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

SHORELINE VARIANCE – INTRODUCTION

(TYPE III DECISION)

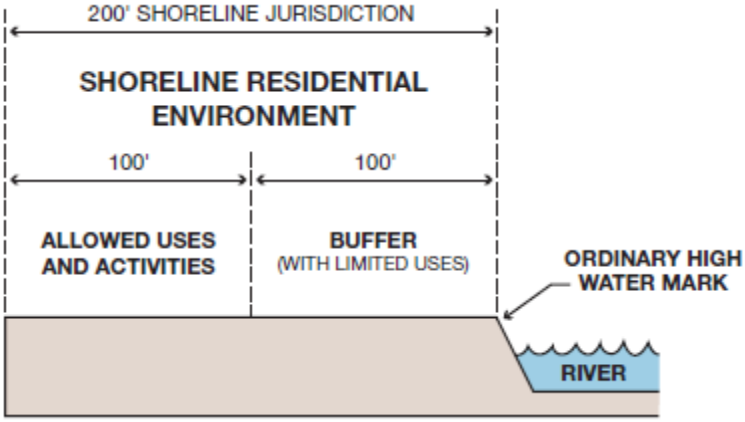
What is a shoreline environment designation?
Shoreline environment designations work like a zoning overlay. Each designation has standards for development and allowed uses that apply in addition to the zoning regulations. The purpose of shoreline environment designations is to provide a uniform basis for applying policies and regulations within similar environmental conditions.

There are three environment designations for the White River and Green River shorelines in Auburn: Natural, Urban conservancy, and Shoreline Residential.

What is the purpose of the Shoreline Residential designation?
Single family residential development is considered a "priority" use under the State Shoreline Management Act. The purpose of the Shoreline Residential designation is to preserve shoreline areas for residential development. An additional purpose is to provide appropriate public access and recreational uses.

What is the required buffer in the Shoreline Residential designation?
A one-hundred foot buffer from the "ordinary high water mark" to provide riparian habitat and protect water quality.

Buffers should consist of an undisturbed area of native vegetation. No buildings or structures are allowed in the buffer unless specifically permitted by the SMP. Development activities allowed in the buffer are limited to uses such as unpaved trails and habitat enhancement projects. If development exists, revegetation or enhancement may be required when the property redevelops or changes use.

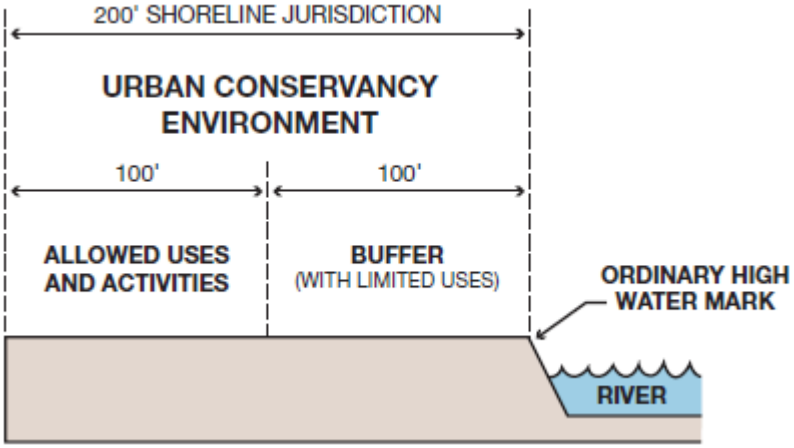


SHORELINE VARIANCE – INTRODUCTION [CONTINUED]

What is the purpose of the Urban Conservancy designation?
To protect and restore shoreline ecological functions of open space, floodplain and other critical lands where they exist in urban and developed settings, while allowing a variety of compatible uses consistent with the Auburn Comprehensive Plan and the SMP.

What is the required buffer in the Urban Conservancy designation?
A one-hundred foot buffer from the "ordinary high water mark" to provide riparian habitat and protect water quality.

Buffers should consist of an undisturbed area of native vegetation. No buildings or structures are allowed in the buffer unless specifically permitted by the SMP. Development activities allowed in the buffer are limited to uses such as unpaved trails and habitat enhancement projects. If development exists revegetation or enhancement may be required when the property redevelops or changes use.

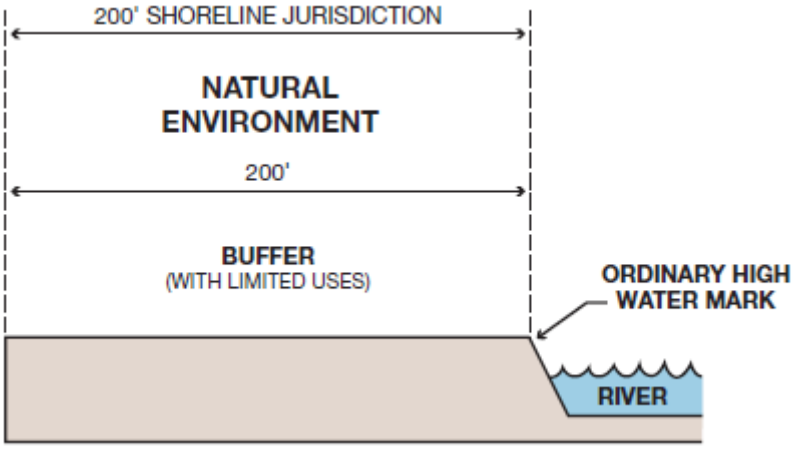


What is the purpose of the Natural designation?
To protect shoreline areas that are relatively free of human influence or urban development. Only a few, very low intensity uses are allowed in this designation in order to protect and maintain the shoreline ecology.

What is the required buffer in the Natural designation?
A two-hundred foot buffer from the "ordinary high water mark" to provide riparian habitat and protect water quality.

Buffers should consist of an undisturbed area of native vegetation. No buildings or structures are allowed in the buffer unless specifically permitted by the SMP. Development activities allowed in the buffer are limited to uses such as unpaved trails and habitat enhancement projects. If development exists, revegetation or enhancement may be required when the property redevelops or changes use.

SHORELINE VARIANCE – INTRODUCTION [CONTINUED]



Where is the ordinary high water mark?
The ordinary high water mark is a mark on the bank of the White River or Green River which has been created by the long term presence and movement of water that looks distinctly different than the rest of the bank, in terms of vegetation and/or slope.

Since most of the banks of the White and Green Rivers have been altered with manmade structures, the ordinary high water mark is likely to be located at the top of the river bank or on existing levees. Prior to application, the ordinary high water mark needs to be determined in the field by a qualified professional, and shown on plans when new structures, land development, or a change of use is proposed for a shoreline property

*Photo Examples of the Approximate Ordinary High Water Mark**

Green River
Ordinary high water mark at top of alluvial deposit.

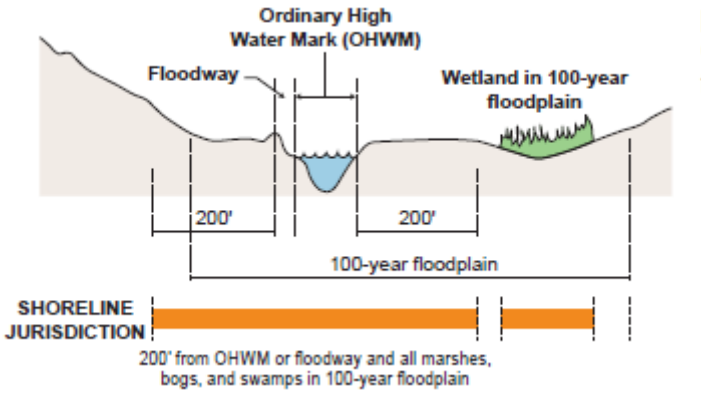
SHORELINE VARIANCE – INTRODUCTION [CONTINUED]

White River
Ordinary high water mark at break in slope.

**Photos are for illustrative purposes only.*

Is my property located in the "shoreline"?
The Auburn Shoreline Master Program applies only to properties that are located along the White River or the Green River. The program regulates activities located in the following areas:

- Work within the White and Green River channels
- Lands extending 200 feet in all directions (measured on a horizontal plane) from the rivers' ordinary high water mark and/or the floodway
- Wetlands that are functionally related to the rivers through surface water connection or other factors. Typically, a wetland biologist would determine whether a wetland is considered "associated" with the river.



SHORELINE VARIANCE – INTRODUCTION [CONTINUED]

Do I need a Shoreline Substantial Development permit?
All activities within the shoreline master program jurisdiction must meet the goals, policies, and regulations in the program regardless of whether or not a shoreline permit is required. "All activities" include any actions regulated by the program, such as in-water activity (dredging); new buildings and structures; and land development activities such as clearing, grading, or filling. If the activity does not require a shoreline permit, the planning department will review the activity for consistency with the shoreline master program as part of other required city permits, such as a grading permit, building permit, SEPA, or preliminary plat application.

- All activities within the "shoreline" (i.e. within 200 feet of Green or White River, in the river channel, or in associated wetlands) over $5,718 require a Shoreline Substantial Development Permit, unless a conditional use permit or variance is more appropriate. In general, the following activities are exempt from the Shoreline Substantial Development Permit:Owner-occupied construction of a single family home that does not exceed 35 feet in height
- Emergency construction needed to protect property from imminent danger
- Normal bulkheads common to single family residences
- Normal maintenance and repair

For a complete list of activities exempt from the Shoreline Substantial Development Permit, please refer to WAC 173-27.

Do I need to submit anything if I am exempt from a Shoreline Substantial Development Permit?
Yes, please refer to the shoreline exemption application for more information.

When should I apply for a conditional use permit or variance rather than a Shoreline Substantial Development Permit?
A conditional use permit should be sought for all uses and activities allowed within a property's shoreline designation (shoreline residential, urban conservancy, or natural) by conditional use permit only. Please refer to pg. 8-9 for a list of such conditional uses.

A variance is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this Shoreline Master Program (SMP), and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act (SMA) policies as stated in RCW 90.58.020.

What is SEPA and when is it applicable?
Shoreline variances 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.

SHORELINE VARIANCE – INTRODUCTION [CONTINUED]

What does Type III refer to?
Type III decisions are quasi-judicial decision made by the Hearing Examiner following recommendation by staff and public hearing.

What are the criteria for Shoreline Variance approval?
The proposed development, if located landward of the ordinary high water mark (per RCW 90.53.030(2)(b) definition), except hose areas designated as marshes, bogs, or swamps pursuant to Chapter 173-22 WAC, must be consistent with the following:

1. The strict requirements of the bulk, dimensional, or performance standards set forth in the City of Auburn Shoreline Master Program (SMP) preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by the SMP;
2. The hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and not, for example, from deed restrictions of the applicant's own actions;
3. The design of the project will be compatible with other permitted activities within the area and with uses planned for the area under the comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;
4. The variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to afford relief; and
5. The public interest will suffer no substantial detrimental effect.

If located either waterward of the ordinary high water mark or within marshes, bogs or swamps as designated in Chapter 173-22 WAC, the proposed development must be consistent with items 2-5 of the above as well as the following the criteria:

6. The strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes all reasonable use of the property not otherwise prohibited by the SMP; and
7. The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

Additionally, in the granting of all variance permits, consideration shall be given to the cumulative impacts of additional request for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of Chapter 90.58 RCW and should not produce substantial adverse effects to the shoreline environment or result in a net loss of ecological functions.

SHORELINE VARIANCE – 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 plan information listed in this application under "Shoreline 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 whether my Shoreline Variance application is 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.

If SEPA environmental review has not occurred prior to application, time period for application review may be extended.

How long are approved Shoreline Variances valid for?
The permit will expire after two years if there has been no construction or substantial progress toward construction of a project for which a permit has been granted. If a project for which a permit has been granted has not been completed within five years after permit approval, the Planning Director will review the permit and extend the permit for one year upon a showing of good cause or terminate the permit. No permit will be extended unless the applicant has requested such review and extension prior to permit expiration date.

SHORELINE VARIANCE – INTRODUCTION [CONTINUED]

What is the review process like for a Shoreline Variance?

Recommended pre-application meeting conducted with city staff.

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Applicant submits permit application to Permit Center.

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SEPA process.

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Public Notice of Application within 14 days of completeness determination.

↓

Hearing notice 30 days prior to hearing.

↓

Technical review by City staff.

↓

Planning Department issues recommendation to Hearing Examiner.

↓

Public hearing with Hearing Examiner (approve, condition, or deny permit).

↓

Hearing Examiner decision filed with State Department of Ecology

↓

Ecology Approves, Conditions, or Denies Permit

↙ Appealed within 21 days.

↓

Shoreline Hearings Board (upholds or overturns decision).

↘ No appeal within 21 days.

↓

City issues Notice of Decision (applicants and parties of record).

↓

SV issued. Construction can begin after Notice of Decision and other Permit Approvals have been obtained (e.g. building, grading, etc.)

**Disclaimer: flow chart for reference only.*

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.

SHORELINE VARIANCE – ALLOWED/CONDITIONAL USES AND ACTIVITIES

Shoreline Residential – Allowed

Agriculture if established and ongoing.
Boating facilities if boat launching ramps are open to the public.
Clearing and grading if associated with an allowed shoreline development.
Dredging to maintain navigability only.
Fill

- For habitat restoration;
- At or above the ordinary high water mark.

Habitat enhancement and restoration projects
Home-based daycare when accommodated by residential facilities and allowed by the underlying zoning.
Recreation, bridle, bicycling and walking trails; overwater pedestrian bridges; viewpoints; and pedestrian boardwalks.
Residential, new single family residences, residential subdivisions, and uses accessory to single family residences.
Shoreline stabilization if accessory to an existing single-family residence.
Signs
Structural flood hazard reduction if replacing or rehabilitating existing levees.
Transportation facilities, roads, bridges, and pedestrian overpasses and underpasses of railroad facilities.
Utilities, storm drain outfalls; primary conveyance and distribution facilities; and accessory utility facilities to serve allowed development.

Shoreline Residential – Conditional Uses

Dredging and dredge material disposal, for habitat and flood protection projects.
Fill extending waterward of the ordinary high water mark for water dependent uses (e.g. fishing piers).
In-stream water diversion structures
Recreation that has non-water related accessory uses or water-enjoyment uses (e.g. park).
Residential, multi-family residences and supportive housing.
Shoreline stabilization when not associated with a single-family residence.
Transportation facilities, relocation or expansion of existing railroad tracks.
Utilities, primary utilities and stormwater storage or treatment ponds.

Urban Conservancy – Allowed

Agriculture if established and ongoing.
Boating facilities if boat launching ramps are open to the public.
Clearing and grading if associated with an allowed shoreline development.
Dredging to maintain navigability only.
Fill

- For habitat restoration;
- At or above the ordinary high water mark or the natural bank, whichever is less, and when associated with allowed shoreline development.

Habitat enhancement and restoration projects
Home-based daycare when accommodated by residential facilities and allowed by the underlying zoning.
Recreation, bridle, bicycling and walking trails; overwater pedestrian bridges; viewpoints; and pedestrian boardwalks and piers; water-enjoyment uses; golf courses; and retail activity in conjunction with a public access pier.
Existing Residential, uses commonly accessory to single family residences.
Shoreline stabilization if accessory to an existing single-family residence.
Signs
Structural flood hazard reduction if replacing or rehabilitating existing levees.
Transportation facilities, roads, bridges, and pedestrian overpasses and underpasses of railroad facilities.
Utilities, storm drain outfalls; primary conveyance and distribution facilities; and accessory utility facilities to serve allowed development.

SHORELINE VARIANCE – ALLOWED/CONDITIONAL USES AND ACTIVITIES

Urban Conservancy – Conditional Uses

Dredging and dredge material disposal, for habitat and flood protection projects.
Fill extending waterward of the ordinary high water mark for water dependent uses (e.g. fishing piers).
Fish hatcheries
In-stream water diversion structures
Mining if established and ongoing.
Recreation that has non-water related uses.
Residential, new single family residences, multi-family residences, and residential subdivisions.
Shoreline stabilization when not associated with a single-family residence.
Transportation facilities, relocation or expansion of existing railroad tracks.
Utilities, primary utilities; reclaimed water facilities; potable water production; wastewater treatment plant; and stormwater storage or treatment ponds.

Natural – Allowed

Agriculture if established and ongoing.
Clearing and grading if associated with an allowed shoreline development.
Dredging to maintain navigability only.
Habitat enhancement and restoration projects
Home-based daycare when accommodated by residential facilities and allowed by the underlying zoning.
Recreation, unpaved bridle, bicycling and hiking trails including overwater pedestrian bridges; viewpoints; pedestrian boardwalks; and fishing access not requiring structural facilities.
Signs
Transportation facilities, roads and bridges.
Utilities, accessory utility facilities to serve allowed development.

Natural – Conditional Uses

Dredging and dredge material disposal, for habitat and flood protection projects.
Fill for habitat restoration.
Fish hatcheries
In-stream water diversion structures for fish hatcheries.
Residential development and subdivisions, if no improvements are located within the required buffer.
Structural flood hazard reduction if replacing or rehabilitating existing levees or dikes.
Utilities, underground linear utilities; primary conveyance facilities; and storm drain outfalls.

**These tables are intended for reference purposes only. Refer to the text sections of the SMP for all applicable provisions related to specific uses and activities.*

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SHORELINE 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. **NOT USED**

☐ D. **SEPA CHECKLIST**. Submit a **completed** Environmental Checklist together with any supporting documentation, such as a critical areas report, traffic impact analysis, and preliminary storm report, or information to address potential or known environmental impacts resulting from the proposal. If available, also submit a DNS or EIS.

☐ E. **CRITICAL AREAS REPORT** (**6** copies, **one** unbound) addressing compliance ACC 16.10 (Critical Areas) prepared by a qualified consultant as defined by ACC 16.10.020 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
☐ Wetlands	_____	☐	☐
☐ Stream	_____	☐	☐
☐ Wildlife Habitat Area	_____	☐	☐
☐ Geologic Hazard Area Seismic, steep slope, landslide, & erosion	_____	☐	☐
☐ Groundwater Protection Area	_____	☐	☐
Other:			
☐ Flood Hazard - ACC 15.68	_____	☐	☐
☐ Shorelines of the State - ACC 16.08	_____	☐	☐

☐ F. **TRAFFIC IMPACT ANALYSIS** (**6 copies, one unbound**). If the SEPA submittal is for a new use or an expanded use that will generate traffic, safety or other issues, the City Engineer may require submittal of a traffic analysis prepared by a professional engineer licensed in the State of Washington. The City Engineer may make this determination prior to application submittal as part of a pre-application conference meeting request or as part of coordination with the applicant prior to application submittal.

- ☐ Traffic Analysis required and attached.
- ☐ Traffic Analysis is not applicable as determined by the City Engineer
- ☐ Don't know

☐ G. **PRELIMINARY STORM REPORT** (**6 copies, one unbound**). The storm report shall include a minimum of a quarter mile downstream analysis. (Additional information may be required if such analysis does not fully address stormwater impacts).

☐ H. **LEGAL DESCRIPTION** of project property. At a minimum, include property address and identification of the section, township and range to the nearest quarter, quarter section or latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

☐ I. **LEGAL DESCRIPTION** of all parcels of property within 300 feet of the exterior boundary of the subject property. Include owner names and addresses for such properties.

☐ J. **WRITTEN STATEMENT** including:

- ☐ 1. The shoreline designation according to the Shoreline Master Program;
- ☐ 2. The name of the shoreline (water body) that the site of the proposal is associated with;
- ☐ 3. A specific description of the proposed project, including the proposed use(s) and the activities necessary to accomplish the project;
- ☐ 4. A general description of the property's existing physical characteristics, improvements, and structures;
- ☐ 5. A general description of adjacent (within 1,000 feet in all directions) use, structures, improvements, intensity of development, and physical characteristics.

☐ K. **JOINT AQUATIC RESOURCE PERMIT APPLICATION (JARPA) FORM** completed.

☐ L. **INTAKE FORM** – From WAC 173-27-990, Appendix A – Shoreline Management Act Permit Data Sheet and Transmittal Letter.

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

☐ A. **SCALE & LEGIBILITY** All plans, except architectural elevations, should be to scale (engineering scale) and drawn on maximum **24" x 36"** reproducible Mylar or similar paper at a scale no less than **1"=50'**. An index sheet, in above-specified size, is required for multi-sheet submittals. All plans should be folded to fit a legal size file jack.

☐ B. **VICINITY MAP** showing the property's/proposed development or use's relationship to:

- ☐ 1. Roads;
- ☐ 2. Proposed disposal site, if development involves removal of soils by dredging or other means.

If disposal site is beyond the confines of the vicinity map, then provide a separate map showing the precise location of the disposal site and its distance to the nearest city or town.

☐ C. **SITE PLAN:**

- ☐ 1. North arrow, graphic scale, and date plan was prepared;
- ☐ 2. Boundaries and dimensions of the property;
- ☐ 3. Adjacent streets;
- ☐ 4. Ordinary high water mark of all water bodies adjacent to or within the project's boundaries (approximate location acceptable unless applicable regulations require precise location, in which case biological and hydrological basis for the location should also be included);
- ☐ 5. Existing and proposed easements and such easements' purposes;
- ☐ 6. Location and size of all existing and proposed utilities, sewer, storm drainage facilities, water lines, septic tanks and drainfields, and material stockpiles or surcharge, lying within or adjacent to property;
- ☐ 7. Typical cross section(s) showing existing/proposed ground elevations and existing/proposed building and structure heights;
- ☐ 8. Location of uses;
- ☐ 9. Location and dimensions buildings and structures, existing and proposed, with setbacks to property lines;
- ☐ 10. Location and layout of off-street parking, loading, and unloading areas;
- ☐ 11. Location and layout of all paved or graveled areas;

- ❑ 12. Location of walls and fences around the perimeter of the property and an indication of their height and materials;
- ❑ 13. Location of refuse storage locations, bicycle parking areas and pedestrian/bike paths;
- ❑ 14. Existing and proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high water mark where development involves grading, cutting, filling, or other alteration of land contours. Approximate contours acceptable for areas not to be altered by development and indicated as such.
- ❑ 15. Flood hazards, geological hazards (seismic, steep slope, landslide, erosion), groundwater protection areas, streams, significant trees, wetlands, and wildlife habitat.
- ❑ 16. Wetland areas to be altered or used as a part of the development.
- ❑ 17. Depiction of the impacts to views from existing residential uses and public areas;
- ❑ 18. Plans for development of areas on or off the site as mitigation for impacts associated with the proposed project, *if applicable*.
- ❑ 19. Quantity, source, and composition of any fill material placed on the site, temporarily or permanently; and
- ❑ 20. Quantity, composition, and destination of any excavated or dredged material.

☐ D. **LANDSCAPING/PLANTING PLAN, if required** prepared in accordance with ACC 18.50 (Landscaping and Screening) inclusive of:

- ❑ 1. North arrow, graphic scale, and date plan was prepared;
- ❑ 2. Boundaries and dimensions of the property;
- ❑ 3. Adjacent public and private streets;
- ❑ 4. Location of on-site buildings;
- ❑ 5. Location of on-site parking areas;
- ❑ 6. Location of outdoor storage areas;
- ❑ 7. Location and size of landscape areas
- ❑ 8. Location of significant trees;
- ❑ 9. Location of water source(s);
- ❑ 10. Location and arrangement of proposed on-site and off-site plantings at maturity; location, description, and extent of proposed ground cover(s); and related natural and artificial features that are proposed or existing, such as retaining walls, curbing, fences, and fountains;
- ❑ 11. Plant schedule of common and scientific names of species, minimum tree calipers at time of planting, and quantity of each species;
- ❑ 12. Proposed building and site lighting, especially if proposed to be softened or screened by landscaping/planting; and,
- ❑ 13. Information on the plan as to how the landscaping will be maintained, such as type of irrigation system or native plants.