

September 30, 2015

Via Certified Mail

Larry (Butch) L. Jensen Jr.
3522 Academy Drive SE
Auburn WA 98094

Cheryl Ebsworth, Senior Land Use Planner
Apex Engineering PLLC
2601 South 35th Street, Suite 200
Tacoma, WA 98409

Re: File # MIS15-0008, Planning Director's Zoning Code Interpretation related to duplex dwelling units in R7, Residential Zoning District, Code Section 18.07

Dear Mr. Jensen and Ms. Ebsworth:

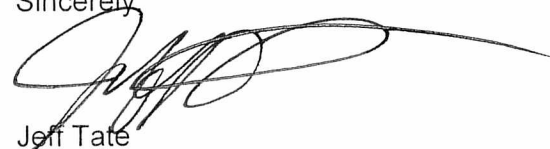
This letter is in response to your application for a zoning code interpretation by the Planning Director regarding the zoning code provisions for duplex dwelling units in the City's established R7, Residential zoning district. The use regulations of the R7, Residential, seven dwelling units per acre zoning district are found in ACC 18.07. As indicated in your application, the interpretation is requested in relation to two specific vacant properties (Parcel # 2721059185 and 2721059158) located on the west side of Academy DR SE.

The written interpretation is attached. This letter constitutes an official administrative interpretation of the zoning code in accordance with Auburn City Code (ACC) Section 18.02.060. This decision is final subject to appeal to the Hearing Examiner. Should you disagree with this interpretation, administrative interpretations may be appealed to the Hearing Examiner as prescribed in ACC Section 18.70.050 within 14 days of the mailing of this decision; October 14, 2015. If no appeals are received, then the decision is final.

As previously communicated in person and in the pre-application meeting notes, the city has identified that a binding site plan application is an alternative method the under the city's code that appears to meet the Applicant's objectives.

If you have any further questions, please feel free to contact Jeff Dixon, Planning Services Manager at 253-804-5033 or by e-mail at jdixon@auburnwa.gov.

Sincerely,



Jeff Tate
Assistant Community Development Director

JT/JD/tk
CORR15- 0195

Enclosure: Decision with Attachments A & B (Comprehensive Plan and Zoning excerpts)

cc: Jeff Dixon, COA Planning Services Manager
Ingrid Gaub, COA City Engineer
James Webb, COA Transportation Engineer
Monty Bakken, COA Development Engineer
Norm Golden, VRFA, Fire Marshall
File # MIS15-0008
Interpretation File (hard file and electronic)

As identified in the Application, this interpretation request is in relation to the vacant approximately 1.4 acre parcel zoned R7, Residential (Parcel # 2721059185) and an approximately 1.45 acre parcel zoned R7, Residential (Parcel # 2721059158). The sites consist of relatively flat previously graded properties. Each parcel is irregular in shape and considered together, the shape is best described as an "L" shaped or flag shape. The City's critical areas inventory does not show that the two properties contain critical areas. However, the property immediately to the west is identified as having an inventoried wetland; and depending on final location and classification of this wetland, buffers could extend onto the subject properties and would need to be evaluated prior to development.

The property has a Comprehensive Plan designation of "Single Family Residential" and is zoned R7, Residential Seven Dwelling Units per Acre.

The properties to the north and south have the same zoning and Comprehensive Plan designations. The property to the east, across Academy DR SE, has a "Single Family Residential" Comprehensive Plan designation but is zoned R5, Residential, Five Dwelling Units Per Acre; a less intense zoning classification.

The property adjacent and west of the properties is part of the Academy Special Area Plan, a sub-area plan designated by the City's Comprehensive Plan.

The stated purpose of the Academy Special Area Plan is:

"The Comprehensive Plan for the City of Auburn was adopted in August 1986 and provides the overall vision and policy framework for the City. The Comprehensive Plan provides a mechanism, called Special Planning Areas, for detailed planning of large areas under single or coordinated management within the Community Serving Area of the City. Each Special Planning Area is to have a specific plan developed (or it based on the goals, objectives and policies contained in the Comprehensive Plan."

"The Auburn Adventist Academy was designated as a Special Planning Area in that a number of unique uses occur at the Academy other than the school. The Auburn Adventist Academy is a private secondary school owned and operated by the Washington Conference of Seventh Day Adventists. While this has historically been the main use of the property, the Church also desires to utilize its property to serve other needs of the Church membership in a manner compatible with the school. One need is the development of an "Industrial Park" to utilize the buildings which remained after the closure of Harris Pine Mills and to replace those buildings destroyed by the fire in 1989. The Academy will also be giving more focus to active agricultural uses of land with possibilities of growing Christmas trees, corn, hay and a variety of consumable products."

These ancillary activities of the Academy provide employment opportunities for its students. Whenever possible these employment opportunities also provide real life learning experiences and vocational education. Since the school is a boarding school, opportunities for the students to earn their support is particularly important. The Academy is interested in increasing the range of employment opportunities it now provides in order to diversify the student's educational opportunities and to provide more employment to more students. Thus, the versatility in the use of land for school/Industry programs is vital to the Academy needs.

The Academy also provides a unique educational experience in aviation training through its operation of a private landing strip on their property."

The subject property is not part of the geographic area covered by the Academy Special Area Plan.

The two parcels were the subject of a previous development application. In March 29, 2000, the City received an application from the then property owner, Marshall Bain, for a preliminary plat to subdivide the two parcels jointly into ten single-family residential lots under the then zoning designation of R2, Single Family Residential (Bain Lane Preliminary Plat, City File No. PLT00-0003).

The Hearing Examiner conducted a public hearing on May 18, 2004 and recommended approval of the preliminary plat (under the preliminary plat process defined in code at the time). The final decision on the preliminary plat was reviewed by the City Council on June 7, 2004 City Council meeting. Resolution No. 3737 approving the preliminary plat without conditions was approved June 21, 2004. The preliminary plat approval has since expired under the city's regulations and as provided in state law.

In 2009, as part of a significant update of the zoning code by Ordinance No. 6245, the City adopted zoning code provisions that changed the titles, set of uses, and some of the zoning development standards allowed in the City's residential zoning districts. Prior to this change, the subject site was zoned R2, Single Family Residential.

According to the King County Assessor's website, the properties were acquired by the current owner in January 30, 2015 via statutory warranty deed.

A Pre-application Conference was held on June 3, 2015 with the current project representatives (property owner and agent) and with city staff on a proposal for site preparation and construction of ten duplexes on a single parcel. A written summary of the discussion and project's relationship to city code requirements was e-mailed to the project representatives. Prior to this pre-application conference, earlier and slightly different development proposals were subject of several meetings between the property owner and city staff.

Discussion/Analysis

Issue Identification

This Application is a request for a zoning code administrative interpretation by the Planning Director - a Type I decision pursuant to Code Section, ACC 14.03.010, "Types of Decisions". The request is regarding the zoning code provision for duplex dwelling units in the "R7, Residential - Seven Dwelling Units per Acre zoning district"; specifically, with regards to whether multiple duplexes are permitted on a single lot in the R7 zoning district.

Currently, the set of allowed uses in the R7, Residential - Seven Dwelling Units per Acre zoning district primarily involves single family uses and their accessory uses. Some other uses such as daycares, home-based daycares and certain group residence facilities, and "duplexes provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)" are also allowed. Multiple Family dwellings are specifically identified as not allowed. The Applicant seeks to construct and operate multiple duplexes (ten duplexes) on a combined single parcel in the R7, Residential - Seven Dwelling Units per Acre zoning district.

Zoning Regulations and Comprehensive Plan Intent

The R7, Residential - Seven Dwelling Units Per Acre zoning district is one of three zoning designations that implements the "Single Family Residential" Comprehensive Plan designation of the site. The relevant Comprehensive Plan and Zoning designations are described as follows.

The stated purpose, description, and intended implementation of the "Single Family Residential" Comprehensive Plan designation are as follows:

"Purpose: *To designate and protect areas for predominantly single family dwellings."*

"Description: *This category includes those areas reserved primarily for single family dwellings. Implementing regulations should provide for an appropriate range of lot sizes, clustered and mixed housing types as part of a planned development"*.

"Compatible Uses: *Single family residences and uses that serve or support residential development, such as schools, daycare centers, churches and parks shall be considered appropriate and may be permitted on a conditional basis. Other public buildings and semi-public uses may be permitted if designed and laid out in a manner which enhances rather than detracts from the residential*

character of the area. In siting such uses, however, special care shall be given to ensuring adequate parking, landscaping, and traffic circulation with a minimum of conflict with residential uses. Uses which generate significant traffic (such as large churches) should only locate on developed arterials in areas zoned for institutional uses”.

The stated purpose of the R7, Residential - Seven Dwelling Units per Acre zoning district (ACC 18.07.010(E)) is:

*“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” (Emphasis added)*

As Identified in the August 20, 2015 letter from Cheryl Ebsworth, Apex Engineering, PLLC representing Larry Jensen, Jensen Developments Inc. indicates the intended use and activities for the location in the R7 zone as follows:

“Specific Applicable Project Description:”

“A condominium project with 10 duplex style structures resulting in 20 dwelling units, on 2.85 acres. No new lots or tracts would be created. The project complies with the applicable R-7 zone development standards, i.e. density and setbacks. The project meets the state definition of Condominiums as provided under Chapter 64.34 RCW.”

Comparison to Purpose and Intent of the R7, Residential - Seven Dwelling Units per Acre zoning district and comprehensive plan designation

The proposal by Jensen Developments Inc. consists of twenty dwelling units on a single parcel (ten duplexes). While this proposal may be within the density range allowed (considering the gross site area) and may be capable of meeting the zoning code setback standards as they apply only to the perimeter of the parcel, the proposal is not consistent with specific regulations that the City Council has chosen to adopt. The city's regulations have been specifically constructed to protect residential areas by providing for individual lots and these standards address how infrastructure is provided to the development. The city's approach provides for individual dwelling unit each accessing to a public street. The city's regulations also provide for a certain character through a development configuration that provides for individual lots and observance of zoning code setback standards between the individual lots. If a different approach were intended by the City, the regulations would have been crafted differently.

The stated purpose of the "Single Family Residential" Comprehensive Plan designation and the R7 zone is to serve predominantly for single family dwellings at the density range of approximately five to seven units per acre (or roughly 6,000-8,000 square foot lots).

Comparison to specific regulations of the R7, Residential - Seven Dwelling Units per Acre zoning district

The city zoning code provides the following relevant definitions of dwelling unit types:

"18.04.340 Dwellings, types of. "Types of dwellings" means:

A. Dwelling, Single-Family. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family or communal residence and containing one dwelling unit that is permanently attached to the ground. A manufactured home may be considered a single-family dwelling if sited per ACC 18.31.050."

"B. Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a building designed exclusively for occupancy by two families or communal residence living independently of each other, and containing two dwelling units."

First, the intended meaning of attached code excerpt, of ACC 18.07.020 "Uses" (of the Residential Zones) and specifically, Table 18.07.020, "Permitted Use Table – Residential Zoning Designations", provides that "single family detached dwellings" and "duplexes" are allowed uses in the R7, Residential zone, under certain circumstances. The Planning Director has previously informally determined and consistently applied, that while not specifically stated, this means the dwelling unit type is permitted when located each on a separate lot. This provision of one dwelling unit type per lot was explicitly stated in the city's former code section for residential zones, prior to the revision that occurred in 2009.

By contrast, allowing multiple single family dwellings or duplexes; more than one per lot would be more analogous to multiple family developments and is contrary to the intended meaning of this code section and the language of the "Single Family Residential" Comprehensive Plan designation. The grouping of multiple duplexes and sharing of resources such as parking, open space, recreation area, utilities service lines, driveways, etc. is roughly similar to a multiple family building in terms of the sharing of resources. The Applicant's proposal to have ten duplexes (and twenty dwelling units) on a single lot constitutes multiple family development not allowed by the current zoning regulations.

Second, the density standard in this Table 18.07.020 is expressed in terms of "lot area" and thus is meant to apply on a per lot basis. The City regulates zoning based on the

relationship of the structure to the lot and not the form of ownership. The Applicant has indicated that the property is intended to be condominium form of ownership; where each person owns their own home but, the underlying land is owned in common. The Applicant's representative emphasized the condominium ownership as being important to their assertion that the land use should be allowed by the city during the discussion at the pre-application meeting. The City does not have specific zoning regulations that apply based on the condominium ownership, and therefore does not distinguish by the form of ownership. For example, a multiple family dwelling that is a condominium (owner-occupied) is treated the same as a "for rent" apartment building under the zoning. The city does not have control over the condominium form of ownership and often the condominium formation occurs after the city authorizations are complete. The Applicant's proposal for condominium units does not affect the zoning standards.

Also, the application of the interpretation that the dwelling unit type is permitted when located each on a separate lot affects the zoning density standard. When the dwelling units are not provided on separate lots, the "gross site area" of 2.85 acres is the same as the "net site area" that is used to calculate the number of dwelling units allowed by the zoning regulations. However, Auburn City Code Section 18.02.065, "Methods of calculating density" prescribes that the density standards be calculated based on the "net site area" and "net site area" provided within this section excludes public rights-of-way and certain critical areas but not their buffers. In short, there is greater density afforded with the Applicant's interpretation than with the City's interpretation.

Third, as can be seen in the attached code excerpt, of ACC 18.07.020 "Uses" (of the Residential Zones) and specifically, Table 18.07.020, "Permitted Use Table – Residential Zoning Designations"(Attachment B), it provides that "single family detached dwellings" and "duplexes" are both allowed uses in the R7, Residential zone. As specifically stated, within the Table, "duplexes" are specifically allowed **"provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)"** (Emphasis added). So, duplexes are an allowed use is only when these prerequisites are met. The requirements could not be expressed more clearly. Also, in using the City's codes, this is the section that users would encounter, first.

This is in direct opposition to the Applicant's arguments identified as "Area 1" and "Area 2" which jumps over the language in this early code section and instead leaps to the contents of the referenced code Section; ACC 18.25, 25 'Infill Residential Development Standards'. Granted, this referenced code section is not as well written as the city would now wish, and seems to use the terms "may" and "shall", somewhat interchangeably, that is not intentional. The Applicant has interpreted the imprecision in code language and interpreted the interchangeable use of "may" and "shall" as allowing the Applicant the ability to pick and choose among the regulations that apply. This approach ignores the language in the preceding specific residential zoning district chapter. If the Applicant's argument under "Area 1" were correct--that the city intended

the interchangeable use of the terms “may” and “shall” to be permissive--then the wording in the preceding ACC 18.07.020 “Uses” (of the Residential Zones) and specifically, Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, would also have been different and would have recognized this permissive approach and not used the terms: “subject to. . .”.

Decision

On the basis cited above, the Assistant Director of Community Development (Planning Director) interprets the zoning code sections as follows:

- Regarding Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, the Planning Director has previously determined and consistently applied, that while not specifically stated, this means the dwelling unit type is permitted when located each on a separate lot.
- The City does not have specific regulations that apply to condominium ownership, and therefore does not currently distinguish by this form of ownership. A multiple family dwelling that is a condominium (owner occupied) is treated the same as a “for rent” apartment building under the zoning.
- As specifically stated, within Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, “duplexes” are specifically allowed “**provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC** (Infill Residential Development Standards)”. “Subject to” is meant to communicate that it is a prerequisite.

Condition(s)

(No conditions)

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City’s written code interpretation. This decision was mailed on (**September 30, 2015**). The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before (**October 14, 2015**). The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.

Other Relevant Code References

“ACC 18.02.060 Rules for administrative interpretations.

- A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulation and the comprehensive plan. Life, safety and public health regulations are assumed to prevail over all other regulations.
- B. The planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in ACC 18.02.120.
- C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.
- D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to this title, when consistent with the title format and level of detail required. The city shall incorporate administrative interpretations upon approval of the legislative authority. (Ord. 6245 § 2, 2009; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987. Formerly 18.02.040.)”

“ACC 18.02.120 Permitted land uses established.

C. Interpretation of Zone Use Tables.

6. Unclassified Uses. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director or designee to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in this subsection. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director or designee shall indicate which zones, if any, do permit the use.

a. **Criteria for Unclassified Uses.** In order to make a determination that an unclassified use is permitted, administratively permitted, conditionally permitted, or accessory, the planning director or designee must find that the use is:

- i. In keeping with the intent of the zone, and consistent with Auburn comprehensive plan policies; and

- ii. Similar in nature to, and no more intense than, specifically listed permitted, conditional or accessory uses; and
- iii. Consistent with subsection (C)(4) of this section, if determined to be permissible as an accessory use. (Ord. 6269 § 1, 2009; Ord. 6245 § 2, 2009.).

Attachment A – Excerpt of the City’s Comprehensive Plan (*document*)

Chapter 14 – “Comprehensive Plan Map”

Single Family

Purpose: To designate and protect areas for predominantly single family dwellings.

Description: This category includes those areas reserved primarily for single family dwellings. Implementing regulations should provide for an appropriate range of lot sizes, clustered and mixed housing types as part of a planned development.

Compatible Uses: Single family residences and uses that serve or support residential development, such as schools, daycare centers, churches and parks shall be considered appropriate and may be permitted on a conditional basis. Other public buildings and semi-public uses may be permitted if designed and laid out in a manner which enhances rather than detracts from the residential character of the area. In siting such uses, however, special care shall be given to ensuring adequate parking, landscaping, and traffic circulation with a minimum of conflict with residential uses. Uses which generate significant traffic (such as large churches) should only locate on developed arterials in areas zoned for institutional uses.

Intrusion of industrial uses into any of these single family areas shall be prohibited. Only very limited commercial uses such as home occupations or strictly limited appropriate conditional uses can be allowed.

Planned developments should be favorably considered in these designations in order to allow optimal flexibility. In providing such flexibility, the emphasis should be on small alley-loaded lot single family development, limited low density multifamily housing and a mixture of types, and design diversity should be sought. Except where conditional use permits have been previously granted, alternate structure types should not exceed more than 40 percent of the units, and alternative structures should in most cases contain no more than four dwelling units each. However, where substantial offsetting community benefits can be identified, such alternative structures may be allowed to contain more than three units each.

Criteria for Designation: Areas suitable for this designation include those areas designated in goals and policies of this Plan as single family areas. Consistent with those policies, areas within the Community Serving Area of the City suitable for this category should be reserved for these uses. This designation should also be applied to areas adjacent to lower density residential plan designations.

As identified in the Application, this interpretation request is in relation to the vacant approximately 1.4 acre parcel zoned R7, Residential (Parcel # 2721059185) and an approximately 1.45 acre parcel zoned R7, Residential (Parcel # 2721059158). The sites consist of relatively flat previously graded properties. Each parcel is irregular in shape and considered together, the shape is best described as an "L" shaped or flag shape. The City's critical areas inventory does not show that the two properties contain critical areas. However, the property immediately to the west is identified as having an inventoried wetland; and depending on final location and classification of this wetland, buffers could extend onto the subject properties and would need to be evaluated prior to development.

The property has a Comprehensive Plan designation of "Single Family Residential" and is zoned R7, Residential Seven Dwelling Units per Acre.

The properties to the north and south have the same zoning and Comprehensive Plan designations. The property to the east, across Academy DR SE, has a "Single Family Residential" Comprehensive Plan designation but is zoned R5, Residential, Five Dwelling Units Per Acre; a less intense zoning classification.

The property adjacent and west of the properties is part of the Academy Special Area Plan, a sub-area plan designated by the City's Comprehensive Plan.

The stated purpose of the Academy Special Area Plan is:

"The Comprehensive Plan for the City of Auburn was adopted in August 1986 and provides the overall vision and policy framework for the City. The Comprehensive Plan provides a mechanism, called Special Planning Areas, for detailed planning of large areas under single or coordinated management within the Community Serving Area of the City. Each Special Planning Area is to have a specific plan developed (or it based on the goals, objectives and policies contained in the Comprehensive Plan."

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The Academy also provides a unique educational experience in aviation training through its operation of a private landing strip on their property."

The subject property is not part of the geographic area covered by the Academy Special Area Plan.

The two parcels were the subject of a previous development application. In March 29, 2000, the City received an application from the then property owner, Marshall Bain, for a preliminary plat to subdivide the two parcels jointly into ten single-family residential lots under the then zoning designation of R2, Single Family Residential (Bain Lane Preliminary Plat, City File No. PLT00-0003).

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Zoning Regulations and Comprehensive Plan Intent

The R7, Residential - Seven Dwelling Units Per Acre zoning district is one of three zoning designations that implements the "Single Family Residential" Comprehensive Plan designation of the site. The relevant Comprehensive Plan and Zoning designations are described as follows.

The stated purpose, description, and intended implementation of the "Single Family Residential" Comprehensive Plan designation are as follows:

"Purpose: To designate and protect areas for predominantly single family dwellings."

"Description: This category includes those areas reserved primarily for single family dwellings. Implementing regulations should provide for an appropriate range of lot sizes, clustered and mixed housing types as part of a planned development"

"Compatible Uses: Single family residences and uses that serve or support residential development, such as schools, daycare centers, churches and parks shall be considered appropriate and may be permitted on a conditional basis. Other public buildings and semi-public uses may be permitted if designed and laid out in a manner which enhances rather than detracts from the residential"

character of the area. In siting such uses, however, special care shall be given to ensuring adequate parking, landscaping, and traffic circulation with a minimum of conflict with residential uses. Uses which generate significant traffic (such as large churches) should only locate on developed arterials in areas zoned for institutional uses”.

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“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” (Emphasis added)

As Identified in the August 20, 2015 letter from Cheryl Ebsworth, Apex Engineering, PLLC representing Larry Jensen, Jensen Developments Inc. indicates the intended use and activities for the location in the R7 zone as follows:

“Specific Applicable Project Description:”

“A condominium project with 10 duplex style structures resulting in 20 dwelling units, on 2.85 acres. No new lots or tracts would be created. The project complies with the applicable R-7 zone development standards, i.e. density and setbacks. The project meets the state definition of Condominiums as provided under Chapter 64.34 RCW.”

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Comparison to specific regulations of the R7, Residential - Seven Dwelling Units per Acre zoning district

The city zoning code provides the following relevant definitions of dwelling unit types:

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A. Dwelling, Single-Family. "Single-family dwelling" means a detached building designed exclusively for occupancy by one family or communal residence and containing one dwelling unit that is permanently attached to the ground. A manufactured home may be considered a single-family dwelling if sited per ACC 18.31.050."

"B. Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a building designed exclusively for occupancy by two families or communal residence living independently of each other, and containing two dwelling units."

First, the intended meaning of attached code excerpt, of ACC 18.07.020 "Uses" (of the Residential Zones) and specifically, Table 18.07.020, "Permitted Use Table – Residential Zoning Designations", provides that "single family detached dwellings" and "duplexes" are allowed uses in the R7, Residential zone, under certain circumstances. The Planning Director has previously informally determined and consistently applied, that while not specifically stated, this means the dwelling unit type is permitted when located each on a separate lot. This provision of one dwelling unit type per lot was explicitly stated in the city's former code section for residential zones, prior to the revision that occurred in 2009.

By contrast, allowing multiple single family dwellings or duplexes; more than one per lot would be more analogous to multiple family developments and is contrary to the intended meaning of this code section and the language of the "Single Family Residential" Comprehensive Plan designation. The grouping of multiple duplexes and sharing of resources such as parking, open space, recreation area, utilities service lines, driveways, etc. is roughly similar to a multiple family building in terms of the sharing of resources. The Applicant's proposal to have ten duplexes (and twenty dwelling units) on a single lot constitutes multiple family development not allowed by the current zoning regulations.

Second, the density standard in this Table 18.07.020 is expressed in terms of "lot area" and thus is meant to apply on a per lot basis. The City regulates zoning based on the

relationship of the structure to the lot and not the form of ownership. The Applicant has indicated that the property is intended to be condominium form of ownership; where each person owns their own home but, the underlying land is owned in common. The Applicant's representative emphasized the condominium ownership as being important to their assertion that the land use should be allowed by the city during the discussion at the pre-application meeting. The City does not have specific zoning regulations that apply based on the condominium ownership, and therefore does not distinguish by the form of ownership. For example, a multiple family dwelling that is a condominium (owner-occupied) is treated the same as a "for rent" apartment building under the zoning. The city does not have control over the condominium form of ownership and often the condominium formation occurs after the city authorizations are complete. The Applicant's proposal for condominium units does not affect the zoning standards.

Also, the application of the interpretation that the dwelling unit type is permitted when located each on a separate lot affects the zoning density standard. When the dwelling units are not provided on separate lots, the "gross site area" of 2.85 acres is the same as the "net site area" that is used to calculate the number of dwelling units allowed by the zoning regulations. However, Auburn City Code Section 18.02.065, "Methods of calculating density" prescribes that the density standards be calculated based on the "net site area" and "net site area" provided within this section excludes public rights-of-way and certain critical areas but not their buffers. In short, there is greater density afforded with the Applicant's interpretation than with the City's interpretation.

Third, as can be seen in the attached code excerpt, of ACC 18.07.020 "Uses" (of the Residential Zones) and specifically, Table 18.07.020, "Permitted Use Table – Residential Zoning Designations"(Attachment B), it provides that "single family detached dwellings" and "duplexes" are both allowed uses in the R7, Residential zone. As specifically stated, within the Table, "duplexes" are specifically allowed "provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)" (Emphasis added). So, duplexes are an allowed use is only when these prerequisites are met. The requirements could not be expressed more clearly. Also, in using the City's codes, this is the section that users would encounter, first.

This is in direct opposition to the Applicant's arguments identified as "Area 1" and "Area 2" which jumps over the language in this early code section and instead leaps to the contents of the referenced code Section; ACC 18.25, 25 'Infill Residential Development Standards'. Granted, this referenced code section is not as well written as the city would now wish, and seems to use the terms "may" and "shall", somewhat interchangeably, that is not intentional. The Applicant has interpreted the imprecision in code language and interpreted the interchangeable use of "may" and "shall" as allowing the Applicant the ability to pick and choose among the regulations that apply. This approach ignores the language in the preceding specific residential zoning district chapter. If the Applicant's argument under "Area 1" were correct--that the city intended

the interchangeable use of the terms “may” and “shall” to be permissive--then the wording in the preceding ACC 18.07.020 “Uses” (of the Residential Zones) and specifically, Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, would also have been different and would have recognized this permissive approach and not used the terms: “subject to. . .”.

Decision

On the basis cited above, the Assistant Director of Community Development (Planning Director) interprets the zoning code sections as follows:

- Regarding Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, the Planning Director has previously determined and consistently applied, that while not specifically stated, this means the dwelling unit type is permitted when located each on a separate lot.
- The City does not have specific regulations that apply to condominium ownership, and therefore does not currently distinguish by this form of ownership. A multiple family dwelling that is a condominium (owner occupied) is treated the same as a “for rent” apartment building under the zoning.
- As specifically stated, within Table 18.07.020, “Permitted Use Table – Residential Zoning Designations”, “duplexes” are specifically allowed “provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)”. “Subject to” is meant to communicate that it is a prerequisite.

Condition(s)

(No conditions)

Appeals

Any person aggrieved of this decision may file an appeal with the Planning and Development Director within fourteen (14) days of mailing of the City’s written code interpretation. This decision was mailed on (*September 30, 2015*). The appeal must be filed at the Planning and Development Department at second floor, 1 East Main Street, Auburn, WA 98001 prior to 5:00 PM on or before (*October 14, 2015*). The appeal must be accompanied with justification for the appeal required per ACC 18.70.050.E and include the required filing fee payable to the City of Auburn. Once filed, a hearing on the appeal is scheduled with the Hearing Examiner as prescribed in ACC 18.70.050.B.

Other Relevant Code References

"ACC 18.02.060 Rules for administrative interpretations.

- A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of this title shall be made in accordance with the intent or purpose statement of the specific regulation and the comprehensive plan. Life, safety and public health regulations are assumed to prevail over all other regulations.
- B. The planning director may authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in ACC 18.02.120.
- C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC.
- D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to this title, when consistent with the title format and level of detail required. The city shall incorporate administrative interpretations upon approval of the legislative authority. (Ord. 6245 § 2, 2009; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987. Formerly 18.02.040.)"

"ACC 18.02.120 Permitted land uses established.

C. Interpretation of Zone Use Tables.

6. Unclassified Uses. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director or designee to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in this subsection. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director or designee shall indicate which zones, if any, do permit the use.

a. Criteria for Unclassified Uses. In order to make a determination that an unclassified use is permitted, administratively permitted, conditionally permitted, or accessory, the planning director or designee must find that the use is:

- i. In keeping with the intent of the zone, and consistent with Auburn comprehensive plan policies; and

- ii. Similar in nature to, and no more intense than, specifically listed permitted, conditional or accessory uses; and
- iii. Consistent with subsection (C)(4) of this section, if determined to be permissible as an accessory use. (Ord. 6269 § 1, 2009; Ord. 6245 § 2, 2009.).

Attachment A – Excerpt of the City's Comprehensive Plan (*document*)

Chapter 14 – “Comprehensive Plan Map”

Single Family

Purpose: To designate and protect areas for predominantly single family dwellings.

Description: This category includes those areas reserved primarily for single family dwellings. Implementing regulations should provide for an appropriate range of lot sizes, clustered and mixed housing types as part of a planned development.

Compatible Uses: Single family residences and uses that serve or support residential development, such as schools, daycare centers, churches and parks shall be considered appropriate and may be permitted on a conditional basis. Other public buildings and semi-public uses may be permitted if designed and laid out in a manner which enhances rather than detracts from the residential character of the area. In siting such uses, however, special care shall be given to ensuring adequate parking, landscaping, and traffic circulation with a minimum of conflict with residential uses. Uses which generate significant traffic (such as large churches) should only locate on developed arterials in areas zoned for institutional uses.

Intrusion of industrial uses into any of these single family areas shall be prohibited. Only very limited commercial uses such as home occupations or strictly limited appropriate conditional uses can be allowed.

Planned developments should be favorably considered in these designations in order to allow optimal flexibility. In providing such flexibility, the emphasis should be on small alley-loaded lot single family development, limited low density multifamily housing and a mixture of types, and design diversity should be sought. Except where conditional use permits have been previously granted, alternate structure types should not exceed more than 40 percent of the units, and alternative structures should in most cases contain no more than four dwelling units each. However, where substantial offsetting community benefits can be identified, such alternative structures may be allowed to contain more than three units each.

Criteria for Designation: Areas suitable for this designation include those areas designated in goals and policies of this Plan as single family areas. Consistent with those policies, areas within the Community Serving Area of the City suitable for this category should be reserved for these uses. This designation should also be applied to areas adjacent to lower density residential plan designations.

Attachment B – Excerpts of the City's Zoning Code

Chapter 18.07 RESIDENTIAL ZONES

Sections:

- 18.07.010 Intent.
- 18.07.020 Uses.
- 18.07.030 Development standards.

18.07.010 Intent.

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

B. 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.

C. R-1 Residential Zone – One Dwelling Unit per Acre. The intent of the R-1 residential zone is to provide areas for estate-type residential development on large lots. This zone would normally be located in the areas particularly suited for such development.

Appropriate development standards required of other urban areas shall be required to serve this zone.

D. 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.

E. 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.

F. R-10 Residential Zone – 10 Dwelling Units per Acre. The R-10 residential zones are intended to permit some increase in population density in those areas to which this classification applies by permitting single-family dwellings and duplexes on a minimum size lot while at the same time, by means of the standards and requirements set forth in this chapter, maintaining a desirable family living environment by establishing minimum lot areas, yards and open spaces. A related consideration is to provide a transition between single-family areas and other intensive designations or activities which reduce the suitability for single-family uses.

G. R-16 Residential Zone – 16 Dwelling Units per Acre. The R-16 zone is intended to provide for medium density multiple-family residential development as designated in the comprehensive plan, and is further intended as a residential zone of single, duplex and multiple-family residences, except as specifically provided elsewhere in this chapter.

H. R-20 Residential Zone – 20 Dwelling Units per Acre. The R-20 zone is intended to provide for multiple-family residential development and is further intended as a residential zone primarily of multiple-family residences, except as specifically provided elsewhere in this chapter. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

I. Except as specifically provided in the city code, no business or commercial use shall be allowed in a residential district of the city that does not have a city of Auburn business license. (Ord. 6525 § 6, 2014; Ord. 6245 § 5, 2009.)

18.07.020 Uses.

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X'	X'	X'
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Communal residence four or less individuals	P	P	P	P	P	P	P
Duplexes; provided, that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Development Standards)	X	X	A	P	P	P	X
Foster care homes	P	P	P	P	P	P	P
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets ^d	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Multiple-family dwellings	X	X	X	X	A	P	P

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	P	P
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit ⁸	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	A	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
Daycare, limited to a mini daycare center. Daycare center, preschool or	X	A	A	A	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
nursery school may also be permitted but must be located on an arterial							
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ³	X	X	X	X	P	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	C	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	A	A	A
C. Resource Uses.							
Agricultural enterprise: ⁷							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during the growing season, and with 52 or less special events per calendar year	A ⁷	X	X	X	X	X	X

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C ⁷	X	X	X	X	X	X
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing ⁴	P	X	X	X	X	X	X
Public and private stables ⁴	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A

Table 18.07.020

Permitted Use Table – Residential Zoning Designations

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-5	R-7	R-10	R-16	R-20
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵	C ⁵

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.
2. Please see the supplemental development standards for animals in ACC 18.31.220.
3. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

4. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
 5. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
 6. Administrative use permit not required when approved as part of a subdivision or binding site plan.
 7. Agricultural enterprise uses are subject to supplemental development standards under ACC 18.31.210, Agricultural enterprises development standards.
 8. An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.
- (Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

18.07.030 Development standards.

Table 18.07.030 Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
A	Base density (units per net acre)	0.25	1	5	7	10	16	20
B	Minimum density (units per net acre) ¹	0.25	1	4	5	8	12	15
C	Minimum average lot area per dwelling unit (square feet)	174,240	35,000	8,000	6,000	4,300	2,700	2,175
D	Minimum lot area per dwelling unit (square	174,240	35,000	6,000	4,300	2,000	2,000	2,000

Table 18.07.030 Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
	feet)							
E	Minimum lot width (feet) ²	125	125	50	40	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots
F	Minimum setbacks (feet) ^{2,3}							
1	Residence front setback ³	35	35	10	10	10	10	10

Table 18.07.030 Residential Development Standards (Continued)

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
2	Garage (minimum front setback required from street access) ³	20	20	20	20	20	20	20 unless alley-loaded then 15 provided there are 20 feet from any garage
3	Setback to any property line for barns, stables, coops, or similar structures for enclosure of animals	75	X	X	X	X	X	X
4	Setback to any property line for any corral, exercise yard, or arena	35	X	X	X	X	X	X
5	Interior side setback	20	10	5	5	5	5	5
6	Street side setback ³	35	20	10	10	10	10	10
7	Rear setback ³	35	35	20	20	20	20	20

Table 18.07.030 Residential Development Standards

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
8	Rear setback, detached structure In all zones, 20 ft for structure with vehicular entrance oriented toward street or public alley ³		15	15	10	5	5	5
G	Maximum lot coverage (%)		25	35	40	50	60	70
H	Maximum impervious area (%)		25	50	65	75	N/A	N/A
I	Maximum building height (feet)		35	35	35	35	45	50
J	Maximum height of accessory buildings and structures		35 ⁴	35	16	16	16	NA
K	Minimum front setback area landscape strip (feet)		N/A	N/A	5	5	10	10
L	Minimum side setback area landscape strip (feet)		N/A	N/A	5	5	10	10
M	Minimum landscaped open space (%)		N/A	N/A	N/A	N/A	20	20

1. For purposes of calculating minimum density, critical area buffers are not included in net site area. See ACC 18.02.065 for calculation of net acreage for minimum density.
2. All minimum lot widths, setbacks, and landscaping strips are subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the design and construction standards.
3. In addition to meeting setback requirements, all structures must meet sight distance requirements in accordance with city design and construction standards.
4. Barns and other specialized structures used for agricultural purposes may exceed the height limits.

(Ord. 6245 § 5, 2009.)

Chapter 18.25 INFILL RESIDENTIAL DEVELOPMENT STANDARDS

Sections:

- 18.25.010 Purpose and intent.
- 18.25.020 Applicability.
- 18.25.030 Procedures.
- 18.25.040 Infill residential standards.

18.25.010 Purpose and intent.

The purpose of this chapter is to encourage the development of underutilized parcels in zones which, through Auburn comprehensive plan goals and policies, have been identified as areas where infill residential development should be encouraged. This chapter identifies conditions under which infill development is supported and relaxes certain development requirements in those instances in an effort to promote the construction of infill development in appropriate areas of the city. (Ord. 6245 § 14, 2009.)

18.25.020 Applicability.

A. Eligibility Criteria. This chapter may be applied to development or redevelopment that meets all of the following criteria:

1. The lot is within one of the following zones: R-5, R-7, R-10, R-16, or R-20.
2. Adjacent properties abutting at least 50 percent of the nonstreet perimeter of the subject property (i.e., side and/or rear lot lines) are developed with single-family dwellings or higher intensity uses.
3. For lots located in the R-5 or R-7 zones, the development or redevelopment creates a maximum of one new lot or dwelling unit.
4. For properties located in the R-10, R-16, or R-20 zones, the lot or parcel size shall be one acre or less. (Ord. 6245 § 14, 2009.)

18.25.030 Procedures.

Development proposals desiring to utilize the infill standards of this chapter shall be subject to one or more of the permit types found in ACC Title 14 and shall be processed in a manner consistent with the underlying land use application pursuant to ACC Title 14. (Ord. 6245 § 14, 2009.)

18.25.040 Infill residential standards.

A. All other provisions of this title that would apply to a non-infill project shall apply to infill development except as specifically modified by this chapter.

B. Infill Land Division Standards – Reduction in Dimensional Requirements for Infill Residential Development.

Notwithstanding the dimensional development standard requirements found in the underlying residential zones of ACC 18.07.030, property that is eligible for infill residential development pursuant to ACC 18.25.020 shall be eligible for subdivision of land as follows:

1. Minimum Lot Area. Minimum lot area and minimum average lot area may be permitted at 80 percent of the minimum areas required in Chapter 18.07 ACC for the underlying zone.

2. Minimum Lot Width. Minimum lot width may be reduced by 20 percent of or 10 feet less than the required minimum lot width of the underlying zone, whichever is less.

3. Maximum Lot Coverage. Maximum lot coverage can be increased by 10 percent over that allowed in the underlying zone.

C. Infill Development Standards. Property that is eligible for infill residential development pursuant to ACC 18.25.020 shall be eligible for these additional development standards to encourage infill, subject to demonstration to the satisfaction of the city engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards:

1. The maximum density provided for in Chapter 18.07 ACC may be increased by up to 10 percent. This density bonus may not be combined with density bonuses provided for under Chapter 18.49 ACC.

2. Increased allowable building height by no more than five feet to allow for roof features noted in subsection (D)(4) of this section while achieving permitted maximum density.

3. Reduced front or street side setbacks to conform to the average existing building lines or setbacks of adjoining structures. In no case shall reduced street setbacks be allowed for a garage or carport.

4. Alternative setbacks, including reduced rear setbacks. Standard setbacks of the zone shall be applied for any required setback when the subject setback abuts an RC, R-1, R-5, or R-7 zone.

5. A 10 percent reduction in minimum on-site parking requirements, when on-site parking is designed to be shared parking. This reduction may be combined with any other reduction provided for in ACC 18.52.030.

D. Infill Design Standards. Property that is eligible for infill residential development pursuant to ACC 18.25.020 shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

Residential infill development shall meet the following design criteria, as defined by the predominant character of the existing residential block face. The block face shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200 feet in either direction from the development site, whichever is nearest.

1. Building orientation on infill lots shall match the predominant orientation of other buildings along the block face.
2. Access and location of off-street parking on infill lots shall be similar to the predominant character for existing development along the block face. Primary vehicular access shall be through rear alleys where such rights-of-way exist, and on-site parking shall be located to the rear of proposed structures, insofar as this is consistent with the predominant character of the block face.
3. Proposed residences shall be required to provide an additional five-foot setback over that required in the underlying zone above the second story where property line(s) abut a property with an existing single-story structure.
4. Roofs on proposed infill residential structures shall be similar in slope, material, and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block face:

a. Dormers;

b. Gabled or hipped roofs;

- c. Pitched roofs;

- d. Parapets or cornices.

Unless it is the predominant existing style on the block face, flat, unadorned roofs shall not be allowed.

5. Horizontal facades longer than 25 feet shall be treated to reduce building mass and visual bulk using at least one of the following techniques. The applicant shall demonstrate that the selected techniques are either currently present on the block face or are not substantially incompatible with existing development.

- a. Bays or recesses (minimum depth of 18 inches);

- b. Window patterns;

- c. Contrasting materials or colors;

- d. Upper story setbacks;

- e. Balconies. (Ord. 6245 § 14, 2009.)