



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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CRITICAL AREAS VARIANCE APPLICATION

CRITICAL AREAS VARIANCE – SUBMITTAL CHECKLIST

DIGITAL COPIES OF WRITTEN MATERIALS AND PLANS & GRAPHICS.

- ☐ Provide electronic files of all submitted written materials and plans and graphics for use by the City of Auburn during the development review process. Staff will use this information in report preparation and public noticing so please be sure to provide current and accurate information. Documents totaling less than 20 MBs may be attached to the email submittal to applications@auburnwa.gov. If total file size is more than 20 MBs then email only the application form to applications@auburnwa.gov and you will be provided with a Dropbox link to upload all of the documents. Please allow until the end of the following business day for a Permit Technician to contact you with further instructions and to arrange payment and complete the intake process.

PDF REQUIREMENTS.

- ☐ All documents shall be submitted in *unsecured* and *flattened* PDF format. Each document shall be separate PDF documents and clearly named by document title (common acronyms are OK, e.g. *SSP* – Stormwater Site Plan/Report, *Geotech* – Geotechnical Report, *TIA* – Traffic Impact Analysis/Study/Memo, *CAR* – Critical Areas Report).
Example: Smith Building – Prelim SSP.pdf

WRITTEN MATERIALS

- ☐ A. **APPLICATION FORM** Provide a completed Master Land Use Application Form
- ☐ B. **LETTER OF AUTHORIZATION** Provide a letter of authorization to act contained with this application packet inclusive of all required signatures.
- ☐ C. **CRITICAL AREA INFORMATION** Include details about the type and area of the critical area and if it will impact the critical area itself or the buffer or both.
- ☐ 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"/>

PLANS & GRAPHICS

- ☐ 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.