



CITY OF AUBURN

Planning & Development Department
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SPECIAL EXCEPTION APPLICATION PACKET

SPECIAL EXCEPTION APPLICATION – INTRODUCTION

(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).

SPECIAL EXCEPTION APPLICATION – INTRODUCTION [CONTINUED]

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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SPECIAL EXCEPTION APPLICATION

SPECIAL EXCEPTION – 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 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

- ☐ 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.