsgate Library
12315 NE 143rd St. Kirkland 98034
- January 30, 2018
Kent Senior Center
600 E. Smith St. Kent 98031
- February 7, 2018
King County Library Service Center
960 Newport Way NW Issaquah 98027



AGENDA BILL APPROVAL FORM

Agenda Subject:

Streamlined Sales Tax (SST) Update (Coleman) (15 Minutes)

Date:

February 6, 2018

Department:

Finance

Attachments:

[SST Memo](#)

Budget Impact:**Administrative Recommendation:**

For discussion only.

Background Summary:

To update Council on the Streamlined Sales Tax (SST) and Market Place Fairness Act.

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

Coleman

Meeting Date: February 12, 2018

Item Number:



Interoffice Memorandum

To: City Council
From: Shelley Coleman, Finance Director
CC: Mayor Backus
Date: February 6, 2018
Re: Streamlined Sales Tax (SST) and Market Place Fairness Act – Update

On June 30, 2017 at 11:15 p.m., the Governor signed into law the 2017 – 2019 biennial budget. The budget was prepared in closed meetings and brought forward at, literally, the 11th hour for signature.

Two items in this budget surrounding SST have an impact on the City of Auburn. 1) The biennial appropriation to mitigate impacted cities and, 2) the Market Place Fairness under EHB 2163.

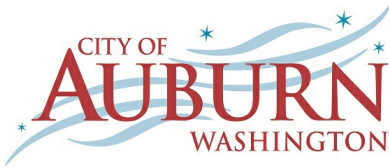
1. In the final hours of the budget prep, the appropriation in the operating budget for mitigation ended up being ~ \$2,300,000 (10%) under the need of ~ \$23,000,000 identified in EHB 2163. There is a push by the impacted cities to have additional appropriation provided in the 2018 supplemental budget to match the mitigation need per EHB 2163. If the 10% shortfall is applied against the payments to mitigated cities, the impact to Auburn over the biennium is \$380,000. This action is ongoing and hopefully resolved with the adoption of the supplemental budget.
2. Market Place Fairness in Washington State is happening. In a memorandum provided to Council on August 15, 2017, there was a note about potential lawsuits against the State from retailers. Conversations with the Department of Revenue (DOR) in late December have eased the concern of a lawsuit. DOR reported that there was some chatter in late summer about collecting funds to challenge EHB 2163, but it died off and there seemed to be little to no interest among the retailers to contribute towards a challenge.

Under EHB 2163, mitigation ends June 2019 with the last payment received in September 2019. However, there is a proviso in the bill directing the DOR, working with the affected cities and other stakeholders, to analyze the projected SST mitigation losses against remote sales tax gains and evaluate options for these cities going forward. DOR has asked AWC and the City of Kent to co-lead and co-chair a work group for this portion of the study and to provide background and recommendations by September 1, 2018 in order for DOR to insert them into the full study recommendations due November 1, 2018. The study will include mitigation trends for cities that host a significant concentration of warehousing, distribution and manufacturing spaces and provide recommendations and options in light of those trends. The City is participating in the work group.

e-Commerce and Sales Tax –Update

The States, Congress and retailers are closely following a Supreme Court case (South Dakota vs. Wayfair). It could open the doors to more online purchasers paying sales tax. Much of e-commerce escapes sales tax because of a 1992 high court decision (Quill vs. North Dakota) shields out of state sellers with no physical presence in the buyer's home state from having to collect sales tax from the buyer. After years of congressional inaction on this issue, many states have chosen to enact their own internet sales tax laws. One such state is South Dakota, which enacted a law that directly conflicts with the 1992 ruling. After the state's highest court blocked the law, South Dakota appealed and the Supreme Court has agreed to hear the case with a ruling anticipated in late June.

A ruling overturning the 1992 court decision would be beneficial to all states and local jurisdictions who levy sales tax. However, the receipts are not anticipated to offset the 2008 sourcing change losses incurred by cities with high concentrations of warehousing, distribution, and manufacturing.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6678 (Coleman) (10 Minutes)

Date:

February 6, 2018

Department:

Finance

Attachments:

[Ordinance No. 6678](#)

Budget Impact:**Administrative Recommendation:**

City Council to introduce and adopt Ordinance No. 6678.

Background Summary:

Ordinance No. 6678 levies a .0203% sales tax credit against the state sales tax for local revitalization financing. SB 5045 authorizing the tax credit was passed by the state legislature during the 2009 regular session. The intent of the legislation was to provide financial assistance to Cities to assist with financing public improvements in an identified revitalization area to promote community and economic development.

The City first applied for the use of local revitalization financing on August 11, 2009 and the Department of Revenue approved the City's application on September 16, 2009, authorizing up to \$250,000 per year for the local revitalization program (Promenade capital improvements).

In 2010, the City issued \$7.24 million in 2010 C/D Bonds for the purpose of funding capital improvements for the Promenade. Annual debt service payments for these bonds continue through the year 2034. Funds from EDA grants, combined with REET2 funds and interest earnings, are used to pay for the annual debt service costs of the local revitalization project. As of the end of 2017, the remaining principal balance was \$5.6 million.

The tax credit is available to the City for up to 25 years. 2018 will be the ninth year that the City has asked the State for the tax credit. As provided by the state, in order for the City to continue receiving the tax credit, the City must request this each year by Ordinance.

Based upon historical taxable retail sales, the above rate of .0203% is estimated to generate \$250,000 for local revitalization funding during the State's fiscal year, July 1, 2018 to June 30, 2019.

Reviewed by Council Committees:

Councilmember:

Staff:

Coleman

Meeting Date: February 12, 2018

Item Number:

ORDINANCE NO. 6 6 7 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, ESTABLISHING
THE LOCAL SALES AND USE TAX RATE FOR
LOCAL REVITALIZATION FINANCING FOR 2018**

WHEREAS, The City of Auburn ("City") enacted Ordinance No. 6301 on April 19, 2010, which established a local sales and use tax as provided for in Section 39.14.510 of the Revised Code of Washington ("RCW"); and,

WHEREAS, this tax is imposed in order to pay the debt service on Local Revitalization Financing bonds in accordance with Chapter 39.104 RCW; and,

WHEREAS, Chapter 39.104 RCW provides that the City shall, from time to time, adjust the tax rate so that it is set at the rate reasonably necessary to receive the state contribution over 10 months, in accordance with RCW 82.14.510(3); and

WHEREAS, the Local Sales and Use Tax Rate is set at a rate to generate approximately \$250,000.00 between July 1, 2018 through June 30, 2019, for Local Revitalization Financing.

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

Section 1. The sales and use tax rate initially established in Section 3.2 of Ordinance No. 6301, and most recently amended by Ordinance No. 6636, is hereby amended to .0203%, effective July 1, 2018.

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

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

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

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Published: _____



AGENDA BILL APPROVAL FORM

Agenda Subject:

Matrix

Date:

February 8, 2018

Department:

Administration

Attachments:

[Matrix](#)

[Special Focus Areas](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Meeting Date: February 12, 2018

Staff:

Item Number:

COUNCIL MATRIX

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

SPECIAL FOCUS AREAS

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