



City Council Meeting

March 6, 2017 - 7:00 PM

Auburn City Hall

AGENDA

[Watch the meeting LIVE!](#)

[Watch the meeting video](#)

Meeting videos are not available until 72 hours after the meeting has concluded.

I. CALL TO ORDER

A. **Pledge of Allegiance**

B. **Roll Call**

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. AmeriCorps Week Proclamation

Mayor Backus to proclaim March 4-11, 2017 as "AmeriCorps Week" in the city of Auburn.

III. APPOINTMENTS

A. Junior City Council Appointments

City Council to confirm the following appointments to the Junior City Council for a two-year term to expire August 31, 2019:

Phoebe Galito

Eunice Ugaddan

IV. AGENDA MODIFICATIONS

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. **Public Hearings**

1. **Public Hearing 2017 Stormwater Management Program Plan* (Snyder)**

City Council to conduct a public hearing to accept comments on the draft 2017 Stormwater Management Program Plan.

2. **Public Hearing on 2017-2022 Transportation Improvement Program Modification (Snyder)**

City Council to conduct a public hearing to receive public comments and suggestions with regard to the proposed modification to the 2017-2022 Transportation Improvement Program (TIP).

B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City

Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

C. Correspondence

There is no correspondence for Council review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.

VII. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes of the February 13, 2017 Special City Council Meeting*

B. Minutes of the February 21, 2017 Regular City Council Meeting*

C. Claims Vouchers (Coleman)

Claims voucher numbers 442825 through 442955 in the amount of \$548,724.26 and six wire transfers in the amount of \$600,522.38 and dated March 6, 2017.

D. Payroll Vouchers (Coleman)

Payroll check numbers 537126 through 537155 in the amount of \$773,527.54 and electronic deposit transmissions in the amount of \$1,468,727.11 for a grand total of \$2,242,254.65 for the period covering February 16, 2017 to March 1, 2017.

(RECOMMENDED ACTION: City Council approve the Consent Agenda.)

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

X. ORDINANCES

A. Ordinance No. 6639* (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, approving the request of Kana B, LLC for rezoning of four parcels totaling approximately 5.87 acres located east of East Valley Highway from C1, Light Commercial and C3, Heavy Commercial, to M1, Light Industrial to implement the Comprehensive Plan and amending the City's zoning maps

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6639.)

B. Ordinance No. 6640* (Snyder)

An Ordinance of the City Council of the City of Auburn, Washington, approving the request of Romart Investments, LLC for rezoning of one parcel totaling approximately 2.27 acres located at the northwest corner of 182nd Ave E and Lake Tapps Parkway E from R5, Residential to C1, Light Commercial to implement the Comprehensive Plan and amending the City's zoning maps

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6640.)

C. **Ordinance No. 6641* (Snyder)**

An Ordinance of the City Council of the City of Auburn, Washington, approving the request of City of Auburn, Community Development and Public Works for rezoning of three parcels totaling approximately 137.38 acres located west of C Street Southwest from M1, Light Industrial and M2, Heavy Industrial to C3, Heavy Commercial to implement the Comprehensive Plan and amending the City's zoning maps

(RECOMMENDED ACTION: City Council adopt Ordinance No. 6641.)

XI. **RESOLUTIONS**

A. **Resolution No. 5272* (Snyder)**

A Resolution of the City Council of the City of Auburn, Washington, amending the 2017-2022 Six-Year Transportation Improvement Program of the City of Auburn pursuant to Chapter 35.77 of the Revised Code of Washington

(RECOMMENDED ACTION: City Council adopt Resolution No. 5272.)

B. **Resolution No. 5288* (Snyder)**

A Resolution of the City Council of the City of Auburn, Washington, approving a Memorandum of Understanding with the Auburn Transportation Benefit District regarding a 0.2 Percent Sales and Use Tax

(RECOMMENDED ACTION: City Council adopt Resolution No. 5288.)

XII. **MAYOR AND COUNCILMEMBER REPORTS**

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

A. **From the Council**

B. **From the Mayor**

XIII. **ADJOURNMENT**

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing 2017 Stormwater Management Program Plan

Date:

February 28, 2017

Department:

CD & PW

Attachments:

[Draft 2017 Stormwater Management Program Plan](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council hold a public hearing to accept comments on the draft 2017 Stormwater Management Program Plan.

Background Summary:

A public hearing is required to be held to accept comments on the draft 2017 Stormwater Management Program Plan (SWMP) that was presented at the February 13, 2017 City Council Study Session. Written comments are also being accepted through the close of business March 6, 2017.

Reviewed by Council Committees:**Councilmember:****Staff:**

Snyder

Meeting Date: March 6, 2017

Item Number: PH.1

CITY OF AUBURN
2017 STORMWATER MANAGEMENT
PROGRAM PLAN

City of Auburn, WA
March 2017

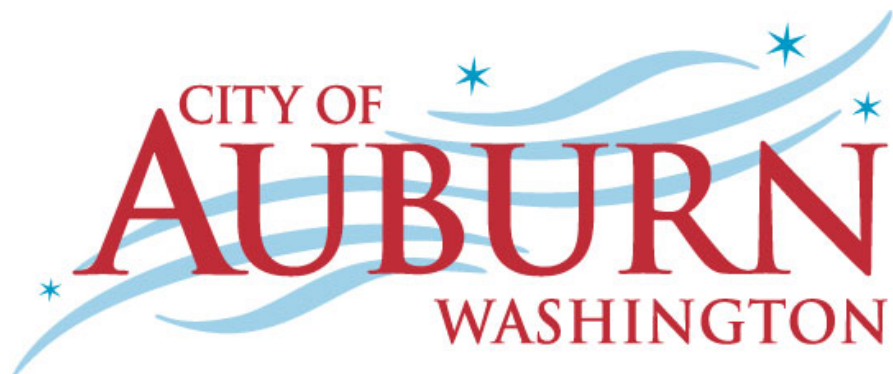


TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1 Overview.....	1
1.2 Regulatory Background	1
1.3 City of Auburn Regulated Area	2
1.4 SWMP Implementation Responsibilities	2
1.5 Document Organization	2
2. STORMWATER MANAGEMENT PROGRAM ADMINISTRATION	3
2.1 Permit Requirements	3
2.2 Planned 2017 Compliance Activities.....	3
3. PUBLIC EDUCATION AND OUTREACH	4
3.1 Permit Requirements	4
3.2 Planned 2017 Compliance Activities.....	4
4. PUBLIC INVOLVEMENT AND PARTICIPATION	6
4.1 Permit Requirements	6
4.2 Planned 2017 Compliance Activities.....	6
5. ILLICIT DISCHARGE DETECTION AND ELIMINATION	7
5.1 Permit Requirements	7
5.2 Planned 2017 Compliance Activities.....	7
6. CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES....	9
6.1 Permit Requirements	9
6.2 Planned 2017 Compliance Activities.....	10
7. MUNICIPAL OPERATIONS AND MAINTENANCE	11
7.1 Permit Requirements	11
7.2 Planned 2017 Compliance Activities.....	12
8. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS	13
8.1 Planned 2017 Compliance Activities.....	14
9. MONITORING.....	15
9.1 Permit Requirements	15
9.2 Planned 2017 Compliance Activities.....	15
APPENDIX A	16

LIST OF TABLES

Table 2-1. 2017 Stormwater Management Administration Program Work Plan.....	3
Table 3-1. 2017 Public Education and Outreach Work Plan	5
Table 4-1. 2017 Public Involvement and Participation Work Plan.....	6
Table 5-1. 2017 Illicit Discharge Detection and Elimination Work Plan.....	7
Table 6-1. 2017 Controlling Runoff from Development, Redevelopment, and Construction Sites Work Plan.....	10
Table 7-1. 2017 Municipal Operations and Maintenance Work Plan	13
Table 8-1. 2017 Compliance with TMDL Load Requirements Work Plan	15
Table 9-1. 2017 Water Quality Monitoring Work Plan	16

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

1. INTRODUCTION

1.1 Overview

This document presents the City of Auburn's Stormwater Management Program (SWMP). Preparation and maintenance of this SWMP Plan is required by the Washington State Department of Ecology (Ecology) as a condition of the Western Washington Phase II Municipal Stormwater Permit (the Phase II Permit). The Phase II permit covers discharges from regulated small municipal separate storm sewer systems (MS4s). The SWMP Plan is intended to inform the public of the planned SWMP activities for the upcoming year.

The permit to discharge stormwater is designed to reduce the discharge of pollutants, protect water quality, and meet the requirements of the federal Clean Water Act.

Appendix A includes acronyms and definitions from the Permit to help the reader understand the City's Stormwater Management Program.

1.2 Regulatory Background

The National Pollutant Discharge Elimination System (NPDES) permit program is a requirement of the federal Clean Water Act, which is intended to protect and restore waters for "fishable, swimmable" uses. The federal Environmental Protection Agency (EPA) has delegated permit authority to state environmental agencies, and these agencies can set permit conditions in accordance with and in addition to the minimum federal requirements. In Washington, the NPDES-delegated permit authority is the Washington State Department of Ecology (Ecology).

In Washington, municipalities with a population of over 100,000 are designated as Phase I communities and must comply with Ecology's Phase I NPDES Municipal Stormwater Permit. Auburn's population is below the 100,000 threshold, so the City must comply with the Phase II Municipal Stormwater Permit. About 100 other municipalities in Washington must also comply with the Phase II Permit, as operators of small municipal separate storm sewer systems (MS4s). Ecology's Phase II Municipal Stormwater Permit is available on Ecology's website at

<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/phaseIIww/wwphiipermmit.html>

The Permit allows municipalities to discharge stormwater runoff from municipal drainage systems into the state's water bodies (e.g., streams, rivers, lakes, wetlands, and aquifers) as long as municipalities implement programs to protect water quality by reducing the discharge of "non-point source" pollutants to the "maximum extent practicable" (MEP) through application of Permit-specified "best management practices" (BMPs). The BMPs specified in the Permit are collectively referred to as the Stormwater Management Program (SWMP) and grouped under the following Program components:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Controlling Runoff from New Development, Redevelopment, and Construction Sites

- Municipal Operations and Maintenance

In addition to the SWMP components the Permit contains special conditions covering:

- Compliance with Total Maximum Daily Load requirements
- Monitoring and Assessment
- Reporting Requirements

The Permit issued by Ecology became effective on August 1, 2013, was modified January 16, 2014 and expires on July 31, 2018. The Permit requires the City to submit an annual report no later than March 31st of each year beginning in 2015, on progress in SWMP implementation. The Permit also requires submittal of a SWMP Plan which describes proposed SWMP activities for the current calendar year. The SWMP Plan is to be updated annually and be included in the submittal of the previous year's annual report.

1.3 City of Auburn Regulated Area

The Western Washington Phase II Permit applies to operators of regulated small MS4s that discharge stormwater to waters of Washington State located west of the crest of the Cascade Range (west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties). For cities, the Permit requirements extend to those areas of each City that drain to MS4s. Most of Auburn drains to MS4s that ultimately discharge into the Green River, the White River, or Mill Creek. In addition, some portions of the City drain to public infiltration facilities where the stormwater soaks into the ground.

1.4 SWMP Implementation Responsibilities

The Utilities Engineering Division in the Community Development and Public Works Department coordinates the overall administration of efforts to comply with Permit requirements. The work plan tables in each Chapter provide the lead departments for the associated task. Other major departments/divisions included in the 2017 SWMP implementation are Maintenance and Operations (M&O), Human Resources (HR), Development Engineering, Permit Center, Innovation and Technology (IT), and Parks.

1.5 Document Organization

The contents of this document are based upon Permit requirements and Ecology's "Guidance for City and County Annual Reports for Western Washington, Phase II Municipal Stormwater General Permits." The program components of this SWMP are organized as listed in the Permit:

- **Section 2.0** addresses administering the City's Stormwater Management Program.
- **Section 3.0** addresses public education and outreach.
- **Section 4.0** addresses public involvement and participation.
- **Section 5.0** addresses illicit discharge detection and elimination.
- **Section 6.0** addresses controlling runoff from new development, redevelopment, and construction sites.
- **Section 7.0** addresses municipal operations and maintenance.
- **Section 8.0** addresses compliance with TMDL requirements.
- **Section 9.0** addresses monitoring.

Each section includes a summary of the relevant Permit requirements and a table showing the planned activities for 2017. This document also includes acronyms and definitions in Appendix A for easy reference.

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

2. STORMWATER MANAGEMENT PROGRAM ADMINISTRATION

This section of the SWMP describes Permit requirements related to overall Stormwater Management Program administration, and planned compliance activities for 2017.

2.1 Permit Requirements

The Permit (Section S5.A) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Develop and implement a Stormwater Management Program (SWMP) and prepare written documentation (SWMP Plan) for submittal to Ecology by March 31 of each year. The purpose of the SWMP is to reduce the discharge of pollutants from the municipal stormwater system to the maximum extent practicable and thereby protect water quality. The SWMP Plan is intended to inform the public of the planned SWMP activities for the upcoming calendar year, including any actions to meet the requirements of S7 Compliance with Total Maximum Daily Load Requirements, and S8 Monitoring.
- Implement a program for gathering, tracking, maintaining, and using information to evaluate SWMP development, implementation and permit compliance and to set priorities.
- Coordinate with other permittees on stormwater related policies programs, and projects within adjacent or shared areas.
- Coordinate between City departments to eliminate barriers to compliance with the terms of the permit.

2.2 Planned 2017 Compliance Activities

Auburn has positioned itself to maintain compliance. Table 2-1 presents the proposed work plan for the 2017 SWMP administration activities.

Table 2-1. 2017 Stormwater Management Administration Program Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
SWMP-1	Revise and update the City's Stormwater Management Program Plan (SWMP Plan) to identify planned SWMP activities for 2017.	Utilities Engineering	The SWMP submittal is due by March 31st of each year.
SWMP-2	Track program element implementation.	Utilities Engineering	Annual Reporting is due by March 31 st of each year.

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

3. PUBLIC EDUCATION AND OUTREACH

This section describes the Permit requirements related to public education and outreach, and planned compliance activities for 2017.

3.1 Permit Requirements

The Permit (Section S5.C.1) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Prioritize and target education and outreach activities to specified audiences, including the general public, businesses, residents/homeowners, landscapers, property managers, engineers, contractors, developers, and land use planners to build general awareness and to effect behavior change with the intent to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.
- Have an outreach program that is designed to improve the target audience's understanding of the problem and what they can do to solve it.
- Create and/or partner with existing organizations to encourage residents to participate in stewardship opportunities.
- Measure the understanding and adoption of the targeted behaviors for at least one target audience in at least one subject area. Use the resulting measurements to direct education and outreach resources most effectively.
- Track and maintain records of public education and outreach activities.

3.2 Planned 2017 Compliance Activities

The City plans to continue the program that has been developed over the last permit cycle. The target audiences include:

- The general public
- Businesses (including home-based and mobile businesses)
- Residents/homeowners
- Landscapers
- Property managers
- Engineers, contractors, developers and land use planners

Table 3-1 presents the work plan for the 2017 SWMP public education and outreach activities.

Table 3-1. 2017 Public Education and Outreach Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
EDUC-1	Continue collaboration with other NPDES municipalities through Stormwater Outreach for Regional Municipalities (STORM) and Puget Sound Starts Here efforts to promote regional education and outreach programs.	Utilities Engineering	Refinements to existing public education and outreach activities are ongoing.
EDUC-2	Refine education and outreach strategy to supplement existing education activities. An example would be evaluating the current pet waste cleanup education strategy to determine whether more frequent outreach is required.	Utilities Engineering	
EDUC-3	Implement new or modify existing education and outreach activities. An example would be adding new business types or revisiting businesses as part of the ECOSS Pollution Prevention Outreach program.	Utilities Engineering	
EDUC-4	Staff training related to Surface Water Management Manual Implementation/Technical Standards: • Permitting • Plan Review • Site Inspections • Maintenance Standards.	Community Development and Public Works Department	
EDUC-4a	Educate select city staff and elected officials to develop a common level of knowledge related to Low Impact Development stormwater management techniques.	Community Development and Public Works Department	Ongoing
EDUC-4b	Educate the general public and developers to develop a common level of knowledge related to Low Impact Development stormwater management principles and techniques.	Community Development and Public Works Department	Ongoing
EDUC-5	Inform public employees, businesses and the general public of the hazards associated with illegal discharges and improper disposal of waste.	Utilities Engineering	Ongoing
EDUC-6	Provide stewardship opportunities such as planting native plants and invasive species removal at the Auburn Environmental park.	Environmental Services	Ongoing

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

4. PUBLIC INVOLVEMENT AND PARTICIPATION

This section describes the Permit requirements related to public involvement and participation, and planned compliance activities for 2017.

4.1 Permit Requirements

The Permit (Section S5.C.2) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Provide ongoing opportunities for public involvement and participation through advisory boards or commissions, public hearings, watershed committees, public participation in developing rate structures and budgets, or other similar activities. The public must be able to participate in the decision-making processes, including development, implementation, and update of the SWMP.
- Make the SWMP Plan and Annual Compliance Report available to the public, by posting on the City's website. Make any other documents required to be submitted to Ecology in response to Permit conditions available to the public.

4.2 Planned 2017 Compliance Activities

The City of Auburn has a history of including the public in decision making. Table 4-1 below presents the work plan for the 2017 SWMP public involvement and participation activities.

Table 4-1. 2017 Public Involvement and Participation Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
PI-1	Provide public involvement opportunities for annual SWMP update.	Utilities Engineering	Public involvement opportunities will be available before the March 31, 2017 submittal.
PI-2	Make SWMP document Report available to public by posting on the City website.	Utilities Engineering	

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

5. ILLICIT DISCHARGE DETECTION AND ELIMINATION

This section describes the Permit requirements related to illicit discharge detection and elimination (IDDE), and planned compliance activities for 2017.

5.1 Permit Requirements

The Permit (Section S5.C.3) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement an ongoing program to detect and remove illicit discharges, connections, and improper disposal, including any spills into the municipal separate storm sewers owned or operated by the City.
- Maintain a storm sewer system map, have ordinances that prohibit illicit discharges, and implement an ongoing program to detect and address illicit discharges.
- Publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Track illicit discharge reports and actions taken in response through close-out, including enforcement actions.
- Inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste.
- Train staff on proper IDDE response SOPs and train municipal field staff to recognize and report illicit discharges.
- Summarize all illicit discharges and connections reported to the City and response actions taken, including enforcement actions, in the Annual Compliance Report; identify any updates to the SWMP.

5.2 Planned 2017 Compliance Activities

Table 5-1 presents the work plan for 2017 SWMP illicit discharge detection and elimination activities.

Table 5-1. 2017 Illicit Discharge Detection and Elimination Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
IDDE-1	Continue to implement City-wide IDDE Program and develop any necessary supplemental IDDE activities. Enforce ACC 13.48.210 using education and technical support as a first action and escalating code enforcement as needed. Publicize a phone number for public reporting of spills and illicit discharges.	Utilities Engineering	Ongoing
IDDE-2	Continue to review and update storm system map to address data gaps and Permit requirements.	Utilities Engineering/IT	Ongoing

IDDE-3	Provide IDDE training to new hires in Utility Engineering and Maintenance & Operations.	Utilities Engineering	Ongoing
IDDE-4	Perform IDDE field screening of at least 10% of MS4 to meet the requirement to screen at least 40% of the MS4 by 12/31/17 and 12% annually thereafter.	Utilities Engineering and M&O	Ongoing

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

6. CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT, AND CONSTRUCTION SITES

This section describes the Permit requirements related to controlling runoff from new development, redevelopment, and construction sites, and planned compliance activities for 2017.

6.1 Permit Requirements

The Permit (Section S5.C.4) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement, and enforce a program to reduce pollutants in stormwater runoff (i.e., illicit discharges) to the municipal separate storm sewer system from new development, redevelopment, and construction site activities. The program must apply to both private and public projects, including roads, and address all construction/development-associated pollutant sources.
- Have adopted regulations (codes and standards), plan review, inspection, and escalating enforcement SOPs necessary to implement the program in accordance with Permit conditions, including the minimum technical requirements in Appendix 1 of the Permit by December 31, 2016.
- Review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID best management practices (BMPs) with the intent of making LID the preferred and commonly-used approach to site development by December 31, 2016.
- Participate in watershed-scale stormwater planning under condition S5.C.4.c of the Phase I Municipal Stormwater General Permit if required.
- Have adopted regulations (codes and standards) and processes to verify adequate long-term operations and maintenance of new post-construction permanent stormwater facilities and BMPs in accordance with Permit conditions, including an annual inspection frequency and/or approved alternative inspection frequency and maintenance standards for private drainage systems as protective as those in Chapter 4 of Volume V of the 2012 Ecology Stormwater Management Manual for Western Washington by December 31, 2016.
- Provide copies of the Notice of Intent (NOI) for construction or industrial activities to representatives of the proposed new development and redevelopment.
- Provide training to staff on the new codes, standards, and SOPs and create public education and outreach materials.
- Record and maintain records of all inspections and enforcement actions by staff.
- Summarize annual activities for the “Controlling Runoff” component of the Annual Compliance Report; identify any updates to the SWMP.

6.2 Planned 2017 Compliance Activities

The City has a program to help reduce stormwater runoff from new development and construction sites. Table 6-1 presents the work plan for 2017 SWMP activities related to runoff control for new development, redevelopment, and construction sites.

Table 6-1. 2017 Controlling Runoff from Development, Redevelopment, and Construction Sites Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
CTRL-1	Track and report construction, new development, and redevelopment permits, inspections and enforcement actions.	Planning/ Permit Center	On-going
CTRL-1a	Prior to clearing and construction, inspect all permitted development sites that have a high potential for sediment transport.	Construction	On-going
CTRL-1b	Inspect all permitted development sites during construction.	Construction	On going
CTRL-1c	Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy.	Construction	Ongoing
CTRL-1d	Inspect all permanent stormwater treatment and flow control BMPs/facilities and catch basins in new residential developments every six months until 90% of the lots are constructed or construction has stopped and site is fully stabilized.	Construction	Ongoing
CTRL-2	Conduct annual inspection of all treatment and flow control BMPs/facilities (other than catch basins) – i.e., private systems.	Utilities Engineering	On-going
CTRL-6	Provide copies of the "Notice of Intent for Construction Activity" and copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment.	Permit Center	Ongoing
CTRL-7	Enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.	Construction and Code Enforcement	Ongoing

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

7. MUNICIPAL OPERATIONS AND MAINTENANCE

This section describes the Permit requirements related to municipal operations and maintenance, and planned compliance activities for 2017.

7.1 Permit Requirements

The Permit (Section S5.C.5) requires the City to fulfill the following actions during the 5-year Permit cycle:

- Implement an O&M program, with the ultimate goal of preventing or reducing pollutant runoff from municipal separate stormwater system and municipal O&M activities.
- Implement maintenance standards for the municipal separate stormwater system that are at least as protective as those specified in the 2012 Stormwater Management Manual for Western Washington as amended in 2014.
- Conduct annual inspection of all municipally owned or operated permanent stormwater treatment and flow control BMPs/facilities and perform maintenance as needed to comply with maintenance standards.
- Inspect all catch basins and inlets owned or operated by the City at least once no later than August 1, 2017 and every two years thereafter. Clean the catch basins if inspections indicate cleaning is needed to comply with maintenance standards.
- Check treatment and flow control facilities after major storms and perform repairs as needed in accordance with adopted maintenance standards.
- Have SOPs in place to reduce stormwater impacts associated with runoff from municipal O&M activities, including but not limited to streets, parking lots, roads, or highways owned or maintained by the City, and to reduce pollutants in discharges from all lands owned or maintained by the City.
- Train staff to implement the SOPs and document the training.
- Prepare Stormwater Pollution Prevention Plans (SWPPPs) for all heavy equipment maintenance or storage yards identified for year-round facilities or yards, and material storage facilities owned or operated by the City.
- Summarize annual activities for the “Pollution Prevention and Operations and Maintenance for Municipal Operations” component of the Annual Compliance Report; identify any updates to the SWMP.

7.2 Planned 2017 Compliance Activities

Table 7-1 presents the work plan for 2017 SWMP activities related to municipal operations and maintenance.

Table 7-1. 2017 Municipal Operations and Maintenance Work Plan			
Task ID	Task Description	Responsible	Schedule Notes
MOM-1	Conduct annual inspection of all treatment and flow control (other than catch basins) in the public system and perform maintenance as triggered by the maintenance standards.	Community Development and Public Works Department	On-going
MOM-2	Complete inspection of 100% of the catch basins between August 1, 2013 and August 1, 2017.	M&O	On-going
MOM-3	Perform street sweeping to reduce the amount of street waste that enters the storm drainage conveyance system.	M&O	Ongoing
MOM-4	Implement Low Impact Development maintenance standards, levels of service and inspection procedures adopted in 2016.	Community Development and Public Works, and Parks Departments	Ongoing
MOM-5	Update SWPPP for City maintenance facilities.	Community Development and Public Works, and Parks Departments	June 2017

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

8. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS

The federal Clean Water Act requires that Ecology establish “Total Maximum Daily Loads” (TMDL) for rivers, streams, lakes, and marine waters that don’t meet water quality standards. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards. After the TMDL has been calculated for a given water body, Ecology determines how much each source must reduce its discharges of the pollutant in order bring the water body back into compliance with the water quality standards. TMDL requirements are included in the stormwater NPDES permits for discharges into affected water bodies.

Stormwater discharges covered under this Permit are required to implement actions necessary to achieve the pollutant reductions called for in applicable TMDLs. Applicable TMDLs are those approved by the EPA before the issuance date of the Permit or which have been approved by the EPA prior to the issue date of the Permit or the date Ecology issues coverage under the Permit, whichever is later. Information on Ecology’s TMDL program is available on Ecology’s website at www.ecy.wa.gov/programs/wq/tmdl.

In accordance with Permit condition S7 Compliance with Total Maximum Daily Load Requirements the City must comply with the following TMDL.

Name of TMDL	Puyallup Watershed Water Quality Improvement Project
Document(s) for TMDL	<i>Puyallup River Watershed Fecal Coliform Total Maximum Daily Load – Water Quality Improvement Report and Implementation Plan</i> , June 2011, Ecology Publication No. 11-10-040. https://fortress.wa.gov/ecy/publications/SummaryPages/1110040.html
Location of Original 303(d) Listings	Puyallup River 16712, 7498, White River 16711, 16708, 16709, Clear Creek 7501, Swan Creek 7514, Boise Creek 16706
Area Where TMDL Requirements Apply	Requirements apply in all areas regulated under the Permittee’s municipal stormwater permit and discharging to water bodies listed within the specific requirement in this TMDL section.
Parameter	Fecal Coliform
EPA Approval Date	September 2011
MS4 Permittee	Phase I Permit: King County, Pierce County Phase II Permit: Auburn, Edgewood, Enumclaw, Puyallup, Sumner

Actions required of the City under this TMDL include:

- Beginning no later than October 1, 2013, conduct twice monthly wet weather sampling of stormwater discharges to the White River at Auburn Riverside High School to determine if specific discharges from Auburn's MS4 exceed the water quality criteria for fecal coliform bacteria.
 - Data shall be collected for one wet season.
 - Data shall be collected in accordance with an Ecology-approved QAPP.
 - Data collected since EPA TMDL approval can be used to meet this requirement.

These actions have been completed.

- For any of the outfalls monitored, showing discharges that exceed water quality criteria for primary contact recreation: designate those areas discharging via the MS4 of concern as high priority areas for illicit discharge detection and elimination efforts and implement the schedules and activities identified in S5.C.3 of the Western Washington Phase II permit for response to any illicit discharges found beginning no later than August 1, 2014.

This action has been completed.

- Install and maintain pet waste education and collection stations at municipal parks and other Permittee owned and operated lands adjacent to streams. Focus on locations where people commonly walk their dogs.

8.1 Planned 2017 Compliance Activities

Table 8-1 presents the work plan for 2017 SWMP activities related to TMDL requirement compliance.

Table 8-1. 2017 Compliance with TMDL Load Requirements			
Task ID	Task Description	Responsible	Schedule Notes
TMDL - 1	Include summary of activities conducted in TMDL area to address TMDL parameter (fecal coliform) with annual report to Ecology.	Utilities Engineering	March 31, 2017
TMDL-2	Maintain pet waste education and collection stations at municipal parks and other public lands adjacent to the White River and its tributaries.	Parks Department	On-going

CITY OF AUBURN 2017 STORMWATER MANAGEMENT PROGRAM PLAN

9. MONITORING

This section describes the Permit requirements related to water quality monitoring, and planned compliance activities for 2017.

9.1 Permit Requirements

The Permit (Section S8) requires the City to either conduct Status and Trends Monitoring, and Effectiveness Studies, or pay annually into a collective fund to implement monitoring through the Regional Stormwater Monitoring Program (RSMP). The City committed in 2013 to pay \$45,096.00 annually into the collective RSMP monitoring fund for both Status and Trends Monitoring and Effectiveness Studies.

All permittees are required to pay into the RSMP to implement the RSMP Source Identification Information Repository (SIDIR). Auburn's annual payment will be \$2,614.00.

Payments are due to the Department of Ecology by August 15th each year.

The City is required to provide the following monitoring and/or assessment data in each annual report:

- A description of any stormwater monitoring or studies conducted by the City during the reporting period. If stormwater monitoring was conducted on behalf of the City, or if studies or investigations conducted by other entities were reported to the City, a brief description of the type of information gathered or received shall be included in the annual report.

9.2 Planned 2017 Compliance Activities

Table 9-1 presents the work plan for 2017 SWMP monitoring activities.

Table 9-1. 2017 Water Quality Monitoring Work Plan			
Task ID	Task Description	Lead	Compliance Timeframe
MNTR -1	Pay \$47,710.00 annually into the RSMP collective fund for implementation of Status and Trends Monitoring, Effectiveness Studies, and the Source Identification Information Repository.	Utilities Engineering	Annual payment due by August 15 th .

Acronyms and Definitions

The following definitions and acronyms are taken directly from the Phase II Permit and are reproduced here for the reader's convenience.

40 CFR means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

AKART means all known, available, and reasonable methods of prevention, control and treatment. See also State Water Pollution Control Act, chapter 90.48.010 RCW and chapter 90.48.520 RCW.

All known, available and reasonable methods of prevention, control and treatment refers to the State Water Pollution Control Act, chapter 90.48.010 RCW and chapter 90.48.520 RCW.

Applicable TMDL means a TMDL which has been approved by EPA on or before the issuance date of this Permit, or prior to the date that Ecology issues coverage under this Permit, whichever is later.

Beneficial Uses means uses of waters of the state which include but are not limited to use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

Best Management Practices are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

BMP means Best Management Practice.

Bypass means the diversion of stormwater from any portion of a stormwater treatment facility.

Census defined urban area means Urbanized Area.

Circuit means a portion of a MS4 discharging to a single point or serving a discrete area determined by traffic volumes, land use, topography or the configuration of the MS4.

Component or Program Component means an element of the Stormwater Management Program listed in S5 Stormwater Management Program for Cities, Towns, and Counties or S6 Stormwater Management Program for Secondary Permittees, S7 Compliance with Total Maximum Daily Load Requirements, or S8 Monitoring of this permit.

Conveyance system means that portion of the municipal separate storm sewer system designed or used for conveying stormwater.

Co-Permittee means an owner or operator of an MS4 which is in a cooperative agreement with at least one other applicant for coverage under this permit. A Co-Permittee is an owner or operator of a regulated MS4 located within or in proximity to another regulated MS4. A Co-Permittee is only responsible for permit conditions relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1)

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq).

Director means the Director of the Washington State Department of Ecology, or an authorized representative.

Discharge Point means the location where a discharge leaves the Permittee's MS4 through the Permittee's MS4 facilities/BMPs designed to infiltrate.

Entity means a governmental body, or a public or private organization.

EPA means the U.S. Environmental Protection Agency.

General Permit means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

Ground water means water in a saturated zone or stratum beneath the surface of the land or below a surface water body. Refer to chapter 173-200 WAC.

Hazardous substance means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or WAC 173-303-100.

Heavy equipment maintenance or storage yard means an uncovered area where any heavy equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are washed or maintained, or where at least five pieces of heavy equipment are stored on a long-term basis.

Highway means a main public road connecting towns and cities.

Hydraulically near means runoff from the site discharges to the sensitive feature without significant natural attenuation of flows that allows for suspended solids removal. See Appendix 7 Determining Construction Site Sediment Damage Potential for a more detailed definition.

Hyperchlorinated means water that contains more than 10 mg/Liter chlorine.

Illicit connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this

permit (S5.C.3 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.

Illicit discharge means any discharge to a MS4 that is not composed entirely of stormwater or of non-stormwater discharges allowed as specified in this permit (S5.C.3 and S6.D.3).

Impervious surface means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Land disturbing activity means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

LID means Low Impact Development.

LID BMP means low impact development best management practices.

LID Principles means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

Low Impact Development means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low impact development best management practices means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

Material Storage Facilities means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

Maximum Extent Practicable refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act which reads as follows: Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.

MEP means Maximum Extent Practicable.

MS4 means municipal separate storm sewer system.

Municipal Separate Storm Sewer System means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of Washington State.
- (ii) Designed or used for collecting or conveying stormwater.
- (iii) Which is not a combined sewer;
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.; and
- (v) Which is defined as “large” or “medium” or “small” or otherwise designated by Ecology pursuant to 40 CFR 122.26.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

Native vegetation means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include trees such as Douglas Fir, western hemlock, western red cedar, alder, big-leaf maple; shrubs such as willow, elderberry, salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and fireweed.

New development means land disturbing activities, including Class IV General Forest Practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development. Refer to Appendix 1 for a definition of hard surfaces.

New Permittee means a city, town, or county that is subject to the *Western Washington Municipal Stormwater General Permit* and was not subject to the permit prior to August 1, 2013.

New Secondary Permittee means a Secondary Permittee that is covered under a municipal stormwater general permit and was not covered by the permit prior to August 1, 2013.

NOI means Notice of Intent.

Notice of Intent means the application for, or a request for coverage under a General Permit pursuant to WAC 173-226-200.

Notice of Intent for Construction Activity means the application form for coverage under the

Construction Stormwater General Permit.

Notice of Intent for Industrial Activity means the application form for coverage under the *General Permit for Stormwater Discharges Associated with Industrial Activities*.

NPDES means National Pollutant Discharge Elimination System.

Outfall means a point source as defined by 40 CFR 122.2 at the point where a discharge leaves the Permittee's MS4 and enters a surface receiving waterbody or surface receiving waters. Outfall does not include pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey primarily surface waters (i.e., culverts).

Permeable pavement means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Permittee unless otherwise noted, the term "Permittee" includes city, town, or county Permittee, Co-Permittee, New Permittee, Secondary Permittee, and New Secondary Permittee.

Physically Interconnected means that one MS4 is connected to another storm sewer system in such a way that it allows for direct discharges to the second system. For example, the roads with drainage systems and municipal streets of one entity are physically connected directly to a storm sewer system belonging to another entity.

Project site means that portion of a property, properties, or right-of-ways subject to land disturbing activities, new hard surfaces, or replaced hard surfaces. Refer to Appendix 1 for a definition of hard surfaces.

QAPP means Quality Assurance Project Plan.

Qualified Personnel means someone who has had professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee. Qualified Personnel may be staff members, contractors, or volunteers.

Quality Assurance Project Plan means a document that describes the objectives of an environmental study and the procedures to be followed to achieve those objectives.

RCW means the Revised Code of Washington State.

Receiving waterbody or receiving waters means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or ground water, to which infiltration MS4 discharges.

Redevelopment means, on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities. Refer to Appendix 1 for a definition of hard surfaces.

Regional Stormwater Monitoring Program means, for all of western Washington, a stormwater-focused monitoring and assessment program consisting of these components: status and trends monitoring in small streams and marine nearshore areas, stormwater management program effectiveness studies, and a source identification information repository (SIDIR). The priorities and

scope for the RSMP are set by a formal stakeholder group. For this permit term, RSMP status and trends monitoring will be conducted in the Puget Sound basin only.

Regulated Small Municipal Separate Storm Sewer System means a Municipal Separate Storm Sewer System which is automatically designated for inclusion in the Phase II stormwater permitting program by its location within an Urbanized Area, or by designation by Ecology and is not eligible for a waiver or exemption under S1.C.

RSMP means Regional Stormwater Monitoring Program.

Runoff is water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system. See also “Stormwater.”

Secondary Permittee is an operator of a regulated small MS4 which is not a city, town or county. Secondary Permittees include special purpose districts and other public entities that meet the criteria in S1.B.

Sediment/Erosion-Sensitive Feature means an area subject to significant degradation due to the effect of construction runoff, or areas requiring special protection to prevent erosion. See Appendix 7 Determining Construction Site Sediment Transport Potential for a more detailed definition.

Shared water bodies means water bodies, including downstream segments, lakes and estuaries that receive discharges from more than one Permittee.

SIDIR means Source Identification Information Repository.

Significant contributor means a discharge that contributes a loading of pollutants considered to be sufficient to cause or exacerbate the deterioration of receiving water quality or instream habitat conditions.

Small Municipal Separate Storm Sewer System means an MS4 that is not defined as “large” or “medium” pursuant to 40 CFR 122.26(b)(4) & (7) or designated under 40 CFR 122.26 (a)(1)(v).

Source control BMP means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The *SWMMWW* separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the *SWMMWW* (2012) for details.

Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff, drainage or interflow.

Stormwater Associated with Industrial and Construction Activity means the discharge from any conveyance which is used for collecting and conveying stormwater, which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant, or associated with clearing, grading and/or excavation, and is required to have an NPDES permit in accordance with 40 CFR 122.26.

Stormwater Management Program means a set of actions and activities designed to reduce the discharge of pollutants from the MS4 to the MEP and to protect water quality, and comprising the components listed in S5 (for cities, towns and counties) or S6 (for Secondary Permittees) of this Permit and any

additional actions necessary to meet the requirements of applicable TMDLs pursuant to *S7 Compliance with TMDL Requirements*, and *S8 Monitoring and Assessment*.

Stormwater Treatment and Flow Control BMPs/Facilities means detention facilities, treatment BMPs/facilities, bioretention, vegetated roofs, and permeable pavements that help meet Appendix 1 Minimum Requirements #6 (treatment), #7 (flow control), or both.

SWMMWW or Stormwater Management Manual for Western Washington means *Stormwater Management Manual for Western Washington (as amended in 2014)*.

SWMP means Stormwater Management Program.

TMDL means Total Maximum Daily Load.

Total Maximum Daily Load means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources.

The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

Tributary conveyance means pipes, ditches, catch basins, and inlets owned or operated by the Permittee and designed or used for collecting and conveying stormwater.

UGA means Urban Growth Area.

Urban Growth Area means those areas designated by a county pursuant to RCW 36.70A.110.

Urbanized Area is a federally-designated land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. Urbanized Areas are designated by the U.S. Census Bureau based on the most recent decennial census.

Vehicle Maintenance or Storage Facility means an uncovered area where any vehicles are regularly washed or maintained, or where at least 10 vehicles are stored.

Water Quality Standards means Surface Water Quality Standards, chapter 173-201A WAC, Ground Water Quality Standards, chapter 173-200 WAC, and Sediment Management Standards, chapter 173-204 WAC.

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

Waters of the United States refers to the definition in 40 CFR 122.2.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Public Hearing on 2017-2022 Transportation Improvement Program Modification

Date:

February 28, 2017

Department:

CD & PW

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council conduct a public hearing to receive public comments and suggestions with regard to the proposed modification to the 2017-2022 Transportation Improvement Program (TIP). Attachments can be found with Resolution No. 5272.

Background Summary:

Pursuant to RCW 35.77.010 the City is required to prepare and adopt a Transportation Improvement Program (TIP) for the ensuing six years. The program may be revised at any time by a majority of the City Council, but only after conducting a public hearing.

The date of public hearing was set by Resolution No. 5271 on February 21, 2017.

Reviewed by Council Committees:**Councilmember:****Staff:**

Snyder

Meeting Date:

March 6, 2017

Item Number:

PH.2



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the February 13, 2017 Special City Council Meeting

Date:

February 28, 2017

Department:

Administration

Attachments:

[Minutes](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: March 6, 2017

Item Number: CA.A



Special City Council Meeting
February 13, 2017 - 5:00 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

Mayor Nancy Backus called the special meeting to order at 5:00 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street, Auburn.

The purpose of the special meeting was to consider Ordinance No. 6637 and Resolution No. 5282.

II. ORDINANCES

- A. Ordinance No. 6637 (Heid)
An Ordinance of the City Council of the City of Auburn, Washington, amending Section 19.04.070, 19.08.020 and 19.08.030 of the Auburn City Code relating to traffic and park impact fees, and amending the master fee schedule relating to building, planning and engineering fees for development projects on certain real property within the downtown core area

Deputy Mayor Wales moved and Councilmember Trout-Manuel seconded to adopt Ordinance No. 6637.

Ordinance No. 6637 was discussed by Council at a previous study session.

MOTION CARRIED UNANIMOUSLY. 7-0

III. RESOLUTIONS

- A. Resolution No. 5282 (Heid)
Option "A"
A Resolution of the City Council of the City of Auburn, Washington, naming the West Hill Lake Park Property within the corporate limits of the City of Auburn in honor of former Mayor Peter B. Lewis

Option "B"
A Resolution of the City Council of the City of Auburn, Washington re-naming the Auburn Environmental Park property within the corporate limits of the City of Auburn in honor of former Mayor Peter B. Lewis

Deputy Mayor Wales moved and Councilmember DaCorsi seconded to adopt Resolution No. 5282, Option A.

Deputy Mayor Wales stated Option A approves the naming of West Hill lake park property in honor of former Mayor Peter B. Lewis.

Councilmember Pelosa stated former Mayor Lewis prefers the West Hill lake park property. Councilmembers Wagner and Trout-Manuel concurred.

MOTION CARRIED UNANIMOUSLY. 7-0

IV. **ADJOURNMENT**

There being no further business before the Council at the special meeting, the meeting adjourned at 5:05 p.m.

APPROVED this 6th day of March, 2017

NANCY BACKUS, MAYOR

Danielle Daskam, City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the February 21, 2017 Regular City Council Meeting

Date:

February 28, 2017

Department:

Administration

Attachments:

[02-21-2017 Regular Meeting Minutes](#)

Budget Impact:

\$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: March 6, 2017

Staff:

Item Number: CA.B



City Council Meeting
February 21, 2017 - 7:00 PM
Auburn City Hall
MINUTES

I. CALL TO ORDER

A. Pledge of Allegiance

Mayor Nancy Backus called the meeting to order at 7:00 p.m. in the City Hall Council Chambers located at 25 West Main Street in Auburn. Mayor Backus led those in attendance in the Pledge of Allegiance.

B. Roll Call

City Councilmembers present: Deputy Mayor Largo Wales, Bob Baggett, Claude DaCorsi, John Holman, Bill Peloza, Yolanda Trout-Manuel, and Rich Wagner.

Mayor Nancy Backus was in attendance, and the following department directors and staff members were present: City Attorney Dan Heid, Community Development and Public Works Director Kevin Snyder, Parks, Arts and Recreation Director Daryl Faber, Assistant Director of Engineering Services/City Engineer Ingrid Gaub, Police Chief Bob Lee, Assistant Police Chief Bill Pierson, Director of Administration Dana Hinman, Human Services Manager Erica Azcueta, Innovation and Technology Director Paul Haugan, Finance Director Shelley Coleman, and Deputy City Clerk Shawn Campbell.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

There were no announcements, proclamations or presentations.

III. APPOINTMENTS

A. Cemetery Board Reappointment

City Council to confirm the reappointment of Robert Rakos to the Cemetery Board for a three-year term to expire December 31, 2019.

Mayor Backus read all appointments to the Cemetery Board, Business Improvement Area Board, Auburn Tourism Board, Lodging Tax Advisory Board, and the Transportation Advisory Board for confirmation. Mayor Backus noted Daryl Faber is no longer under consideration for appointment to the Lodging Tax Advisory Board.

Deputy Mayor Wales moved and Councilmember Holman second to approve all of the proposed appointments.

MOTION CARRIED UNANIMOUSLY. 7-0

B.

Boards and Commission Appointments

City Council to confirm the following appointments to the Boards and Commissions:

Business Improvement Area Board

Recommend appointment to serve three-year terms to expire December 31, 2019:

- Giovanni DiQuattro
- Josef Forsberg
- Laura Theimer
- Megan White

Recommend appointment to serve a two-year term to expire December 31, 2018:

- Ronnie Robert
- Kirk Lantier
- Kelly Gordon
- Darren Jones

Recommend appointment to serve a one-year term to expire December 31, 2017:

- Lynda Krill
- Ruth Neil-Stover
- William Cowart

Recommend appointment to serve as alternates on the board:

- Robert Klontz
- David Haynes

Auburn Tourism Board

City Council confirm the appointment to serve a three-year term to expire December 31, 2019:

- Reggie Matto
- Ronnie Roberts
- Nicole Thissell
- James Wilson

Recommend appointment to serve a two-year term to expire December 31, 2018:

- Kacie Bray
- Rebecca Frisch
- Ashley Mohoric

Recommend appointment to serve a one-year term to expire December 31, 2017:

- Tonia Jones
- Julie Krueger
- Rachael McAlister

Lodging Tax Advisory Board

Recommend appointment to serve a two-year term to expire December 31, 2018:

- Susan Roberts

Recommend appointment to serve a one-year term to expire December 31, 2017:

- Aman Ghag

See Cemetery Board Reappointments for approval.

C. Transportation Advisory Board

City Council to approve the appointment of the following candidates who will fill unexpired terms from members who have resigned from the board:

- Josef Forsberg - term to expire December 31, 2017
- David Jensen - term to expire December 31, 2019

See Cemetery Board Reappointments for approval.

IV. AGENDA MODIFICATIONS

There was no modification to the agenda.

V. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Public Hearing for the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) (Hinman)
City Council to conduct a public hearing on the 2016 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) program

Human Services Manager Azcueta explained the report referenced in tonight's public hearing is on the work performed in 2015.

Mayor Backus opened the Public Hearing at 7:07 pm. No one came forward to speak, and the hearing was closed.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Brittney Rivera, 123 C Street NW Auburn

Ms. Rivera read a portion of a proposed resolution she would like the City Council to consider regarding sanctuary cities. She stated 20% of Auburn residents are immigrants.

Andrew Dunloy, 212 E St SW, Auburn

Mr. Dunloy read another portion of a proposed resolution he would like the City Council to consider regarding sanctuary cities.

Mayra Castro, 725 37th ST SE, Auburn

Ms. Castro read another portion of a proposed resolution she would like the City Council to consider regarding sanctuary cities. She stated undocumented residents are less likely to report crimes.

Brian Rivara - 123 C Street NW, Auburn

Mr. Rivara read another portion of a proposed resolution he would like the City Council to consider regarding sanctuary cities. He stated if the Federal Government removes funding from the City of Auburn, the City could ask the Muckleshoot Indian Tribe to replace those funds.

Antonio Flores, 747 37th ST SE, Auburn

Mr. Flores read a prepared statement asking for Council to support the sanctuary cities legislation. He stated when laws are unjust people must fight to have the law changed.

Erandy Flores, 747 37th ST SE, Auburn

Ms. Flores provided Council with a synopsis of a proposed ordinance regarding sanctuary cities she would like Council to consider.

Heather McMahon, 1310 22nd St SE, Auburn

Ms. McMahon stated there is a drug house in her neighborhood. She has called the police, several people have been arrested but there is increased drug activity again. She requested assistance in fixing the problem.

Mark Gaves, 747 37th St SE, Auburn

Mr. Gaves is the Pastor at New Hope Church. He spoke regarding Remembrance Day. He asked Council to protect the residents of Auburn from being taken by immigration.

C. Correspondence

There was no correspondence for Council to review.

VI. COUNCIL AD HOC COMMITTEE REPORTS

Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendations to the City Council, if any.

Councilmember Baggett reported on behalf of the Finance ad hoc committee that reviews claims and payroll vouchers. Councilmember Baggett reported that he and Councilmember Wagner reviewed the claims and payroll vouchers as presented and described on this evening's agenda and recommend City Council approval.

Councilmember Wagner reported the final recommendation of the ad hoc committee established to review the Council structure is on the agenda for consideration tonight.

Councilmember Pelozo reported the final recommendation of the ad hoc committee established to review the Council Travel Budget is on the agenda for consideration tonight.

Councilmember DaCorsi reported on the ad hoc committee established to review annual selection of Deputy Mayor is currently reviewing information from numerous jurisdictions and will be making a presentation at a later date.

Councilmember Trout-Manual reported on the ad hoc committee established to review the inclusive city. They have meet once and are still collecting information. the committee will report back to the full Council at a later date.

VII. **CONSENT AGENDA**

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

- A. Minutes of the January 17, 2017 Regular City Council Meeting
- B. Minutes of the January 9, 2017 City Council Study Session
- C. Claims Vouchers (Coleman)
Claims voucher numbers 442409 through 442627 in the amount of \$1,645,855.44 and eight wire transfers in the amount of \$635,256.02 and dated February 6, 2017.

Claims voucher numbers 442628 through 442824 in the amount of \$4,721,602.95 and five wire transfers in the amount of \$348,591.60 dated February 21, 2017.

- D. Payroll Vouchers (Coleman)
Payroll check numbers 537067 through 537095 in the amount of \$767,089.07 and electronic deposit transmissions in the amount of \$1,447,906.45 for a grand total of \$2,214,995.52 for the period covering January 12, 2017 to February 1, 2017.

Payroll check numbers 537096 through 537125 in the amount of \$582,276.24, electronic deposit transmissions in the amount of \$1,487,424.42 for a grand total of \$2,069,700.66 for the period covering February 2, 2017 to February 15, 2017.

- E. Public Works Project No. CP1218 (Snyder)
City Council to award Contract No. 16-20, to Miles Resources LLC on their low bid of \$3,583,708.93 plus Washington State sales tax of \$70,652.38 for a total price of \$3,654,361.31 for Project No. CP1218, Auburn Way South Corridor Safety Improvements (Muckleshoot Plaza to Dogwood St SE) project
- F. Public Works Project No. CP1606 (Snyder)

City Council to award Contract No. 17-04 to Road Construction Northwest on their low bid of \$357,447.50 plus Washington State sales tax of \$33,957.51 for a total price of \$391,405.01 for Project No. CP1606, Auburn Teen and Community Center (H Street SE Extension) project

- G. Public Works Project No. C512A (Snyder)
City Council to approve Final Pay Estimate No. 11 to Contract No. 13-12 in the amount of \$0.00 and accept construction of Project No. C512A, Well 4 Emergency Power Improvements

Deputy Mayor Wales moved and Councilmember Trout-Manual seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

VIII. UNFINISHED BUSINESS

There was no unfinished business.

IX. NEW BUSINESS

There was no new business.

X. ORDINANCES

- A. Ordinance No. 6636 (Coleman)
An Ordinance of the City Council of the City of Auburn, Washington, establishing the Local Sales and Use Tax rate for local revitalization financing for 2017

Councilmember Wagner moved and Councilmember Holman seconded to adopt Ordinance No. 6636.

Councilmember Wagner stated the funds are a low interest loan that allow the City to do improvements to the City infrastructure.

MOTION CARRIED UNANIMOUSLY. 7-0

- B. Ordinance No. 6638 (Snyder)
An Ordinance of the City Council of the City of Auburn, Washington, amending the City of Auburn Downtown Urban Center Design Standards Pedestrian Street Map adopted by Section 18.29.070 of the City Code

Deputy Mayor Wales moved and Councilmember DaCorsi seconded to adopt Ordinance No. 6638.

Deputy Mayor Wales stated this will allow the City to have the area next to the theater developed.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. RESOLUTIONS

- A. Resolution No. 5270 (Snyder)

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a contract between the City of Auburn and the City of Algona for decant facilities usage and street sweeping services

Deputy Mayor Wales moved and Councilmember Baggett seconded to adopt Resolution No. 5270.

MOTION CARRIED UNANIMOUSLY. 7-0

- B. Resolution No. 5271 (Snyder)
A Resolution of the City Council of the City of Auburn, Washington, setting a hearing date in relation to amending the 2017-2022 Transportation Improvement Program of the City of Auburn pursuant to Chapter 35.77 of the revised Code of Washington

Councilmember Pelozo moved and Councilmember Holman seconded to adopt Resolution No. 5271.

MOTION CARRIED UNANIMOUSLY. 7-0

- C. Resolution No. 5273 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an agreement between the City of Auburn and Seattle-King County Department of Public Health regarding the 2017-2018 Local Hazardous Waste Management Program

Deputy Mayor Wales moved and Councilmember DaCorsi seconded to adopt Resolution No. 5273.

Deputy Mayor Wales stated this is an annual agreement for the education of the community on hazardous waste.

MOTION CARRIED UNANIMOUSLY. 7-0

- D. Resolution No. 5274 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to execute an agreement between the City of Auburn and King County to implement the 2017-2018 Waste Reduction and Recycling Grant Program and accepting program grant funds

Councilmember Pelozo moved and Councilmember Trout-Manual seconded to adopt Resolution No. 5274.

MOTION CARRIED UNANIMOUSLY. 7-0

- E. Resolution No. 5275 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the transfer of funds for the purpose of making loans from the general fund and/or the cumulative reserve fund to funds sustained by grants, fees, or tax credits sustained or project focused special revenue fund for up to a three-year period of time

Deputy Mayor Wales moved and Councilmember Baggett seconded to adopt Resolution No. 5275.

MOTION CARRIED UNANIMOUSLY. 7-0

- F. Resolution No. 5278 (Coleman)
A Resolution of the City Council of the City of Auburn, Washington, authorizing the City of Auburn to impose a Sales and Use Tax as authorized by RCW 82.14.415 as a credit against State Sales and Use Tax, relating to annexations

Deputy Mayor Wales moved and Councilmember Baggett seconded to adopt Resolution No. 5278.

Deputy Mayor Wales stated these funds are used to offset expense from annexing an area into the City.

Councilmember Wagner noted this is not adding a new tax. It takes funds already paid in State Sales and Use Taxes and redistributes more of those funds back to the City.

MOTION CARRIED UNANIMOUSLY. 7-0

- G. Resolution No. 5280 (Heid)
A Resolution of the City Council of the City of Auburn, Washington, approving and authorizing the execution of Police Department Tow Company Rotation List agreements

Councilmember Pelosa moved and Councilmember Trout-Manual seconded to adopt Resolution No. 5280.

Deputy Mayor Wales asked if this item had been brought to Council at a Study Session. City Attorney Heid stated it had not. Typically resolutions do not go to study sessions prior to a Council meeting for consideration. He stated there is small adjustment to the price per tow. The fees are based on the Washington State Patrol contract.

Deputy Mayor Wales stated the fees are not competitive and the tow companies want higher fees. The tow companies do not feel their costs are covered.

Councilmember Holman stated tow companies add themselves to the list and the Police Department simply calls the next company on the list each time they need a vehicle towed.

MOTION CARRIED 6-1 Deputy Mayor Wales voted no.

- H. Resolution No. 5283 (Heid)
A Resolution of the City Council of the City of Auburn, Washington, amending the City Council Rules of Procedure as adopted by Ordinance No. 5802 and amended by Resolution numbers. 4282, 4429, 4467, 4615, 4686, 4740, 4813, 4909, 5105, 5112, 5115, 5217 and 5240

Councilmember Wagner moved and Councilmember DaCorsi seconded to approve Resolution No. 5283.

Councilmember Wagner stated this is a change in the way business is brought before the Council for consideration.

Councilmember DaCorsi stated he felt that being a member of the ad hoc committee was very rewarding. The new system is better for Council and the City.

Councilmember Pelosa thanked ad hoc committee. He stated the new system puts Councilmembers in leadership positions.

Councilmember Baggett stated he was against the proposed plan when Council was broken into small groups. He wants to work together with the full Council. He believes this will benefit the residents of Auburn.

MOTION CARRIED UNANIMOUSLY. 7-0

- I. Resolution No. 5285 (Snyder)
A Resolution of the City Council of the City of Auburn, Washington, approving and accepting the Hazard Mitigation Grant for Reservoir 1 Seismic Control Valve

Councilmember Wagner moved and Councilmember Baggett seconded to adopt Resolution No. 5285.

Councilmember Wagner stated this will improve the safety of the whole water system.

MOTION CARRIED UNANIMOUSLY. 7-0

- J. Resolution No. 5286 (Snyder)
A Resolution of the City Council of the City of Auburn, Washington expressing its desire and support for the near-term redevelopment of the former Valley 6 Drive-In Theater complex also know as the Auburn Gateway Project

Councilmember Wagner moved and Councilmember Holman seconded to adopt Resolution No. 5286.

Councilmember Wagner stated this property has the potential for additional commercial and residential development in the City. The resolution shows continued support for the development and lists what the city has already done to support the area.

Councilmember DaCorsi said the City has the opportunity to make a pocket in this area for neighborhood development.

MOTION CARRIED UNANIMOUSLY. 7-0

XII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on their significant City-related activities since the last regular Council meeting.

A. From the Council

Deputy Mayor Wales reported she attended the King County Public Health meeting and a meeting with the Homeless Network.

Councilmember DaCorsi reported he attended the Association of Washington Cities Action Days.

Councilmember Holman reported on the history of Remembrance Day.

Councilmember Baggett reported he attended the Association of Washington Cities Action Days.

Councilmember Trout-Manual reported she attended a Domestic Violence Initiative meeting and a Women in Leadership meeting.

Councilmember Pelozza reported he attended the Association of Washington Cities Action Days and the Auburn Symphony Orchestra concert.

B. From the Mayor

Mayor Backus reported she attended the 25th annual Nexus Youth and Family, formerly know as Auburn Youth Resources (AYR), breakfast, the Love your Community Kid X event, Pacific Northwest Aerospace Alliance Executive of the Year presentation where John Thiesen from Orion Industries was honored as the Executive of the Year, the Auburn Noon Lions memorial sign dedication for Joe Bartkowski, the State of the City Address and the Healthy Auburn Expo.

Mayor Backus also reported the Pierce County Council awarded Councilmember Wagner and the City of Auburn with their 2016 Platinum Award from the Piece County Health Department for the Healthy Community Award.

Mayor Backus reported she received a letter stating that Ethan Choi of Auburn has been named one of the top youth volunteers in the State of Washington by the 22nd Prudential Spirit of Community Awards.

XIII. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:27 p.m.

APPROVED this 6th day of March, 2017.

NANCY BACKUS, MAYOR

Shawn Campbell, Deputy City Clerk



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claims Vouchers

Date:

February 27, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve the claims vouchers.

Background Summary:

Claims voucher numbers 442825 through 442955 in the amount of \$548,724.26 and six wire transfers in the amount of \$600,522.38 and dated March 6, 2017.

Reviewed by Council Committees:**Councilmember:****Staff:**

Coleman

Meeting Date: March 6, 2017

Item Number: CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers

Date:

February 27, 2017

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

\$0

Administrative Recommendation:

City Council approve payroll vouchers.

Background Summary:

Payroll check numbers 537126 through 537155 in the amount of \$773,527.54 and electronic deposit transmissions in the amount of \$1,468,727.11 for a grand total of \$2,242,254.65 for the period covering February 16, 2017 to March 1, 2017.

Reviewed by Council Committees:**Councilmember:****Staff:**

Coleman

Meeting Date: March 6, 2017

Item Number: CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6639

Date:

February 28, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 - Staff Report](#)

[Ordinance No. 6639](#)

[Exhibit 3 Vacinity Map](#)

[Exhibit 4 Prop Zoning Map](#)

[Exhibit 5 SEPA Determination](#)

[Exhibit 6 - Topographic Map](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to introduce and adopt Ordinance No. 6639.

Background Summary:

Please see the attached Agenda Bill.

Reviewed by Council Committees:

Other: Planning & Legal

Councilmember:**Staff:**

Snyder

Meeting Date: March 6, 2017

Item Number: ORD.A



AGENDA BILL APPROVAL FORM

Agenda Subject Ordinance No. 6639, Kana B, LLC Zoning Map Amendment (Rezone), REZ15-0001		Date: February 28, 2017		
Department: Comm. Dev. & Public Works	Attachments: See Exhibit listing below.	Budget Impact: N/A		
Administrative Recommendation: City Council to introduce and adopt Ordinance No. 6639 approving the Kana B, LLC Zoning Map Amendment (Rezone) with three conditions as recommended by the Hearing Examiner				
APPLICANT/OWNER: Jon Cheetham, Managing Member Kana B LLC (a.k.a. Lakeridge Paving Company) P.O. Box 8500 Kent, WA 98042 AGENT: Mary Urback 12417 12th Street East Edgewood, WA 98372 REQUEST: File No. REZ15-0001 Rezoning of four parcels; two parcels totaling approximately 3.65 acres from "C1, Light Commercial" to "M1, Light Industrial" and rezoning of two parcels totaling approximately 2.22 acres from "C3, Heavy Commercial" to "M1, Light Industrial". LOCATION: The proposal consists of parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East). The site is within the southwest ¼ of the SW ¼ Section 31, T21N, R5E, WM. King Co. Parcel Nos. 3121059033, 3121059036, 3121059010 & 3121059056.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____ </td> <td style="width: 50%; vertical-align: top;"> Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☐ Fire ☒ Legal ☒ Public Works ☐ M&O ☐ Mayor ☐ Parks ☒ Planning ☐ Police ☐ Human Resources </td> </tr> </table>			Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____	Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☐ Fire ☒ Legal ☒ Public Works ☐ M&O ☐ Mayor ☐ Parks ☒ Planning ☐ Police ☐ Human Resources
Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____	Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☐ Fire ☒ Legal ☒ Public Works ☐ M&O ☐ Mayor ☐ Parks ☒ Planning ☐ Police ☐ Human Resources			
Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Tabled _____				
Call for Public Hearing _____ Until ____/____/____ Until ____/____/____				
Councilmember: _____		Staff: Synder		
Meeting Date: March 6, 2017		Item Number: _____		

LOCATION & PARCEL: The property is located directly to the east of A Street Southeast and is within the King County portion of the City of Auburn, Parcel Nos. 3121059033, 3121059036, 3121059010, and 3121059056.

EXISTING ZONING: Parcel Nos. 3121059033 & 3121059036 – “C1, Light Commercial”
Parcel Nos. 3121059010 & 3121059056 – “C3, Heavy Commercial”

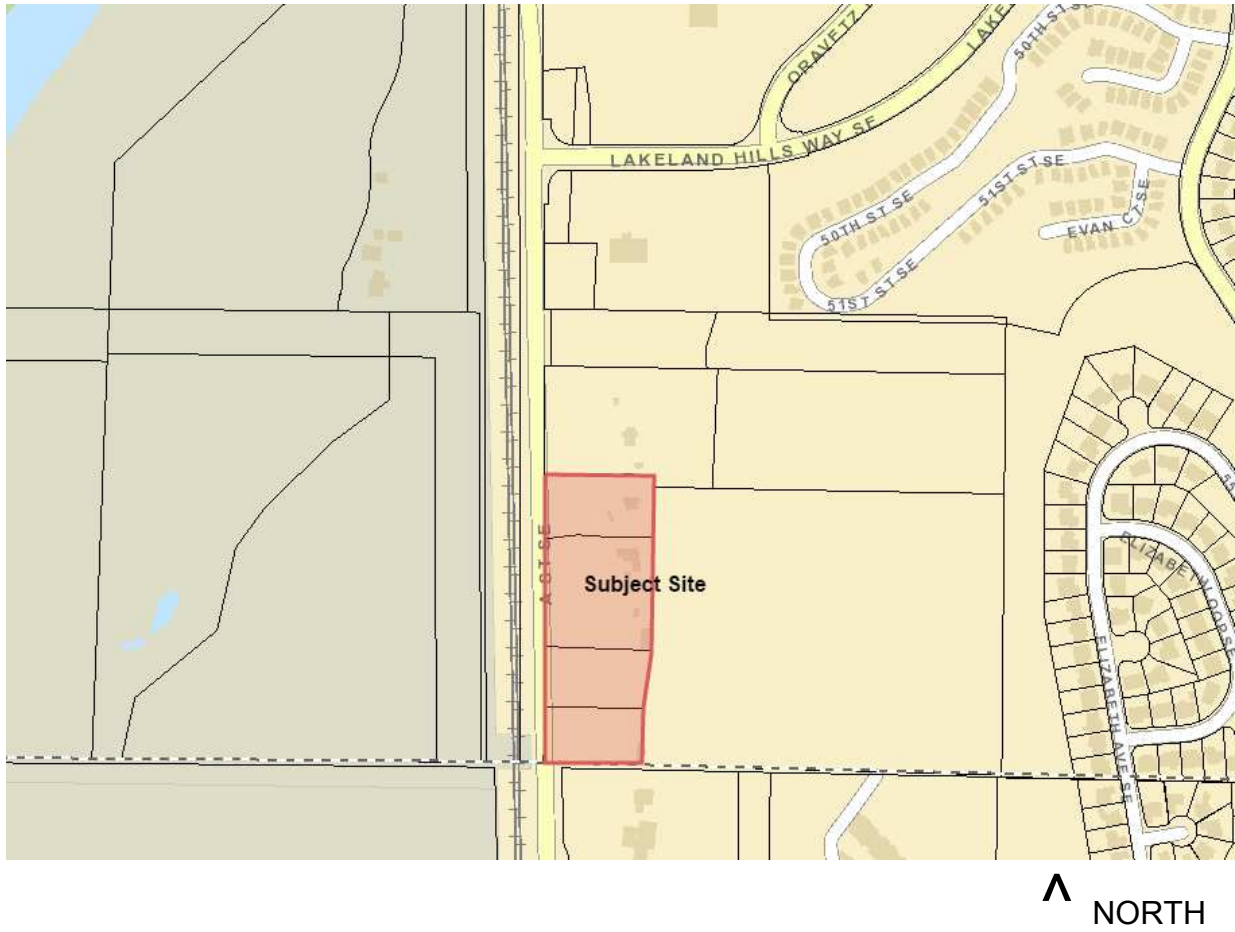
EXISTING COMPREHENSIVE PLAN DESIGNATION: Parcel Nos. 3121059033 & 3121059036 are designated “Light Industrial” by recent Ordinance No. 6632, adopted December 5, 2016. Parcel Nos. s 3121059010 & 3121059056 are currently designated as “Light Industrial”.

SEPA STATUS: A Mitigated Determination of Non-Significance (MDNS) was issued under City File No. SEP15-0016 on April 18, 2016. The comment period ended May 3, 2016 and the appeal period ended May 17, 2016. There were no comments or appeals.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Current Land Use
Parcels 3121059033 & 3121059036	Light Industrial	C1, Light Commercial	Single family residence, outbuildings, and temporary storage of unoccupied buildings
Parcels 3121059010 & 3121059056	Light Industrial	C3, Heavy Commercial	Temporary storage modular building(s).
North	Light Commercial	C1, Light Commercial	Single family residence
South	Light Commercial	C1, Light Commercial	Heavy construction contractor business
East	Moderate Density Residential I	R7, Residential Seven Dwelling Units Per Acre	Steep undeveloped hillside
West	East Valley Highway (A ST SE) , railroad line and City limits with City of Pacific, beyond	East Valley Highway (A ST SE) , railroad line and City limits RO zoned property located in the City of Pacific, beyond	East Valley Highway (A ST SE), railroad line and agricultural property, beyond in the City of Pacific.

Vicinity Map



A. FINDINGS

1. The related Comprehensive Plan map amendment for two of the four parcels, and the rezone (zoning map amendment) application were accepted on June 5, 2015, prior to the submittal deadline for processing of annual Comprehensive Plan Amendments. The related environmental checklist application was subsequently submitted in 2015.
2. The applications were submitted by Jon Cheetham, who is identified as Managing Member of Kana B, LLC, Property Owner and Applicant.
3. The zoning map amendment (rezone) application seeks to change the zoning classification of four parcels totaling approximately 5.87 acres from “C1, Light Commercial” and “C3, Heavy Commercial” to “M1, Light Industrial”.
4. The site requested for change is generally rectangular in shape.
5. The site contains a mix of single family residential and temporary storage of modular buildings authorized by a temporary use permit.
6. The west side of the site is bordered by A Street Southeast (East Valley Highway) which is a two-lane north-south roadway and classified by the City of Auburn as a “Principal Arterial”. A Street Southeast contains a graveled shoulder on both sides of the road, but is not developed with any curb, gutter, or sidewalk abutting the site. The site does not border any other road rights-of-way.
7. As indicated by the Applicant in the narrative submitted with the application, rezoning has been requested for the purposes of allowing greater flexibility for the relocation and expansion of Lakeridge Paving Company, to relocate from their current facility in Maple Valley, WA. The expansion will include development of new office facilities, paving, storage, and shop buildings.
8. A Mitigated Determination of Non-Significance (MDNS)--the environmental review required under the State Environmental Policy Act (SEPA)--for the application by Kana B LLC for a Comprehensive Plan Map Amendment and Rezone was issued under City File No. SEP15-0019 on April 18, 2016. The comment period ended May 3, 2016 and the appeal period ended May 17, 2016. There were no comments or appeals.

History of Subject Property

9. The property is located within the King County portion of the City of Auburn. It was annexed to the City in 1962 by Ordinance No. 1492.
10. Based on historic zoning maps, the northerly portion of the site (Parcel Nos. 3121059033 & 3121059036) were zoned UNCL, Unclassified from the time of annexation up until 1987 and then were changed to the second category of residential zoning of R2, a Single Family Residential (6,000 square foot minimum lot size). The properties were subsequently changed to a “Light Commercial” comprehensive plan designation and a “C1, Light Commercial” zoning classification.

11. During 2015, the Applicant, Kana B, LLC, submitted three applications to the City, as follows:
 - a. A request to amend the Comprehensive Plan map designation of two northern parcels, with an approximate size of 3.65 acres from “Light Commercial” to “Light Industrial” (File No. CPA15-0002). The southern two parcels were previously changed by the City as part of the adoption of the 2015 Comprehensive Plan and as such, the Applicant did not seek to amend the Comprehensive Plan designation on the two southern parcels.
 - b. A rezone application (File No. REZ15-0001) was submitted to change two parcels from C1, Light Commercial and two parcels from C3, Heavy Commercial to M1, Light Industrial. A rezone is needed to allow for relocation and expansion of an existing building construction business, including the future construction of office facilities, storage buildings, and shop buildings.
 - c. An environmental checklist (SEPA) application (File No. SEP15-0016) was submitted for the state-required analysis of the environmental impacts of the city decision on the proposed land use changes. The Applicant’s responses within environmental checklist application indicated the proposal was a “non-project action”.
12. In response to the environmental checklist application received in 2015, the City issued a MDNS for the Comprehensive Plan Map Amendment and Rezone under City File No. SEP15-0019 on April 18, 2016. The comment period ended May 3, 2016 and the appeal period ended May 17, 2016. There were no comments or appeals.

Relationship of Comprehensive Plan Amendment and Rezone Processing

13. At its June 21, 2016 public hearing, the Planning Commission reviewed the related Comprehensive Plan map amendment (File No. CPA15-0002, Kana B, LLC) to change the Comprehensive Plan map designation of the northerly two parcels from “Light Commercial” to “Light Industrial”. The Planning Commission forwarded a recommendation for approval to the City Council.
14. At its November 28, 2016 study session, the City Council reviewed the Comprehensive Plan amendments and draft Ordinance No. 6632, as recommended by the Planning Commission. On December 5, 2016 the City council at its regular meeting approved Ordinance No. 6632 approving the change in comprehensive plan designation of the northerly two parcels of the project site to “Light Industrial”.
15. Pursuant to ACC 18.68.030 and ACC 18.68.040, all applications for a rezone shall be reviewed by the Planning Director prior to the scheduling of a public hearing. After review of the application, the Director shall determine which of the following two processes should occur to properly hear the rezone:
 - a. If the rezone is consistent with the Comprehensive Plan, then the Hearing Examiner shall conduct a public hearing on the rezone and make a recommendation to the City Council pursuant to ACC 2.46.130.

This Application is consistent with the Comprehensive Plan, as outlined below in the ‘Conclusions’ section, below.

16. Pursuant to ACC 18.68.040, "(Zoning code amendments) Public hearing notice requirements". Rezones Initiated by an Applicant Other Than City shall require public notice be given at least 10 days prior to the public hearing and in accordance with ACC 14.07.040. A Public Hearing Notice was issued and published in the Seattle Times on January 4, 2017; this notice was also mailed to the property owners within 300 feet of the subject site, and posted on the subject property meeting the notification requirements.
17. Per ACC 18.23.020, the stated intent of the "M-1 Light Industrial" zoning district is to:

". . . accommodate a variety of industrial, commercial, and limited residential uses in an industrial park environment, to preserve land primarily for light industrial and commercial uses, to implement the economic goals of the comprehensive plan and to provide a greater flexibility within the zoning regulations for those uses which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The light industrial/commercial character of this zone is intended to address the way in which industrial and commercial uses are carried out rather than the actual types of products made."
18. As identified in ACC 18.23.020 and -030, the "M-1 Light Industrial" zoning classification allows a range of industrial uses, including building contractors and storage uses. The zoning development standards of the district are contained in ACC 18.23.040.

B. CONCLUSIONS:

ACC Chapter 18.68 provides few criteria for approval of a rezone. Following is a staff analysis of the requested application with the criteria.

1. The rezone must be consistent with the Comprehensive Plan.

Staff analysis: The purpose of the City's Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code section:

"ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the Comprehensive Plan. Capital budget decisions shall be made in conformity with the Comprehensive Plan."

On December 5, 2016 the City Council approved Ordinance No. 6632 approving the change in comprehensive plan designation of the northerly two parcels from "Light Commercial" comprehensive plan designation to the "Light Industrial" comprehensive plan designation as part of "annual amendments". The southerly two parcels were designated "Light Industrial" by the Comprehensive Plan prior to the 2016 annual amendments.

The Application is vested to the Comprehensive Plan in effect prior to the adoption of substantially revised Comprehensive Plan adopted in December of 2015. The Comprehensive Plan contains policy guidance related to this application. Specifically, Chapter 14, Comprehensive Plan Map, starting at Page 14-14 provides the following purpose and description of the 'Light Industrial' Comprehensive Plan designation: The 2014

Comprehensive Plan to which the application is vested provides the following purpose statement of the “Light Industrial” comprehensive plan land use designation:

“Light Industrial”

“Purpose: To reserve quality industrial lands for activities that implement the City's economic development goals and policies.”

“Description: This category is intended to accommodate a wide range of industrial and commercial uses. This designation is intended to provide a location attractive for manufacturing, processing and assembling land use activities that benefit from quality surroundings and appropriate commercial retail uses that benefit from the location, access, physical configuration, building types of these properties. It is distinguished from heavier industrial uses by means of performance criteria. All significant activities shall take place inside buildings, and the processing or storage of hazardous materials shall be strictly controlled and permitted only as an incidental part of another use. The siting and design of industrial buildings shall be of an “industrial or business park” character. Certain residential uses may be permitted, especially in industrial areas that have been established to promote a business park environment that complements environmental features, and/or if development standards are developed to promote compatibility between residential and other non-residential land uses.” (Emphasis added).

“Compatible Uses: A wide range of industrial and heavy commercial uses may be permitted, subject to performance standards. These uses include indoor manufacturing, processing and assembling of materials from previously prepared or raw materials and ancillary and necessary warehousing and distribution of finished goods associated with manufacturing and industrial uses. Certain residential uses may be permitted if development standards are established to promote compatibility between residential and other non-residential land uses.”

“Outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the area for light industry. In all cases such storage shall be extensively screened. In the Environmental Park District that implements the “Light Industrial” plan map designation; outdoor storage will be strictly limited to promote compatibility with adjacent environmental land uses. Uses involving substantial storage or processing of hazardous materials as well as substantial emissions should not be permitted in these areas. A wide range of commercial activities may be allowed to provide increased opportunities for sales tax revenue.”

“To ensure the City’s long-term ability to invest in public infrastructure and services remains viable, the City will continue to assess, evaluate, and if necessary pursue implementation of policies that incentivize the transition of current and future land uses in its industrial zones away from distribution and warehouse uses based on future changes on tax structure at the State level or other similar actions. The City believes that manufacturing and industrial land uses are preferential to and should be encouraged over warehouse and distribution land uses currently existing in the City and that any future warehouse

and distribution uses should be ancillary to and necessary for the conduct of manufacturing and industrial uses. Manufacturing and industrial uses are more appropriate and beneficial through higher and better use of the land, enhanced employment densities, increased property tax revenues and potential on-site sales tax revenue generation for receipt of materials and other goods and services.”

“The establishment of regulations and incentives that create a basis for increased commercial retail uses in the City’s industrial zoning districts will provide greater opportunity for the generation of sales tax revenue in the City. Increased sales tax revenue will positively impact the City’s continued ability to maintain and operate a strong public investment program in infrastructure and services. Commercial retail uses will in turn be attracted to and benefit from the location, access, physical configuration and building types of industrial zoned properties.”

“Criteria for Designation: *This designation should be applied to a majority of the Region Serving Area designated under this Plan. It is particularly appropriate for industrial land within high visibility corridors. This category should separate heavy industrial areas from other uses.”*

“Appropriate Implementation: *This designation is implemented by the Light Industrial (M-1), Environmental Park (EP) or Business Park (BP) zone.”*

The requested change would make the zoning classification of the site consistent with its Comprehensive Plan designation. The property is located adjacent to a major street and separated from adjacent residential zoned property by undeveloped, steep topography. The request is not anticipated to adversely affect compatibility with the closest single family residential area.

As identified in ACC 18.23.030 the “M1, Light Industrial” zoning classification allows a wide range of uses. While primarily manufacturing and processing in concentration, the regulations also allow a wide variety of commercial and service oriented uses of a more intensive nature. The zoning development standards such as setbacks, building height, etc. of the zone are contained in ACC 18.23.040.

As discussed above, the subject site is designated as “Light Industrial” by the Comprehensive Plan. Also, the parcels are contiguous to existing land uses that function as light industrial uses such as industrially zoned properties across A Street SE located outside of Auburn City limits to the west, and Rodarte Construction Company to the south. Additionally, along this segment of A Street SE and within a distance of a quarter mile, there are no other established land uses except for one remaining single family residence (SFR) and a church (other SFR’s are depicted on the property in relatively recent aerial photographs, but some have been removed by the Applicant). Included with the application are statements by real estate agents that indicate that the property is not conducive to commercial development and is better suited to industrial development. There are many factors that may lead to this opinion for example; the market may not have reached maturity at this location that make the property suitable for redevelopment consistent with the commercial zoning designations.

The range of uses allowed in the light industrial zone are characterized by a greater amount of outdoor storage and outdoor activity and greater potential for noise and sharp

transition in land use, regardless of the specific development arrangement and use. Without appropriate mitigation and design consideration, the proximity of the site to a heavily traveled "Principal Arterial" street corridor has the potential to result in land use and visual impacts to nearby properties and to the traveling public. As well as, the location is at the south end of main transportation corridor at the perimeter, that forms a prominent visual identify for the City.

The Comprehensive Plan description of the purpose of this designation emphasizes that outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the area for light industry. In all cases such storage shall be extensively screened.

Policies:

- "GP-16 Contract zoning can be used to manage the transition between existing uses and future uses. Contract zoning allows new uses to be conditioned in a manner which controls potential conflicts during such transition. Contract zoning may be particularly useful as a timing device to ensure that the necessary public facilities are available to support new development."
- "GP-31 The City should appropriately support local businesses that enhance the image of the City through their contribution to economic vitality, educational, and historic value of the community."
- "LU-96 Highly visible areas which tend to establish the image of the city should not be used by heavy industrial uses."
- "LU-97 The City shall promote high quality development of all light industrial and warehouse areas."
- "LU-98 The City shall aggressively seek to abate all potentially blighting influences in industrial areas, especially in areas visible to regional traffic flows and in areas designated for light industrial uses."
- "LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts."
- "LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.
 - a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.
 - b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas."
 - c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets."

The subject site is adjacent to a highly visible transportation corridor that forms a visual identify for the city. The site is separated by hillside from residential uses to the east. Residential uses continue to exist to the north on property designated for light commercial use. The site is not located in the regional-serving area. The development of the property will be required to be served with high capacity and high quality public services and facilities concurrent with development; these will include half street improvements and utility extensions. The properties have frontage and access to A Street SE (East Valley Highway) that is classified as a "Principal Arterial" in the City's Comprehensive Transportation Plan.

2. Any changes or modifications to a rezone request made by either the Hearing Examiner or City Council will not result in a more intense or larger zone than requested.

Staff Analysis: The requested rezone change is from "C-1 Light Commercial" and "C-3 Heavy Commercial" to "M-1 Light Industrial" zone. The staff recommendation for change is the same as the Applicant's proposal.

In addition, Washington case law has identified other criteria for rezone applications (see *Parkridge v. Seattle*, 89 Wn.2d.454; 573 P.2d 359 (1978) (conditions must have changed since the original zoning was established and the proposed rezone must bear a substantial relationship to the general welfare of the community); *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001) (proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare; provided, that a showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.)

a. Conditions in the area must have changed since the original zoning was established.

Staff Analysis: The rezone proposal implements the Comprehensive Plan land use designation for the subject property. As mentioned under the Findings of Fact, a comprehensive plan map amendment changing the Comprehensive Plan designation of the northerly two parcels to "Light Industrial" was processed at the end of 2016 and approved by the City Council, Ordinance No. 6632. The southerly two parcels currently have the "Light Industrial" Comprehensive Plan designation, but are zoned "C-3 Heavy Commercial". The proposed rezone would adjust the zoning of the site to correspond and be consistent with the Comprehensive Plan designation. Showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.

b. The proposed rezone must bear a substantial relationship to the general welfare of the community.

Staff Analysis: Rezoning the subject site to "M-1 Light Industrial" will align the zoning district to the comprehensive plan designation. As noted above, Chapter 3, Land Use, and Chapter 14, The Comprehensive Plan Map', the Comprehensive Plan document provides various policies to meet community and growth management goals. The zoning change and subsequent commercial development will benefit the community and general welfare.

C. HEARING EXAMINER RECOMMENDATION

After conducting a properly advertised public hearing on January 18, 2017, the Hearing Examiner issued a written recommendation of **approval** on February 1, 2017 with the following three conditions.

1. Prior to City approval of a Building Permit, Grading Permit, and/or Storm Permit, the Applicant shall provide a landscaping plan for City review and approval. The landscaping plan shall be prepared by either a landscape architect licensed in the state of Washington, a nursery professional certified pursuant to the Washington certified nursery professional program, or a Washington State certified landscape technician (as provided in ACC 18.50) and shall include:

a. A vegetated berm, at a minimum, consistent with the requirements of ACC 18.50, to achieve dense screening along the full length of the properties street frontage along A Street SE (except existing or authorized pedestrian and vehicle access points). The horizontal footprint of the berm shall not be less than the minimum landscaping requirements under ACC 18.50 and the vertical profile of the berm shall incorporate appropriate undulations such that the berm has a natural, native appearance instead of one that is uniform and appears artificially created. The selection of plant species shall ensure year around screening and shall incorporate shrubs that provide understory screening below trees as they mature.

b. Any fencing that is proposed or installed shall be located beyond the toe of the berm slope, on the interior side of the berm and/or landscaping. If chain link type fencing is proposed, it shall be black coated vinyl-type fencing.

c. The landscape screening planted on the berm shall consist primarily of coniferous trees and shrubs with the intent of providing a dense screening of the site from views by the traveling public on A Street SE. It is acknowledged that the pedestrian and vehicle access point(s) will not be fully screened. Also, acknowledged that dense screening may not be achievable where it is necessary to provide adequate sight distance at vehicle access points, if the sight distance obstruction cannot be avoided by the installation of trees at a larger size than the city minimum size and limbed up.

d. The species selection of evergreen and deciduous trees for this landscape screen shall be based on city review and approval of a cross-section of the berm to be shown on the landscape plan. The cross section must show the relationship of the size at planting and the mature tree height and spread to view angles from the street to the site development. The City may require the installation of a proportion of the trees at a larger size than the city minimum, if effective screening will not be provided within five years of planting at the minimum size.

e. Landscaping shall be irrigated and shall be maintained in order to accomplish the objective of full visual screening.

2. The signage allowed at the site shall be limited as follows.

a. Signage is limited to monument signs at vehicular access points and meeting zoning code standards. Landscaping, hardscaping, water features, arbors, and/or other design features shall be used to complement and accentuate monument sign(s). The design and relationship of the accent features shall be reviewed by the

city concurrently with the sign permit. The accent features must not out-of-scale and overwhelm the monument sign(s).

b. Lighting for signage shall be limited to up-lighting or down-lighting where light fixtures are fully shielded. Landscaping may be used for shielding of up-lighting. Backlit signage will not be allowed.

3. Depending upon the type of use that is developed on the property, the proposed future development of these 4 parcels could impact the water, sewer, and storm facilities required to serve the parcels. The zoning of the property defines the range of uses that can be permitted which has a resultant effect on the degree to which development will impact utility systems. The C-1, C-3 and M-1 all allow a variety of different types of land uses. Within each designation there uses that can have minimal or heavy impact on the existing utility system. For example, the M-1 zone allows for both mini storage which relies upon very little water usage or a manufacturing operation that places significant demands on the water system. Likewise, the C-3 zone allows retail which also relies upon very little water usage and restaurants, grocery stores, and hotels which consume larger amounts of water. Overall, it is difficult to evaluate the specific potential impacts to utilities without identifying the specific development proposal. For this rezone proposal the applicant has indicated their intent to use the property to locate their construction company offices and to store equipment and materials. If the site is developed in this manner it is not likely to have significant impacts on the water, sewer or storm infrastructure, however, the detailed impacts on the utility systems will be fully evaluated as part of the SEPA process for the site specific development proposal.

Stormwater facilities would be required to comply with all applicable city storm drainage standards, including quantity and quality control. Appropriate best management practices for the specific manufacturing process would need to be implemented to prevent illicit discharges to the storm drainage system.

D. EXHIBIT LIST

- Exhibit 1 Staff Report
- Exhibit 2 Ordinance No. 6639
- Exhibit 3 Vicinity Map / 2015 Aerial Photograph
- Exhibit 4 Zoning map showing the current and proposed zoning of the Property
- Exhibit 5 Determination of Non-Significance (File No. SEP15-0016), dated April 18, 2016
- Exhibit 6 Topographic Map of vicinity of REZ15-0001

ORDINANCE NO. 6 6 3 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE REQUEST OF KANA B, LLC FOR REZONING OF FOUR PARCELS TOTALING APPROXIMATELY 5.87 ACRES LOCATED EAST OF EAST VALLEY HIGHWAY FROM C1, LIGHT COMMERCIAL AND C3, HEAVY COMMERCIAL, TO M1, LIGHT INDUSTRIAL TO IMPLEMENT THE COMPREHENSIVE PLAN AND AMENDING THE CITY'S ZONING MAPS

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on August 18, 1986, a Comprehensive Plan by Resolution No. 1703, which included a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995, the City Council of the City of Auburn adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, on September 5, 1995, the City of Auburn reaffirmed that action with the adoption of Ordinance No. 4788; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City by Ordinance No. 6584; and

WHEREAS, Jon Cheetham, representative of Kana B, LLC, the Applicant, submitted a rezone application on behalf of the Kana B, LLC (File #REZ15-0001) for the Kana B, LLC rezone on June 5 , 2015, for four parcels identified by King County,

Washington, tax parcel numbers 3121059056, 3121059010, 3121059036 and 3121059033; and

WHEREAS, the environmental impacts of proposed rezone were considered in accordance with procedures of the State Environmental Policy Act; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of hearing, the City of Auburn Hearing Examiner on January 18, 2017 conducted a public hearing on the proposed Kana B, LLC Rezone; and

WHEREAS, at the public hearing the City of Auburn Hearing Examiner heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, thereafter the City of Auburn Hearing Examiner made a recommendation to the City Council on the proposed Kana B, LLC Rezone; and

WHEREAS, on, February 27, 2017, the Auburn City Council at a study session reviewed the proposed Kana B, LLC Rezone; as recommended by the City of Auburn Hearing Examiner; and

WHEREAS, on March 6, 2017, the Auburn City Council considered the proposed Comprehensive Plan amendments as recommended by the City of Auburn Hearing Examiner; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council ("Council") adopts and approves the Kana B, LLC Rezone to change four parcels totaling approximately 5.87 acres located east of East Valley Highway from "C1, Light Commercial", and "C3, Heavy Commercial", to "M1, Light

Industrial” and directs that the rezone application and all related documents be filed along with this Ordinance with the Auburn City Clerk and be available for public inspection.

Section 2. The Zoning Map amendment is herewith designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) by the City's responsible environmental official in accordance with RCW 43.21C.060.

Section 3. The Council adopts the Findings of Fact and Conclusions of Law, from the Hearing Examiner's recommendation as set forth below:

FINDINGS OF FACT

Procedural:

1. **Applicant.** The Applicant is Jon Cheetham of Kana B, LLC.
2. **Hearing.** A public hearing was held by the hearing examiner on the proposed rezone on January 18, 2017 at 5:30 p.m. at the City Council chambers at Auburn City Hall.

Substantive:

3. **Site/Proposal Description.** The Applicant has requested a rezone of 5.87 acres from C1 and C3 to M1. The site is composed of four parcels. Two parcels totaling 3.65 acres in the area are currently zoned C1. The remaining 2.22 acres is zoned C3. All four parcels are located on the east side of East Valley Highway between Lakeland Hills Boulevard and Lake Tapps Parkway East. The underlying comprehensive plan land use map designation for the north two parcels was amended to “Light Industrial” by ordinance adopted on December 5, 2016. The underlying comprehensive plan land use map designation for the south two parcels is currently “Light Industrial”.

The project site is primarily developed with a mix of single family residential and temporary storage of modular buildings authorized by a temporary use permit. The purpose of the rezone is to allow greater flexibility for the relocation and expansion of the Lakeridge Paving Company, to relocate from their current facility in Maple Valley, WA.

The existing approximately 5.87-acre site is accessed by a north-south principal arterial road. The site has previously been cleared, is generally flat, and contains minimal vegetation.

4. Characteristics of the Area. The rezone area is generally surrounded by undeveloped land to the east and agricultural land to the west. To properties to the north and south are zoned C1, with the north property developed with residential and the south property developed with a heavy construction contractor business.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. A Mitigated Determination of Environmental Non-Significance (MDNS) Was issued as part of the project in order to mitigate any impacts that may have resulted from the project. Specifically, additional landscaping review and screening will be required in order to reduce any aesthetic impacts that may have result from the future development of the site.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. ACC 18.68.030(B)(1)(a) grants the Hearing Examiner with the authority to review and make a recommendation on rezone requests to the City Council if the planning director determines that the rezone requests are consistent with the comprehensive plan. The planning director has determined that the rezone request is consistent with the comprehensive plan.

Substantive:

2. Comprehensive Plan Land Use Map Designation. The Comprehensive Plan Land Use Map designation for the proposed rezone area is "Light Industrial".

3. Case Law Review Criteria and Application. The Auburn City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112.

The proposed rezone from C1 and C3 to M1 clearly meets the judicial criteria for a rezone. There is no question that the proposal is necessary to implement the comprehensive plan, as the Comprehensive Plan Land Use Map designation for the property is currently

Light Industrial and the current Light Commercial and Heavy Commercial zoning is inconsistent with that designation. In point of fact, approval of a rezone to an implementing zone is mandated by RCW 36.70A.120 and ACC 14.22.050, which requires the City's zoning regulations to be consistent with its comprehensive plan

The Comprehensive Plan identifies three implementing zones for the Light Industrial designation: Light Industrial (M-1), Environmental Park (EP) or Business Park (BP). Given the proximity of the East Valley Freeway and the compatibility of adjoining uses, the proposed Light Industrial district is appropriate for its proposed location.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. 5 while providing a significant opportunity for economic development in the City of Auburn.

DECISION

The Hearing Examiner recommends approval of REZ15-0001 with the following conditions:

1. Prior to City approval of a Building Permit, Grading Permit, and/or Storm Permit, the Applicant shall provide a landscaping plan for City review and approval. The landscaping plan shall be prepared by either a landscape architect licensed in the state of Washington, a nursery professional certified pursuant to the Washington certified nursery professional program, or a Washington State certified landscape technician (as provided in ACC 18.50) and shall include:

a. A vegetated berm, at a minimum, consistent with the requirements of ACC 18.50, to achieve dense screening along the full length of the properties street frontage along A Street SE (except existing or authorized pedestrian and vehicle access points). The horizontal footprint of the berm shall not be less than the minimum landscaping requirements under ACC 18.50 and the vertical profile of the berm shall incorporate appropriate undulations such that the berm has a natural, native appearance instead of one that is uniform and appears artificially created. The selection of plant species shall ensure year around screening and shall incorporate shrubs that provide understory screening below trees as they mature.

b. Any fencing that is proposed or installed shall be located beyond the toe of the berm slope, on the interior side of the berm and/or landscaping. If chain link type fencing is proposed, it shall be black coated vinyl-type fencing.

c. The landscape screening planted on the berm shall consist primarily of coniferous trees and shrubs with the intent of providing a dense screening of the

site from views by the traveling public on A Street SE. It is acknowledged that the pedestrian and vehicle access point(s) will not be fully screened. Also, acknowledged that dense screening may not be achievable where it is necessary to provide adequate sight distance at vehicle access points, if the sight distance obstruction cannot be avoided by the installation of trees at a larger size than the city minimum size and limbed up.

d. The species selection of evergreen and deciduous trees for this landscape screen shall be based on city review and approval of a cross-section of the berm to be shown on the landscape plan. The cross section must show the relationship of the size at planting and the mature tree height and spread to view angles from the street to the site development. The City may require the installation of a proportion of the trees at a larger size than the city minimum, if effective screening will not be provided within five years of planting at the minimum size.

e. Landscaping shall be irrigated and shall be maintained in order to accomplish the objective of full visual screening.

2. The signage allowed at the site shall be limited as follows.

a. Signage is limited to monument signs at vehicular access points and meeting zoning code standards. Landscaping, hardscaping, water features, arbors, and/or other design features shall be used to complement and accentuate monument sign(s). The design and relationship of the accent features shall be reviewed by the city concurrently with the sign permit. The accent features must not out-of-scale and overwhelm the monument sign(s).

b. Lighting for signage shall be limited to up-lighting or down-lighting where light fixtures are fully shielded. Landscaping may be used for shielding of up-lighting. Backlit signage will not be allowed.

3. Depending upon the type of use that is developed on the property, the proposed future development of these 4 parcels could impact the water, sewer, and storm facilities required to serve the parcels. The zoning of the property defines the range of uses that can be permitted which has a resultant effect on the degree to which development will impact utility systems. The C-1, C-3 and M-1 all allow a variety of different types of land uses. Within each designation there uses that can have minimal or heavy impact on the existing utility system. For example, the M-1 zone allows for both mini storage which relies upon very little water usage or a manufacturing operation that places significant demands on the water system. Likewise, the C-3 zone allows retail which also relies upon very little water usage and restaurants, grocery stores, and hotels which consume larger amounts of water. Overall, it is difficult to evaluate the specific potential impacts to utilities without identifying the specific development proposal. For this rezone proposal the

applicant has indicated their intent to use the property to locate their construction company offices and to store equipment and materials. If the site is developed in this manner it is not likely to have significant impacts on the water, sewer or storm infrastructure, however, the detailed impacts on the utility systems will be fully evaluated as part of the SEPA process for the site specific development proposal.

Stormwater facilities would be required to comply with all applicable city storm drainage standards, including quantity and quality control. Appropriate best management practices for the specific manufacturing process would need to be implemented to prevent illicit discharges to the storm drainage system.

Section 4. Upon the passage, approval, and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Recorder.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any of the Zoning Map amendments adopted herein, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 7. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law.

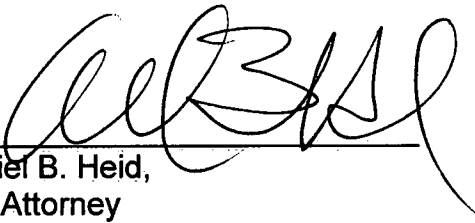
INTRODUCED: _____
PASSED: _____
APPROVED: _____

Nancy Backus
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:

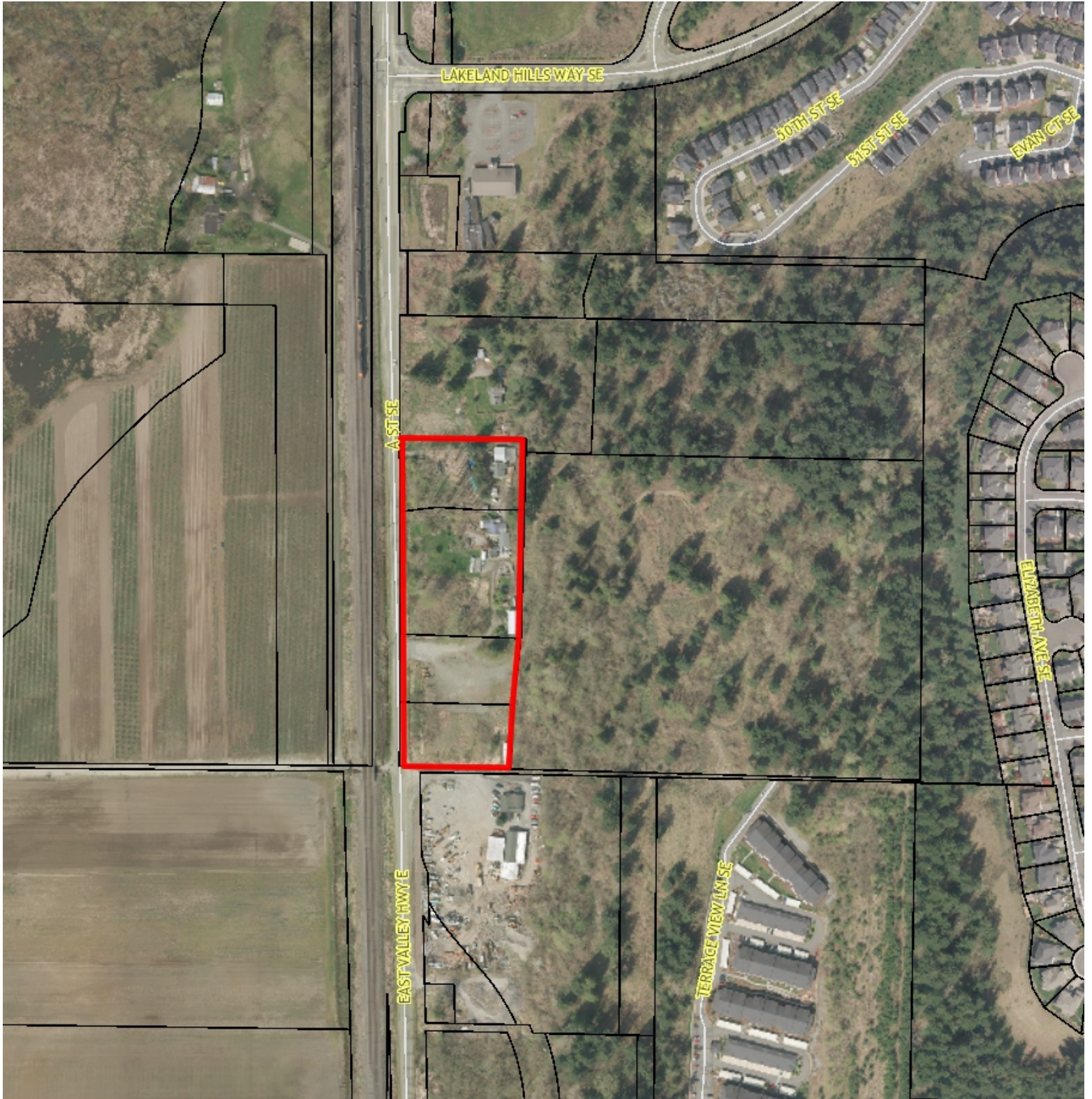


Daniel B. Heid,
City Attorney

Published: _____

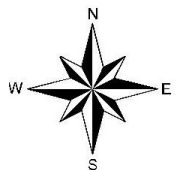
Ordinance No. 6639
February 21, 2017
Page 8

Vicinity Map

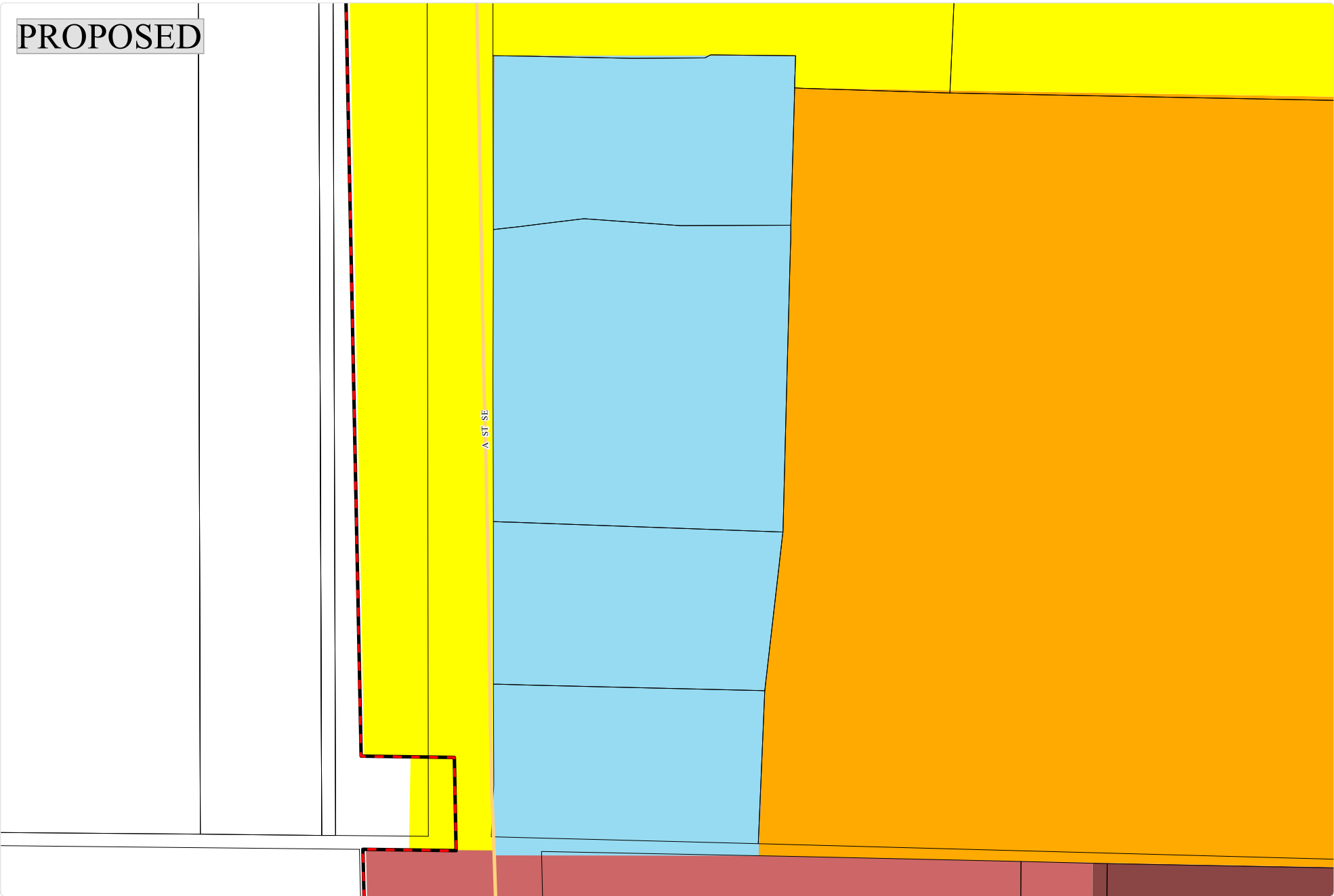


Printed Date: 3/8/2016
Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



Proposed Zoning Map Admendment (REZ15-0001)



**NOTICE OF APPLICATION (NOA) AND
MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)
KANA B LLC COMPREHENSIVE PLAN AMENDMENT & REZONE
SEP15-0016**

Project Permit Applications were filed with the City of Auburn Community Development & Public Works Department on June 5, 2015, and subsequent revisions on October 6, 2015. This is a combined notice and the City is issuing a MDNS for the proposal. This may be the only opportunity to comment on the environmental impacts of the proposal. The proposal includes mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. The permit applications and listed studies may be reviewed at the offices of the Community Development & Public Works Department at One East Main Street, Auburn, WA 98001.

Description of Proposal: Request to amend the comprehensive plan map designation of the northern 2 of 4 parcels under the same ownership totaling approximately 5.9 acres from the current designation of "Light Commercial" to "Light Industrial" and change the zoning designation of the northern 2 parcels from C1, Light Commercial to M1, Light Industrial and the southern 2 parcels from C3, Heavy Commercial to M1, Light Industrial to agree. The Applicant identifies that this is a non-project action.

**Applicant/
Property Owner:** Jon Cheetham, Managing Member
Kana B LLC (a.k.a. Lakeridge Paving Company)
P.O. Box 8500
Kent, WA 98042

Agent: Mary Urback
12417 12th Street East
Edgewood, WA 98372

Project Location: The proposal consists of four parcels on the east side of East Valley Highway (A ST SE) in the 54XX-56XX block (between Lakeland Hills Boulevard and Lake Tapps Parkway East within the SW ¼ of the SW ¼ Section 31, T21N, R5E, & SE ¼ of the SE ¼ of Section 36, T 21n, R4E, WM. Parcel # 3121059056 - 1.08 acres, 3121059010 - 1.14 acres, 3121059036 - 2.33 acres & 3121059033 – 1.32 acres

Studies/Plans Submitted with Application:

(Conceptual) Site Plan, Sheet A-1, The Keimig Associates, January 22, 2015.

Applicant's Written Statement in Support of the Comprehensive Plan and Rezone Amendments, Jon D. Cheetham, Managing Member

Technical Memorandum 5680-5490 A Street SE Potential Impacts of Rezone, Heffron Transportation Inc., October 2015

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

Geotechnical Engineering Study Proposed Commercial Development 5490 A Street, Earth Solutions No LLC, June 19, 2015, revised June 23, 2015. With Plate #5 - Slope Exhibit prepared by Sitts & Hill, dated June 15, 2015.

Lakeridge Paving Company Wetland Analysis Report, Grette Associates, June 22, 2015

Letter: Fill Material on Lakeridge Paving Property, Grette Associates, September 28, 2015

Kana B Limited Liability Company Comprehensive Plan Amendments – Rezone Application (non Project action) Amended Written Statement, Jon D. Cheetham, dated October 6, 2015
Appendix I - Kidder Mathews written statement, Appendix II – Coldwell banker Commercial written statement Appendix III – City of Sumner zoning map

Artistic Color Renderings of Site Development, Unsigned, sent by e-mail 3-22-16

Other Permits, Plans, and Approvals which may be Required: City of Auburn - Building Permit, Grading Permit, Storm Permit, Public Facility Extension Approval (FAC), Critical Areas Review, Washington Department of Fish and Wildlife Hydraulic Project (HPA) Approval and Army Corps of Engineers approval (as applicable)

Lead Agency: City of Auburn

The Responsible Official of the City of Auburn, the lead agency, hereby makes the following Findings of Fact based upon impacts identified in the environmental checklist and the "Final Staff Evaluation for Environmental Checklist No. SEP15-0016", and Conclusions of Law based upon the Auburn Comprehensive Plan, and other Municipal policies, plans, rules and regulations designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act Rules pursuant to RCW 43.21C.060.

Findings of Fact:

Proposed Action:

1. The proposed action is issuance of approvals for a non-project action to change the land use and zoning designations applicable to the properties. The Applicant indicates there is no specific development plan for construction or development of the property. The Applicant indicates they are currently in the planning stages for the future development but that these are not sufficiently determined at the present time. Conceptually, the Applicant intends to develop and use the southern two parcels for a future heavy construction (asphalt paving contractor) yard (storage of trucks and equipment) and the northern two properties for the related office.

Land use and aesthetics:

2. As described in the proposal, a change in comprehensive plan designations and zoning classification is not needed to authorize the southern two parcels that are zoned C3, Heavy Commercial for storage of trucks and equipment pursuant to the previous Planning Director's letter or to use the northern two parcels zoned C1, Light Commercial exclusively for a use that meets the zoning code definition as a "professional office".

As described in the Applicant's response to the environmental checklist questions, the change in designations is requested to allow increased connectivity between all parcels totaling approximately 5.9 acres in conjunction with operational activities of Lakeridge

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

Paving Company (paving contractor business). The change to the Light Industrial designation would also increase the land use compatibility of the proposed use with the purpose and intent of the zoning districts.

3. In general, the uses allowed in the light industrial zone are characterized by a greater amount of outdoor storage and activity conducted outside buildings with a corresponding greater potential for noise, visual impacts and sharp transition in land use, regardless of the specific development proposal. Also, the proximity of this site to a heavily traveled Principal arterial street has the potential to result in land use and visual impacts to the traveling public. The site location at the south end of main transportation corridor near the city limits contributes to a prominent visual identity for the City. The fact that the site rises in elevation approximately 15 feet and may be further raised (filled) to facilitate development increases the potential visibility of the site.
4. The Comprehensive Plan description of the purpose of this "Light Industrial" designation and a number of policies emphasize that outside storage shall be permitted only subject to performance criteria addressing its quantity and location to ensure it is compatible with adjacent uses and so that such storage would not detract from the potential use of the general area for light industry. The policies provide that in all cases such outdoor storage shall be extensively screened.
5. The Comprehensive Plan provides policy basis (Policies GP-31, LU 97, LU-98) for appropriately siting and managing the appearance businesses conducive to attracting light industry and promoting compatibility among land uses through landscaping, building orientation and setbacks, and other measures to reduce potential conflicts. All industrial development should incorporate aesthetically pleasing building and site design.

Location, existing conditions, wetland geologic critical areas:

6. The site consists of a flatter, gently sloping area located at the base of a west-facing hillside. The site is approximately 300 to 325 feet in depth between A Street SE (to the west) and a steep hillside on the property to the east. The on-site grades of the subject property range from 84 feet, near the southwest corner adjacent to A Street SE to 116 feet near the northeast corner; that begins to include the toe of the slope. The property off-site to the east is characterized by a fairly consistent and continuous hillside which rises approximately 392 feet over a distance 1,130 feet to a level terrace. The hillside is inventoried as a geologic hazard areas by the city of Auburn related to landslide, erosion and steep slope hazards.
7. The site was evaluated for the presence of surface waters. The results are contained in the report: Lakeridge Paving Company Wetland Analysis Report, Grette Associates, June 22, 2015. The site was visited on May 26, 2015 and three areas were identified as potential surface waters, an on-site wetland, and off-site wetland and the roadside ditch. The wetland report is limited to studying the north two parcels (3121059036 & 3121059033). However, the Report identifies that the city's wetland inventory (Page 4) shows a wetland as occurring on the next property to the south, (parcel # 3121059010). Prior to any development, additional wetland investigation will be required to verify if a wetland exists and to ensure that it was not altered.

Wetland A

Wetland A is approximately 4,610 square feet (0.11 ac) in size and is classified as a Palustrine Emergent/Scrub-Shrub Seasonally Ponded/Saturated wetland. Wetland A is rated as a Category IV wetland. Per Auburn City Code (ACC) 16.1 0.090, Category IV wetlands are subject to a minimum 25-30 foot wetland buffer width, depending on the surrounding land use intensity and the ability of the buffer to protect the wetland .

8. The Applicant's project is located within the critical area known as Ground Water Protection Zone 4, the City's lowest category of protection. As required by this designation, the Applicant is required to implement best management practices for water resource protection per ACC 16.10.120.E.2. Best Management practices apply to the construction and ongoing operations.

CONCLUSIONS OF LAW:

Staff has concluded that a MDNS is to be issued. This is based upon the environmental checklist and its attachments, and the "Final Staff Evaluation for Environmental Checklist". The MDNS is supported by Plans and regulations formally adopted by the City for the exercise of substantive authority under SEPA. The MDNS also takes note of the extent to which many local, State and Federal regulations and permit requirements will govern the project to mitigate its potential impacts, in accordance with WAC 197-11-158 and RCW 43.21C.240. The following are City adopted policies, which support the MDNS:

1. GP-13 Ordinances regulating developing commercial or industrial areas should be based on performance standards which provide flexibility to respond to market conditions while ensuring compatibility with the Comprehensive Plan, and with present and potential adjacent uses:
2. GP-14 Review procedures for all new development should be integrated or coordinated with SEPA as much as possible.
3. GP-15 In interpreting plan provisions or in considering a plan amendment, plan designations in the Region Serving Area should be treated in a more flexible manner than in the Community Serving Area (see Map 3.2.).
4. GP-31 The City should appropriately support local businesses that enhance the image of the City through their contribution to economic vitality, educational, and historic value of the community.
5. LU-96 Highly visible areas which tend to establish the image of the city should not be used by heavy industrial uses.
6. LU-97 The City shall promote high quality development of all light industrial and warehouse areas.
7. LU-98 The City shall aggressively seek to abate all potentially blighting influences in industrial areas, especially in areas visible to regional traffic flows and in areas designated for light industrial uses.

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

8. LU-99 Compatibility among land uses should be enhanced through landscaping, building orientation and setbacks, traffic control and other measures to reduce potential conflicts.
9. LU-100 All industrial development should incorporate aesthetically pleasing building and site design. The City shall amend its codes and performance standards which govern industrial development to implement this policy.
 - a. Procedures shall be established to ensure aesthetically pleasing building and site design in areas designated for light industrial areas.
 - b. Appropriate landscaping and site development standards shall regulate site development in heavy industrial areas.
 - c. Unsightly views, such as heavy machinery, service entrances, storage areas, rooftop equipment, loading docks, and parking areas should be screened from view of adjacent retail, commercial, light industrial and residential areas and from public streets.
10. CF-10 Public facilities shall be provided in accord with the guidance of the Capital Facilities Plan or, as may be appropriate a system plan for each type of facility designed to serve at an adequate level of service the locations and intensities of uses specified in this comprehensive plan.
11. CF-11 No new development shall be permitted unless the facilities specified in each facility plan are available or can be provided at a level adequate to support the development. The adequacy of facilities shall be determined by the following:
 - a. An adopted system plan;
 - b. Policy guidance as provided in the City Capital Facilities Plan;
 - c. Appropriate engineering design standards as specified in applicable City Plans, Codes, and manuals as adopted by the City Council;
 - d. Environmental review standards (adequacy includes the absence of an unacceptable adverse impact on a public facility system).
 - e. Case by case evaluation of the impacts of a proposed development on the public facility systems: first to determine the minimum amount of facilities necessary to support the development and second to determine a proportionate share of the system to be developed or financially guaranteed before approving the development.
12. CF-12 No new development shall be approved which is not supported by a minimum of facilities to support the development and which does not provide for a proportionate share of related system needs.

CONDITIONS:

The Responsible Official has determined that the proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2)(c), only if the following conditions are met. This decision was made after review of a completed environmental checklist, other information on file with the City of Auburn,

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

and existing regulations. This information is available to the public on request. These mitigation measures are required as authorized under the Substantive Authority of SEPA in accordance with the guidelines contained in Chapter 16.06 ACC and shall be implemented by the Applicant. The Applicant has agreed to incorporate these mitigation measures as part of any future submittals for a specific project action.

1. Prior to City approval of a Building Permit, Grading Permit, and/or Storm Permit, the Applicant shall provide a landscaping plan for City review and approval. The landscaping plan shall be prepared by either a landscape architect licensed in the state of Washington, a nursery professional certified pursuant to the Washington certified nursery professional program, or a Washington State certified landscape technician (as provided in ACC 18.50) and shall include:
 - a. A vegetated berm, at a minimum, consistent with the requirements of ACC 18.50, to achieve dense screening along the full length of the properties street frontage along A Street SE (except existing or authorized pedestrian and vehicle access points). The horizontal footprint of the berm shall not be less than the minimum landscaping requirements under ACC 18.50 and the vertical profile of the berm shall incorporate appropriate undulations such that the berm has a natural, native appearance instead of one that is uniform and appears artificially created. The selection of plant species shall ensure year around screening and shall incorporate shrubs that provide understory screening below trees as they mature.
 - b. Any fencing that is proposed or installed shall be located beyond the toe of the berm slope, on the interior side of the berm and/or landscaping. If chain link type fencing is proposed, it shall be black coated vinyl-type fencing.
 - b. The landscape screening planted on the berm shall consist primarily of coniferous trees and shrubs with the intent of providing a dense screening of the site from views by the traveling public on A Street SE. It is acknowledged that the pedestrian and vehicle access point(s) will not be fully screened. Also, acknowledged that dense screening may not be achievable where it is necessary to provide adequate sight distance at vehicle access points, if the sight distance obstruction cannot be avoided by the installation of trees at a larger size than the city minimum size and limbed up.
 - c. The species selection of evergreen and deciduous trees for this landscape screen shall be based on city review and approval of a cross-section of the berm to be shown on the landscape plan. The cross section must show the relationship of the size at planting and the mature tree height and spread to view angles from the street to the site development. The City may require the installation of a proportion of the trees at a larger size than the city minimum, if effective screening will not be provided within five years of planting at the minimum size.
 - d. Landscaping shall be irrigated and shall be maintained in order to accomplish the objective of full visual screening.
2. The signage allowed at the site shall be limited as follows.
 - a. Signage is limited to monument signs at vehicular access points and meeting zoning code standards. Landscaping, hardscaping, water features, arbors, and/or other design features shall be used to complement and accentuate monument sign(s). The design and relationship of the accent features shall be reviewed by the city concurrently with the

NOTICE OF APPLICATION AND MITIGATED DETERMINATION OF NON-SIGNIFICANCE SEP15-0016
(Continued)

- sign permit. The accent features must not out-of-scale and overwhelm the monument sign(s).
- b. Lighting for signage shall be limited to up-lighting or down-lighting where light fixtures are fully shielded. Landscaping may be used for shielding of up-lighting. Backlit signage will not be allowed.
3. Depending upon the type of use that is developed on the property, the proposed future development of these 4 parcels could impact the water, sewer, and storm facilities required to serve the parcels. The zoning of the property defines the range of uses that can be permitted which has a resultant effect on the degree to which development will impact utility systems. The C-1, C-3 and M-1 all allow a variety of different types of land uses. Within each designation there uses that can have minimal or heavy impact on the existing utility system. For example, the M-1 zone allows for both mini storage which relies upon very little water usage or a manufacturing operation that places significant demands on the water system. Likewise, the C-3 zone allows retail which also relies upon very little water usage and restaurants, grocery stores, and hotels which consume larger amounts of water. Overall, it is difficult to evaluate the specific potential impacts to utilities without identifying the specific development proposal. For this rezone proposal the applicant has indicated their intent to use the property to locate their construction company offices and to store equipment and materials. If the site is developed in this manner it is not likely to have significant impacts on the water, sewer or storm infrastructure, however, the detailed impacts on the utility systems will be fully evaluated as part of the SEPA process for the site specific development proposal.

Stormwater facilities would be required to comply with all applicable city storm drainage standards, including quantity and quality control. Appropriate best management practices for the specific manufacturing process would need to be implemented to prevent illicit discharges to the storm drainage system.

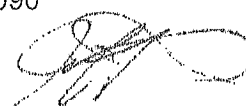
This MDNS is issued under 197-11-350; the lead agency will not act on this proposal for 15 days from the date of issuance. Comments must be submitted by 5:00 p.m. on **May 3, 2016**.

Any person aggrieved of the City's determination may file an appeal with the City Clerk's office within 14 days ending 5:00 p.m. on **May 17, 2016**.

RESPONSIBLE OFFICIAL:
POSITION/TITLE:
ADDRESS:

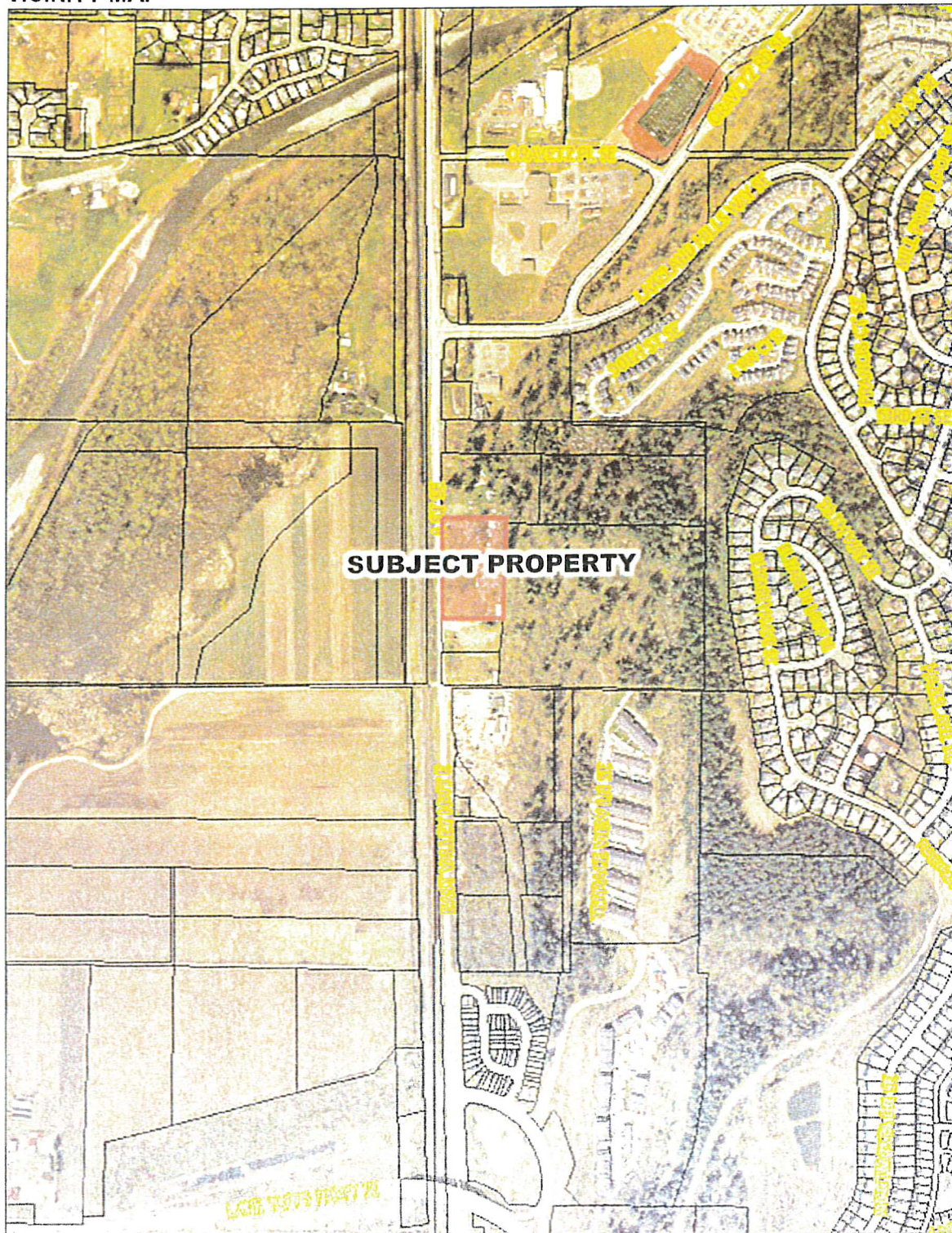
Jeff Tate
Assistance Director of Community Development
25 West Main Street
Auburn, Washington 98001
(253) 931-3090

DATE ISSUED: April 18, 2016

SIGNATURE: 

Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal is required to meet all applicable regulations.

VICINITY MAP



AMENDED
SEPA ENVIRONMENTAL CHECKLIST
FOR KANA B LLC COMPREHENSIVE PLAN AMENDMENT AND REZONE
DATED OCTOBER 6, 2015

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable:

**Kana B Limited Liability Company Comprehensive Plan Amendment and Re-Zone
Non-Project Action**

2. Name of applicant:

Kana B Limited Liability Company

3. Address and phone number of applicant and contact person:

Applicant: Kana B Limited Liability Company ("Kana B")

Contact Person:

Jon D. Cheetham, Managing Member
Kana B LLC
P.O. Box 8500
Kent, WA 98042
206-396-0807
jonc@lakepav.com

Authorized Representative:

Mary J. Urback
12417 12th Street East
Edgewood, WA 98372
253-826-9504
murback@urbackpllc.com

4. Date amended checklist prepared:
October 6, 2015

5. Agency requesting checklist:

City of Auburn

6. Proposed timing or schedule (including phasing, if applicable):

The Proposal herein is not a project specific proposal.

However, under Auburn's existing Zoning Classification of C-1, Kana B's lessee, Lakeridge Paving Company (collectively, hereinafter the ("Applicant")), is the process of preparing the required site specific application submittals for an Office Complex on Parcel No. 3121059036 for use by Lakeridge Paving for its business operations in conjunction with its existing allowed operational activities for the storage of equipment and trucks as authorized on Parcel Nos. 3121059056 and 33121059010, the two southerly parcels. The requested Comprehensive Plan Amendment/Rezone is not needed to obtain approval for the allowed C-1 Office Complex site specific project.

Assuming the requested Comprehensive Plan Amendment and Re-Zone is approved, Lakeridge Paving may seek to amend the identified site specific development application to allow connectivity with the parcels to the south of Parcel No. 3121059036 to allow certain additional features in the nature of connectivity of the internal road system between Parcel No. 3121059036 and Parcel Nos. 3121059056 and 3121059010 as well as use of an existing building (about 1,825 sq. ft.) and construction of a new building (about 2,400 sq. ft.) for two shop areas on Parcel No.

3121059036 in conjunction with the operational activities of Lakeridge Paving as allowed under an M-1 Zoning Classification.

Kana B/Lakeridge Paving have no identified plans, at the present time, for the parcel north of Parcel No. 3121059036 and reserve the right to submit an appropriate development application for such additional uses as are permissible under an M-1 Zoning Classification (if approved) for the parcels which are the subject of the requested Comprehensive Plan Amendment.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

See answer to No. 6 above. Any amended project specific proposal will be evaluated under SEPA at the time of the proposal and any new project specific proposal related to Parcel No. 3121059033 will be evaluated at the time of such project specific proposal.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The Proposal is not a project specific proposal, and therefore, no environmental information has been prepared regarding this Proposal. However, the Applicant has conducted a Wetland Analysis, a Geo-Tech Analysis, and a Traffic Analysis. Copies of these Reports are attached hereto. Under a prior Comprehensive Plan Amendment with respect to Parcel Nos. 3121059056 and 3121059010, a SEPA Checklist was prepared and a DNS was issued under File Nos. CPA 11-0001 and SEP 11-0009 (Comprehensive Plan Amendment) as well as REZ12-0006 and SEP 12-0028 (Re-Zone).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

The Proposal is not a project specific proposal. However, with respect to the site specific project of an Office Complex, as allowed under the existing Zoning Classification of C-1, the Applicant has submitted a Temporary Use Permit application for the purpose of temporarily locating five (5) unoccupied and unassembled modular units.

10. List any government approvals or permits that will be needed for your proposal, if known.

City of Auburn Council of a Comprehensive Plan Amendment and a Non-Project Action Re-Zone.

With respect to the allowed project specific proposal of the Office Complex as permitted outright under the existing C-1 Zoning Classification on Parcel No. 3121059036, the Applicant, as stated above, is seeking a Temporary Use Permit Application. In addition, the Applicant will be seeking as part of the allowed development activity under the existing C-1 Zoning Classification, the following approvals: a building permit and related mechanical and electrical permits, site

development permit for on-site grading, stormwater, right-of-way improvements, and a FAC permit for an on-site waterline extension, wetland mitigation approval, landscaping plan approval, demolition permit, fire and fire alarm permit, signage permit, and King County Health Department approval for an on-site sewage system.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

See attached Amended Written Statement. The Proposal herein is not a project specific proposal.

However, under Auburn's existing Zoning Classification of C-1, Kana B's lessee, Lakeridge Paving Company, is the process of preparing the required site specific application submittals for an Office Complex on Parcel No. 3121059036 for use by Lakeridge Paving Company for its business operations to serve its existing allowed operational activities for the storage of equipment and trucks as authorized on Parcel Nos. 3121059056 and 3121059010, the two southerly parcels. This referenced application will show that there will be no connectivity between the business operations on Parcel No. 3121059056 and the existing C-3 parcels which house the operational activities (storage of equipment and trucks) of Lakeridge Paving. The requested Comprehensive Plan Amendment/Rezone is not needed to obtain approval for the allowed C-1 Office Complex site specific project nor for operational activities of Lakeridge Paving on the two southerly parcels. As part of the Office Complex allowed under the existing C-1 Zoning Classification, modular units are proposed to be installed, connected by walkways. The modular units range in size from about 2,880 sq. ft., 1,848 sq. ft., and 720 sq. ft. Landscaping, parking, stormwater control and treatment, and right-of-way improvements consistent with the City of Auburn Code will be implemented.

Assuming the requested Comprehensive Plan Amendment and Re-Zone is approved, Lakeridge Paving may seek to amend the stated specific development application to allow certain additional features in the nature of connectivity of the internal road system between Parcel No. 3121059036 and Parcel Nos. 3121059056 and 3121059010 as well as use of an existing building (about 1,825 sq. ft.) and construction of a new building (about 2,400 sq. ft.) for two shop areas on Parcel No. 3121059036 in conjunction with the operational activities of Lakeridge Paving as allowed under an M-1 Zoning Classification.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Site Addresses: 5680 through 5450 A. Street S.E., Auburn, WA
Parcel Nos.: 3121059056, 3121059010, 3121059036, 3121059033.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____

The Proposal is not a project specific proposal and is a non-project action. However, the parcels are largely flat with some elevation rising to steep slopes along the eastern boundary.

- b. What is the steepest slope on the site (approximate percent slope)?

The Proposal is not a project specific proposal and is a non-project action. However, there are steep slopes along the eastern boundary which exceed 45%. Encroachment within the steep slopes is not planned and an appropriate setback will be proposed as part of any project specific proposal.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The Proposal is not a project specific proposal and is a non-project action. However, the NRCS identifies the parcels as the western 1/3 as Puyallup fine sandy loam and the eastern 1/3 as Alderwood series (AgD).

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant is not aware of any unstable slopes.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

The Proposal is not a project specific proposal and is a non-project action. However, with any clearing and grading typically associated with a site specific project, temporary erosion control measures and best management practices will be implemented.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The Proposal is not a project specific proposal and is a non-project action. No site specific construction is proposed under the Proposal. Review will occur at the time of specific project actions.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant is not aware of any off-site sources of emissions or odors that would have an adverse impact on the proposed land use re-designation to M-1.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant, in conjunction with preparation for submittal of the Office Complex allowed under the existing C-1 Zoning Classification on Parcel No. 3121059036 has engaged a Wetland Biologist who has determined that there are Class IV wetlands on Parcel Nos. 3121059036 and 3121059033. There are no wetlands on Parcel Nos. 3121059056 and 3121059010.

There exists a Surface Water Right under Water Right Certificate No. 11 at Page 5115 of the Washington State Department of Ecology ("DOE") records for the benefit of and that run with Parcel Nos. 3121059036 and 3121059033. In this regard, there is an existing well on Parcel No. 3121059036 which will be abandoned in accordance with DOE regulations. However, the Water Right remains a valid Water Right upon which the Applicant and the City may entertain discussions for the purpose of conveyance to the City of Auburn for its municipal water purposes as authorized under the DOE regulations.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The Proposal is not a project specific proposal and is a non-project action. However, the subject parcels do not border and are not within 200 feet of any waterway.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable. The Proposal is not a project specific proposal and is a non-project action. However, with respect to the proposed Office Complex on Parcel No. 3121059036 authorized under the existing C-1 Zoning Classification, there is no plan at the present time to fill the identified wetland area.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

The Parcels do not lie within a 100-year flood plain.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

There exists a Surface Water Right under Water Right Certificate No. 11 at Page 5115 of the DOE records for the benefit of and that run with Parcel Nos. 3121059036 and 3121059033. In this regard, there is an existing well on Parcel No. 3121059036 which will be abandoned in accordance with DOE regulations. The subject parcels will connect to the City's existing water main. However, the Water Right remains a valid Water Right upon which the Applicant and the City may entertain discussions for the purpose of conveyance to the City of Auburn for its municipal water purposes as authorized under the DOE regulations.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The Proposal is not a project specific proposal and is a non-project action. However, there is no public sanitary sewer main within 200 feet of the parcels and therefore under the City of Auburn Code private sewage systems installed on-site are permissible as authorized by the King County Health Department. See ACC 13.20.060B, 13.20.060E, and 13.20.090.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

The Proposal is not a project specific proposal and is a non-project action. Collection and and treatment of stormwater will be evaluated on-site specific projects and will be consistent with DOE regulations, Auburn Code and consistent with Auburn's Comprehensive Stormwater Plan.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

The Proposal is not a project specific proposal and is a non-project action. However, it is not anticipated that waste materials will enter either the surface or ground waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

The Proposal is not a project specific proposal and is a non-project action. Collection and treatment of stormwater will be evaluated on site specific projects and will be consistent with DOE regulations, Auburn Code and consistent with Auburn's Comprehensive Stormwater Plan.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable. The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed. However, project specific actions will be consistent with DOE regulations, Auburn Code and Auburn's Comprehensive Stormwater Plan.

4. Plants

- a. Check the types of vegetation found on the site

The Proposal is not a project specific proposal and is a non-project action. There are deciduous and evergreen trees on the subject parcels.

- ☒ deciduous tree: alder, maple, aspen, other (cottonwood)
- ☒ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other – see Wetland Report
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation – ornamental vegetation associated with residential uses

The very eastern portion of the project site was dominated by a mixed forest plant community associated with the eastern hillslope area. This plant community included Douglas fir (*Pseudotsuga menziesii*), Western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), big leaf maple (*Acer macrophyllum*), cherry (*Prunus* spp.), cascara (*Rhamnus purshiana*), Himalayan blackberry (*Rubus procera*), evergreen blackberry (*Rubus laciniatus*), rose (*Rosa* spp.), Indian plum (*Oemleria cerasiformis*), vine maple (*Acer circinatum*), Pacific red elderberry (*Sambucus racemosa*), Oregon grape (*Berberis nervosa*), salal (*Gaultheria shallon*), salmonberry (*Rubus spectabilis*), snowberry (*Symphoricarpus albus*), bracken fern (*Pteridium aquilium*), bleeding heart (*Dicentra formosa*), sword fern (*Polystichum munitum*), nettle (*Urtica dioica*), and foam flower (*Tiarella trifoliata*). This plant community had been subject to prior forest harvest actions and was identified as non-hydrophytic in character (i.e. typical of non-wetlands).

b. What kind and amount of vegetation will be removed or altered?

The Proposal is not a project specific proposal and is a non-project action. However, activities during the ownership of prior owners, as evidenced by aerial photography, have resulted in substantial alteration, removal of vegetation and grading on Parcel No. 3121059036. The prior owners of Parcel 3121059033 removed cottonwood, alder and maple trees as approved by the City of Auburn. Clearing and grading activities associated with site specific proposals will be subject to obtaining a site development permit. Parcel Nos. 3121059056 and 3121059010 have been previously cleared and graded. Removal of trees or vegetation within the steep slopes is not planned.

c. List threatened and endangered species known to be on or near the site.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant is not aware of any threatened or endangered species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The Proposal is not a project specific proposal and is a non-project action. Appropriate landscaping will be included on project specific proposals and will be addressed at the time of a site specific project in accordance with Auburn Code.

e. List all noxious weeds and invasive species known to be on or near the site.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant is not aware of invasive and noxious weeds or species on the subject parcels.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Swallows and steller jay, juncos, woodpecker, mourning doves, and hummingbirds, deer, coyote may potentially use the parcels. However, the subject parcels have not been observed or documented as providing direct habitat for fish species.

- b. List any threatened and endangered species known to be on or near the site.

The Proposal is not a project specific proposal and is a non-project action. However, there has been no threatened or endangered species observed or documents on the subject parcels.

- c. Is the site part of a migration route? If so, explain.

The Proposal is not a project specific proposal and is a non-project action.

- d. Proposed measures to preserve or enhance wildlife, if any:

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

- e. List any invasive animal species known to be on or near the site.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable. The Proposal is not a project specific proposal and is a non-project action. Energy needs will be addressed on project specific actions.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

- 1) Describe any known or possible contamination at the site from present or past uses.

The Proposal is not a project specific proposal and is a non-project action. However, there are no known contaminants on the Parcels.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- 4) Describe special emergency services that might be required.

The Proposal is not a project specific proposal and is a non-project action. However, any development may require special emergency services in the nature of fire, police and ambulance services.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable. The Proposal is not a project specific proposal and is a non-project action. Future specific project actions will evaluate types of noise in the area. However, it is not anticipated that existing traffic or operation of the abutting grandfathered industrial operation south of the subject parcels will have any impact on any site specific proposals but

will be compatible with the proposed M-1 land use designation proposed as part of the Comprehensive Plan Amendment/Rezone.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

The Proposal is not a project specific proposal and is a non-project action. Future specific project actions will evaluate types and levels of noise created from a project specific proposal.

3) Proposed measures to reduce or control noise impacts, if any:

Not applicable. The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The parcels house existing residential houses, garages, outbuildings, and a former repair shop as well as the allowed contractor uses associated with Lakeridge Paving Company on Parcel Nos. 3121059056 and 3121059010. The proposal to re-designate the parcels to Industrial will be consistent with industrial nature of a railroad corridor abutting the west side of A Street SE, a high speed traffic corridor along A Street SE, the substantial regional area zoned Industrial to the area west of the railroad corridor, and the adjacent grandfathered industrial contractor's use to the south. As set forth under this SEPA checklist, given the steep slopes along the easterly property boundary which rise in excess of 400 feet to the east, the residential areas at the top of slope will not experience any adverse impact. In addition, the parcel to the north of the subject parcels is separated by a substantial wetland area located on the parcel to the north of the subject parcel. Further, this parcel has a Comprehensive Plan Land Use Designation of Light Commercial. Uses allowed under Light Commercial are also allowed in an M-1 Zoning Classification and therefore by definition under Auburn's Code, there is compatibility. The GMA requires consistency between the Zoning Classification and the Comprehensive Plan Land Use Designation and therefore the Comprehensive Plan Land Use Designation must control to determine if there will be any impact to adjacent uses.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Historical photography shows that the subject parcels have not been previously used as commercial farmlands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

There are no farms or forest land in the immediate vicinity of the subject parcels.

c. Describe any structures on the site.

There are existing residential structures and outbuildings on Parcel No. 3121059036 and 3121059033, and a former shop area on Parcel No. 3121059036

d. Will any structures be demolished? If so, what?

The Proposal is not a project specific proposal and is a non-project action. However, as set forth above, under Auburn's existing Zoning Classification of C-1, Lakeridge Paving Company is the process of preparing the required site specific application submittals for an Office Complex on Parcel No. 3121059036 for use by Lakeridge Paving Company for its business operations in conjunction with its existing allowed operational activities for the storage of equipment and trucks on Parcel Nos. 3121059056 and 3121059010, the two southerly parcels. Demolition of structures on Parcel No. 3121059036 will occur in conjunction with the Office Complex allowed under the existing C-1 Zoning Classification. The requested Comprehensive Plan Amendment/Rezone is not needed to obtain approval for the allowed C-1 Office Complex site specific project nor for operational activities of Lakeridge Paving on the two southerly parcels. It is anticipated that the existing residential structure and outbuildings on Parcel No. 3121059033 will be demolished for future site specific projects on this parcel.

e. What is the current zoning classification of the site?

The parcels are zoned C-1 (Parcel Nos. 3121059036 and 3121059033) and C-3 (Parcel Nos. 3121059056 and 3121059010).

f. What is the current comprehensive plan designation of the site?

Commercial.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

In conjunction with preparation of a site specific application for an Office Complex for Lakeridge Paving under the existing C-1 Zoning Classification, a wetland biologist has been engaged who determined that there is a wetland that straddles the property line between Parcel No. 3121059036 and Parcel No. 3121059033, and a Geo-Tech has been engaged to review the steep slopes along the easterly portion of the site. The wetland biologist has determined that the wetlands are Class IV Wetlands under Auburn's Critical Areas regulations and the Geo-Tech determined that a 15' building setback was appropriate for the steep slope area as delineated in the Geo-Tech Report. As noted above, attached hereto are copies of the Wetland Assessment and the Geo-Tech Report.

i. Approximately how many people would reside or work in the completed project?

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

j. Approximately how many people would the completed project displace?

There are no people displaced by the Proposal nor will any be displaced in future site specific projects.

k. Proposed measures to avoid or reduce displacement impacts, if any:

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The Proposal is not a project specific proposal and is a non-project action. However, the proposed Comprehensive Plan Amendment and Re-Zone is intended to and provides compatibility with the surrounding uses as described above. The existing grandfathered industrial-type use abutting the southerly parcels is compatible with the Proposal. The parcel to the north of Parcel No. 312105933 contains wetlands and therefore there is substantial separation by virtue of a required wetland buffer and the wetlands. In addition, the steep slopes (in excess of 45%) along the easterly portion of the parcels and the significant elevation differential (in excess of 400 feet) with the abutting residential area at the top of the slope to the east provides a natural, substantial buffer from residential. To the west of the subject parcels is a commercial railroad corridor and west of that railroad corridor is significant regional area zoned under an Industrial classification.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not applicable as there are no abutting agricultural lands or forest lands.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Two existing residential units would be eliminated with the Proposal; however, under the existing C-1 Zoning Classification, those existing residential units may be eliminated as well.

c. Proposed measures to reduce or control housing impacts, if any:

No impacts have been identified and, therefore, no mitigation is proposed.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The Proposal is not a project specific proposal and is a non-project action.

- b. What views in the immediate vicinity would be altered or obstructed?

As indicated previously, the subject parcels are bounded to the west by a high speed arterial and a railroad corridor. The abutting parcel to the south is a compatible existing grandfathered industrial use. The abutting parcel to the north has wetlands and buffers that will provide separation. And, the significant elevation difference with the steep slopes rising to the top of the slope to the easterly residential area provide substantial separation and therefore there will be no obstruction of "views". Project specific proposals will comply with Auburn's landscaping requirements.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The Proposal is not a project specific proposal and is a non-project action. Nor have significant adverse impacts been identified and, therefore, no mitigation is proposed.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable. The Proposal is not a project specific proposal and is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

The Proposal is not a project specific proposal and is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal?

There are no existing off-site sources of light or glare which would affect the Proposal or any future project specific actions.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable. No impacts have been identified and, therefore, no mitigation is proposed.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

There is the Sumner Link Trail and sidewalks to the Lakeland Hills Development area in the general vicinity. There is no recreational opportunities in the immediate vicinity.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The Proposal is not a project specific proposal and is a non-project action. However, neither the Proposal or any future project specific actions would displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable. The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

The Proposal is not a project specific proposal and is a non-project action. However, none of the existing structures on the subject parcels or near the subject parcels are eligible for listing on any preservation registry.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The Proposal is not a project specific proposal and is a non-project action. However, the Applicant is not aware of any.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable. The Proposal is not a project specific proposal and is a non-project action. No impacts have been identified and, therefore, no mitigation is proposed.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The Proposal is not a project specific proposal and is a non-project action. A future specific project action will evaluate impacts, if any, to A. Street SE and applicable transportation corridors. However, the Applicant has engaged Heffron Transportation to prepare a Traffic Analysis to compare traffic volumes and traffic conditions under a retail-

oriented Commercial zoning classification and a M-1 Industrial zoning classification. Attached hereto is the Heffron Technical Memorandum, dated October 5, 2015.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

There is no public transit stop in the immediate vicinity of the subject parcels.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

The Applicant has engaged Heffron Transportation to perform a Traffic Analysis based upon the Proposal to change the existing Land Use Classification from C-1 and C-3 to M-1. This Traffic Analysis assumes a very generous assumption of developable land given the critical area site constraints and further given an assumption that the stormwater system will be implemented through underground vaults which are not typically utilized. The parking supply may vary from 18 spaces to 62 spaces depending upon the parcel. See attached Technical Memorandum, dated October 5, 2015, prepared by Heffron Transportation.

No parking spaces would be eliminated by approval of the proposed change of the existing Land Use Classification from C-1 and C-3 to M-1.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

The Proposal is not a project specific proposal and is a non-project action. Applicable road systems and transportation facilities will be evaluated as part of site specific projects and will be consistent with applicable Auburn Code depending upon the site specific project.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

The Proposal is not a project specific proposal and is a non-project action. However, there are no available direct connection to water, rail or air transportation within the immediate vicinity of the subject parcels.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

The Applicant has engaged Heffron Transportation to perform a Trip Generation based upon the Proposal to change the existing Land Use Classification from C-1 and C-3 to M-1. This Traffic Analysis assumes a very generous assumption of developable land given the critical area site constraints and further given an assumption that the stormwater system will be implemented through underground vaults, which are not typically utilized. Attached hereto is a Technical Memorandum, dated October 5, 2015, prepared by Heffron Transportation.

As noted in the Technical Memorandum, the retail uses allowed under the existing C-1 and C-3 Zoning Classifications result in significantly more trips during the pm peak hour than customary uses

developed under an M-1 Industrial use. Below is a table which shows the significant difference in trip generation between the typical retail uses developed under a Commercial designation and the typical manufacturing or warehouse uses developed under an Industrial designation.

Peak Hour Trip Rates for Various Land Uses

Zoning / Land Use	PM Peak Hour Trip Rate (trips per 1,000 sf) ^a
Uses allowed with C-1, C-3 and M-1 Zoning	
Convenience Market (LU Code ^b 851)	52.41
Gas/Service Station with Convenience Market (LU Code 945)	97.47
Coffee Shop with Drive Through Window (LU Code 937)	42.80 (100.58 in morning)
Auto Parts Store (LU Code 943)	4.46
Additional Uses allowed with M-1 Zoning	
Manufacturing (LU Code 140)	0.73
Mini Warehouse (LU Code 151)	0.19
Tractor Supply Store (LU Code 810)	1.40
Building Materials and Lumber Store (LU Code 812)	4.49

a. Source: Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, 2010.

b. "LU Code" is the Land Use Code listed in the Trip Generation Manual.

In addition, as noted in the Heffron Technical Memorandum, the large (or "big box") warehousing and distribution centers while allowed under an M-1 use would not be developable on the subject parcels given the physical constraints of the parcels. Only small warehouses or mini-storage uses would likely be developable and as noted by Heffron Transportation, such uses "would generate very little traffic, particularly compared to retail uses that could be developed under existing zoning". Moreover, the Heffron Technical Memorandum further concluded that even building and landscape material sales allowed under an M-1 land use designation although more like retail "generate much less traffic than other types of retail sales that are already allowed".

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

There are no known movements of commercial agricultural or forest products on A Street SE as there are no forest lands in the vicinity and no agricultural resource lands in the vicinity.

h. Proposed measures to reduce or control transportation impacts, if any:

The proposed change in Land Use Designation/Rezone "would not allow new uses that would adversely affect traffic conditions in the vicinity of the subject parcels. The lowest potential impacts would be associated with typical Industrial uses in the nature of manufacturing and mini-warehouse uses." (See Heffron Technical Memorandum, at p. 3). Further, the retail uses that produce significant trip generation under the existing Commercial Zoning Classification are also allowed under the M-1 Zoning Classification. Therefore, there would be no new or greater impacts from a change in zoning classification to M-1.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The Proposal is not a project specific proposal and is a non-project action. A future specific project action will evaluate necessary public services, including fire protection, any police protection, etc. based upon applicable Auburn Code. It is not likely that there will be any impacts to school capital facilities as residential development is unlikely. Any significant adverse impacts will be mitigated based upon applicable Auburn Code and Comprehensive Plan policies.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

The Proposal is not a project specific proposal and is a non-project action. Any significant adverse impacts will be mitigated based upon applicable State regulations and Auburn Code and Comprehensive Plan policies.

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

The Proposal is not a project specific proposal and is a non-project action. However, electricity, water, telephone, and on-site sewage systems are available to the subject parcels.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

The Proposal is not a project specific proposal and is a non-project action. A future specific project action will evaluate utilities, including water, stormwater (both quantity and quality), sewage systems, and other general public utilities, and related construction activities on a site specific project and any significant adverse impacts will be mitigated based upon applicable State regulations and Auburn Code and Auburn Comprehensive Plan policies.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____


Jon D. Cheetham, Managing Member
Kana B Limited Liability Company

Date Submitted: October 6, 2015

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

A future specific project will evaluate any increases to emissions or any production of noise. It should be noted, however, that high intensity manufacturing uses which, by definition under Auburn Code (ACC 18.04.612), "have the potential to result in externalities or effects on surrounding land uses or the community" are expressly not allowed in a M-1 Zoning Classification (emphasis added).

Proposed measures to avoid or reduce such increases are:

Future site specific projects will comply with any applicable federal, state, and local laws and regulations and any significant adverse impacts will be evaluated and appropriate mitigation measures will be addressed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

A project specific action will likely result in land clearing and removal of vegetation. Future specific project actions will evaluate impacts, if any, from a project specific action. However, it should be noted that the retail uses allowed under a C-3 (regional) and a C-1 (community-type) Zoning Classification are also allowed in a M-1 Zoning Classification. Therefore, given that retail development typically constructs the maximize size structure and parking area allowable on a parcel (impervious surface area), there will be generally no difference in land clearing activities between a Commercial Zone Classification and a M-1 Zone Classification especially here where the same retail uses allowed in a Commercial Zone are allowed in a M-1 Zone.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Future site specific projects will evaluate any significant adverse impacts and appropriate mitigation measures will be addressed.

3. How would the proposal be likely to deplete energy or natural resources?

A future specific project action will evaluate, impacts, if any. However depletion of energy or natural resources are not likely. As noted above, high intensity manufactured uses which typically may be heavier uses of energy or natural resources are not allowed in an M-1 Zoning Classification.

Proposed measures to protect or conserve energy and natural resources are:

A Future site specific project will comply with any applicable federal, state, and local laws and regulations and any significant adverse impacts will be evaluated and appropriate mitigation measures will be addressed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

A future specific project action will evaluate, impacts, if any. Critical Areas reports are required under Auburn Code and will be submitted in conjunction with specific project actions. Project specific actions will be required to satisfy the City's Critical Areas Code requirements.

Proposed measures to protect such resources or to avoid or reduce impacts are:

A future site specific project will comply with any applicable federal, state, and local laws and regulations and any significant adverse impacts will be evaluated and appropriate mitigation measures will be addressed and proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Adoption of the requested Comprehensive Plan Amendment and Re-Zone will be compatible with the surrounding area and existing surrounding land uses. As stated previously, the subject parcels are bounded to the west by a high speed transportation corridor and a railroad corridor. The area west of the railroad corridor is zoned Industrial. The abutting parcel to the south is a compatible, existing grandfathered industrial use. The abutting parcel to the north has wetlands and buffers that will provide separation of the uses. Further, this northerly property has a Comprehensive Plan Land Use Designation of Light Commercial. Uses allowed under Light Commercial are also allowed in an M-1 Zoning Classification and therefore by definition under Auburn's Code, there is compatibility. The GMA requires consistency between the Zoning Classification and the Comprehensive Plan Land Use Designation and therefore the Comprehensive Plan Land Use Designation must control to determine compatibility. The significant elevation difference with the easterly steep slopes will provide substantial separation from the residential area to the east at the top of the slope, and therefore there will be no incompatibility by virtue of the natural, significant buffer. In addition, project specific proposals will comply with Auburn's landscaping requirements which provide additional buffering.

Proposed measures to avoid or reduce shoreline and land use impacts are:

There are natural significant physical buffers and existing man-made conditions (i.e., the Railroad Corridor), as described above, that create measures intrinsic to the area which minimize any impacts. Future site specific projects will further be required to comply with any applicable federal, state, and local laws and regulations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

A project specific action will address any demands on transportation or public services or utilities at the time of a project specific action. However, as noted in the Heffron Technical Memorandum attached hereto, a change in the Land Use Designation to M-1 will not increase and will likely diminish the demands on transportation networks given that the typical M-1 uses will generate substantially less trip generation when compared to the retail uses that would typically develop under a Commercial Zoning Classification. However, it should be noted that both community and regional retail uses which are already allowed under the Commercial Zoning Classification are also allowed under the M-1 Zoning Classification and therefore, by definition there will not be an increase in trip generation.

Proposed measures to reduce or respond to such demand(s) are:

Future site specific project actions will comply with any applicable federal, state, and local laws and regulations and any significant adverse impacts will be evaluated and appropriate mitigation measures will be addressed. However, as concluded by Heffron Transportation, "the proposed rezone would not allow new uses that will adverse affect traffic conditions in the vicinity" of the subject parcels.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

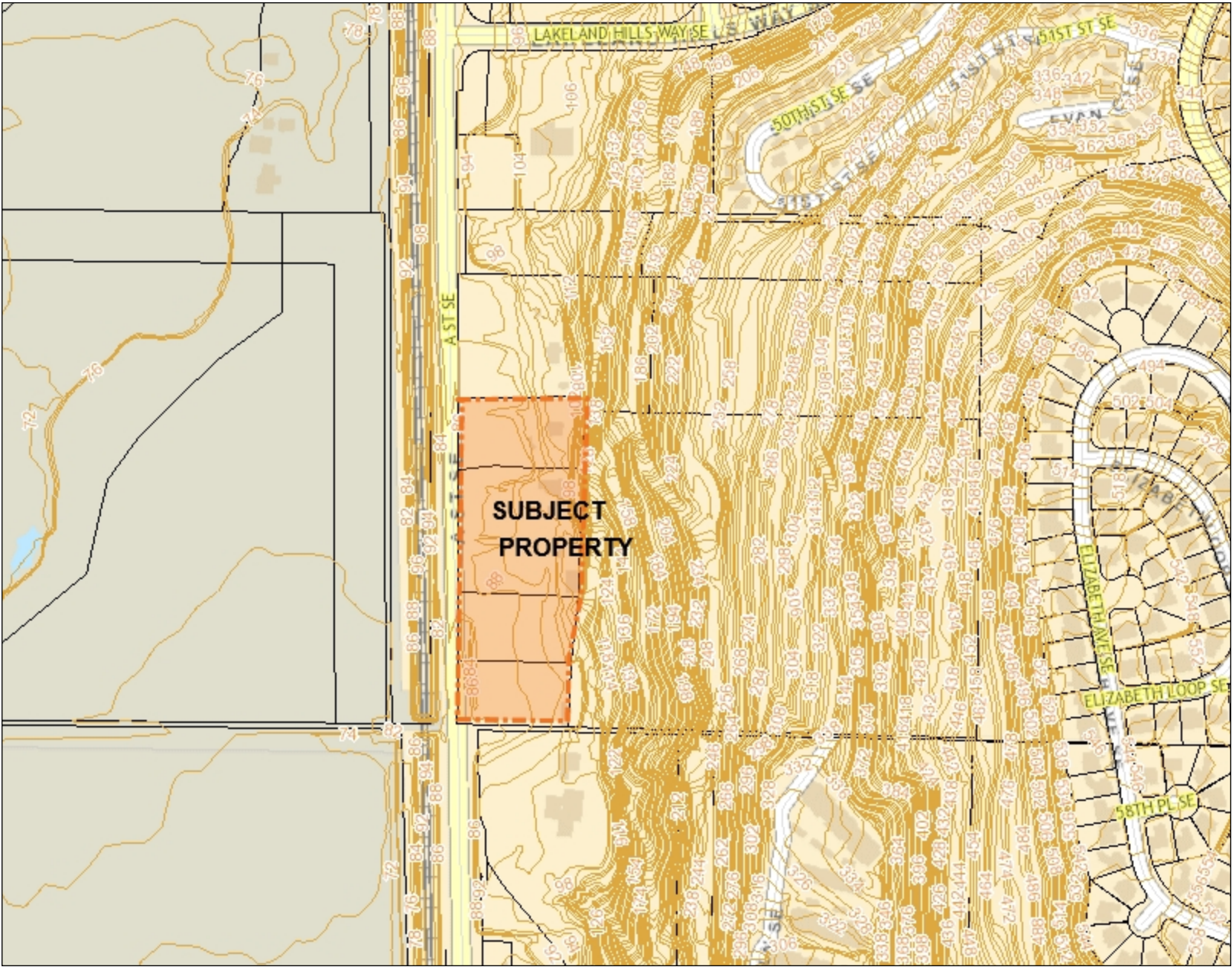
A project specific action will not be designed to be in conflict with any local, state, or federal laws or requirements for the protection of the environment. A site specific proposal will be implemented to be consistent with federal, state and local laws and requirements.

Topographic Map

Exhibit 6

Printed Date: 2/28/2017
Map Created by City of Auburn eGIS
Imagery Date: May 2015

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.



- Legend
- Contours 2FT
 - Parcels
 - Street Centerlines

Notes

Topographic map of the vicinity showing 2 foot contour intervals based on 2015 aerial photography.

752.3 0 376.2 752.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

ORD.A

1in = 376 ft

1:4,514

Page 100 of 194



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6640

Date:

February 28, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 Staff Report](#)

[Ordinance No. 6640](#)

[Exhibit 3 Vacinity Map](#)

[Exhibit 4 Proposed Zoning Map](#)

[Exhibit 5 2015 Aerial Photograph](#)

[Exhibit 6 Determination of Nong-Significance](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to introduce and adopt Ordinance No. 6640.

Background Summary:

Please see the attached Agenda Bill.

Reviewed by Council Committees:

Other: Planning & Legal

Councilmember:**Staff:**

Snyder

Meeting Date: March 6, 2017

Item Number: ORD.B



AGENDA BILL APPROVAL FORM

Agenda Subject Ordinance No. 6640, Romart Investments LLC Zoning Map Amendment (Rezone), REZ14-0001		Date: February 21, 2017
Department: Comm. Dev. & Public Works	Attachments: See Exhibit listing below.	Budget Impact: N/A
Administrative Recommendation: City Council to introduce and adopt Ordinance No. 6640 approving the Romart Investments LLC Zoning Map Amendment (Rezone) with a condition from the Mitigated Determination of Non-Significance (MDNS).		
APPLICANT/OWNER: Vernon E. Mahrt Romart Investments LLC 3919 Latona Ave NE Seattle, WA 98071 REQUEST: File No. REZ14-0001 Rezoning of one parcel totaling approximately 2.27 acres from "R5, Residential, five dwelling units per acre" to "C1, Light Commercial". LOCATION: The vacant site is located at northwest corner of the 182nd Avenue East & Lake Tapps Parkway East. The site is located within the NE ¼ of Section 5, Township 20 North, Range 5 East, W.M., Parcel No. 0520051045.		

Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____	Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☐ Fire ☐ Legal ☒ Public Works ☐ M&O ☐ Mayor ☐ Parks ☒ Planning ☐ Police ☐ Human Resources
--	--

Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		Call for Public Hearing ____/____/____ ____/____/____
---	--	--

Councilmember:	Staff: Synder
Meeting Date: February 27, 2017	Item Number:

LOCATION & PARCEL	The property is located on the northwest corner of Lake Tapps Parkway SE and 182nd Ave E within the Pierce County portion of the City of Auburn, Parcel No. 0520051045
EXISTING ZONING	"R5, Residential, Five Dwelling Units per Acre".
EXISTING COMPREHENSIVE PLAN DESIGNATION	The parcel is designated "Light Commercial" by recent Ordinance No. 6632, adopted December 5, 2016.
SEPA STATUS	A combined Notice of Application and Adoption of Existing Environmental Document, a Mitigated Determination of Non-Significance (MDNS) (File No. SEP15-0022) of the Pierce County Mitigated Determination of Non-Significance (MDNS) for a conditional use permit (CP33-94) was issued in June, 2008. The MDNS was prepared for the construction of an 18,000 sq ft commercial building and 88 associated parking stalls on a portion of the subject site, located in the General Use Zone classification (Application Number 196781). The City observed a 15-day comment period and received comments from Pierce County Transportation Dept. and from Carolyn Anderson, a neighbor. The comment period ended August 3, 2016 and the appeal period ended August 24, 2106. There were no appeals.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Current Land Use
Project Site	Light Commercial	R5, Residential (Five (5) dwelling units per acre)	Vacant
North	The BPA utility easement and property beyond is designated "Single Family Residential"	R5 Residential (Five (5) dwelling units per acre)	Utility transmission corridor (Northwest Pipeline) and vacant land
South	Neighborhood Commercial Unincorporated Pierce County	NC – Neighborhood Center (Located in Unincorporated Pierce County)	Vacant
East	Rural 10 Unincorporated Pierce County	R10 – Rural 10 (Located in Unincorporated Pierce County)	Gas Station/Strip Commercial
West	The utility easement and property beyond is designated "Single Family Residential"	R5 Residential (Five (5) dwelling units per acre)	Vacant

Vicinity Map



^ NORTH

A. FINDINGS

1. The related comprehensive plan map amendment, rezone (zoning map amendment) application were accepted on June 6, 2014, prior to the submittal deadline for processing of annual Comprehensive Plan Amendments. The related environmental checklist application was subsequently submitted in 2015.
2. The applications were submitted by V.E. Mahrt ("Bud") who is identified as Managing Member of Romart Investments LLC, Property Owner and Applicant.
3. The zoning map amendment (rezone) application seeks to change the zoning classification of one parcel totaling approximately 2.27 acres from "R5, Residential, five dwelling units per acre" to "C1 Light Commercial" to accommodate future commercial development of the site (The Site).
4. The parcel is located on the northwest corner of Lake Tapps Parkway SE and 182nd Ave E.
5. The parcel requested for change is irregular in shape, most closely resembling a trapezoid. There is no evidence that the property was previously developed.
6. The east side of the site is bordered by a Pierce County roadway (182nd Avenue East) which is a two-lane north-south roadway with left turn lanes provided at major intersections. To the south, the site is bordered by Lake Tapps Parkway SE, a City of Auburn "Principal Arterial" classified roadway. This street has two lanes in each direction with a center turn lane. The shoulders are usually curb, gutter and sidewalk. The site does not border any other roadway rights-of-way. Directly to the northwest is a public storm pond and Northwest Pipeline underground utility transmission corridor. The utility corridor appears to contain wetlands that extend on to the northern portion of the Site.
7. As indicated by the Applicant in the narrative submitted with the application, rezoning has been requested for the purpose of changing the zoning of the property to allow future development consistent with nearby properties.
8. A combined Notice of Application and Adoption of Existing Environmental Document, a Mitigated Determination of Non-Significance (MDNS) (File No SEP15-0022) adopting the previous Pierce County MDNS was issued in June, 2008. The Pierce County MDNS was prepared for the construction of an 18,000 commercial building and 88 associated parking stalls on a portion of the subject site, located in the General Use Zone classification (Application Number 196781). With issuance of the combined notice, the City observed a 15-day comment period and received comments from Pierce County Transportation and from Carolyn Anderson, a neighbor. The comment period ended August 3, 2016 and the appeal period ended August 24, 2106. There were no appeals.

History of Subject Property

9. The property is located within the Pierce County portion of the City of Auburn. It was annexed to the City in 2005 by Ordinance No. 5932.

10. Prior to the site being annexed into the City of Auburn, a Conditional Use Permit (CP33-94) was processed by Pierce County in order to allow for the future construction of an 18,000 square foot commercial building and 88 parking stalls. The Conditional Use Permit was approved by the City of Auburn in June, 2008. The development would have occupied a portion of the subject site. The Conditional Use Permit expired in 2013.
11. Between 2014 and 2015, the Applicant, Romart Investments LLC, submitted 3 applications to the City:
 - a. An application to amend the Comprehensive Plan map designation of an approximate 2.27-acre parcel from "Single Family Residential" to "Light Commercial" (CPA14-0002).
 - b. A rezone application (File No. REZ14-0001) was submitted to change from R5, Single Family Residential, five dwelling units per acre to C1 Light Commercial. The rezone was needed because commercial development is not allowed in the R5 zoning district.
 - c. An environmental checklist application was submitted to address the change in map designations and development. The development consists of a two-story, 36,000 commercial structure with 8,000 square feet of general office and 8,000 square feet of specialty retail space (File No. SEP15-0022).
12. In response to the application received in 2015, the City issued a Notice of Application and Adoption of Existing Environmental Document (MDNS) (Pierce County Environmental Application Number 196781) on July 19, 2016. The document being adopted, the original MDNS was issued by Pierce County since it predated annexation into the City of Auburn. The MDNS contained one condition necessary in order to reduce or avoid impacts related to a driveway location and conflict with a nearby wetland.

Related Comprehensive Plan Amendment and Rezone Processing

13. At its November 9, 2016 public hearing, the Planning Commission reviewed the related Comprehensive Plan map amendment (File No. CPA14-0002, Romart Investments LLC) to change the Comprehensive Plan map designation of the subject property from "Single Family Residential" to "Light Commercial". The Planning Commission forwarded a recommendation for approval to the City Council.
14. At its November 28, 2016 meeting, the City Council reviewed the Comprehensive Plan amendments and draft Ordinance No. 6632, as recommended by the Planning Commission. On December 5, 2016 the City Council approved Ordinance No. 6632 approving the change in comprehensive plan designation of the subject property to "Light Commercial".
15. Pursuant to ACC 18.68.030 and ACC 18.68.040, all applications for a rezone shall be reviewed by the Planning Director prior to the scheduling of a public hearing. After review of the application, the Director shall determine which of the following two processes should occur to properly hear the rezone:
 - a. If the rezone is consistent with the Comprehensive Plan, then the Hearing Examiner shall conduct a public hearing on the rezone and make a recommendation to the City Council pursuant to ACC 2.46.130.

This Application is consistent with the Comprehensive Plan, as outlined below in the 'Conclusions' section, below.

16. Pursuant to ACC 18.68.040, "(Zoning code amendments) Public hearing notice requirements". Rezones Initiated by an Applicant Other Than City shall require public notice be given at least 10 days prior to the public hearing and in accordance with ACC 14.07.040. A Public Hearing Notice was issued and published in the Seattle Times on January 4, 2017; this notice was also mailed to the property owners within 300 feet of the subject site, and posted on the subject property meeting the notification requirements.
17. Per ACC 18.23.020, the stated intent of the "C-1 Light Commercial" zoning district is to:

". . . provide for lower intensity commercial adjacent to residential neighborhoods. This zone generally serves as a transition zone between higher and lower intensity land uses, providing retail and professional services. This zone represents the primary commercial designation for small- to moderate-scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers and pedestrians."
18. As identified in ACC 18.23.020 and -030, the "C-1 Light Commercial" zoning classification allows a range of commercial uses, including professional office, retail, and restaurant. The development standards of the zone are contained in ACC 18.23.040.

B. CONCLUSIONS:

ACC Chapter 18.68 provides few criteria for approval of a rezone. Following is a staff analysis of the requested application with the criteria.

1. The rezone must be consistent with the Comprehensive Plan.

Staff analysis: The purpose of the City's Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code section:

ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the comprehensive plan. Capital budget decisions shall be made in conformity with the comprehensive plan. "

On December 5, 2016 the City Council approved Ordinance No. 6632 approving the change in comprehensive plan designation of the subject property from "Single Family Residential" comprehensive plan designation to the "Light Commercial" comprehensive plan designation.

The Applications are vested to the Comprehensive Plan in effect prior to the adoption of a substantially revised Comprehensive Plan adopted in December of 2015. The Comprehensive Plan contains policy guidance related to this application. Specifically, Chapter 14, Comprehensive Plan Map, starting at Page 14-9 provides the following purpose and description of the 'Light Commercial' Comprehensive Plan designation. The 2015 and earlier Comprehensive Plan to which the application is vested provides

the following purpose statement of the “Light Commercial” Comprehensive Plan land use designation:

Light Commercial

Purpose: To create people oriented commercial areas to supply a wide range of general commercial services to area residents.

Description: This category represents the prime commercial designation for small to moderate scale commercial activities. These commercial areas should be developed in a manner which is consistent with and attracts pedestrian oriented activities. The ambiance of such areas should encourage leisure shopping and should provide amenities conducive to attracting shoppers. (Emphasis added)

Compatible Uses: A wide range of consumer oriented goods and services are compatible within this designation since the emphasis would be on performance criteria which create an attractive shopping environment. However, uses which rely on direct access by vehicles or involve heavy truck traffic (other than for merchandise delivery) are not appropriate in this category. Unsightly outdoor storage and similar activities should be prohibited. Permitted uses would consist of retail trade, offices, personal services, indoor eating establishments, financial institutions, governmental offices, and similar uses. Multiple family dwellings should be encouraged as part of mixed-use developments where they do not interfere with the shopping character of the area, such as within the upper stories of buildings. Since taverns can break up the continuity of people oriented areas, taverns would be permitted generally only as a conditional use. Drive in windows should only be allowed as ancillary to a permitted use, and only when carefully sited under the conditional use permit process in order to ensure that an area's pedestrian environment is not seriously affected.

Criteria for Designation: This designation should include moderate sized shopping centers, and centrally located shopping areas. This designation should be preferred for commercial sites where visual and pedestrian amenities are an important concern outside of the downtown.

Appropriate Implementation: This designation is implemented by the C-1 Light Commercial District. This district provides for a wide range of small and moderate scale commercial oriented towards the leisure shopper and pedestrian oriented activities.” (Emphasis added):

The requested change would make the zoning classification of the site consistent with its Comprehensive Plan designation. The property is located at the intersection of major streets and separated from adjacent residential zoned property by the utility transmission corridor, storm pond, and wetlands that are surrounded by single family residential uses and designations. The request is not anticipated to adversely affect compatibility with the nearby single family residential area.

Applicable policies from the City's Comprehensive plan that are adopted and designated as a basis for the exercise of substantive authority under SEPA to approve, condition or deny proposed action are noted as follows:

While commercial uses along arterials (often called "strip commercial" development) provide important services to community residents, the proliferation of commercial uses along arterials raises several land use planning issues. On the negative side, strip commercial development creates traffic flow problems and conflict with adjacent land uses. Due to their "linear" nature, commercial strips result in a maximum area of contact between commercial uses and other land uses resulting in a high potential for land use conflicts. Poor visual character due to excessive signage and architectural styles designed to attract attention instead of promoting a sense of community is an additional concern. Pedestrian shopping is made difficult, resulting in greater generation of automobile traffic, and large fields of asphalt parking lots are needed to accommodate single purpose vehicle trips.

Despite the problems associated with commercial development along arterials, many such locations are often quite unsuitable for other uses, due to the impacts associated with heavy traffic volumes. Also, many commercial uses thrive at such locations due to high visibility and accessibility. The Plan seeks to manage existing arterial commercial areas to take advantage of the accessibility they provide, while minimizing traffic and land use conflicts and improving their visual appearance through an enhanced design review process and development standards.

Objective 9.3. To encourage the appropriate use of areas adjacent to heavily traveled arterials while minimizing land use and traffic conflicts by:

1. Managing the continued commercial development of existing commercial arterials in a manner which minimizes traffic and land use conflicts.
2. Conserving residential qualities along heavily traveled arterials which are not yet commercialized, by restricting commercial development to types which provide an appropriate buffer.
3. Protecting existing, viable residential areas along lesser-traveled arterials, from commercial development.
4. Concentrate population and employment growth within the eight key economic development strategy areas within the City identified as follows.
 - Auburn Way North Corridor
 - Auburn Way South Corridor
 - Urban Center
 - Auburn Environmental Park and Green Zone
 - 15th Street SW/C Street SW/West Valley Highway/Supermall
 - A Street SE Corridor
 - SE 312th Street/124th Avenue SE Corridor
 - M Street SE between Auburn Way North and Auburn Way South.

Policies:

LU-58 The City has identified those existing commercial arterials that are appropriate for continued commercial development and employment growth as well as a concentration of population growth. These areas are identified as the eight economic development strategy areas as identified under Objective 9.3. Sub-area plans for these strategy areas should be developed.

- LU-59 The City shall review its standards relating to the number, size and location of driveways to ensure consistency with goals and policies relating to arterial commercial development.
- LU-60 The City shall encourage the grouping of individual commercial enterprises along commercial arterials to promote the sharing of parking areas, access drives and signs. Such grouping can be encouraged through land division regulations, sign regulations and development standards.
- LU-61 Moderate density multiple family residential development shall be used to buffer general (heavy) commercial arterial development from single family development. Extensive screening and landscaping shall be used to buffer general commercial uses from multiple family uses. However, the placement of walls and fences and site designs which prevent easy access by bicyclists and pedestrians should be avoided.
- LU-62 Arterials experiencing strong pressure for commercial development, but not yet committed to commercial uses, shall be designated for mixed use commercial and high density multi-family uses. Development regulations should encourage the development of professional office and similar uses and multiple family housing, with development and design standards carefully drawn to ensure preservation of a quality living environment in adjacent neighborhoods.
- LU-63 Residential arterials having good potential for long term maintenance of a quality living environment should be protected from the intrusion of commercial uses. In some instances, these may be appropriate locations for churches and other religious institutions, or moderate density multiple family uses.
- LU-64 Newly developed arterials shall incorporate design features, and development of adjacent land shall be managed such that creation of new commercial strips is avoided. Land division regulations shall result in single family residences being oriented away from the arterial, with access provided by a non-arterial street.
- LU-65 Along the Auburn Way South Corridor, employment and population growth should be limited to north of the R Street SE overpass.
- LU-66 The City should develop design standards and guidelines for development along arterials to improve their visual appearance.

While the property that is the subject of this request is not specifically identified as a location targeted for commercial development by the language of the policies and objectives, it is located at the intersection of major streets and separated from adjacent residential zoned property by the utility transmission corridor, storm pond and wetlands.

Consistent with this discussion in the Comprehensive Plan, the subject property is adjacent to a highly visible transportation corridor that forms a visual identity for the city. The property is sufficiently separated from single family residential uses and not likely to contribute to undesirable strip commercial. Future driveway access to the Pierce County roadway of 182nd Avenue East will require careful coordination with Pierce County Transportation, as the jurisdiction that owns the road. The coordination will occur during construction authorizations. Concern about sufficient driveway separation from the intersection for safety was previously identified by Pierce County in their SEPA decision (Mitigated Determination of Non-Significance).

2. Any changes or modifications to a rezone request made by either the Hearing Examiner or City Council will not result in a more intense or larger zone than requested.

Staff Analysis: The requested rezone change is from “R5, Residential” to “C-1 Light Commercial” zone. The staff recommendation for change is the same as the Applicant’s proposal.

In addition, Washington case law has identified other criteria for rezone applications (see *Parkridge v. Seattle*, 89 Wn.2d 454; 573 P.2d 359 (1978) (conditions must have changed since the original zoning was established and the proposed rezone must bear a substantial relationship to the general welfare of the community); *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001) (proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare; provided, that a showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.)

a. Conditions in the area must have changed since the original zoning was established.

Staff Analysis: The rezone proposal implements the Comprehensive Plan land use designation for the subject property. As mentioned under the Findings of Fact, a comprehensive plan map amendment was processed at the end of 2016 and approved by the City Council Ordinance No. 6632. The proposed rezone would adjust the zoning of the property to correspond and be consistent with the comprehensive plan designation. Showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.

b. The proposed rezone must bear a substantial relationship to the general welfare of the community.

Staff Analysis: Rezoning the subject property to “C-1 Light Commercial” will align the zoning district to the comprehensive plan designation. As noted above, Chapter 3, Land Use, and Chapter 14, The Comprehensive Plan Map, the Comprehensive Plan document provides various policies to meet community and growth management goals. The zoning change and subsequent commercial development will benefit the community and general welfare.

C. HEARING EXAMINER RECOMMENDATION

After conducting a properly advertised public hearing, the Hearing Examiner issued a written recommendation of **approval** on February 1, 2017 with the following condition identified

1. Move the driveway location as far north as practical to maximize the separation from the 9th Street intersection. Ideally, this location would be about 350 feet north of the intersection, such that it was located directly opposite the existing commercial approach on the east side of 182nd Ave East. This location provides the best alternative for safe and efficient site access.

It is recognized this driveway location may have impacts to the wetland and or wetland buffer. If these impacts cannot be mitigated to the satisfaction of the jurisdiction, such

that the driveway cannot be moved to the suggested location of 350 feet north of the intersection, then a driveway will be conditioned with the following requirements:

- The County engineer shall reserve the right to restrict the driveway approach to allow only right-in/right-out movements, such that left turn movements will be prohibited. This may be enforced through signage and or the installation of traffic curbing at the discretion of the County Engineer. (It is anticipated the driveway will initially operate with full turning movement provisions; however, as congestion and or safety issues arise, the turn restrictions may be imposed).
- In order to accommodate the potential for the future turn restrictions, as well as to improve the safety of the driveway, the project shall provide roadway illumination along 182nd Ave East, extending from luminaries located at the signalized intersection to approximately 350 feet north of the intersection. This illumination shall be designed in accordance with requirements of the County Engineer to be provided at the time of the illumination system design.

D. EXHIBIT LIST

- Exhibit 1 Staff Report
- Exhibit 2 Ordinance No. 6640
- Exhibit 3 Vicinity Map
- Exhibit 4 Zoning map showing the current and proposed zoning of the Property
- Exhibit 5 2015 Aerial Photograph
- Exhibit 6 Determination of Non-Significance (File No. SEP15-0022) July 19, 2016

ORDINANCE NO. 6 6 4 0

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE REQUEST OF ROMART INVESTMENTS, LLC FOR REZONING OF ONE PARCEL TOTALING APPROXIMATELY 2.27 ACRES LOCATED AT THE NORTHWEST CORNER OF 182ND AVE E AND LAKE TAPPS PARKWAY E FROM R5, RESIDENTIAL TO C1, LIGHT COMMERCIAL TO IMPLEMENT THE COMPREHENSIVE PLAN AND AMENDING THE CITY'S ZONING MAPS

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on August 18, 1986, a Comprehensive Plan by Resolution No. 1703, which included a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995, the City Council of the City of Auburn adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, on September 5, 1995, the City of Auburn reaffirmed that action with the adoption of Ordinance No. 4788; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City by Ordinance No. 6584; and

WHEREAS, Vernon E. Mahrt, Managing Member for Romart Investments LLC, the Applicant, submitted a rezone application on behalf of the Romart Investments LLC (File

#REZ14-0001) for the Romart Investments LLC rezone on June 5 , 2014, for one parcel identified by Pierce County, Washington, tax parcel number 0520051045; and

WHEREAS, the environmental impacts of proposed rezone were considered in accordance with procedures of the State Environmental Policy Act; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of hearing, the City of Auburn Hearing Examiner on January 18, 2017 conducted a public hearing on the proposed Romart Investments, LLC Rezone; and

WHEREAS, at the public hearing the City of Auburn Hearing Examiner heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, thereafter the City of Auburn Hearing Examiner made a recommendation to the City Council on the proposed Romart Investments, LLC Rezone; and

WHEREAS, on, February 27, 2017, the Auburn City Council at a study session reviewed the proposed Romart Investments, LLC Rezone; as recommended by the City of Auburn Hearing Examiner; and

WHEREAS, on, March 6, 2017, the Auburn City Council considered the proposed Romart Investments, LLC Rezone; as recommended by the City of Auburn Hearing Examiner; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council ("Council") adopts and approves the Romart Investments, LLC Rezone to change one parcel totaling approximately 2.27 acres located at the northwest corner of the intersection of 182nd Avenue East and Lake Tapps Parkway from "R5, Residential", to "C1, Light Commercial" and directs that the rezone application and all related documents be filed along with this Ordinance with the Auburn City Clerk and be available for public inspection.

Section 2. The Zoning Map amendment is herewith designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) by the City's responsible environmental official in accordance with RCW 43.21C.060.

Section 3. The Council adopts the Findings of Fact and Conclusions of Law, from the Hearing Examiner's recommendation as set forth below:

FINDINGS OF FACT

Procedural:

1. **Applicant.** The Applicant is Vernon E. Mahrt of Romart Investments, LLC.
2. **Hearing.** A public hearing was held by the hearing examiner on the proposed rezone on January 18, 2017 at 5:30 p.m. at the City Council chambers at Auburn City Hall.

Substantive:

3. **Site/Proposal Description.** The Applicant has requested a rezone of 2.27 acres from R5 to C1. The site is composed of one parcel. The site is located at the northwest intersection of 182nd Ave East and Lake Tapps Parkway E. The underlying comprehensive plan land use map designation was amended to "Light Commercial" by ordinance adopted on December 5, 2016.

The project site is undeveloped. The purpose of the rezone is to develop the site with a commercial use similar to what is in the surrounding area. The site is heavily vegetated, with a known wetland located near the northwest property lines.

4. Characteristics of the Area. The rezone area is surrounded by land zoned residential to the north, south, and west. The area across the street to the east is located in Unincorporated Pierce County and is developed with a gas station and commercial strip.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. A Mitigated Determination of Environmental Non-Significance (MDNS) was issued as part of the project in order to mitigate any impacts that may have resulted from the project. Specifically, requirements to move the proposed driveway locations as far north as practical from the intersection while minimizing impacts to nearby wetlands were noted.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. ACC 18.68.030(B)(1)(a) grants the Hearing Examiner with the authority to review and make a recommendation on rezone requests to the City Council if the planning director determines that the rezone requests are consistent with the comprehensive plan. The planning director has determined that the rezone request is consistent with the comprehensive plan.

Substantive:

2. Comprehensive Plan Land Use Map Designation. The Comprehensive Plan Land Use Map designation for the proposed rezone area is "Light Commercial".

3. Case Law Review Criteria and Application. The Auburn City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. *Id.* at 112.

The proposed rezone from R5 to C1 clearly meets the judicial criteria for a rezone. There is no question that the proposal is necessary to implement the comprehensive plan,

as the comprehensive plan land use map designation for the property is currently "Light Commercial".

The only remaining issue is whether any conditions should be placed on the rezone. As previously noted, mitigation measures were placed on the rezone through the SEPA process. Given that the mitigation measures are minor and will ensure that there are no impacts to a nearby wetland and will ensure increased traffic safety, the mitigation measures were recommended as conditions of approval by the Hearing Examiner.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. 5 while at the same time allowing for additional commercial options to Auburn residents.

DECISION

The Hearing Examiner recommends approval of REZ14-0001 with the following one condition:

1. Move the driveway location as far north as practical to maximize the separation from the 9th Street intersection. Ideally, this location would be about 350 feet north of the intersection, such that it was located directly opposite the existing commercial approach on the east side of 182nd Ave East. This location provides the best alternative for safe and efficient site access.

It is recognized this driveway location may have impacts to the wetland and or wetland buffer. If these impacts cannot be mitigated to the satisfaction of the jurisdiction, such that the driveway cannot be moved to the suggested location of 350 feet north of the intersection, then a driveway will be conditioned with the following requirements:

- The County engineer shall reserve the right to restrict the driveway approach to allow only right-in/right-out movements, such that left turn movements will be prohibited. This may be enforced through signage and or the installation of traffic curbing at the discretion of the County Engineer. (It is anticipated the driveway will initially operate with full turning movement provisions; however, as congestion and or safety issues arise, the turn restrictions may be imposed).
- In order to accommodate the potential for the future turn restrictions, as well as to improve the safety of the driveway, the project shall provide roadway illumination along 182nd Ave East, extending from luminaries located at the signalized intersection to approximately 350 feet north of the intersection. This

illumination shall be designed in accordance with requirements of the County Engineer to be provided at the time of the illumination system design.

Section 4. Upon the passage, approval, and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Recorder.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any of the Zoning Map amendments adopted herein, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 7. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law.

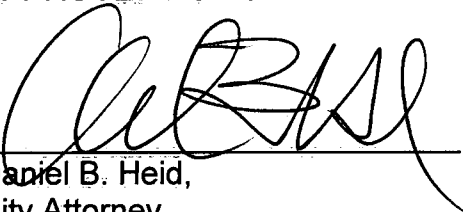
INTRODUCED: _____
PASSED: _____
APPROVED: _____

Nancy Backus
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

eGIS Planning

Printed Date: 10/23/2016
 Map Created by City of Auburn eGIS
 Imagery Date: May 2015

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Legend

-  Auburn City Limits
-  Parcels
-  Street Centerlines



1,504.7 0 752.3 1,504.7 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

ORD.B

1 in = 752 ft

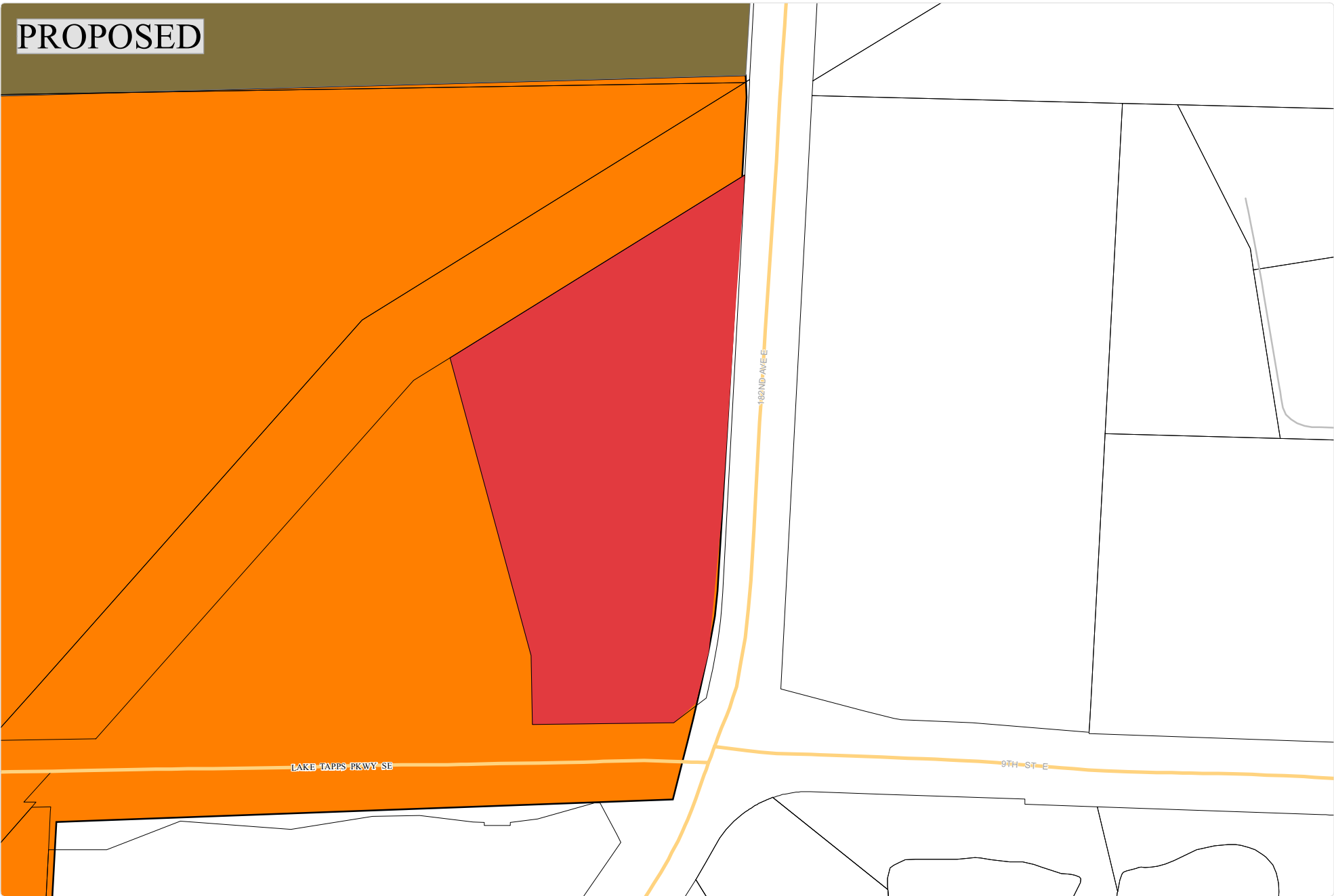
1:9,028

Page 120 of 194

Notes

CPA14-0002, Romart Inv. LLC
 2015 Aerial Photograph
 Parcel No. 0520101045

Proposed Zoning Map Admendment (REZ14-0001)





Auburn City Limits



Parcels

ORD.B



C-1 LIGHT COMMERCIAL



LAKELAND HILLS SOUTH PUD



R-5



0 40 80 120 160 200
FEET



Printed On: 08/20/13
Map ID: 4835

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Page 121 of 194

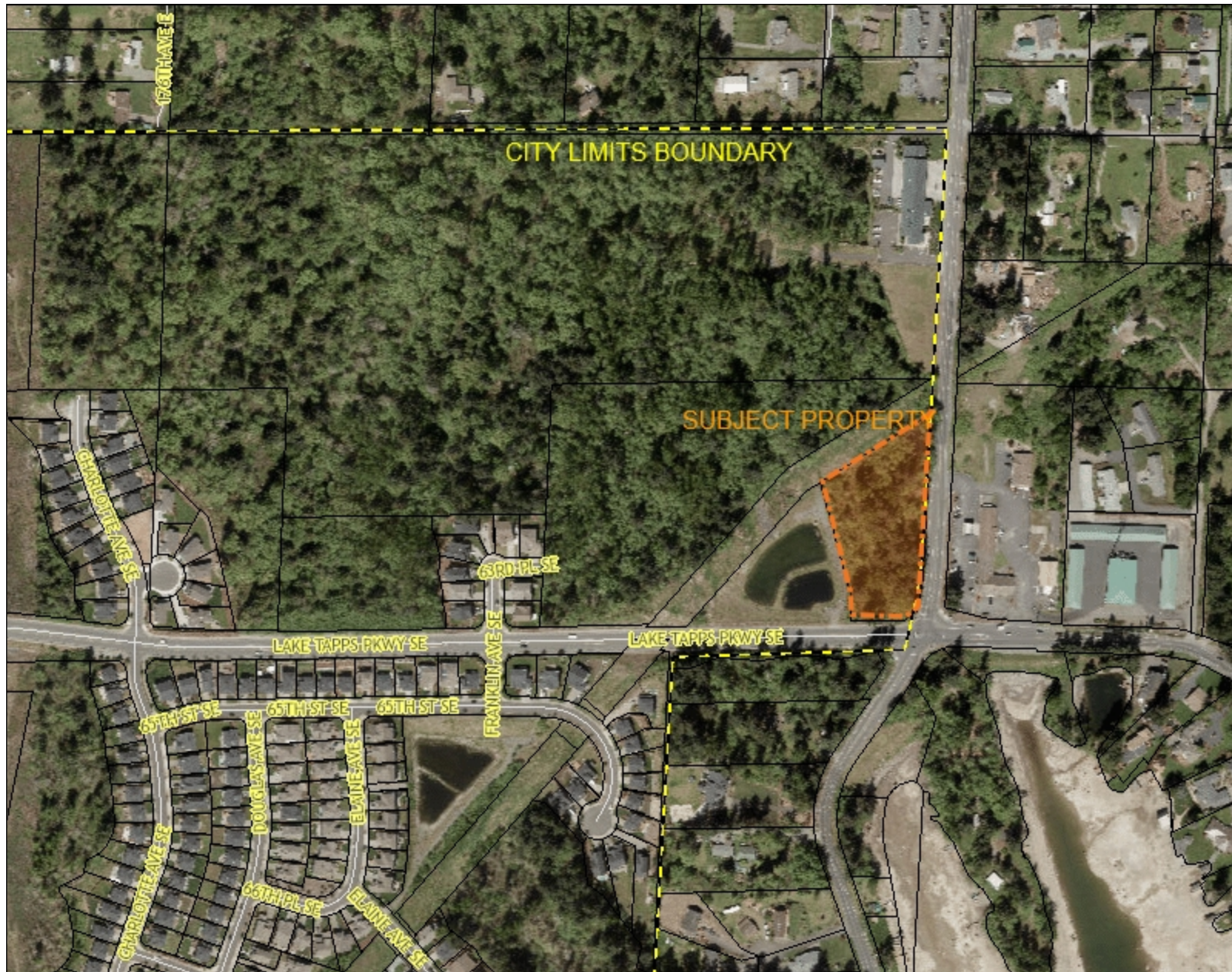
eGIS Planning

Printed Date: 10/23/2016
 Map Created by City of Auburn eGIS
 Imagery Date: May 2015

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Legend

-  Auburn City Limits
-  Parcels
-  Street Centerlines



752.3 0 376.2 752.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

ORD.B

1in = 376 ft

1:4,514



Page 122 of 194

Notes

CPA14-0002, Romart Inv. LLC
 2015 Aerial Photograph

**NOTICE OF APPLICATION (NOA) AND
ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT
NORTH LK TAPPS CENTER
SEP15-0022**

Description of Proposal: A comprehensive plan map amendment to change the 2.27-acre parcel from the current designation of "Single Family Residential" to "Commercial" and rezoning from "R5, Residential Five Dwelling Units Per Acre" to "C1, Light Commercial". The proposed action also includes the subsequent site preparation & construction of a two-story commercial building totaling 36,000 square feet consisting of 8,000 square feet of general office and 8,000 square feet of specialty retail.

Project Proponent: V.E. Mahrt
Romart Investments LLC
3919 Latona Ave NE
Seattle, WA 98071

Project Location: The vacant site is located at northwest corner of the 182nd Avenue East & Lake Tapps Parkway East. Site is located within the NE ¼ of Section 5, Township 20 North, Range 5 East, W.M., Parcel # 0520051045

Title of Document Being Adopted: Pierce County Mitigated Determination of Non-Significance (DNS) for a conditional use permit CP33-94), North Lk Tapps Center prepared for the construction of an 18,000 commercial building and 88 associated parking stalls on the southeastern 4.12 acre portion of an 11.78-acre parcel to be served by Bonney Lake Water and City of Auburn Sewer, located in the General Use Zone classification (Application Number 196781). The property was subsequently annexed to the City of Auburn in 2005 and the Applicant continued to renew the Conditional Use Permit (CUP) with Pierce County and the City of Auburn, but the CUP has now expired. At annexation, the property was given a comprehensive plan designation of "Single Family Residential" and zoning designation that is now "R5, Residential Five Dwelling Units Per Acre".

APPLICATION FILED:	July 28, 2015
COMPLETE APPLICATION:	June 28, 2016
NOTICE OF APPLICATION:	July 19, 2016

Agency that Prepared

Document Being Adopted: Pierce County Planning & Land Services, 2401 South 35th St, Tacoma, WA, 98409

Date and Description of Document

Being Adopted: Pierce County Mitigated Determination of Non-Significance (DNS) for a conditional use permit (CP33-94), North Lk Tapps Center for the construction of an 18,000 commercial building and 88 associated parking stalls on the southeastern 4.12 acre portion of an 11.78-acre parcel to be served by Bonney Lake Water and City of Auburn Sewer, located in the General Use Zone classification (Application Number 196781). The property was subsequently annexed to the City of Auburn in 2005 and the Applicant continued to renew the Conditional Use Permit (CUP) with Pierce County and the City of Auburn, but the CUP has now expired. At

annexation, the property was given a comprehensive plan designation of "Single Family Residential" and zoning designation that is now "R5, Residential Five Dwelling Units Per Acre".

STUDIES SUBMITTED WITH APPLICATION:

- 182nd Avenue East and Lk. Tapps Parkway Commercial Traffic Impact Analysis, Health Associates Inc., April 2016.

OTHER PERMITS AND PLANS WHICH MAY BE REQUIRED: City of Auburn grading permit, storm permit, building permit and associated permits. Pierce County street access permit (including possible turn restrictions), approvals for right-of-way dedication and street frontage improvements.

STATEMENT OF CONSISTENCY AND LIST OF APPLICABLE DEVELOPMENT REGULATIONS:

This project is subject to and shall be consistent with the City of Auburn Zoning Code and Engineering Design Standards.

Document Available: Document is available for review at the Community Development & Public Works Department, at Auburn Permit Center located at 1 East Main Street, Auburn, WA 98001 during regular business hours, 8:00 a.m. - 5:00 p.m.

CONCLUSIONS OF THE RESPONSIBLE OFFICIAL: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency and available to the public upon request.

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. **Comments must be submitted by 5:00 p.m. on August 3, 2016.** Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk within 21 days of the close of the comment period, or by 5:00 p.m. on August 24, 2016.

The Responsible Official has identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker. This adoption of an existing environmental document is issued under WAC 197-11-630.

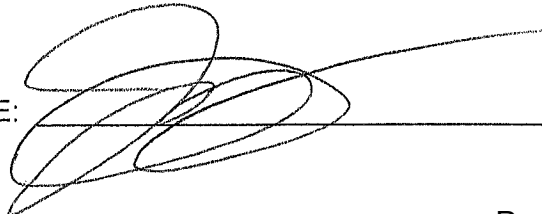
For questions regarding this project, please contact Jeff Dixon, Planning Services Manager, (253) 804-5033, jdixon@auburnwa.gov

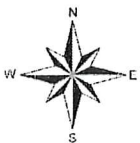
RESPONSIBLE OFFICIAL:
POSITION/TITLE:
ADDRESS:

Jeff Tate,
Assistant Director of Community Development
Community Development & Public Works Dept.
25 West Main Street
Auburn, WA 98001

DATE ISSUED: July 19, 2016

SIGNATURE: _____







**PIERCE COUNTY
MITIGATED DETERMINATION OF NONSIGNIFICANCE**

Environmental Application No. 196781
Application Family: 196779, 196814, 542476
Parcel No. 0520051033

ACTION: Conditional Use Permit (CP33-94), North Tapps Center

PROPOSAL: Construct an 18,000 square foot commercial building and 88 associated parking stalls on the southeastern 4.12-acre portion of an 11.78 acre parcel to be served by City of Bonney Lake Water and City of Auburn Sanitary Sewer, located in a General Use zone classification.

LOCATION: 725 182nd Avenue East, in a portion of the SE ¼ of Section 5, T20N, R5E, W.M.

PROPONENT: Prium Development/North Tapps LLC

The Responsible Official of Pierce County hereby makes the following Findings and Conclusions based upon a review of the environmental checklist and attachments, other information on file with Pierce County, and the policies, plans, and regulations designated by Pierce County as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) pursuant to RCW 43.21C.060.

FINDINGS OF FACT:

1. The parcel is located at the northwest corner of 9th Street East and Lake Tapps Parkway East. The parcel is bisected by a natural gas pipeline. The southeast corner of the parcel will be developed with the building and associated parking. The project will be accessed from 182nd Avenue East. Wetlands are present on the northeastern portion of the parcel. The properties abutting on the west are developed as single family subdivisions. Lake Tapps is located to the southeast. An existing commercial building is located on the northeast corner of 9th Street East and 182nd Avenue East.
2. The parcel was located in unincorporated Pierce County and zoned General Use at the time of the application of December 29, 1994. The parcel has subsequently been annexed by the City of Auburn. Both jurisdictions have acknowledged the vesting of the CP application.
3. No significant cultural/historical resources have been identified on the project site by the applicant. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity should stop. The State Department of Archaeology and Historic Preservation (360-586 -3065), the County planning office, the affected Tribe(s) and the county coroner (if applicable) should be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) is required. Failure to comply with this requirement could constitute a Class C Felony. If federal funds or permits are involved in the project, notification to the appropriate federal agency and the Advisory Council should occur in addition to the above-listed parties, per 36 CFR Sec. 800.12.
4. No state or federal candidate, threatened or endangered plant or animal species or habitat has been identified on the project site.
5. The proposal will have no significant adverse environmental impacts on fish and wildlife, water, noise, transportation, air quality, environmental health, public services and utilities, or land and shoreline uses.
6. Any abandoned well, as defined by WAC 173-160, must be properly decommissioned prior to final application approval. The Tacoma-Pierce County Health Department (TPCHD) must be contacted 48 hours prior to any decommissioning activity at the project site.

7. This project was reviewed under Pierce County Code, Section 17.18 – Fish and Wildlife Habitat Areas, which were effective May 18, 1992 – February 1, 1998. No regulated streams, plants animals, or habitats have been found on site.
8. This project was reviewed under Pierce County Code Chapter 17.12, Wetlands Management Regulations (WMR), in effect February 1, 1992 – February 1, 1997. A wetland analysis report has been prepared for the project by Habitat Technologies. One regulated Category II wetland and one regulated Category III wetland are located on the project site. Under Chapter 17.12, Pierce County Wetland Management Regulations, the buffer for a Category II wetland is 100 feet, and the buffer for a Category III wetland is 50 feet. The project will be impacting about 4, 300 square feet of the buffer of the Category II wetland and reducing the buffer to zero at one point. To mitigate, the applicant proposes to increase the buffer on the north side of the wetland, resulting in a net gain of 7,518 square feet of buffer. This buffer modification will require a Wetland Variance (reference application number 542476). Pursuant to Chapter 17.12, the proponent is required to obtain a Wetland Approval prior to any site development, including timber harvest, occurring on the project site. Compliance with Chapter 17.12 and conditions of Wetland Approval adequately mitigate for any significant adverse environmental impacts to the wetlands.
9. The development Engineering Section has reviewed and found acceptable a geotechnical report prepared by GeoResources, Inc., dated February 7, 2001. The geotechnical report was prepared in conformance with Pierce County Title 18E, Critical Areas, and found that there are no landslide or erosion areas within this project site.
10. Pursuant to the Pierce County Site Development Regulations, Chapter 15.42, a temporary erosion and sedimentation control plan must be approved and implemented on the project site prior to and during site development. Potential significant adverse impacts associated with erosion and sedimentation are adequately mitigated through compliance with this regulation.
11. Pursuant to the Pierce County Site Development Regulations, Chapter 15.42, a conceptual storm drainage plan and subsequent installation of an approved stormwater management system on the project site is required prior to final plat approval. Potential significant adverse impacts associated with increased stormwater runoff from this development are adequately mitigated through compliance with this regulation.
12. Domestic sewerage will be provided through an on-site septic disposal system. The design of this on-site septic disposal system must meet the requirements of WAC 246-272 (The State Board of Health Onsite Sewage System Regulations) and Resolution 87-900 (Tacoma-Pierce County Board of Health Onsite Sewage System Regulations). Potential significant adverse impacts to groundwater and public health from the use of an on-site septic disposal system are adequately addressed through compliance with these regulations.
13. The Pierce County Traffic Division and the Development Engineering Section have completed reviews of the traffic impact analysis prepared by Greg Heath and Associates, dated June 2001. The Development Engineering Section has determined that the following items must be included in the environmental determination as mitigation to mitigate for this project's impacts to the County road system:
 1. Move the driveway location as far north as practical to maximize the separation from the 9th Street intersection. Ideally, this location would be about 350 feet north of the intersection, such that it was located directly opposite the existing commercial approach on the east side of 182nd Avenue East. This location provides the best alternative for safe and efficient site access.

It is recognized this driveway relocation may have impacts to the wetland and or wetland buffer. If these impacts cannot be mitigated to the satisfaction of the County's wetland biologist, such that the driveway cannot be moved to the suggested location of 350 feet north of the intersection, then the driveway will be conditioned with the following requirements:

- The County engineer shall reserve the right to restrict the driveway approach to allow only right-in/right-out movements, such that left turn movements will be prohibited.

This may be enforced through signage and or the installation of traffic curbing at the discretion of the County Engineer. (It is anticipated the driveway will initially operate with full turning movement provisions; however, as congestion and or safety issues arise, the turn restrictions may be imposed.)

- In order to accommodate the potential for the future turn restrictions, as well as to improve the safety of the driveway, the project shall provide roadway illumination along 182nd Avenue East, extending from the luminaries located at the signalized intersection to approximately 350 feet north of the intersection. This illumination shall be designed in accordance with requirements of the County Engineer to be provided at the time of the illumination system design.

14. **Forest Practices Permit** – An approved Class IV-General Forest Practices Permit Application may be required for this project in accordance with the State Forest Practices Rules, RCW 76.09, and Title 18H, Pierce County Development Regulations – Forest Practices and Tree Conservation. Section 18H.30.020.B.5 of Title 18H requires the imposition of a six-year development moratorium on a parcel where activity meeting the definition of a Class IV-General forest practice has occurred without an approved Class IV-General Permit. A six-year development moratorium prohibits Pierce County from accepting applications for development of land on the parcel during the moratorium period. The applicant is responsible for determining if the proposed clearing activity will require approval of a Forest Practices Permit Application.

CONCLUSIONS OF RESPONSIBLE OFFICIAL: The Responsible Official concludes that a Mitigated Determination of Nonsignificance (MDNS) may be issued. This is based upon staff review of the environmental checklist and attachments, other information on file with Pierce County and the above-noted findings. The MDNS is supported by plans, policies, and regulations adopted by Pierce County for the exercise of substantive authority under SEPA. The following are the County adopted policies which support the MDNS.

1. Recognize that the mitigation of development impacts is the shared responsibility of the public and private sectors. The County requires that developers of land along identified transportation corridors contribute their fair share towards transportation improvements necessitated by their development(s). Impact mitigation efforts may include:
 - b. Requiring that developers assist the county and other jurisdictions in the provision of additional transportation facilities and services needed to serve new developments in proportion to the impacts and needs generated by their projects. (Section 19A.80.100.Q.2, Title 19A – Comprehensive Plan)
2. Determine the adequacy of transportation facilities taking into account existing development, approved but unbuilt development and proposed development through utilization of capacity-to-demand (LOS), availability of capacity including phased capacity, and/or coordination of appropriate standards of design across jurisdictional lines. (Section 19A.80.050.B.5, Title 19A – Comprehensive Plan)
3. Address concurrency by providing transportation facilities needed to accommodate new development with six years of development approval, limiting new development to a level that can be accommodated by existing facilities and facilities planner for completion over the next six years, and encouraging new and existing developments to implement measures to decrease congestion and enhance mobility through transportation demand and congestion management. (Section 19A.80.050.B.9, Title 19A – Comprehensive Plan)
4. Concurrent with development shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. (RCW 36.70A.070(6)(e)) (1994 Pierce County Comprehensive Plan, pg. VII-13)
5. Maintain the Level of Service (LOS) standard for the public facilities identified in the Capital Facilities Element. (Section 19A.30.180.C.1, Title 19A – Comprehensive Plan)
6. "Public facility" means the capital improvements and systems of each of the following facilities or services:

- (j.) Roads (including related sidewalks, lighting). (Section 19A.100.010.A.4, Title 19A – Comprehensive Plan)
- 7. Ensure adequate transportation facilities for all transportation modes, including trucks and passenger vehicles, transit, localized rail service, air and ferry service, and nonmotorized modes of travel. (Section 19A.80.100.A, Title 19A – Comprehensive Plan)
- 8. Use the transportation planning process to identify transportation system needs throughout the county in order to:
 - 1. Provide adequate transportation facilities and services to meet current and future travel needs;
 - 2. Identify specific transportation corridors and alignments where public roads are needed; and
 - 3. Locate and protect needed rights-of-way as soon as possible. (Section 19A.80.100.F, Title 19A – Comprehensive Plan)
- 9. Reserve property for needed rights-of-way as quickly as possible. Methods to acquire and preserve right-of-way include, but are not limited to:
 - 1. Requiring dedication of right-of-way as a condition for development. (Section 19A.80.100.G.1, Title 19A – Comprehensive Plan)
 - 1. Purchasing rights-of-way by the County. (Section 19A.80.100.G.4, Title 19A – Comprehensive Plan)
- 10. Allow land use changes (such as master plan developments, rezones, plats and conditional use permits) only when these changes are accompanied by specific documentation or proposed plans showing how the transportation system can adequately support the needs of existing and proposed development. Pierce County will establish threshold levels for this policy so that small landowners will not be unfairly disadvantaged, and will tie implementation of this policy to impact mitigation planning that seeks to fairly allocate the costs of transportation improvements among and between the County and all affected parties. (Section 19A.80.100.K, Title 19A – Comprehensive Plan)
- 11. Work to secure adequate long-term funding sources for transportation through a variety of methods, including:
 - 6. Sharing costs with private developers who want to accelerate construction of particular transportation improvements or for additional transportation facilities and services needed to serve new development, in proportion to the impact and needs generated by individual projects. (Section 19A.80.100.P.6, Title 19A – Comprehensive Plan)
- 12. Both existing and future development shall pay for the costs of needed capital improvements.
 - 2. Future development.
 - a. Future development shall pay its fair share of the capital improvements needed to address the impact of such development, and may pay a portion of the cost of the replacement of obsolete or worn out facilities. Upon completion of construction, “future” development becomes “existing” development, and shall contribute to paying the costs of the replacement of obsolete or worn out facilities as described in Policy CFP 2.2.1.a (PCC 19A.100.020 B.1.a). (Section 19A.100.020.B.2.a, Title 19A – Comprehensive Plan)
 - b. Future development’s payments may take the form or, but are not limited to, voluntary contributions for the benefit of any public facility, impact fees, capacity fees, dedications of land, provision of public facilities, public or private partnerships and future payments of user fees, charges for services, special assessment, and taxes. Future development shall not pay impact fees for the portion of any public facility that reduces or eliminates existing deficiencies. (Section 19A.100.020.B.2.b, Title 19A – Comprehensive Plan)

MITIGATION: The Responsible Official has determined that the proposal does not have a probable significant impact on the environment, and an Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c), only if the following conditions are met. This decision was made after review of a completed environmental checklist, other information on file with Pierce County, and existing regulations. This information is available to the public on request. These mitigation measures are required as authorized under the Substantive Authority of SEPA in accordance with the guidelines contained in Section 18D.10.080 of the Pierce County Code and shall be implemented by the applicant.

1. Move the driveway location as far north as practical to maximize the separation from the 9th Street intersection. Ideally, this location would be about 350 feet north of the intersection, such that it was located directly opposite the existing commercial approach on the east side of 182nd Avenue East. This location provides the best alternative for safe and efficient site access.

It is recognized this driveway relocation may have impacts to the wetland and or wetland buffer. If these impacts cannot be mitigated to the satisfaction of the County's wetland biologist, such that the driveway cannot be moved to the suggested location of 350 feet north of the intersection, then the driveway will be conditioned with the following requirements:

- The County engineer shall reserve the right to restrict the driveway approach to allow only right-in/right-out movements, such that left turn movements will be prohibited. This may be enforced through signage and or the installation of traffic curbing at the discretion of the County Engineer. (It is anticipated the driveway will initially operate with full turning movement provisions; however, as congestion and or safety issues arise, the turn restrictions may be imposed.)
- In order to accommodate the potential for the future turn restrictions, as well as to improve the safety of the driveway, the project shall provide roadway illumination along 182nd Avenue East, extending from the luminaries located at the signalized intersection to approximately 350 feet north of the intersection. This illumination shall be designed in accordance with requirements of the County Engineer to be provided at the time of the illumination system design.

The above mitigation shall be in conformance with Pierce County Ordinance 99-24S, Title 17A and 17B. This mitigation shall be completed prior to final inspection on any building permit application associated with this project.

This Mitigated Determination of Nonsignificance (MDNS) is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 15 days from the date of issue. Comments must be submitted by closing of the comment deadline. The Responsible Official will reconsider the MDNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the MDNS. If the MDNS is retained, it will be final after the expiration of the comment deadline. No permits may be issued, and the applicant shall not begin work, until the comment deadline has expired and any other necessary permits are issued.

Responsible Official: Chuck Kleeberg, Director
Lead Agency: Planning and Land Services
Pierce County Public Services Building (Annex)
2401 South 35th Street
Tacoma, Washington 98409
(253) 798-7210

Date of Issue: March 4, 2008

Comment Deadline: March 19, 2008

Adonais Clark, Environmental Designee

NOTE: Pursuant to RCW 43.21C.075 and Pierce County Environmental Regulations Chapter 18D.10.080 and Chapter 1.22 Pierce County Code, decisions of the Responsible Official may be appealed. Appeals are filed with appropriate fees at the Planning and Land Services Department, located at the Development Center in the Public Services Building. Appeals must be filed within 14 days of the expiration of the comment deadline.

NOTE: The issuance of the Mitigated Determination of Nonsignificance does not constitute project approval. The applicant must comply with all other applicable requirements of Pierce County, federal, and state agencies, and/or the Hearing Examiner prior to receiving construction permits.

TB:ld

3CP33-94NorthTapps CenterMDNS.doc



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6641

Date:

February 28, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 Staff Report](#)
[Ordinance No. 6641](#)
[Exhibit 3 Vacinity Map Aerial Photo](#)
[Exhibit 4 Proposed Rezone Map](#)
[Exhibit 5 SEPA Determination](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to introduce and adopt Ordinance No 6641.

Background Summary:

Please see the attached Agenda Bill.

Reviewed by Council Committees:

Other: Planning & Legal

Councilmember:

Staff: Snyder

Meeting Date: March 6, 2017

Item Number: ORD.C



AGENDA BILL APPROVAL FORM

Agenda Subject Ordinance No. 6641, GSA Zoning Map Amendment (Rezone)		Date: February 21, 2017
Department: Comm. Dev. & Public Works	Attachments: See listing below.	Budget Impact: N/A
Administrative Recommendation: City Council to introduce and adopt Ordinance No 6641 approving the GSA Zoning Map Amendment (Rezone) without conditions.		

APPLICANT: City of Auburn
Community Development & Public Works (CDPW)
25 West Main Street
Auburn, WA 98001

OWNER: Parcel No: 2421049004
United States
General Services Administration (GSA)
1303 C ST SW
Auburn, WA 98001

Parcel Nos: 2521049114 & 2521049115
City of Auburn
25 West Main St
Auburn, WA 98001

REQUEST: File No. REZ16-0002
Rezoning of three parcels totaling approximately 137.38 acres from "M1 Light Industrial" and "M2 Heavy Industrial" to "C3 Heavy Commercial".

LOCATION: The site is located along, and directly to the east of C ST SW and directly to the south of 15th ST SW. The GSA site has a King County parcel number of 2421049004. The two City of Auburn sites have King County parcel numbers of 2521049114 and 2521049115. The site is within the southeast ¼ of Section 24, T21N, R4E, WM and the northeast ¼ of Section 25, T21N, R4E.

Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm.		COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____	Reviewed by Departments & Divisions: ☒ Building ☐ Cemetery ☐ Finance ☐ Fire ☐ Legal ☒ Public Works	☐ M&O ☐ Mayor ☐ Parks ☒ Planning ☐ Police ☐ Human Resources
---	--	---	---	---

Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		Call for Public Hearing ____/____/____
Councilmember: _____		Staff: Snyder
Meeting Date: February 27, 2017		Item Number: _____

LOCATION & PARCEL: The property is located directly to the east of C ST SW and directly to the south of 15th ST SW, Parcel Nos. 2421049004, 2521049114, and 2521049115.

EXISTING ZONING: Parcel Nos. 2421049004 & 2521049114 are zoned "M1 Light Industrial". Parcel No. 2521049115 is zoned "M2 Heavy Industrial".

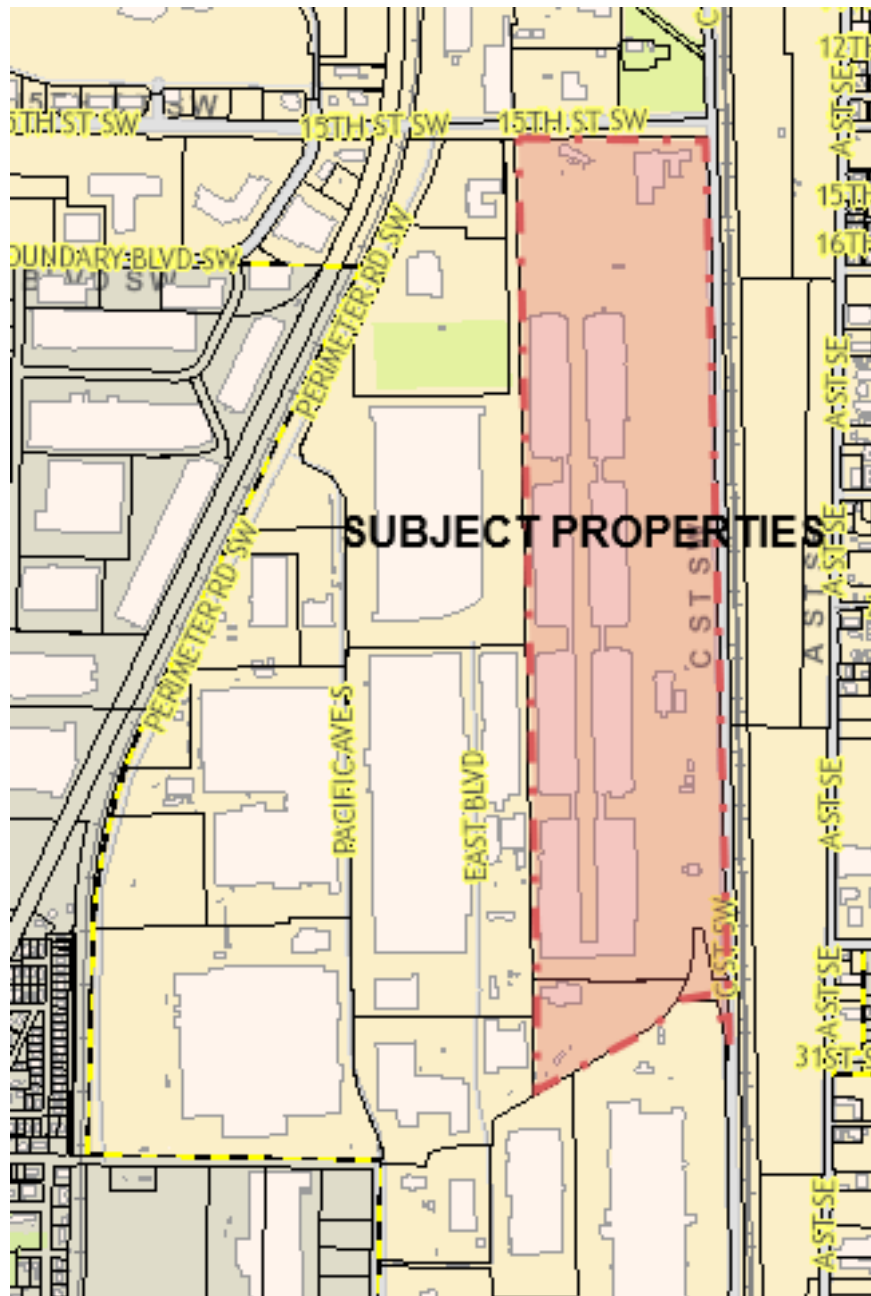
EXISTING COMPREHENSIVE PLAN DESIGNATION: The site was designated as "Heavy Commercial" by recent Ordinance No. 6632, adopted December 5, 2016.

SEPA STATUS: The City conducted the environmental review under the State Environmental Policy Act (SEPA) for City's Map Amendment (CPM #4). This resulted in a Determination of Non-Significance (DNS) issued for the City-initiated Comprehensive Plan Map Amendment on October 3, 2016 (City File # SEP16-0018). The comment period ended October 18, 2016 and the appeal period ended November 1, 2016. The City received no comments or appeals.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties are as follows:

	Comprehensive Plan Designation	Zoning Classification	Current Land Use
Parcel No. 2421049004	Heavy Commercial	M1, Light Industrial	Government offices, warehouses, & daycare
Parcel Nos. 2521049114 & 2521049115	Heavy Commercial	M1, Light Industrial M2, Heavy Industrial	Satellite fire station & private access road
North	Institutional and Heavy Industrial	P1, Public and M2, Heavy Industrial	Municipal Park & School District Bus Center
South	Heavy Industrial	M2, Heavy Industrial	Airplane Manufacturing Plant and Grocery Store Distribution Center
East	Light Industrial (Rail Yard Special Planning Area)	M1, Light Industrial	Across C ST SW, Railroad yard
West	Heavy Industrial	M2, Heavy Industrial	Airplane Manufacturing Plant

Vicinity Map



^ NORTH

A. FINDINGS

1. The related Comprehensive Plan map amendment for the properties, and the rezone (zoning map amendment) were initiated by the City of Auburn prior to the application deadline for the annual Comprehensive Plan amendments for 2016.
2. The applications were submitted by the City of Auburn, Community Development and Public Works Department. The staff contact is Jeff Dixon, Planning Services Manager.
3. The zoning map amendment (rezone) application seeks to change the zoning classification of three parcels totaling approximately 137.38 acres from “M1, Light Industrial” and “M2, Heavy Industrial” to “C3, Heavy Commercial”.
4. The site of the proposed action (Site) consists of three parcels; Parcel No. 2421049004 (GSA) is owned by the United States government. Parcel Nos. 2521049114 & 2521049115 are owned by the City of Auburn, the applicant.
5. The Site requested for change is generally rectangular in shape, with the southerly portion being irregular in shape.
6. The GSA portion of the Site contains a mix of uses, including government offices, warehouses, and daycare. The City of Auburn portion of the Site contains a satellite fire station and a private access road leading from the public street (C ST SW) to the fire station.
7. The east side of the Site is bordered by C Street Southwest, which is a two to four-lane north-south roadway and classified by the City of Auburn as a “Minor Arterial”. C Street Southwest contains curb and gutter, with sidewalk located along the west side of the street. The north side of the Site is bounded by 15th Street Southwest, which is a four-lane east-west roadway and classified by the City of Auburn as a “Principal Arterial”. 15th Street Southwest contains curb, gutter, and sidewalk on both sides of the street. There are no public right-of-ways to the south and west of the Site.
8. The purpose of the rezone is in anticipation of the US Government, General Services Administration’s (GSA’s) intent to reconfigure their current facility, which is anticipated to result in a reduced need for land and the possible sale of a portion of the Site.

The City is proposing the change in zoning; GSA and/or the U.S. Government is not proposing the change. The City is proposing the change in anticipation of the U.S. Government disposing of land so that the City can promote redevelopment that generates sales tax revenues, family wage jobs, and promote economic development. The range of uses allowed in the “C3 Heavy Commercial Zone” are better suited to accomplish these goals than the current zoning designations. Because land use designation changes of the Comprehensive Plan are limited under State and City laws to once per year, staff is seeking the change now because Comprehensive Plan Amendments changing the sites land use designations was recently adopted and the annual amendment process does not allow us the City to respond quickly in the event that U.S. Government initiates the disposal process. The U.S. Government has not provided the City with a long term development or redevelopment plan. The GSA has indicated that to maintain their mission of service delivery for the region, they plan to continue at their current location at this time. GSA has also indicated its land use needs will likely change, resulting in a reduction of land/space.

Staff has notified the U.S. Government and specifically, the Project Management Branch of GSA, of its intentions to a zoning designation change. The U.S. Government has not indicated that they have objection or concern over the change so long as the underlying designation can also serve their long-term needs in the event that it is determined that they are obligated to comply with local land use regulations. The U.S. Government has indicated that they are supportive of local efforts that promote economic development and that create jobs and that they would like to be viewed as a partner in accomplishing these objective.

9. The City conducted the environmental review under the State Environmental Policy Act (SEPA) for City's Map Amendment (CPM #4). This resulted in a Determination of Non-Significance (DNS) issued for the City-initiated Comprehensive Plan Map Amendment on October 3, 2016 (City File # SEP16-0018). The comment period ended October 18, 2016 and the appeal period ended November 1, 2016. The City received no comments or appeals.

History of Subject Property

10. The property is located within the King County portion of the City of Auburn. It was annexed to the City in 1958 by Ordinance No. 1226.
11. Historically, the comprehensive plan designation of the properties was "Heavy Industrial" as changed in 1987. Subsequently, the GSA property was changed to "Light Industrial". The two City properties were changed to "Institutional" by the map adopted with the substantially revised Comprehensive Plan (including map amendments) in response to periodic updates required by the Growth Management Act (GMA) by Ordinance No. 6584 on December 14, 2015.
12. During 2015, the Applicant, the City of Auburn, submitted three related applications as follows:
 - a. Application for a Comprehensive Plan amendment to change the Site's land use designation established in the Comprehensive Plan from "Institutional" and "Light Industrial" to "Heavy Commercial".
 - b. Environmental Checklist (SEPA) Application for the proposed Comprehensive Plan amendment and associated rezone.
 - c. Application for a rezone to change the zoning designations of the Site from "M1 Light Industrial" and "M2 Heavy Industrial" to "C3 Heavy Commercial".

Relationship of Comprehensive Plan Amendment and Rezone Processing

13. At its November 9, 2016 public hearing, the Planning Commission reviewed the related Comprehensive Plan map amendment (File No. CPA16-0002, City of Auburn) to change the Comprehensive Plan map designation of the Site from "Institutional" and "Light Industrial" to "Heavy Commercial". The Planning Commission forwarded a recommendation for approval to the City Council.
14. At its November 28, 2016 meeting, the City Council reviewed the Comprehensive Plan amendments and draft Ordinance No. 6632, as recommended by the Planning Commission.

On December 5, 2016 the City council approved Ordinance No. 6632 approving the change in comprehensive plan designation of the Site to “Heavy Commercial”.

15. Pursuant to ACC 18.68.030 and ACC 18.68.040, all applications for a rezone shall be reviewed by the Planning Director prior to the scheduling of a public hearing. After review of the application, the Director shall determine which of the following two processes should occur to properly hear the rezone:

- a. If the rezone is consistent with the Comprehensive Plan, then the Hearing Examiner shall conduct a public hearing on the rezone and make a recommendation to the City Council pursuant to ACC 2.46.130.

This Application is consistent with the Comprehensive Plan, as outlined below in the ‘Conclusions’ section, below.

16. Pursuant to ACC 18.68.040, “(Zoning code amendments) Public hearing notice requirements”. Rezones Initiated by an Applicant Other Than City shall require public notice be given at least 10 days prior to the public hearing and in accordance with ACC 14.07.040. A Public Hearing Notice was issued and published in the Seattle Times on January 5, 2017; this notice was mailed to the property owners within 300 feet of the subject Site, and posted on the subject property meeting the notification requirements.

17. Per ACC 18.23.020, the stated intent of the “C-3 Heavy Commercial” zoning district is to:

“ . . . allow for medium to high intensity uses consisting of a wide range of retail, commercial, entertainment, office, services, and professional uses. This zone is intended to accommodate uses which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The uses allowed can include outside activities, display, fabrication or service features when not the predominant portion of the use. The uses enumerated in this classification have potential for impacts to surrounding properties and street systems than those uses permitted in the more restrictive commercial classifications.”

18. As identified in ACC 18.23.020 and -030, the “C-3 Heavy Commercial” zoning classification allows a range of commercial uses. The development standards of the zone are contained in ACC 18.23.040.

B. CONCLUSIONS:

ACC Chapter 18.68 provides few criteria for approval of a rezone. Following is a staff analysis of the requested application with the criteria.

1. The rezone must be consistent with the Comprehensive Plan.

Staff analysis: The purpose of the City’s Comprehensive Plan document is to provide a policy basis for the future zoning changes to ensure that the Comprehensive Plan and Zoning Ordinance are consistent as required by the following city code section:

“ACC 14.22.050 Conformance and consistency.

The zoning, land division and other development codes contained or referenced within Auburn City Code shall be consistent with and implement the intent of the

Comprehensive Plan. Capital budget decisions shall be made in conformity with the Comprehensive Plan.”

On December 5, 2016 the City Council approved Ordinance No. 6632 approving the change in comprehensive plan designation from “Institutional” and “Light Industrial” comprehensive plan designations to the “Heavy Commercial” comprehensive plan designation as part of “annual amendments”.

. The 2015 Comprehensive Plan contains policy guidance related to this application. Specifically, the Land Use Element at Page 14, provides the following description and policies of the ‘Heavy Commercial’ Comprehensive Plan designation:

“Heavy Commercial”

“Description - *This category is intended to accommodate uses that would also accommodate a wide range of heavier commercial uses involving extensive storage or vehicular movement.*”

“Designation Criteria

1. *Previously developed heavy commercial areas; or*
 2. *Located along major arterial streets;*
 3. *Properties that are buffered from the Single Family designation by landscaping, environmental features, or the Residential Transition designation and buffered from all other Residential designations; and*
 4. *Meets the development parameters of the Heavy Commercial designation.*
- Implementing Zoning Designations”*

“Heavy Commercial: All Heavy Commercial designated land not located within the Northeast Auburn Special Planning Area or located within the Northeast Auburn Special Planning Area, but incapable of meeting the C-MU zoning requirements.”

“Policies

Policy LU-69. A wide variety of commercial services oriented are appropriate within this category. This includes, but is not limited to regional scale retail and entertainment uses, commercial uses with outdoor sales areas, drive-in restaurant or other drive in commercial businesses, and commercial services with outdoor storage as an accessory use.”

“Policy LU-70. Parking lots must be located and designed in a manner that softens their appearance from adjacent public roads. This is accomplished through landscaping, pedestrian spaces, and the location of buildings on the property. Where practicable, low impact development techniques and landscaping should be used to promote on site stormwater infiltration and shading of hard surfaces. Minimum and maximum parking ratios must be established for each type of permitted use.”

“Policy LU-71. Development incentives should be established that encourage the creation of electric car charging stations, use of sustainable building and/or operational practices, development of non-motorized infrastructure, and proximity and connection to public transit.”

Also, the City's Economic Development Element of the Comprehensive Plan, at Page 4 contains relevant goals and policies, as follows:

"GOAL 17. ECONOMIC DEVELOPMENT

"To ensure the long-term economic health of the City and the region through a diversified economic base that supports a wide range of employment opportunities for Auburn's residents and those of the region and through the promotion of quality industrial and commercial development which matches the aspirations of the community.

"Objective 9.1. Promote a diversified economic base capable of withstanding changes in interest rates, inflation, tax structure and market conditions."

"ED-1 City promotion of new industry shall be directed at attracting business that diversifies the City's tax base, offers secure, quality employment opportunities, is sensitive to community values and promotes the development of attractive facilities."

"Objective 9.2. Produce commercial and industrial siting policies which are based on the assessment of local needs and the availability of transportation and other infrastructure required to serve it."

"ED-4 Development of industrial areas should be based on performance standards appropriate for the site and with appropriate flexibility within those standards to accommodate changing market conditions."

"ED-5 Revitalize depreciated and/or obsolete commercial and industrial sites through innovative regulations that redesign the site in accordance with modern design standards and industrial/commercial uses."

"ED-6 Uses which serve regional needs and purposes (such as major industrial plants) must be separated from community serving uses in order to minimize traffic and other conflicts."

"Objective 9.3. Develop effective land use policies and economic development strategies that provide long-term and stable employment, increase per capita income and reduce the tax burden of Auburn residents."

"ED-15 Warehouse and distribution land uses are not a preferred long-term economic development and land use priority for industrial zoned areas in the City due to the loss of sales tax revenue associated with the State's implementation of streamlined sales tax legislation in 2008, no substantive contribution to an increase in per capita income for Auburn residents, no reduction in the tax burden of Auburn residents, low employment densities, lower property values and land use inefficiencies."

"ED-16 Increases in manufacturing and industrial land uses should be the City's preferred economic development and land use priority for industrial zoned areas of the City currently dominated by warehouse and distribution land uses. The City should promote and incentivize new manufacturing and light industrial uses and the gradual conversion of existing warehouse and distribution land uses to manufacturing and industrial land uses."

“ED-17 To support continued sales tax revenue growth opportunities in the City, those areas currently dominated by existing and warehouse land uses that abut existing commercial retail areas and could take advantage of this proximity to realize substantive value by changing to commercial retail uses should be considered for changes in comprehensive plan and zoning designations that would facilitate the conversion of these properties to commercial retail land uses.”

“ED-19 Support workforce development programs to help all Auburn residents find stable, well-paying employment in a wide range of industries.”

“Objective 9.5 Utilize the City’s unique environmental opportunities and planned infrastructure to build on and support economic development efforts.”

The change is consistent with the description statement since it diversifies the range of uses that can be allowed on the Site. The range of uses allowed in the Heavy Commercial zone are characterized by a greater variety of commercial businesses including retail and service. The Site is served by existing arterial streets and separated from residential uses by the rail yard.

2. Any changes or modifications to a rezone request made by either the Hearing Examiner or City Council will not result in a more intense or larger zone than requested.

Staff Analysis: The requested rezone change is from “M-1 Light Industrial” and “M-2 Heavy Industrial” to “C-3 Heavy Commercial” zone. The staff recommendation for change is the same as what was originally applied for.

In addition, Washington case law has identified other criteria for rezone applications (See *Parkridge v. Seattle*, 89 Wn.2d 454; 573 P.2d 359 (1978) (conditions must have changed since the original zoning was established and the proposed rezone must bear a substantial relationship to the general welfare of the community); *Ahmann-Yamane, LLC v. Tabler*, 105 Wn. App. 103, 111 (2001) (proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare; provided, that a showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.)

a. Conditions in the area must have changed since the original zoning was established.

Staff Analysis: The rezone proposal implements the Comprehensive Plan land use designation for the subject Site. As mentioned under the Findings of Fact, a comprehensive plan map amendment changing the Comprehensive Plan designation of the Site to “Heavy Commercial” was processed at the end of 2016 and approved by the City Council, Ordinance No. 6632. The proposed rezone would adjust the zoning of the Site to correspond and be consistent with the Comprehensive Plan designation. Showing of a change of circumstances has occurred is not required if a rezone implements the Comprehensive Plan.

b. The proposed rezone must bear a substantial relationship to the general welfare of the community.

Staff Analysis: Rezoning the subject Site to “C-3 Heavy Commercial” will align the zoning district to the comprehensive plan designation. As noted above, the Comprehensive Plan document provides various policies to meet community and growth management goals. The zoning change and subsequent redevelopment will benefit the community and general welfare.

C. HEARING EXAMINER RECOMMENDATION

After conducting a properly advertised public hearing, The Hearing Examiner issued a written recommendation of **approval** on February 1, 2017 without conditions.

D. EXHIBIT LIST

- Exhibit 1 Staff Report
- Exhibit 2 Ordinance No. 6641
- Exhibit 3 Vicinity Map / 2015 Aerial Photograph
- Exhibit 4 Zoning map showing the current and proposed zoning
- Exhibit 5 Determination of Non-Significance (File No. SEP16-0018), dated April 18, 2016

ORDINANCE NO. 6 6 4 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE REQUEST OF CITY OF AUBURN, COMMUNITY DEVELOPMENT AND PUBLIC WORKS FOR REZONING OF THREE PARCELS TOTALING APPROXIMATELY 137.38 ACRES LOCATED WEST OF C STREET SOUTHWEST FROM M1, LIGHT INDUSTRIAL AND M2, HEAVY INDUSTRIAL TO C3, HEAVY COMMERCIAL TO IMPLEMENT THE COMPREHENSIVE PLAN AND AMENDING THE CITY'S ZONING MAPS

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on August 18, 1986, a Comprehensive Plan by Resolution No. 1703, which included a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City; and

WHEREAS, on April 17, 1995, the City Council of the City of Auburn adopted Comprehensive Plan Amendments by Resolution No. 2635 to comply with the Washington State Growth Management Act; and

WHEREAS, on September 5, 1995, the City of Auburn reaffirmed that action with the adoption of Ordinance No. 4788; and

WHEREAS, on December 14, 2015, the Auburn City Council adopted an updated Comprehensive Plan which includes a Map establishing the location of the Comprehensive Plan Land Use Designations throughout the City by Ordinance No. 6584; and

WHEREAS, the City of Auburn, Community Development and Public Works Department, the Applicant, submitted a rezone application (File No. REZ16-0002) for the

GSA rezone in June 2016, for three parcels identified by King County, Washington, tax parcel numbers 2421049004, 2521049114 and 2521049115; and

WHEREAS, the environmental impacts of proposed rezone were considered in accordance with procedures of the State Environmental Policy Act; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of hearing, the City of Auburn Hearing Examiner on January 18, 2017 conducted a public hearing on the proposed GSA Rezone; and

WHEREAS, at the public hearing the City of Auburn Hearing Examiner heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, thereafter the City of Auburn Hearing Examiner made a recommendation to the City Council on the proposed GSA Rezone; and

WHEREAS, on, February 21, 2017, the Auburn City Council, at a study session reviewed the proposed GSA Rezone; as recommended by the City of Auburn Hearing Examiner; and

WHEREAS, on March 6, 2017, the Auburn City Council considered the proposed GSA Rezone; as recommended by the City of Auburn Hearing Examiner; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council ("Council") adopts and approves the GSA Rezone to change three parcels totaling approximately 137.38 acres located west of C Street Southwest from "M1, Light Industrial", and "M2, Heavy Industrial", to "C3, Heavy Commercial" and directs that the rezone application and all related documents be filed

along with this Ordinance with the Auburn City Clerk and be available for public inspection.

Section 2. The Zoning Map amendment is herewith designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act (SEPA) by the City's responsible environmental official in accordance with RCW 43.21C.060.

Section 3. The Council adopts the Findings of Fact and Conclusions of Law, from the Hearing Examiner's recommendation as set forth below:

FINDINGS OF FACT

Procedural:

1. **Applicant.** The Applicant is the City of Auburn, Community Development and Public Works Department.

2. **Hearing.** A public hearing was held by the hearing examiner on the proposed rezone on January 18, 2017 at 5:30 p.m. at the City Council chambers at Auburn City Hall.

Substantive:

3. **Site/Proposal Description.** The Applicant has requested a rezone of 137.38 acres from M1 and M2 to C3. The site is composed of three parcels. Two parcels in the area are currently zoned M1 and one parcel is zoned M2. All three parcels are located on the west side of C Street Southwest, directly to the south of 15th Street Southwest. The primary address of the project site is 1303 C Street Southwest, Auburn WA. The underlying comprehensive plan land use map designation was amended to "Heavy Commercial" by ordinance adopted on December 5, 2016.

The largest and primary parcel is developed with a mix of government offices, warehouses, and daycares owned and operated by the United States Federal Government, General Services Administration. The two smaller parcels are both owned by the City of Auburn and are developed with a satellite fire station and an access road served by C Street Southwest. The purpose of the rezone is to allow for commercial

redevelopment of the site in anticipation of GSA reducing their need for the facility and land.

4. Characteristics of the Area. The rezone area is surrounded by land zoned and developed with a mix of commercial and industrial uses.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. While the size of the property is large, the zoning designation will be modified to the C3 commercial zoning designation that typically has less development impacts than the sites current M1 and M2 Industrial zoning designations.

CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. ACC 18.68.030(B)(1)(a) grants the Hearing Examiner with the authority to review and make a recommendation on rezone requests to the City Council if the planning director determines that the rezone requests are consistent with the comprehensive plan. The planning director has determined that the rezone request is consistent with the comprehensive plan.

Substantive:

2. Comprehensive Plan Land Use Map Designation. The Comprehensive Plan Land Use Map designation for the proposed rezone area is "Heavy Commercial".

3. Case Law Review Criteria and Application. Once it is concluded that a rezone is necessary for consistency with a Comprehensive Plan Land Use Map designation, approval of the rezone is essentially legally mandated except in extraordinary circumstances such as perhaps gross inconsistencies with other parts of the Comprehensive Plan. None of those circumstances are present here. The Auburn City Code does not include any criteria for rezone applications. Washington appellate courts have imposed some rezone criteria, requiring that the proponents of a rezone must establish that conditions have substantially changed since the original showing and that the rezone must bear a substantial relationship to the public health, safety, morals or welfare. See Ahmann-Yamane, LLC v. Tabler, 105 Wn. App. 103, 111 (2001). If a rezone implements the Comprehensive Plan, a showing that a change of circumstances has occurred is not required. Id. at 112.

The proposed rezone clearly meets the judicial criteria for a rezone. There is no question that the proposal is necessary to implement the Comprehensive Plan, as the Comprehensive Plan Land Use Map designation for the property is Heavy Commercial

and the current M1 and M2 zoning is inconsistent with that designation. In point of fact, approval of a rezone to an implementing zone is mandated by RCW 36.70A.120 and ACC 14.22.050, which requires the City's zoning regulations to be consistent with its Comprehensive Plan. The Heavy Commercial zoning district is the only zone that implements the Heavy Commercial Comprehensive Plan Land Use Map designation, so no other implementing zone is available for the subject property.

The rezone bears a substantial relationship to the public health, safety, morals and welfare because it will not result in any significant adverse impacts as determined in Finding of Fact No. 5 while providing for economic development in the City of Auburn.

DECISION

The Hearing Examiner recommends approval of REZ16-0002.

Section 4. Upon the passage, approval, and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Recorder.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any of the Zoning Map amendments adopted herein, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 7. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law.

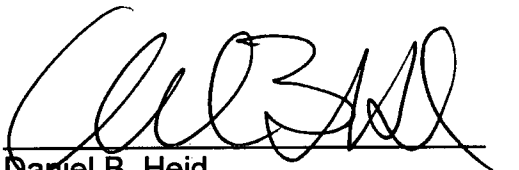
INTRODUCED: _____
PASSED: _____
APPROVED: _____

Nancy Backus
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

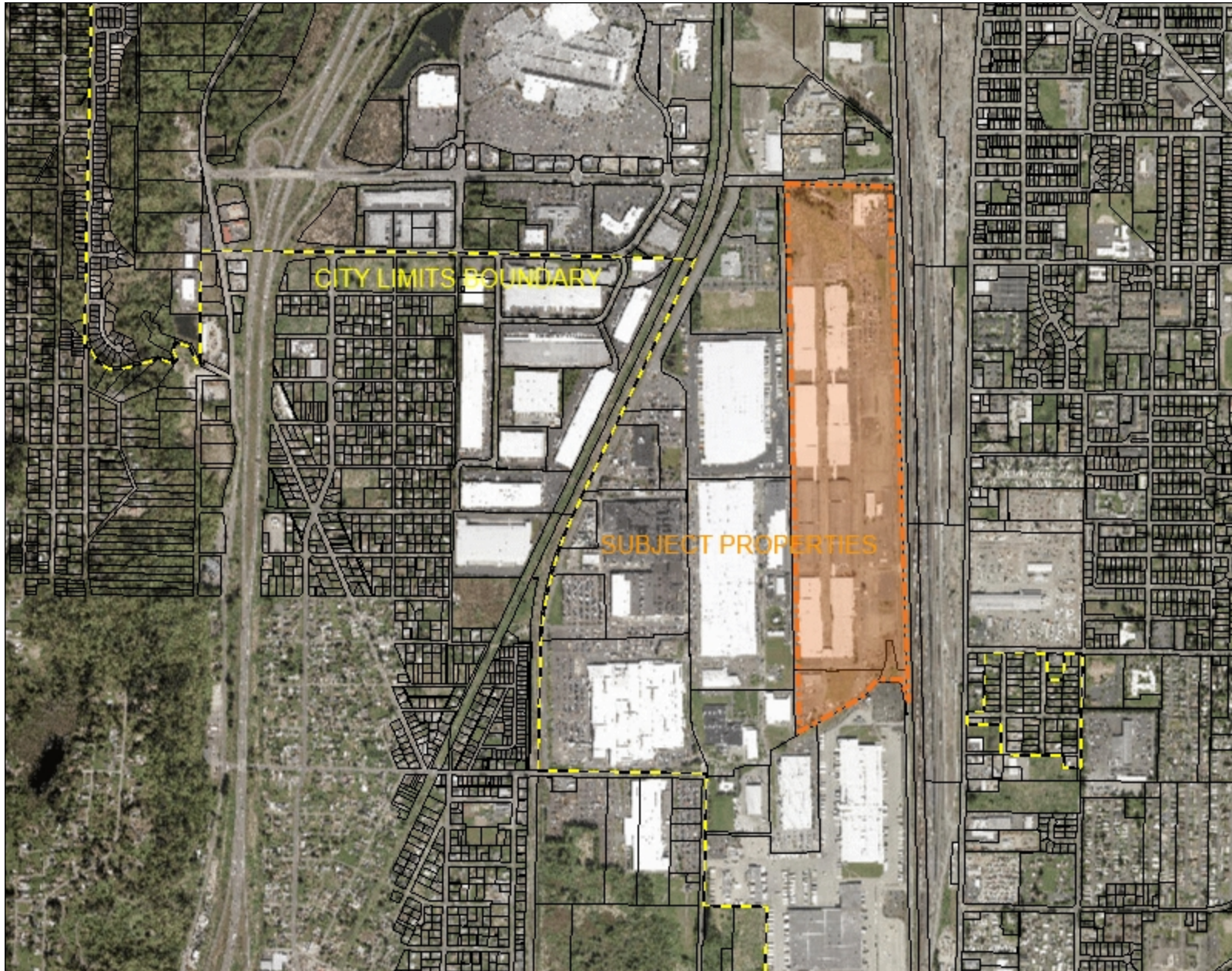
Published: _____

Ordinance No. 6641
February 21, 2017
Page 6

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Legend

-  Auburn City Limits
-  Parcels



3,009.3 0 1,504.7 3,009.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

ORD.C

1in = 1,505 ft

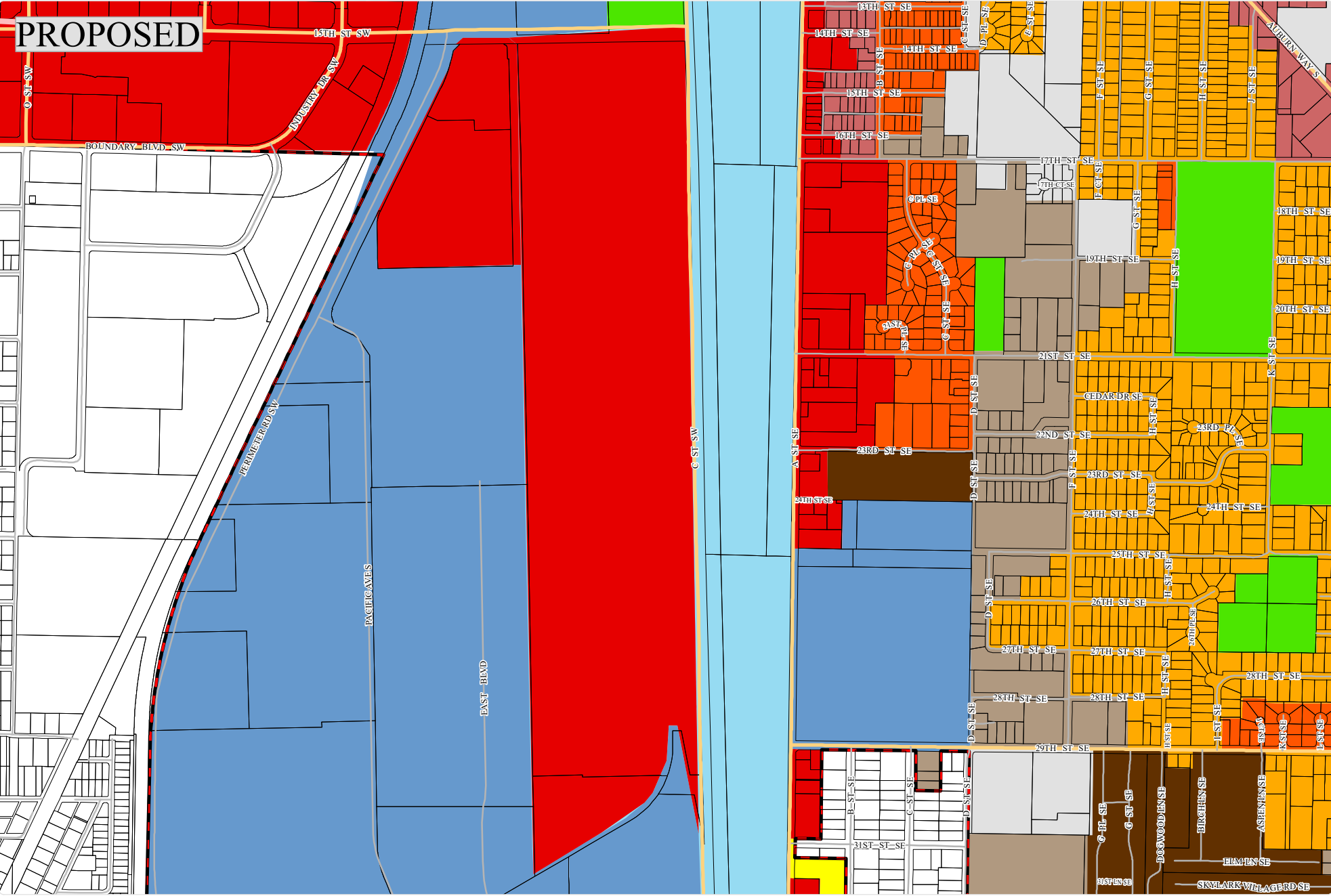
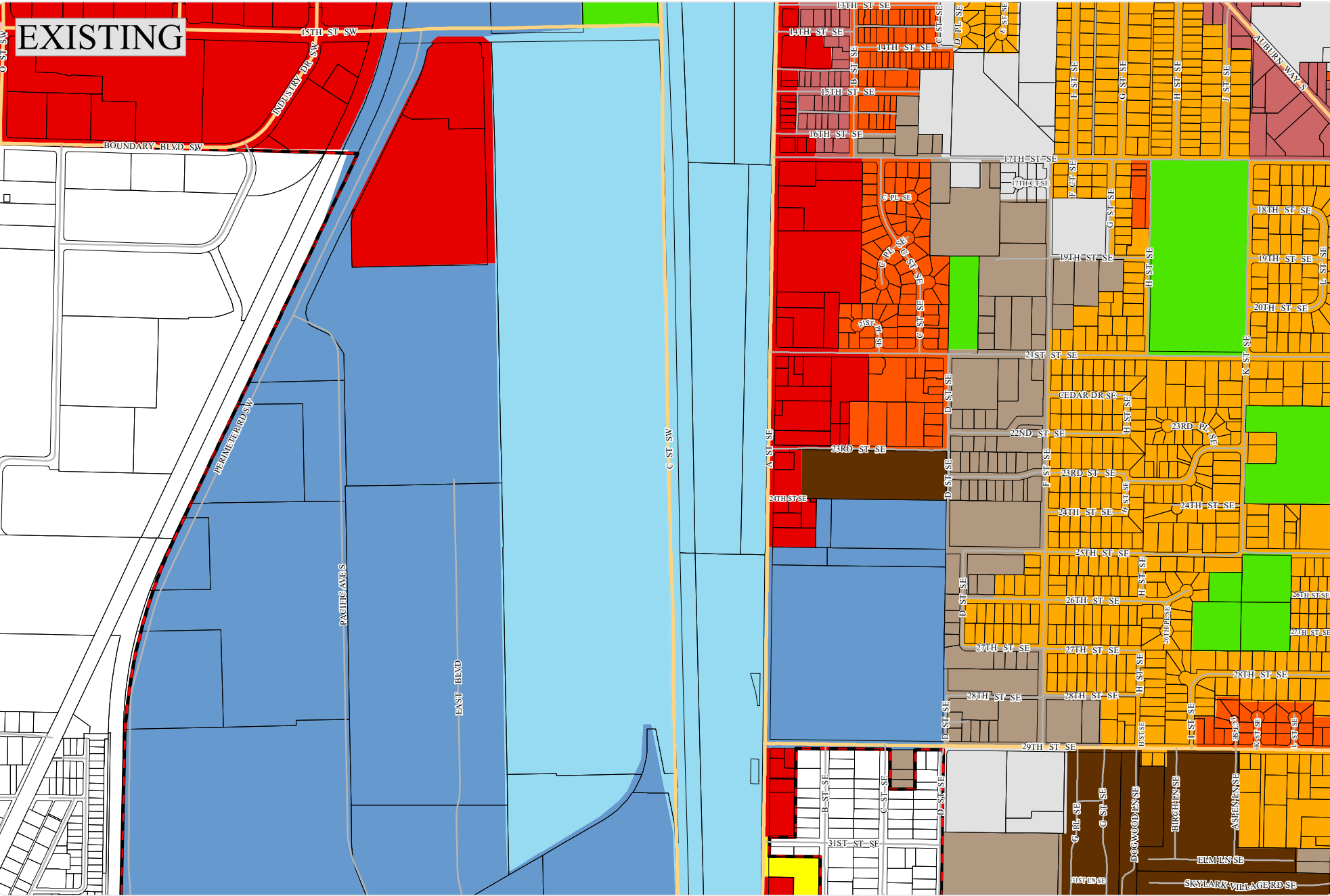
1: 18,056

Page 149 of 194

Notes

CPA16-0002 City-Initiated
 2015 Aerial Photograph
 242104-9004, -9114 & -9115

Proposed Rezone Map (REZ16-0002)



Auburn City Limits

Parcels

ORD.C

C1 Light Commercial District

C3 Heavy Commercial District

I Institutional Use District

M1 Light Industrial District

C1 Light Commercial District

C3 Heavy Commercial District

I Institutional Use District

M1 Light Industrial District

M2 Heavy Industrial District

P1 Public Use District

R5 Residential 5 DU/Acre

R7 Residential 7 DU/Acre

M2 Heavy Industrial District

P1 Public Use District

R5 Residential 5 DU/Acre

R7 Residential 7 DU/Acre

R10 Residential 10 DU/Acre

R20 Residential 20 DU/Acre

RMHC Residential Manufactured/Mobile Home Units

0 260 520 780 1,040 1,300
FEET

N
W E S

Printed On: 08/20/13
Map ID: 4838

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Page 150 of 194

Determination of Non-Significance
Year 2016 Annual Comprehensive Plan Text and Map Amendments
SEP16-0018

Description: Change the Comprehensive plan land use designation and zoning of up to approx. 135 acres of land owned by the United States Government and managed by the General Services Administration (GSA). This change is proposed in anticipation of GSA's stated intent to reconfigure their current facility, which will likely result in a reduced need for land and the possible disposal (sale) of a portion of the approx. 135 acres. Also, being changed are two adjacent parcels owned by the City; an approx. 8.04-acre parcel containing a fire station and an approx. 1.56-acre vacant parcel that provides vehicle access to C ST SW for the city parcel. The Comprehensive Plan land use designation is being changed to "Heavy Commercial" to facilitate higher and better uses than the current "Light Industrial" designation and zoning of "C3, Heavy Commercial". The proposal is a "non-project action" and no physical alterations are proposed.

Proponent: Jeff Dixon, Planning Services Manager
Community Development & Public Works Dept.
City of Auburn
25 West Main Street
Auburn, WA 98001

Location: The approximately 135 acres of land owned by the US Government and managed by the General Services Administration (GSA) is generally located at southwest corner of C ST SW and 15th ST SW. The property is generally identified by the common addresses of: 520, & 615 15th ST SW and 1901, 1903, 2201, 2203, 2401, 2501, 2507, 2509, 2601, 2701, & 2703 C ST SW and identified by King County Parcel Number 242104-9004. The adjacent approximately 8.04-acre parcel owned by the City is located immediately to the south and is addressed as 2905 C ST SW and identified by King County Parcel 242104-9114. and the approximately 1.56-acre vacant parcel that provides access to C ST SW for the city parcel is identified as king County Parcel number 24210490115.

The sites are within the NE & SE quarters of Section 24, Township 21 North, range 4 East, and within the NE ¼ of Section 25, Township 21 North, Range 4 East, W.M.

Lead Agency: City of Auburn

The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

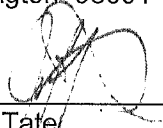
This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued below. Comments must be submitted by 5:00 p.m. on **October 18, 2016**. For questions please contact Jeff Dixon, Planning Srvs. Mgr. at jdixon@auburnwa.gov

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk within 14 days of the close of the comment period, or by 5:00 p.m. on **November 1, 2016**.

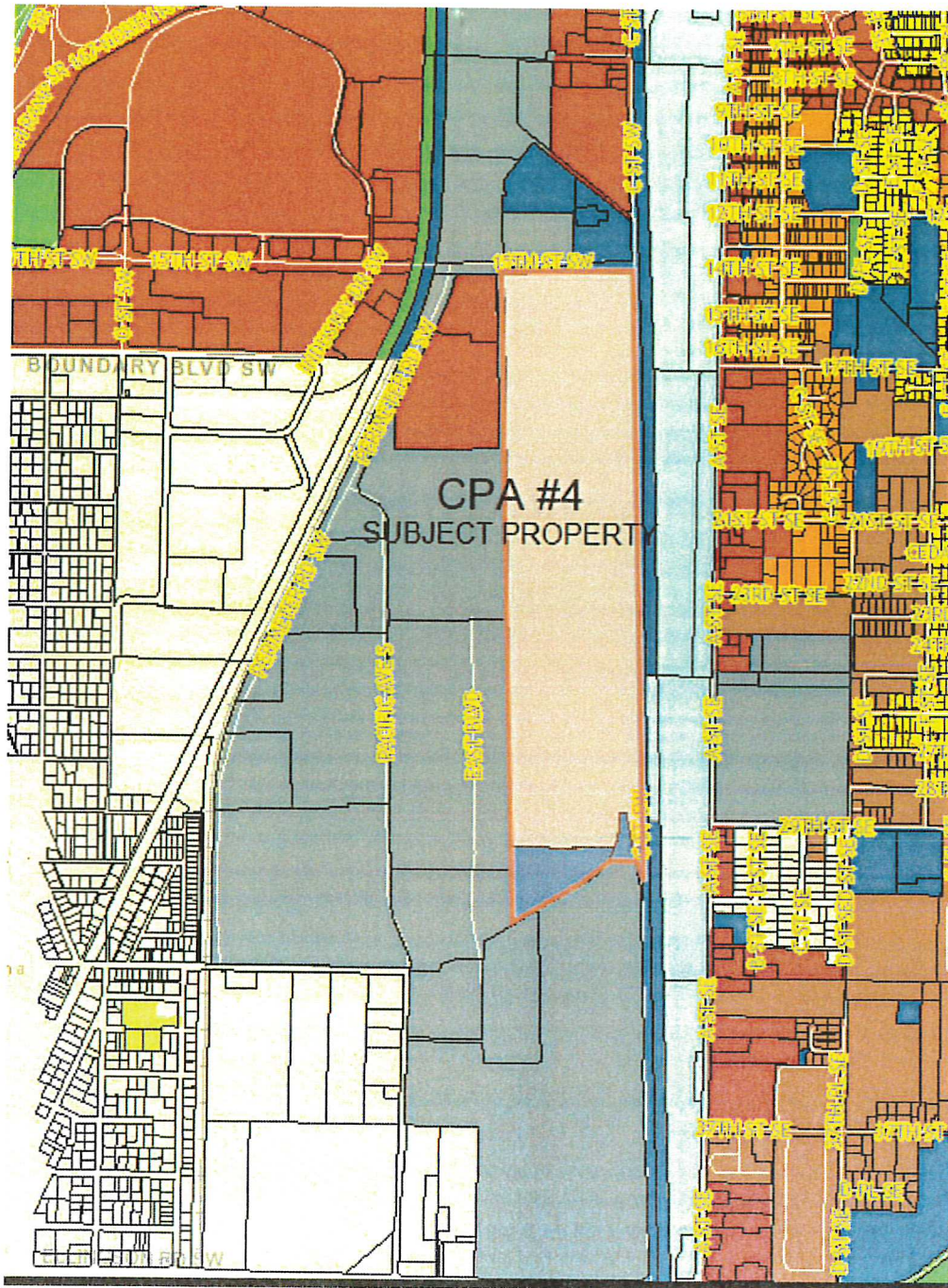
Responsible Official:	Jeff Tate
Position/Title:	Assistant Community Development Director
Address:	City of Auburn 25 West Main Street Auburn, Washington 98001

Date Issued: **October 3, 2016**

Signature: _____


Jeff Tate
Assistant Community Development Director

Note: This determination does not constitute approval of the proposal. Approval of the proposal can only be made by the legislative or administrative body vested with that authority. The proposal will be required to meet all applicable regulations.



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable:

2016 Annual Comprehensive Plan Amendments – City initiated Map Amendments -
Comprehensive Plan land use designation change of approximately 134.49 acres from
"Light Industrial" to "Heavy Commercial".

2. Name of applicant: [\[help\]](#)

3. Address and phone number of applicant and contact person: [\[help\]](#)

Jeff Dixon, Planning Services Manager
City of Auburn Dept. of Community Development & Public Works
25 West Main St
Auburn, WA 98001-4998
253-804-5036
jdixon@auburnwa.gov

4. Date checklist prepared: [\[help\]](#)

September 15, 2016

5. Agency requesting checklist: [\[help\]](#)

City of Auburn Dept. of Community Development & Public Works

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

A Planning Commission public hearing on the proposed map amendment covered by this checklist is tentatively scheduled for (but no earlier than) November 8, 2016 or December 6, 2016. City Council consideration of the proposed amendments is subsequently planned for late December. City Council action on plan amendments typically, but is not required to occur, prior to the end of the calendar year.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

The Comprehensive Plan land use designation change of three parcels totaling approximately 14.1 acres from "Light Industrial" to "Heavy Commercial" is anticipated to be followed by a city initiated zoning change of the same property to the "C3, Heavy Commercial" zoning district to align the zoning classification with the Comprehensive Plan designation. The zoning change will occur after the Comprehensive Plan change.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

This land use designation proposed in anticipation of the General Services Administration (GSA) stated intent to reconfigure their current facilities, which will likely result in the possibility of a U.S. Government disposal of a portion of the approximately 135 acres. City of Auburn staff is recommending the Comprehensive Plan land use designation be changed to facilitate higher and better uses than the current "Light Industrial" designation offers. Staff is proposing that the land use designation be changed to "Heavy Commercial".

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

The City of Auburn Planning Commission will hold a public hearing on the proposed 2016 comprehensive plan map addressed in this environmental checklist along with other annual Comprehensive Plan Amendments and will forward a recommendation to the Auburn City Council. The City Council may or may not hold a public hearing prior to taking action adopting, adopting in part, or not adopting the amendments.

Although the proposed action is not an approval or permit, the proposed amendments are also subject to the 60-day State Agency review process pursuant to RCW 36.70A.106.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The City of Auburn is proposing to change the land use designation of approximately 135 acres of land owned by the United States Government and is managed by the General Services Administration (GSA). This change in land use designation is proposed in anticipation of GSA's stated intent to reconfigure their current facility, which will likely result in a reduced need for land and the possibility of a U.S. Government disposal of a portion of the approximately 135 acres. Also, being changed are two adjacent parcels owned by the City; an approximately 8.04 acre parcel containing a fire station and an approximately 1.56-acre vacant parcel that provides vehicle access to C ST SW for the city parcel. The Comprehensive Plan land use designation is being changed to "Heavy Commercial" to facilitate higher and better uses than the current "Light Industrial" designation. The proposal is a "non-project action" and no physical alterations are proposed.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The approximately 135 acres of land owned by the United States Government and managed by the General Services Administration (GSA) is generally located at southwest corner of C ST SW and 15th ST SW. The property is generally identified by the common addresses of: 520, & 615 15th ST SW and 1901, 1903, 2201, 2203, 2401, 2501, 2507, 2509, 2601, 2701, & 2703 C ST SW and identified by King County Parcel Number 242104-9004.

The adjacent approximately 8.04-acre parcel owned by the City is located immediately to the south and is addressed as 2905 C ST SW and identified by King County Parcel 242104-9114. and the approximately 1.56-acre vacant parcel that provides access to C ST SW for the city parcel is identified as king County Parcle number 24210490115.

The sites are located within the NE & SE quarters of Section 24, Township 21 North, range 4 East, and within the NE ¼ of Section 25, Township 21 North, Range 4 East, W.M.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

The on-site slopes are five percent or less. The site is relatively flat with a gradual downward slope to the west. The elevation varies across the site from 102 feet in elevation near the southeast corner to 88 feet in elevation near the northwest corner.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

The site soils are identified as "Urban land Soils" by the Web Soil Survey from the NRCS soil survey data for the U.S. Urban land soils are soils, which have been modified by the disturbance of natural layers with the addition of fill material several feet thick to accommodate development. The texture and permeability of this soil varies.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

There are no indications for or history of unstable soils. The site is characterized as a river valley containing alluvial soil deposits. Alluvial soils can be subject to liquefaction in ground shaking events.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

Not applicable. The proposed Comprehensive Plan amendments are non-project actions, no site alteration, construction, or earthwork is proposed.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Not applicable. The proposed Comprehensive Plan amendments are non-project actions, no site alteration, construction, or earthwork is proposed.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

Not applicable. The proposed Comprehensive Plan amendments are non-project actions, no site alteration, construction, or earthwork is proposed. The site is currently approximately 80 percent impervious.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

This is a non-project action; no site specific erosion control measures are proposed or needed. However, the existing comprehensive plan includes numerous policies to reduce or control erosion through the use of best management practices, landscaping requirements, limitations on alteration of steep slopes and other critical areas protections. Impacts to earth will be identified and, if necessary, mitigated during the development review process as specific development proposals are made that might be associated with these plan amendments.

These potential impacts from future development and redevelopment would be avoided by implementing best management practices and complying with City of Auburn Surface Water Management Manual, latest edition.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Not applicable. This is a non-project action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

Not applicable. This is a non-project action.

3. Water [\[help\]](#)

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

There are no on-site surface water bodies or wetlands. The nearest surface water body is Government Canal, located approximately 2,500 feet to the west and separated by the Boeing Airplane Manufacturing Plant.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

Not applicable. This is a non-project action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

Not applicable. This is a non-project action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Not applicable. This is a non-project action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

The Site is not located within the 100-year floodplain or special flood hazard areas.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

Not applicable. This is a non-project action.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Not applicable. This is a non-project action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

Not applicable. This is a non-project action.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

Not applicable. This is a non-project action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Not applicable. This is a non-project action.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

Not applicable. This is a non-project action.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

4. **Plants** [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

- ☒ deciduous tree: alder, maple, aspen, other
☒ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☐ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation

The site contains existing landscape vegetation mainly within the northern portion near 15th ST SW.

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Not applicable. This is a non-project action.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None are known to exist on or near the site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

Not applicable. This is a non-project action.

- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

None are known to exist on or near the site.

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Birds adapted to urban environments could use be found on-site. Mammals and other animals are not expected on-site.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

None are known to exist on or near the site.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The City of Auburn is a portion of the Pacific Flyway for migratory birds.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

Not applicable. This is a non-project action.

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None are known to exist on or near the site.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

Not applicable. This is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

Not applicable. This is a non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

The Washington State Department of Ecology is overseeing the Boeing Company's investigation of contaminated groundwater in portions of southwest Auburn and northeast Algona. The Boeing Company's manufacturing plant is immediately adjacent and west of the of land owned by the United States Government and is managed by the General Services Administration (GSA).

Chemicals related to industrial manufacturing have contaminated groundwater - the water that flows under the ground through the soil - with a degreaser called trichloroethene (TCE; also called trichloroethylene) and its breakdown products. It is believed that the chemicals originated from the Boeing Auburn facility. The contaminated groundwater (called a plume) flows north and northwest away from the Boeing property, into portions of southwest Auburn and northeast Algona.

To date, the chemicals found are at low levels that are not expected to pose a risk to human health and the environment. If chemicals are found to be an immediate risk, the Washington State Department of Ecology will direct the Boeing Company to implement interim actions to reduce the risk.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

The proposed project is a "non-project action" and no project development or design is planned or currently known that will affect the hazardous chemicals or conditions.

The Washington State Department of Ecology (Ecology) is overseeing The Boeing Company's cleanup investigation of contaminated groundwater in portions of southwest Auburn and northeast Algona. The project is currently in the Remedial Investigation phase.

Boeing's consultant Landau Associates begins regular quarterly sampling of groundwater wells the first week of September of 2016. This round of sampling covers wells located in Algona and Auburn. Ecology wants to catch any small fluctuations in groundwater contamination potentially due to weather patterns. That is why we requiring additional quarterly sampling in some wells in September and March.

Dry season surface water sampling will begin in mid-September 2016 and targets key locations in the Chicago Avenue Ditch, Auburn ponds, and Mill Creek to monitor the plume size and chemical concentrations during the dry season. Ecology will post the sampling results to this website as they become available.

Potential cleanup technologies will be evaluated as part of the Feasibility Study, and the Cleanup Action Plan will implement one or a combination of several cleanup technologies.

There are a number of different technologies used for cleaning up contaminated groundwater. Find out more about some of the potential treatment technology options by clicking [here](#). Scroll to the page titled, "How will the contamination be cleaned up?" There are general options that may or may not be feasible or beneficial at the Boeing Auburn site.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

Not applicable. This is a non-project action.

- 4) Describe special emergency services that might be required. [\[help\]](#)

Not applicable. This is a non-project action.

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

Not applicable. This is a non-project action.

b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Not applicable. This is a non-project action.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Not applicable. This is a non-project action.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

8. Land and Shoreline Use [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The current use of the site is a federal government facility that includes professional offices and warehousing distribution land uses. There are also daycare and a wireless communications facility as accessory uses located on-site.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The approximately 135-acre site is not working farmland or forest land and has been developed as an industrial complex for more than 50 years.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

The approximately 135-acre site is not located close to or affected by any farmlands or forest land.

- c. Describe any structures on the site. [\[help\]](#)

The approximately 135-acre site consists of multiple buildings. The northern portion of the site across 15th St SW contains the Auburn School District transportation facility (bus barn) and the main portion of the site south of 15th ST SW contains approximately eleven buildings. The northern portion of the site contains an office building and a separate daycare building. The balance of the site contains a series of large industrial buildings.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

Not applicable. This is a non-project action.

- e. What is the current zoning classification of the site? [\[help\]](#)

The zoning classification of the site is "M1, Light Industrial" in the City of Auburn.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

The current comprehensive plan designation is "Light Industrial" in the City of Auburn.

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

The site is not located within a shoreline master program designation area.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

The is inventoried by the City of auburn as a Ground water protection Zone 4, the least stringent classification and as a seismic zone due to the potential for liquefaction in ground shaking events due to the alluvial soils.

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

Not applicable. This is a non-project action.

- j. Approximately how many people would the completed project displace? [\[help\]](#)

Not applicable. This is a non-project action.

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

The City of Auburn is proposing the change in anticipation of the U.S. Government is disposing (selling) at least a portion of the land so that redevelopment that generates sales tax revenues, family wage jobs, more efficient use of land over historic development, and promote economic development. The range of uses allowed in the "Heavy Commercial" comprehensive Plan designation are better suited to accomplish these goals than the "Light Industrial" classification.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

Not applicable. This is a non-project action and there are no agricultural or forest lands of long term commercial significance affected.

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Not applicable. This is a non-project action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

Not applicable. This is a non-project action.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

(

Not applicable. This is a non-project action.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

Not applicable. This is a non-project action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

Not applicable. This is a non-project action.

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

Not applicable. This is a non-project action.

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

The nearest recreation facilities are the city of Auburn GSA Park, with active ballfields which is located to the north across 15th ST SW and the recreational and transportation north-south corridor of the Interurban Trail located approximately 800 feet to the west at the closest point, paralleling the Union Pacific Railroad line.

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

Not applicable. This is a non-project action.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

Not applicable. This is a non-project action.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

Not applicable. This is a non-project action.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts,

or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

Not applicable. This is a non-project action.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

Not applicable. This is a non-project action.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

Not applicable. This is a non-project action.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

The approximately 135-acre site is bordered to the north by 15th ST SW, which is classified as "Principal Arterial" and bordered to the east by C ST SW which is classified as a "Minor Arterial" in the city's Comprehensive Transportation Plan.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

The Site is currently served by transit. 15th ST SW is served by King County Metro Transit with bus service by DART Routes 910 and 917 and more frequent bus service via Route 181.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

Not applicable. This is a non-project action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

Not applicable. This is a non-project action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

The site is currently served by rail access. The site contains multiple railroad spurs off the Union Pacific rail road line located to the west.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

Not applicable. This is a non-project action.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

Not applicable. This is a non-project action.

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

Not applicable. This is a non-project action.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

The change in land use designation and zoning will allow different land uses than the current "Light Industrial" designation. While the "Light Industrial" designation allows a variety of commercial uses, such as retail and professional office, the change will allow a wider range of land use activities.

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

Not applicable. This is a non-project action.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable. This is a non-project action.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

Not applicable. This is a non-project action.

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Jeff Dixon

Position and Agency/Organization Planning Services Manager, Dept of Com Dev & Public Works, City of Auburn

Date Submitted: _____

D. supplemental sheet for nonproject actions [\[help\]](#)

(It is not necessary to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed change in comprehensive plan designation and zoning is not anticipated to result in any increase in discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The change would likely result in a decreases since commercial land uses generally have a greater portion of the site devoted to landscaping and impervious surfaces and generally involve less storage and handling of toxic or hazardous substances and less production of routine noise than industrial uses. The actual change will depend on redevelopment and future land uses.

Proposed measures to avoid or reduce such increases are:

No increases in discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise are anticipated.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The site does is approximately 80% already constructed of impervious surface. The remaining areas consist of formal landscape vegetation. The site does not currently contain animals, fish or marine life. No adverse effect on plants, animals, fish or marine life is anticipated by the change in designations. The future redevelopment will require observance of contemporary development standards which have less impact on environmental resources.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

No adverse effect on plants, animals, fish or marine life is anticipated by the change in designations. No measures are proposed.

3. How would the proposal be likely to deplete energy or natural resources?

The change in designations is not likely to delete energy or nature resources.

Proposed measures to protect or conserve energy and natural resources are:

The change in designations is not likely to delete energy or nature resources. No measures are proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The change in designations is not likely to use or affect environmentally sensitive areas (Seismic and groundwater Protection zone 4) or areas designated (or eligible or under study) for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No measures are proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The City of Auburn is proposing the change in anticipation of the U.S. Government is disposing (selling) at least a portion of the land so that redevelopment that generates sales tax revenues, family wage jobs, more efficient use of land over existing development pattern, and promote economic development. The range of uses allowed in the "Heavy Commercial" comprehensive Plan designation are better suited to accomplish these goals than the "Light Industrial" classification. The change would promote and increase consistency with existing goals and policies of the City of Auburn Comprehensive Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

No measures are proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The change in designations is not likely to increase demands on transportation or public services and utilities. Future redevelopment, as separate action by others in the future will be

responsible for mitigating any increase in demands on transportation or public services and utilities consistent with adopted City of Auburn level of service standards and City regulations.

Proposed measures to reduce or respond to such demand(s) are:

No measures are proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The change in designations is not likely to conflict with local, state, or federal laws or requirements for the protection of the environment.



AGENDA BILL APPROVAL FORM

Agenda Subject:
Resolution No. 5272

Date:
February 28, 2017

Department:
CD & PW

Attachments:
[Resolution No. 5272](#)
[Existing TIP #55](#)
[Proposed Modified TIP #55](#)
[New TIP #75](#)

Budget Impact:
\$0

Administrative Recommendation:

City Council adopt Resolution 5272.

Background Summary:

The purpose of this Resolution is for the City Council to adopt a modification to the 2017-2022 Transportation Improvement Program (TIP). The proposed modification is to update a project for which the City was awarded \$400,000 in design and construction phase funding on by the Transportation Improvement Board (TIB), and to add a new project for which the City was awarded \$412,650 for design and construction phase funding by WSDOT. The projects are required to be in the City's TIP consistent with the award in order to obligate the grant funds and proceed with the project.

TIP#55, Auburn Way S Sidewalk Improvements, was newly programmed in the 2017-2022 TIP. The 2017-2022 TIP was adopted on June 20th, 2016 and is proposed to be modified now to reflect the secured grant award.

TIP#75, A Street SE Signal Safety and Traffic Operations, is a new project being added to the TIP to reflect the secured grant award.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: March 6, 2017

Item Number: RES.A

RESOLUTION NO. 5 2 7 2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING THE 2017-2022 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM OF THE CITY OF AUBURN PURSUANT TO CHAPTER 35.77 OF THE REVISED CODE OF WASHINGTON

WHEREAS, the City is required to include projects on the Transportation Improvement Program (TIP) in order to be eligible to apply for grant funds from the Washington State Transportation Improvement Board and from WSDOT; and

WHEREAS, pursuant to RCW 35.77.010, a public hearing to consider amending the 2017-2022 Transportation Improvement Program for the City of Auburn was held on March 6th, 2017 at the hour of 7:00 p.m. in the Council Chambers of the Auburn City Hall, pursuant to notice published in the legal newspaper of the City of Auburn on February 26th 2017; and

WHEREAS, said amendment to the 2017-2022 Transportation Improvement Program of the City of Auburn was approved by the City Council by motion duly made and carried in said hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. There is attached hereto and denominated as Exhibit "A" and the terms of which are incorporated herewith by reference as though fully set

Resolution No. 5272
March 1, 2017
Page 1

forth, a designation of the streets within the corporate limits of the City of Auburn to be improved in the manner therein set forth during the year set for the improvement of such street or streets.

Section 2. That the City Engineer of the City of Auburn is hereby directed to forward a certified copy of this Resolution to the Washington State Department of Transportation for filing not more than thirty (30) days after the adoption of this Resolution.

Section 3. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 4. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

DATED this ____ day of March, 2017

CITY OF AUBURN

NANCY BACKUS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

Resolution No. 5272
March 1, 2017
Page 2

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Resolution No. 5272
March 1, 2017
Page 3

Six Year Transportation Improvement Plan**TIP# 55****ARTERIAL PRESERVATION FUND (105)**

Project Title: **Auburn Way South (SR-164) Sidewalk Improvements**
 Project No: **cpxxxx**
 Project Type: **Capacity**
 Project Manager: **TBD**

STIP# AUB-xx**LOS Corridor ID# 4****Description:**

The project will construct missing sidewalks along both sides of Auburn Way S. The existing sidewalks currently end to the east of the intersection with 17th Street SE and restart to the west of the intersection with Muckleshoot Plaza. The sidewalk gap extends for approximately 1,700 feet.

Progress Summary:

Federal Grant funding was applied for in 2016.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	2016 YE		Budget			Forecast Project Costs				Total Project Cost
	Prior to 2016	Estimate	2017	2018	2019	2020	2021	2022	Beyond 2022	
Funding Sources:										
Unrestricted Street Revenue	-	-	-	52,000	238,000	-	-	-	-	290,000
Unsecured Federal Grant	-	-	-	208,000	952,000	-	-	-	-	1,160,000
Traffic Impact Fees	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total Funding Sources:	-	-	-	260,000	1,190,000	-	-	-	-	1,450,000
Capital Expenditures:										
Design	-	-	-	260,000	-	-	-	-	-	260,000
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	-	-	1,190,000	-	-	-	-	1,190,000
Total Expenditures:	-	-	-	260,000	1,190,000	-	-	-	-	1,450,000

Six Year Transportation Improvement Plan

CAPITAL IMPROVEMENT FUND (328)

TIP# 55

Project Title: **Auburn Way South (SR-164) Sidewalk Improvements**
 Project No: **cpxxxx**
 Project Type: **Capacity**
 Project Manager: **TBD**

STIP# AUB-xx

LOS Corridor ID# 4

Description:

The project will construct missing sidewalks along the north side of Auburn Way S. The existing sidewalk currently ends to the east of the intersection with 17th Street SE and restarts to the west of the intersection with Muckleshoot Plaza. The sidewalk gap extends for approximately 1,700 feet.

Progress Summary:

State grant funding was secured in 2016.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	Prior to 2016	2016 YE Estimate	Budget		Forecast Project Costs					Total Project Cost
			2017	2018	2019	2020	2021	2022	Beyond 2022	
Funding Sources:										
Cap. Imp. Fund Balance	-	-	-	-	-	-	-	-	-	-
Secured State Grant(TIB)	-	-	77,000	323,000	-	-	-	-	-	400,000
REET 2	-	-	83,000	295,000	-	-	-	-	-	378,000
Other(102 Fund)	-	-	-	52,000	-	-	-	-	-	52,000
Total Funding Sources:	-	-	160,000	670,000	-	-	-	-	-	830,000
Capital Expenditures:										
Design	-	-	160,000	-	-	-	-	-	-	160,000
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	-	670,000	-	-	-	-	-	670,000
Total Expenditures:	-	-	160,000	670,000	-	-	-	-	-	830,000

Six Year Transportation Improvement Plan**ARTERIAL STREET FUND (102)****TIP# 75**

Project Title: **A Street SE Signal Safety and Traffic Operations**
Project No: **CPXXXX**
Project Type: **Non-Capacity, Safety**
Project Manager: **TBD**

STIP# AUB-XX**LOS Corridor ID# N/A****Description:**

This project will improve intersection traffic signal timing and operations, corridor coordination, traffic signal head visibility, and ADA accessibility along the A St SE Corridor between 3rd St SE and East Valley Highway Access Road.

Progress Summary:

Federal Grant was awarded in 2016. Design phase began in 2017 and construction is scheduled for completion in 2018. This project is eligible for full funding for all project phases obligated prior to August 31, 2017. The unbalanced funds budgeted below versus estimated costs is provided to cover the potential 10% match that would be required for phases that are obligated after that deadline.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	Prior to 2016	2016 YE Estimate	Budget			Forecast Project Cost				Total Project Cost
			2017	2018	2019	2020	2021	2022	Beyond 2022	
Funding Sources:										
Unrestricted Street Revenue	-	-	45,850	-	-	-	-	-	-	45,850
Secured Federal Grant	-	-	458,500	-	-	-	-	-	-	458,500
Traffic Impact Fees	-	-	-	-	-	-	-	-	-	-
REET2	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total Funding Sources:	-	-	504,350	-	-	-	-	-	-	504,350
Capital Expenditures:										
Design	-	-	103,300	-	-	-	-	-	-	103,300
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	355,200	-	-	-	-	-	-	355,200
Total Expenditures:	-	-	458,500	-	-	-	-	-	-	458,500

Six Year Transportation Improvement Plan**TIP# 55****ARTERIAL PRESERVATION FUND (105)**

Project Title: **Auburn Way South (SR-164) Sidewalk Improvements**
 Project No: **cpxxxx**
 Project Type: **Capacity**
 Project Manager: **TBD**

STIP# AUB-xx**LOS Corridor ID# 4****Description:**

The project will construct missing sidewalks along both sides of Auburn Way S. The existing sidewalks currently end to the east of the intersection with 17th Street SE and restart to the west of the intersection with Muckleshoot Plaza. The sidewalk gap extends for approximately 1,700 feet.

Progress Summary:

Federal Grant funding was applied for in 2016.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	2016 YE	Budget			Forecast Project Costs				Total Project Cost	
		Prior to 2016	Estimate	2017	2018	2019	2020	2021		2022
Funding Sources:										
Unrestricted Street Revenue	-	-	-	52,000	238,000	-	-	-	-	290,000
Unsecured Federal Grant	-	-	-	208,000	952,000	-	-	-	-	1,160,000
Traffic Impact Fees	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total Funding Sources:	-	-	-	260,000	1,190,000	-	-	-	-	1,450,000
Capital Expenditures:										
Design	-	-	-	260,000	-	-	-	-	-	260,000
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	-	-	1,190,000	-	-	-	-	1,190,000
Total Expenditures:	-	-	-	260,000	1,190,000	-	-	-	-	1,450,000

Six Year Transportation Improvement Plan

TIP# 55

CAPITAL IMPROVEMENT FUND (328)

Project Title: **Auburn Way South (SR-164) Sidewalk Improvements**
 Project No: **cpxxxx**
 Project Type: **Capacity**
 Project Manager: **TBD**

STIP# AUB-xx

LOS Corridor ID# 4

Description:

The project will construct missing sidewalks along the north side of Auburn Way S. The existing sidewalk currently ends to the east of the intersection with 17th Street SE and restarts to the west of the intersection with Muckleshoot Plaza. The sidewalk gap extends for approximately 1,700 feet.

Progress Summary:

State grant funding was secured in 2016.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	2016 YE Estimate	Budget			Forecast Project Costs					Total Project Cost
		Prior to 2016	2017	2018	2019	2020	2021	2022	Beyond 2022	
Funding Sources:										
Cap. Imp. Fund Balance	-	-	-	-	-	-	-	-	-	-
Secured State Grant(TIB)	-	-	77,000	323,000	-	-	-	-	-	400,000
REET 2	-	-	83,000	295,000	-	-	-	-	-	378,000
Other(102 Fund)	-	-	-	52,000	-	-	-	-	-	52,000
Total Funding Sources:	-	-	160,000	670,000	-	-	-	-	-	830,000
Capital Expenditures:										
Design	-	-	160,000	-	-	-	-	-	-	160,000
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	-	670,000	-	-	-	-	-	670,000
Total Expenditures:	-	-	160,000	670,000	-	-	-	-	-	830,000

Six Year Transportation Improvement Plan

ARTERIAL STREET FUND (102)

TIP# 75

Project Title: **A Street SE Signal Safety and Traffic Operations**
 Project No: **CPXXXX**
 Project Type: **Non-Capacity, Safety**
 Project Manager: **TBD**

STIP# AUB-XX

LOS Corridor ID# N/A

Description:

This project will improve intersection traffic signal timing and operations, corridor coordination, traffic signal head visibility, and ADA accessibility along the A St SE Corridor between 3rd St SE and East Valley Highway Access Road.

Progress Summary:

Federal Grant was awarded in 2016. Design phase began in 2017 and construction is scheduled for completion in 2018. This project is eligible for full funding for all project phases obligated prior to August 31, 2017. The unbalanced funds budgeted below versus estimated costs is provided to cover the potential 10% match that would be required for phases that are obligated after that deadline.

Future Impact on Operating Budget:

There is no impact to the street maintenance budget.

Activity:	Prior to 2016	2016 YE Estimate	Budget			Forecast Project Cost				Total Project Cost
			2017	2018	2019	2020	2021	2022	Beyond 2022	
Funding Sources:										
Unrestricted Street Revenue	-	-	45,850	-	-	-	-	-	-	45,850
Secured Federal Grant	-	-	458,500	-	-	-	-	-	-	458,500
Traffic Impact Fees	-	-	-	-	-	-	-	-	-	-
REET2	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-
Total Funding Sources:	-	-	504,350	-	-	-	-	-	-	504,350
Capital Expenditures:										
Design	-	-	103,300	-	-	-	-	-	-	103,300
Right of Way	-	-	-	-	-	-	-	-	-	-
Construction	-	-	355,200	-	-	-	-	-	-	355,200
Total Expenditures:	-	-	458,500	-	-	-	-	-	-	458,500



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5288

Date:

February 22, 2017

Department:

Community Development & Public Works

Attachments:

[Resolution No. 5288](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council adopt Resolution No. 5288.

Background Summary:

RCW 36.73.040(3)(a) and RCW 82.14.0455 authorize TBDs to impose a sales and use tax of up to 0.2 percent to fund transportation improvements within the TBD subject to a simple majority approval vote by authorized voters within the boundaries of the TBD, provided that the tax may not be imposed for longer than 10 years at a time, except to repay debt.

The Transportation Benefit District Board has previously discussed the potential for engaging in a substantive public education effort with the City of Auburn to provide voters within the District factual and relevant information for a public vote for approval of a 0.2 percent sales and use tax to fund significant transportation improvement projects within the District. At its December 13, 2016, the Transportation Benefit District Board reviewed and discussed three different schedules (12-months, 18-months and 24-months) and identified its preference for the 18-months schedule. At the December 13th meeting, the Board also discussed the potential for development and execution of a Memorandum of Understanding (MOU) with the City of Auburn to memorialize the desire of both entities to jointly work together on the aforementioned public education effort including sharing of resources and costs, as applicable. At their meeting on February 22, 2017, the Auburn Transportation Benefit District Board approved the MOU under Resolution No. 2017-05.

The MOU affirms that the Auburn Transportation Benefit and the City of Auburn jointly identify and agree that there is an obligation to engage in substantive efforts, prior to any public vote on a 0.2 percent sales and use tax, to provide factual and relevant information to ensure that voters make an informed decision. Further, the MOU affirms that the Auburn Transportation Benefit District and the City of Auburn desire to jointly

work together on a public education effort to provide factual and relevant to ensure that voters within the TBD are fully aware of the cost and benefits associated with the

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: March 6, 2017

Item Number: RES.B

RESOLUTION NO. 5 2 8 8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE AUBURN TRANSPORTATION BENEFIT DISTRICT REGARDING A 0.2 PERCENT SALES AND USE TAX

WHEREAS, RCW 36.73.040(3)(a) and RCW 82.14.0455 authorize transportation benefit districts (TBD) to impose a sales and use tax of up to 0.2 percent to fund transportation improvements within the TBD subject to a simple majority approval vote by authorized voters within the boundaries of the TBD provided that the tax may not be imposed for longer than 10 years at a time, except to repay debt; and

WHEREAS, the TBD board has previously discussed the potential for engaging in substantive public education effort to provide voters within the district factual and relevant information for a public vote for approval of a 0.2 percent sales and use tax to fund significant transportation improvement projects within the district; and

WHEREAS, at its December 13, 2016, meeting, the TBD board reviewed and discussed three different schedules (12-months, 18-months and 24-months) and identified its preference for the 18-months schedule; and

WHEREAS, at the December 13, 2016, meeting, the Board also discussed the potential for development and execution of a Memorandum of Understanding (MOU) with the City of Auburn to memorialize the desire of both entities to jointly work together on the aforementioned public education effort including sharing of resources and costs, as applicable; and

WHEREAS, the MOU affirms that the Auburn TBD and the City of Auburn jointly identify and agree that there is an obligation to engage in substantive efforts, prior to any public vote on a 0.2 percent sales and use tax, to provide factual and relevant information to ensure that voters make an informed decision; and

WHEREAS, further, the MOU affirms that the Auburn TBD and the City of Auburn desire to jointly work together on a public education effort to provide factual and relevant to ensure that voters within the TBD are fully aware of the cost and benefits associated with the imposition of a 0.2 percent sales and use tax.

NOW, THEREFORE, THE BOARD OF THE AUBURN TRANSPORTATION BENEFIT DISTRICT HEREBY RESOLVES as follows:

Section 1. The Mayor of the City of Auburn is authorized to execute an Memorandum of Understanding with the Auburn Transportation Benefit District regarding the 0.2 percent sales and use tax, which MOU shall be in substantial conformity with the MOU attached hereto as Exhibit A and incorporated herein by this reference.

Section 2. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2017.

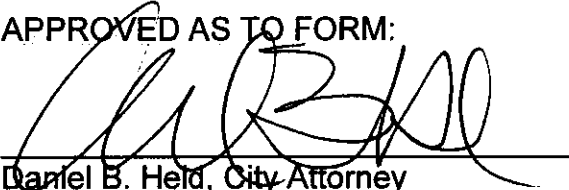
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Held, City Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF AUBURN, WASHINGTON
AND
THE AUBURN TRANSPORTATION BENEFIT DISTRICT**

This Memorandum of Understanding (MOU) between the City of Auburn, Washington ("AUBURN"), and the Auburn Transportation Benefit District ("TBD"), each of whom is organized as a Municipal Corporation under the laws of the State of Washington, is dated this ___ day of _____ 201__.

WHEREAS, AUBURN is empowered to operate, maintain, construct, and reconstruct, public street infrastructure within its city limits in accordance with the powers granted pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW; and

WHEREAS, pursuant to Ordinance No. 6377, AUBURN established the TBD whose district boundaries are concurrent with the municipal boundaries of AUBURN and authorized funding for any purpose allowed by law including to operate the District and to make transportation improvements consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels pursuant to Chapter 36.73 RCW; and

WHEREAS, RCW 36.73.040(3)(a) and RCW 82.14.0455 authorize TBDs to impose a sales and use tax of up to 0.2 percent to fund transportation improvements within the TBD subject to a simple majority approval vote by authorized voters within the boundaries of the TBD, provided that the tax may not be imposed for longer than 10 years at a time, except to repay debt; and

WHEREAS, the TBD previously identified at a duly advertised December 13, 2016 special meeting its interest in exploring the presentation to authorized voters within the TBD of a ballot measure for approval of a 0.2 percent sales and use tax in November 2018; and

WHEREAS, the TBD and AUBURN identify and agree that there is an obligation to engage in substantive efforts, prior to any public vote on a 0.2 percent sales and use tax to provide factual and relevant information to ensure that voters make an informed decision; and

WHEREAS, AUBURN and the TBD desire to jointly work together on a public education effort to provide factual and relevant to ensure that voters within the TBD are fully aware of the cost and benefits associated with the imposition of a 0.2 percent sales and use tax.

NOW, THEREFORE, the parties have entered into Memorandum of Understanding to provide each other, the citizens of Auburn and the voters within the TBD transparent understanding and awareness of how the two governmental entities will work together on a substantive public education effort on the costs and benefits of a 0.2 percent sales and use tax prior to a public vote by authorized voters in the TBD in November 2018.

1. Joint Commitment to Provision of Factual and Relevant Information. Auburn and TBD are jointly committed to the provision of only factual and relevant information. Auburn and TBD obligate themselves and all others organizationally affiliated with them to provide only factual and relevant information.

2. Joint Observance of Public Campaign Laws. Auburn and TBD hereby obligate themselves and their affiliates to not engage in direct or indirect campaigning regarding future voter consideration of a 0.2 percent sales and use tax and further obligate themselves to fully observe and follow all local, state and federal laws, standards and practices as pertains to public organizations and public officials engaging in substantive campaigning efforts to influence a vote in their respective roles as public organizations and public officials.

3. Joint Resources and Costs for Public Education Efforts. AUBURN and TBD agree to share resources and, where appropriate, costs, in the provision of factual and relevant public information to assist voters within the TBD in their decision-making for a

future public vote on a 0.2 percent sales and use tax. In all instances, AUBURN and the TBD will provide the public with information on utilization of resources and sharing of costs, where appropriate.

4. Non-Binding. This MOU is jointly entered into by AUBURN and the TBD, is non-binding on either party and is not a legal contract. The MOU is a voluntary recitation of both parties' interest in working together to transparently provide the voting public in the TBD with factual and relevant information prior to and leading up to a future vote regarding the approval of 0.2 percent sales and use tax.

5. Term. This MOU shall be in place until such time that a public vote on a 0.2 percent sales and use tax takes place and/or Auburn and the TBD jointly agree that it is no longer needed relevant to its intended purpose.

6. Waiver of Counsel Conflict. Although the interests of the City of Auburn and the Auburn Transportation Benefit District are generally consistent, it is recognized and understood that differences may exist or become evident during the course of legal representation. Notwithstanding these possibilities, the City of Auburn and the Auburn Transportation Benefit District, have determined that it is in their individual and mutual interests to have a single legal counsel represent them jointly in connection with this Memorandum of Understanding, as well as any Memorandum of Agreement, Agreement, Contract or Interlocal Agreement between the parties. Accordingly, this confirms understanding and agreement of the City of Auburn and the Auburn Transportation Benefit District that Daniel B. Heid may represent them jointly in connection with the matters with which they are jointly involved, unless expressly stated to the contrary. This will also confirm that the City of Auburn and the Auburn Transportation Benefit District have each agreed to waive any conflict of interest arising out of, and that each will not object to, representation by Daniel B. Heid of each other in the matter described herein. It is further understood and agreed that Daniel B. Heid may freely convey necessary information provided to him by either City of Auburn or the Auburn Transportation Benefit District, and that there will be no secrets as between City

of Auburn and the Auburn Transportation Benefit District unless both expressly agree to the contrary:

7. Effective Date. This Memorandum of Understanding shall be effective upon the last authorizing signature affixed hereto.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

CITY OF AUBURN

AUBURN TRANSPORTATION
BENEFIT DISTRICT

Nancy Backus, Mayor



Nancy Backus, TBD Chairperson

APPROVED AS TO FORM:



Daniel B. Held, City Attorney