



**CITY OF AUBURN**

Planning & Development Department  
Auburn City Hall Annex, 2<sup>nd</sup> Floor  
1 East Main Street  
Auburn, Washington 98001-4998  
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**SPECIAL EXCEPTION  
APPLICATION PACKET**

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## **SPECIAL EXCEPTION APPLICATION – INTRODUCTION**

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### **(TYPE III DECISIONS)**

#### **What does Type III refer to?**

Type III refers to quasi-judicial land use decisions made by the City of Auburn Hearing Examiner following a public hearing at which interested citizens can participate by giving written or verbal comments on a proposed project or issue.

*Hearing Examiner decisions can be appealed to the Superior Court of the county within which the property lies.*

#### **For what uses may a Special Exception be granted?**

Per ACC 18.70.020, only the following special exceptions, in general, may be granted:

1. Platted lots within the same block and same zone, but separated by a public alley, may be used as a single building site for the purpose of calculating the number of dwelling units permitted in a structure to be erected on one side of the alley;
2. Floor area that cannot be effectively utilized by the proposed use within an existing building changing from residential to nonresidential use may be excluded in calculating off-street parking requirements;
3. A nonresidential structure or use which becomes a legal nonconforming structure may expand the existing use or structure up to 25% of the use or structure, provided further, that the addition otherwise meets the standards of this title and other requirements of the city;
4. A nonconforming structure or part thereof which does not comply with the appropriate development standards may be replaced; and
5. Residential uses, in commercial or industrial zones, may reoccupy if unoccupied for longer than 180 days.

For detailed restrictions and conditions on each special exception, please refer to ACC 18.70.020.

#### **What is the review process like for Special Exception applications?**

Once a special exception application is deemed complete, City staff will conduct review of the application and recommend a decision to the Hearing Examiner. The Hearing Examiner will designate a time and place for the public hearing and notice will be given not less than 10 days prior to the hearing. A decision to approve, approve with conditions, or deny the Special Exception application will be made upon conclusion of the public hearing.

#### **What are the criteria against which the proposed Special Exception will be reviewed?**

Per ACC 18.70.020B, in reviewing applications for special exceptions, the Hearing Examiner will consider:

1. The nature and condition of all adjacent uses and structures
2. Materially detrimental impacts to public welfare or injurious to property in the zone or vicinity in which the property is located; and
3. Consistency with the spirit and purpose of ACC Title 18 (Zoning).

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## **SPECIAL EXCEPTION APPLICATION – INTRODUCTION [CONTINUED]**

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### **What is SEPA and when is it applicable?**

Special exceptions 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 administrative use permit 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.

### **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 “Special Exception 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 Special Exception has been approved (with or without conditions) 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.

**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:** \_\_\_\_\_

## SPECIAL EXCEPTION 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)

<b>SITE ADDRESS:</b> _____			<b>EXISTING USE OF SITE:</b> _____
<b>ASSESSOR'S PARCEL ID#</b>	<b>LOT SIZE</b>	<b>ZONING DISTRICT</b>	_____
_____	_____	_____	_____
_____	_____	_____	<b>PROPOSED USE OF SITE:</b> _____
_____	_____	_____	_____
<b>AREA TO DEVELOPED (s.f.):</b> _____			_____



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**SPECIAL EXCEPTION – LETTER OF AUTHORIZATION**

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**LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT  
(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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**SPECIAL EXCEPTION – CONCURRENT APPLICATIONS**

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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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**SPECIAL EXCEPTION – SUBMITTAL CHECKLIST**

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***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 special exception 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: Variance 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 Special Exception Application Submittal Checklist. (**One original and 9 copies**)
- B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained within this application packet inclusive of all required signatures and notary information and seal.
- C. **WRITTEN STATEMENT** addressing:
  - In detail, a description of your request for a special exception; and
  - Why the special exception should be issued, relating to approval criteria listed on pg. 2 of this application packet.

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

- A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) on paper no larger than **24x36"**, at **1"=100'** or larger (**1"=50' preferred**). An index sheet of the same size is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.
- B. **SITE PLAN DRAWING – ITEMS INCLUDING:**
  - 1. Section, Township, and Range of the subdivision;
  - 2. Legal description;
  - 3. Date plan was prepared and space for revision dates for subsequent resubmittals.

- C. **SITE PLAN DRAWING – GRAPHIC REPRESENTATION** The following graphic features shall be shown on the drawing:
1. North arrow, numeric/graphic scale, and date plan was prepared;
  2. Boundaries and dimensions of the property;
  3. Adjacent public streets;
  4. Easements, existing and proposed;
  5. Location and size of all existing and proposed utilities;
  6. Location of building requiring special exception, including setbacks;
  7. Location of all other buildings, including setbacks;
  8. Location and layout of off-street parking;
  9. Location and height of fences;
  10. Height of structures;
  11. Points of access, interior streets, and driveways;
  12. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths;
  13. Proposed right-of-way, dedications and improvements, if applicable;
  14. Location of storm water quality/detention facilities;
  15. Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.
- D. **VICINITY MAP** A vicinity map sufficient to define the property location and boundaries.