



CITY OF AUBURN

Planning & Development Department
Auburn City Hall Annex, 2nd Floor
1 East Main Street
Auburn, Washington 98001-4998
Tel: 253.931.3090
Fax: 253.804.3114
permitcenter@auburnwa.gov
www.auburnwa.gov

CRITICAL AREAS VARIANCE APPLICATION PACKET

CRITICAL AREAS VARIANCE APPLICATION – INTRODUCTION

(TYPE II & TYPE III)

What is a Critical Areas Variance?

Critical areas (or environmentally sensitive areas) are areas that possess important natural functions and embody a variety of important natural and community values. These include wetlands, streams, fish and wildlife habitat, geologic hazard areas, groundwater protection areas, and flood hazard areas. The mandatory measures taken to prevent and/or mitigate the adverse impacts associated with development and alternation in these areas may be partially waived in accordance with criteria established under Auburn City Code (ACC) 16.10.160.

What does Type II & Type III refer to?

Type II decisions are typically administrative decisions made by the City which include threshold determinations under SEPA. When SEPA is required, the City issues a notice of application which has a public comment period. Minor variances, defined as up to and including 10 percent of the requirement, are Type II decisions.

Type III decisions are quasi-judicial decision made by the Hearing Examiner following a recommendation by staff and a public hearing. Variances over 10 percent of the requirement are Type III decisions.

In each case, the written decision of the Planning Director can be appealed to the Hearing Examiner and the written decision of the Hearing Examiner to the Superior Court of the county in which the property is located (King County or Pierce County).

What is SEPA and how does it apply to Critical Areas Variance applications?

Critical areas variance applications may be subject to compliance with the Washington State Environmental Policy Act (SEPA) based on the presence of environmentally critical areas; projects that exceed specific thresholds (e.g. grading, number of dwelling units, timber removal, size of building); projects that require licensing for air emissions or discharges to water; or other factors. WAC 197-11-800 provides the specific thresholds which determine whether SEPA is required. If subject to SEPA, an environmental checklist application must be submitted with the application. After the Notice of Application comment period expires, the Planning Director – who is the City’s SEPA Responsible Official - issues a SEPA threshold determination (TD), or other SEPA decision as provided in ACC 16.06, RCW 43.21 and WAC 197-11. The SEPA decision is final unless the TD is appealed or the City revises the TD based on further comments during the appeal period.

If the SEPA Responsible Official issues a Determination of Significance (DS) because of probable significant impacts by the proposal, an Environmental Impact Statement (EIS) will be required before the City makes any decision on this application.

CRITICAL AREAS VARIANCE APPLICATION – INTRODUCTION [CONTINUED]

How long before I am notified if my application is complete?

At the time you submit an application, you must submit all of the written and graphic information listed in this application under “Critical Areas Variance Application Submittal Checklist.” Within 28 calendar days of receiving your application, City staff will determine if the application is complete based on the attached checklist. If your application is complete you will be notified in writing by City staff. If your application is not complete, you will receive a letter from City staff detailing required information to make your application complete.

How long before I know if the Critical Areas Variance has been approved or denied?

Current City code requires that all land use decisions be made within 120 days from the date of a complete application submittal, unless an applicant agrees to extend the processing of his/her application longer than 120 days.

For minor variances, the Planning Director will issue the decision on the proposal after the SEPA threshold determination is issued, when the SEPA appeal period concludes.

For other variances, a public hearing will take place before the Hearing Examiner once the appeal period for SEPA threshold determination has ended. Once the hearing concludes, then the hearing examiner will issue a written decision within 10 business days.

PLEASE NOTE: Applicants are responsible for complying with all City Codes and ordinances; and should review all City regulations that may be applicable to their proposed project. For assistance in determining which regulations are applicable, please contact the City of Auburn Permit Center.



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OFFICE USE ONLY

FILE #: _____
FILE NAME: _____

TYPE: _____ **RECEIVED BY:** _____
FEES PAID: _____ **CHECK/CASH:** _____
SUBMITTAL DATE: _____
LAND USE DESIGNATION: _____

CRITICAL AREAS VARIANCE APPLICATION

APPLICANT: Use mailing address for meeting notification. Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

APPLICANT'S REPRESENTATIVE: Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

PROPERTY OWNER(S): Attach separate sheet if needed. Check box if Primary Contact

COMPANY: _____
ADDRESS: _____
 (CITY, STATE, ZIP) _____
PHONE: _____ **FAX:** _____ **E-MAIL:** _____

SIGNATURE: _____ **PRINTED NAME:** _____
 (Signature Required)

Note: Applicant or representative must have property owner's consent to file this application form in order for it to be accepted

PROPERTY INFORMATION (REQUIRED)

SITE ADDRESS: _____			EXISTING USE OF SITE: _____
ASSESSOR'S PARCEL ID#	LOT SIZE	ZONING DISTRICT	_____
_____	_____	_____	_____
_____	_____	_____	PROPOSED USE OF SITE: _____
_____	_____	_____	_____
AREA TO DEVELOPED (S.F.): _____			_____

CRITICAL AREA [] AND/OR BUFFER [] TO BE IMPACTED

TYPE(S) OF CRITICAL AREA AFFECTED: _____

AREA OF CRITICAL AREA TO BE AFFECTED (S.F): _____

FOR BUFFER IMPACTS ONLY:

STANDARD BUFFER []

BUFFER REDUCTION REQUESTED _____



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**CRITICAL AREAS VARIANCE
APPLICATION**

CRITICAL AREAS VARIANCE – LETTER OF AUTHORIZATION

(A copy of this letter must be submitted for each property owner involved)

I, _____ ,
declare under penalty of perjury under the laws of the State of Washington as follows;

1. I am the owner of the property that is the subject of the application.
2. I [] have not appointed anyone, or [] have appointed _____
_____, to act as my agent regarding this application.
3. All statements, answers, and information submitted with this application are true and correct to the best of my knowledge and belief.
4. I agree to hold the City of Auburn harmless as to any claim (including costs, expenses and attorney’s fees incurred in the investigation of such claim) which may be made by any person, including the undersigned, and filed against the City of Auburn, but only where such claim arises out of the reliance of the City, including its officers and employees, upon the accuracy of the information provided to the City as part of this application.
5. I hereby grant permission for representatives of the City of Auburn and any other Federal, State, or local unit of government with regulatory authority over the project to enter onto my property to inspect the property, take photographs, and post public notices as required in connection with review of this application and for compliance with the terms and conditions of permits and approvals issued for the project.

Signature

Printed Name

Date

City and State where signed

Address



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CRITICAL AREAS VARIANCE APPLICATION

CRITICAL AREAS VARIANCE – CONCURRENT APPLICATIONS

Please indicate whether you are submitting one or more concurrent applications with this application by checking one or more of the boxes below:

Type I Applications

(administrative decisions made by the city which are not subject to environmental review under the State Environmental Policy Act [SEPA]):

- Administrative Use Permit
- Boundary Line Adjustment
- Boundary Line Elimination
- Building Permit
- Excavation Permit
- Floodplain Development Permit
- Grading Permit
- Home Occupation Permit
- Land Clearing Permit
- Mechanical Permit
- Plumbing Permit
- Public Facility Extension Agreement
- Right-of-way Use Permit
- Short Subdivision
- Special Permit
- Temporary Use Permit (administrative)

Utility Permit

Type II Applications (administrative decisions made by the city which include threshold determinations under SEPA):

- Administrative Use Permit
- Building Permit
- Floodplain Development Permit
- Grading Permit
- Land Clearing Permit
- Public Facility Extension Agreement
- Short Subdivision

Type III Applications (quasi-judicial final decisions made by the hearing examiner following a recommendation by staff):

- Conditional Use Permit
- Preliminary Plat
- Special Exceptions

Special Home Occupation Permit

Substantial Shoreline Development Permit

Surface Mining Permit

Temporary Use Permit

Variance

Type IV Applications (quasi-judicial decisions made by the city council following a recommendation by the hearing examiner):

Rezone (site-specific)

OTHERS - as may apply:

- SEPA _____
- SHORELINE EXEMPT _____
- _____
- _____



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CRITICAL AREAS VARIANCE APPLICATION

CRITICAL AREAS VARIANCE – SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS & GRAPHICS

Please provide a labeled readable compact disc(s) containing digital versions of all submitted written materials and plans and graphics for use by the City of Auburn during the variance review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Written materials should be submitted to be compatible with Microsoft Office desktop software products. Plans and graphics should be submitted in *pdf* or *tif* format.

APPLICATION FEES - Make checks payable to the City of Auburn

All application fees, including, but not limited to: Critical Areas Ordinance – Variance (Administrative or Hearing Examiner) Fee. Some fees will not be invoiced until actual costs are known. Link to current year's fee schedule can be found @ <http://www.auburnwa.gov/forms>

WRITTEN MATERIALS – Total of ten (10) copies unless otherwise noted

A. **APPLICATION FORM** Provide a **completed** application form signed by the property owner(s) and/or applicant with the completed Critical Areas Variance Application Submittal Checklist. **(One [1] original and 9 copies)**

B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained with this application packet inclusive of all required signatures.

C. **CONCURRENT APPLICATIONS FORM** Identify applications that are being submitted concurrent with the Critical Areas Variance application. Make sure to mark off SEPA.

D. **LEGAL DESCRIPTION** – Provide on a separate sheet a legal description of the property(ies) upon which the Critical Areas Variance is sought .

E. **WRITTEN STATEMENT** addressing how the proposed Critical Areas Variance complies with the following criteria:

1. There are unique physical conditions peculiar and inherent to the affected property which makes it difficult or infeasible to strictly comply with the provisions of this section;
2. The variance is the minimum necessary to accommodate the building footprint and access;
3. The proposed variance would preserve the functions and values of the critical area, and/or the proposal does not create or increase the risk to the public health, safety, and general welfare, or to public or private property;
4. The proposed variance would not adversely affect surrounding properties adjoining the development site;

5. Adverse impacts to critical areas resulting from the proposal are minimized;
6. The special circumstances or conditions affecting the property are not a result of the action of the applicant or previous owner.

F. **SEPA ENVIRONMENTAL CHECKLIST.** If applicable, submit a **completed** environmental checklist together with any supporting documentation, such as a critical areas report (see below).

G. **CRITICAL AREAS REPORT (6 copies)**, if applicable, addressing compliance with ACC 16.10 (Critical Areas) prepared by a qualified consultant. ACC 16.10.020 defines a qualified consultant as a person who has attained a degree from an accredited college or university in the subject matter necessary to evaluate the critical area in question (e.g., biology, ecology, or horticulture/arboriculture for wetlands, streams, wildlife habitat, and geology and/or civil engineering for geologic hazards, and hydrogeologist for ground water protection areas), and/or who is professionally trained and/or certified or licensed by the State of Washington to practice in the scientific disciplines necessary to identify, evaluate, manage, and mitigate impacts to the critical area in question.

Known or Suspected Critical Area	Class	Analysis Required	Analysis Prepared
<input type="checkbox"/> Wetlands	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Stream	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Wildlife Habitat Area	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Geologic Hazard Area Seismic, steep slope, landslide, & erosion	_____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Groundwater Protection Area	_____	<input type="checkbox"/>	<input type="checkbox"/>
Other:			
<input type="checkbox"/> Flood Hazard - ACC 15.68	_____	<input type="checkbox"/>	<input type="checkbox"/>

I. **CRITICAL AREAS VARIANCE APPLICATION SUBMITTAL CHECKLIST** – Addressing written materials and graphics.

PLANS & GRAPHICS - Total of ten (10) copies unless otherwise noted

A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) and should have a maximum sheet size of **24" x 36"**, at a scale not less than **1"=50'**. Architectural elevations may be drawn to an architectural scale and should have a maximum sheet size of **24" x 36"**. All plans should be folded to fit a legal size file jack.

B. **SITE PLAN:**

1. Vicinity Map;
2. North arrow, graphic scale, and date plan was prepared;
3. Boundaries and dimensions of the property (ies), existing and proposed;
4. Adjacent public streets;
5. Easements, existing and proposed;
6. Location and size of all existing and proposed utilities;

- 7. Location of all buildings, including setbacks (in feet);
- 8. Location and layout of off-street parking;
- 9. Location and height of fences;
- 10. Location and size of signs;
- 11. Height of structures;
- 12. Points of access, interior streets, driveways, and parking areas;
- 13. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths;
- 14. Proposed right-of-way, dedications and improvements;
- 15. Location of storm water quality/detention facilities;
- 16. Boundaries of development phases, if applicable; and,
- 17. Critical Areas including: flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.