



City Council Study Session

February 27, 2017 - 5:30 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. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Arts & Culture Center Update (30 Minutes)* (Faber)

B. Human Services Overview* (Hinman)

An overview of the City's Human Service activities.

C. Ordinance No. 6639 - Rezone REZ15-0001 (5 Minutes)* (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

D. Ordinance No. 6640 - Rezone REZ14-0001 (5 Minutes)* (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

E. Ordinance No. 6641 - Rezone REZ16-0002 (5 Minutes)* (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

IV. 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:

Arts & Culture Center Update (30 Minutes)

Date:

February 14, 2017

Department:

Parks/Art and Recreation

Attachments:

[Power Point](#)

Budget Impact:

\$0

Administrative Recommendation:

This will be a briefing related to community engagement, funding strategies and opportunities, project timelines, initial design schematics & next steps.

Background Summary:

The City of Auburn purchased the Auburn's historic post office building in August 2016. City staff reached out to the community for public input related to transitioning the building to an Arts & Culture Center from September-December 2016. The City has been actively working with PARC Resources and Johnston Architects on cost estimates, fundraising strategies, and initial design schematics for the Arts & Culture Center to accompany grant writing and fundraising activities.

Reviewed by Council Committees:

Municipal Services, Planning And Community Development

Councilmember:**Staff:**

Faber

Meeting Date: February 27, 2017

Item Number: DI.A



City of Auburn Arts & Culture Center | 2017

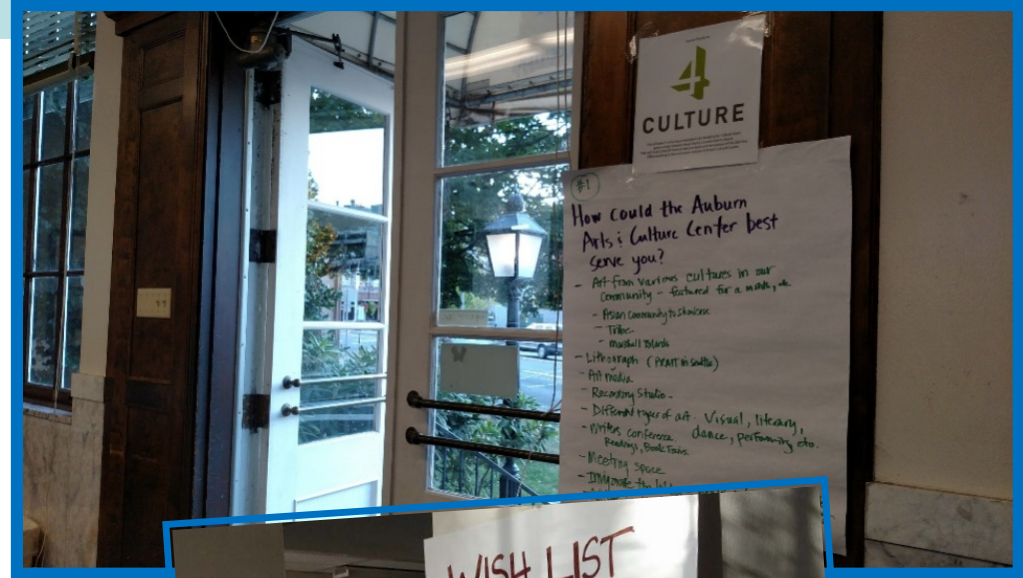
Arts & Culture Center

ARTPLACE VIDEO

Public Outreach & Community Input

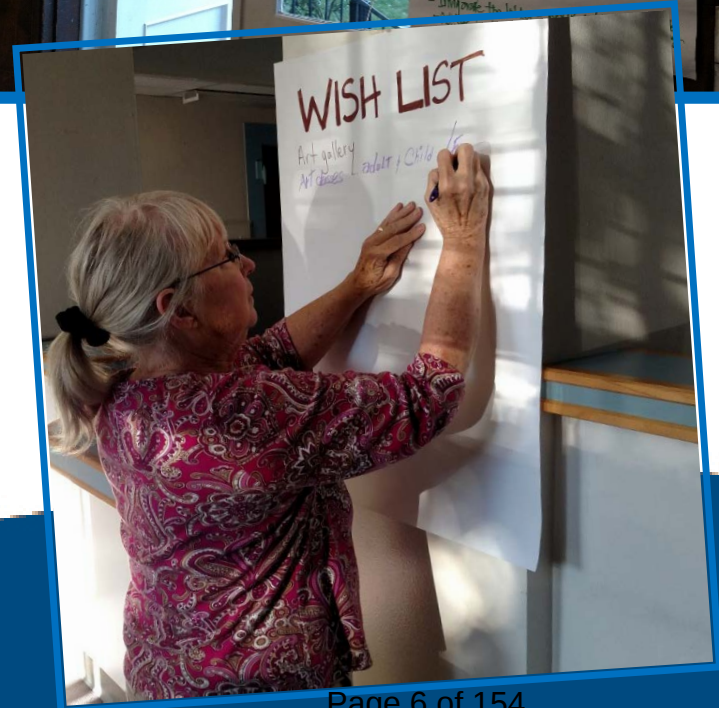
Information Sharing

- Press Releases
- Newspaper Articles
- Auburn Magazine
- Outreach Video
- City Website
- E-blast messages
- Social media outreach



Community Input & Focus Groups

- Series of open houses & group conversations at Arts & Culture Center
- Online Survey
- Community presentations and conversations with various groups



Historic Post Office Finds New Purpose as Art & Culture Center

After sitting silent for nearly seven years, the historic Auburn Post Office will once again be the site of bustling activity on Auburn Avenue. In early August the City of Auburn purchased the 80-year-old landmark from King County, with the hope of bringing the building back to life for active public use.

The building was constructed in 1937 under the national work relief program sponsored by the Public Works Administration, like many local construction projects during the Great Depression. The land for the post office was donated by Levi Ballard, an early Auburn citizen and the town's first postmaster in 1886.

The post office employed 15 people at the time of its opening. The opening and the building served as the Post Office building until 1963, when a newer, larger facility was built a few blocks away. Both the Auburn School District and the King County Health Department hoped to utilize the building for expansions of their services. In the end, the GSA awarded the building to the Health Department, who began renovations in 1964.

When the facility reopened in March 1964, the staff of the new facility included nine nurses and a clerk. The building continued to be used as a public health building until 2009, when King County Public Health relocated to a newer building on Auburn Way.

Now plans for renovation are underway to transform the interior of the building from small exam rooms and offices into a new Arts and Culture Center. But before we move forward, we want your input on how this great asset can best serve our community! To do that, the City will be hosting a series of open houses and focus groups as well as an online survey to collect community ideas. The building is in great condition and the majority of the interior work that will be completed will focus

on transforming the space into open areas for art classes, galleries, rehearsal space, and more.

The public is invited to share comments either through the online survey available at www.auburnwa.gov/arts, in person at an open house event, or by contacting Parks, Arts and Recreation directly.

The purchase was made possible in part by the Building for Culture

grant program—a joint effort of 4Culture, King County Executive Dow Constantine, and the King County Council. Signed into law in late 2015, this unprecedented \$28M fund provides grants to 102 arts, culture, and heritage projects throughout King County. As part of this grant, the City of Auburn will receive \$200,000 to go towards the purchase and renovation of this important site.



➔ A brief history of 100 Auburn Avenue is available on the City Arts website www.auburnwa.gov/arts where you can also sign up for the newsletter to receive updates on the wide variety of upcoming arts and events.



Auburn Magazine Article October 2016

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Artists embrace historic building as a new home

BY ROBERT WHALE

rwahale@auburn-reporter.com

Too many free-floating, untheatred artists and arts groups in Auburn, just looking for a place to do their thing: poets, painters, creative types of all stripes.

Maybe there should be a place for them.

Which is what the City of Auburn means to supply with its recent purchase from King County of the old Auburn Post Office/Public Health Building at 100 Auburn Ave.

Last week and during the recent Auburn Art Walk and Wine Tasting event, 50 to 60 people checked the building out for themselves and then gave City staff their impressions, as the process of convert-

ing the landmark building into a downtown Center for Arts and Culture gets on its feet.

"A great building with so much potential," said Lela Brugger of Auburn Valley Creative Arts, one of those frequently uprooted arts organizations, now in the old Rottle's store on East Main Street. "A place for different art, for ideas like pottery and computer photography."

"There is the space for sure. I am impressed," Brugger said. "A fun place to show art and do art. That the city of Auburn is supportive of the arts means a lot."

"It's got good bones," Daryl Faber, director of Parks, Arts and Recreation for the City of Auburn, told the City Council of the building's condition during a work session Monday.

King County and the City agreed to a purchase price of \$350,000 for the property, which has been vacant since October 2008 upon Public Health's move to a larger site on Auburn Way North.

The City secured a contract with 4Culture, the cultural services agency for King County, as part of the county's Building for Culture bond program. A \$200,000 grant from 4Culture is to reimburse the city for the cost of property acquisition and related capital expenditure associated with the creation of the Auburn Arts Center.

The City's initial work will focus on the first floor, and then, from a list of private foundations, Faber said, it will "be gleaming every nook and cranny for outside funding," for the interior renovation of

the building. "Heritage projects like this are usually funded well via the county and state."

King County and 4Culture entered last year to create for Culture, a \$20 million to help create and renovate rural arts and heritage throughout King County. The purchase was made possible by this program.

Signed into law in late 2014, the \$28 million fund provided to 102 arts, culture and heritage projects throughout King County.

"We're really excited about something downtown. ... going to be a very popular place that satisfies a lot of local people," Faber said.



REACH OUT

Auburn and South King County leaders attended the sixth annual Reach Out Breakfast on Tuesday at the Christian Faith Center in Federal Way.

The breakfast, a non-denominational collection of local churches, raised thousands of dollars in donations to serve the homeless in South King County and recognized community volunteers.



King County Councilmember Pete von Reichbauer, left, meets with City of Auburn Economic Development Manager Doug Lein, second from the left, and real property analysts Josh Arndt of Auburn and Kate Donley of King County following the unanimous vote to approve the sale of the Auburn Public Health Clinic property to the City of Auburn. COURTESY PHOTO

County agrees to sell Auburn Health Clinic property to the City to create an arts center

FOR THE REPORTER

The King County Council on Tuesday unanimously passed legislation to sell the Auburn Health Clinic property to the City of Auburn for the creation of an arts center in downtown Auburn.

The decision on the property in downtown Auburn, at 100 Auburn Ave. NE, was reached after months of dialogue between the City and county.

The county and city agreed to a purchase

price of \$350,000 for the property. The building has been vacant since October 2008 when Public Health moved to a larger site to continue to serve the greater Auburn community.

The City of Auburn intends to use the property as an arts center and has secured a contract with 4Culture, the cultural services agency for King County, as part of the Building for Culture bond program. 4Culture will reimburse the city for the cost of property acquisition and related capital expenditures associated with the creation of the Auburn Arts Center. The purchase of the property is supported by a \$200,000 grant from 4Culture, the funding for which the County Council approved as part of the Building for Culture Program.

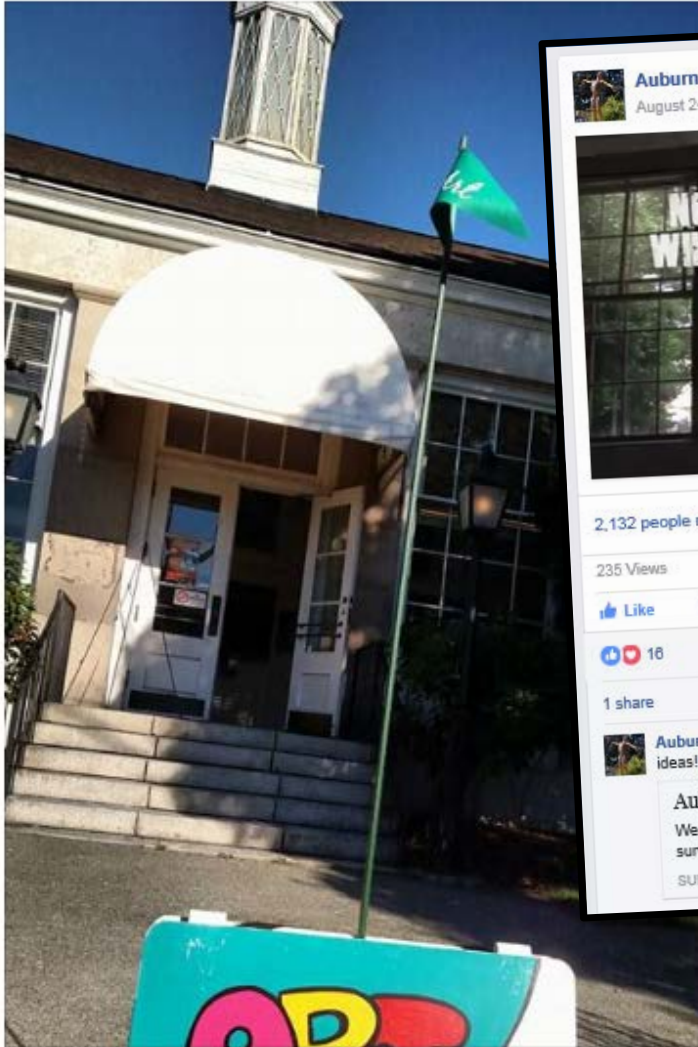
Auburn Reporter Newspaper Articles



Auburn Arts and Events

Published by Julie Brewer Krueger [?] · September 9, 2016 ·

The soon to be Arts & Culture center will be open for tours tonight during the Auburn Art Walk. Beautiful night for a fun event. Come by between 5:30-8:30pm and check it out at 100 Auburn Ave.



Auburn Arts and Events

August 24, 2016 ·



2,132 people reached

235 Views

Like Comment Share

16

1 share



Auburn Arts and Events Let us know your ideas! <https://www.surveymonkey.com/r/NVQNXL6>

Auburn's New Arts and Culture Center Survey

Web survey powered by SurveyMonkey.com. Create your own online survey now with SurveyMonkey's expert certified FREE templates.

[SURVEYMONKEY.COM](https://www.surveymonkey.com)

Boost Post



Auburn Arts and Events

Published by GovDelivery [?] · August 19, 2016 ·

New Arts and Culture Center in Downtown Auburn - Your input is needed!



Auburn's New Art and Culture Center!

City of Auburn is excited to announce the purchase and sale of the historic landmark building located at 100 Auburn Avenue. Plans are being made to bring this building back into public use and create a downtown Center for Arts and Culture.

[CONTENT.GOVDELIVERY.COM](https://www.content.govdelivery.com)

1,619 people reached

Boost Post

4,357 people reached

DI.A

Auburn Arts and Events Social Media Outreach

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What would you like to have available in terms of art making materials, equipment and

Comments - Ideas - Input?

- Storage space for long-term art series of classes
- Police substation in building "Managed Clientelle"
- Great sound system
- Rehearsal space for different groups
- Art equipment - presses
- Electric Kiln
- Clay in room
- Places for art clean-up
- Encounter people & creating ideas
- Acoustics in building
- Create a "Friends of" group to fundraise / corporate sponsors
- Organizations to partner with to activate space
- Creating space for community arts org.
- Shared office space in facility
- Day camps / camp overnights
- NOT a City Hall annex
- Sketch - any art form
- Conto style "office space" staff by receptionist - own computer, etc.
- WIN-WIN-WIN!
- Business w/ Art component
- Cafe / Events / Inside-Out
- draw people to space - EASTERN!
- Visual Art
- Local
- Regional
- National
- Counting!

What would make the Auburn Arts & Culture Ctr inviting and welcoming to you

- Reference to history of building
- Special themed art show -
- Stained glass - internal windows
- temporary show of stained glass
- Green Room for theater / Multipurpose space -
- Remove the awning? remove Holly trees!
- Artistic landscaping
- Internet access / high speed

What would you expect to do / experience at the new Arts Ctr?

- See ART - Create ART - experience ART through sound, motion, culture | Learn
- Always changing; reason to come back
- Living / breathing space
- Gallery - small stage - lectures
- A place for all other art agencies & can gather organizations w/ similar missions
- Need a stage - elevate a group - portable
- Adequate electric - Lighting - High tech cabling
- Staffed by community

What would you like to see in terms of new physical spaces, layout, in or around the building

- Outdoor space showcases building is ART space
- Art space in alley
- Public art used to create space Art incorporated into landscape
- Portable stage on front stairs
- Electrical hook-up for outside lighted signage
- Parking for building
- Large flexible space
- Permanent exterior lighting
- Colorful umbrellas w/ tables
- Public Art movies for exterior

How could the Auburn Arts & Culture Ctr best serve you?

What would you like to do or experience at a proposed Arts + Culture Center?

#1

Outdoor space

exterior - visibility that space is about ART

MUSIC - performance space for small groups

FOOD - coffee, wine, beer

Artist in Residence

Art classes

Birthday party ART classes

How could the Auburn Arts & Culture Center best serve you?

- Art from various cultures in our community - featured for a month, etc.
- Asian community to showcase
- Tribe
- Marshall Islands
- Lithograph (PRATT in Seattle)
- Art media
- Recording Studio -
- Different types of art: Visual, literary, dance, performing etc.
- Writers conference. Readings, Book Fairs.
- Meeting space
- Invigorate the lobby - nexus w/ Theater & alley way
- Activate front lawn area

Financial Strategy/Cost Estimates

PARC Resources & Johnston Architects

- Consultant study
 - Outlined funding opportunities and strategies
 - Prepared initial cost estimates and phasing options
 - Created initial design schematics
 - All pieces of study required for future grant applications



Funding Opportunities & Strategies

<i>Phase One Goal Estimate:</i> Main Floor Remodeling includes: Lobby & Gathering area; Gallery Spaces; Classroom Space; Visiting Artist Studio (Quarterly Feature); Café/Concession; Bathroom; Office Area; & building-wide mechanical/electrical systems.	\$1,523,284
<i>Phase Two Goal Estimate:</i> Basement Remodeling includes: Flexible spaces for art-making activities; rehearsal space; classroom areas.	\$1,420,931
<i>Total Estimate</i>	\$2,944,215
<i>Total Funding Goal</i>	\$3,000,000

Funding Opportunities & Strategies

Grants

- Government Grants
- Large Foundations (Over \$50,000)
- Small Foundations (Up to \$50,000)
- Corporate Funders
- Energy Incentives

City Funding

Direct Appropriations

In-Kind Donations

Other potential opportunities to investigate

- REET Funding
- General donations
- Naming rights for areas within the Arts & Culture Center:
 - *Gallery Area; The Vault Gallery; Classrooms, Gift Shop, etc.*

Secured Grants:

4Culture Building for
Culture (*Renovation*):
\$200,000

4Culture Preservation
Special Projects
(*Design Documents*):
\$10,000

Recently Submitted Grants:

4Culture Arts & Heritage
Facilities (*Renovation*):
\$150,000

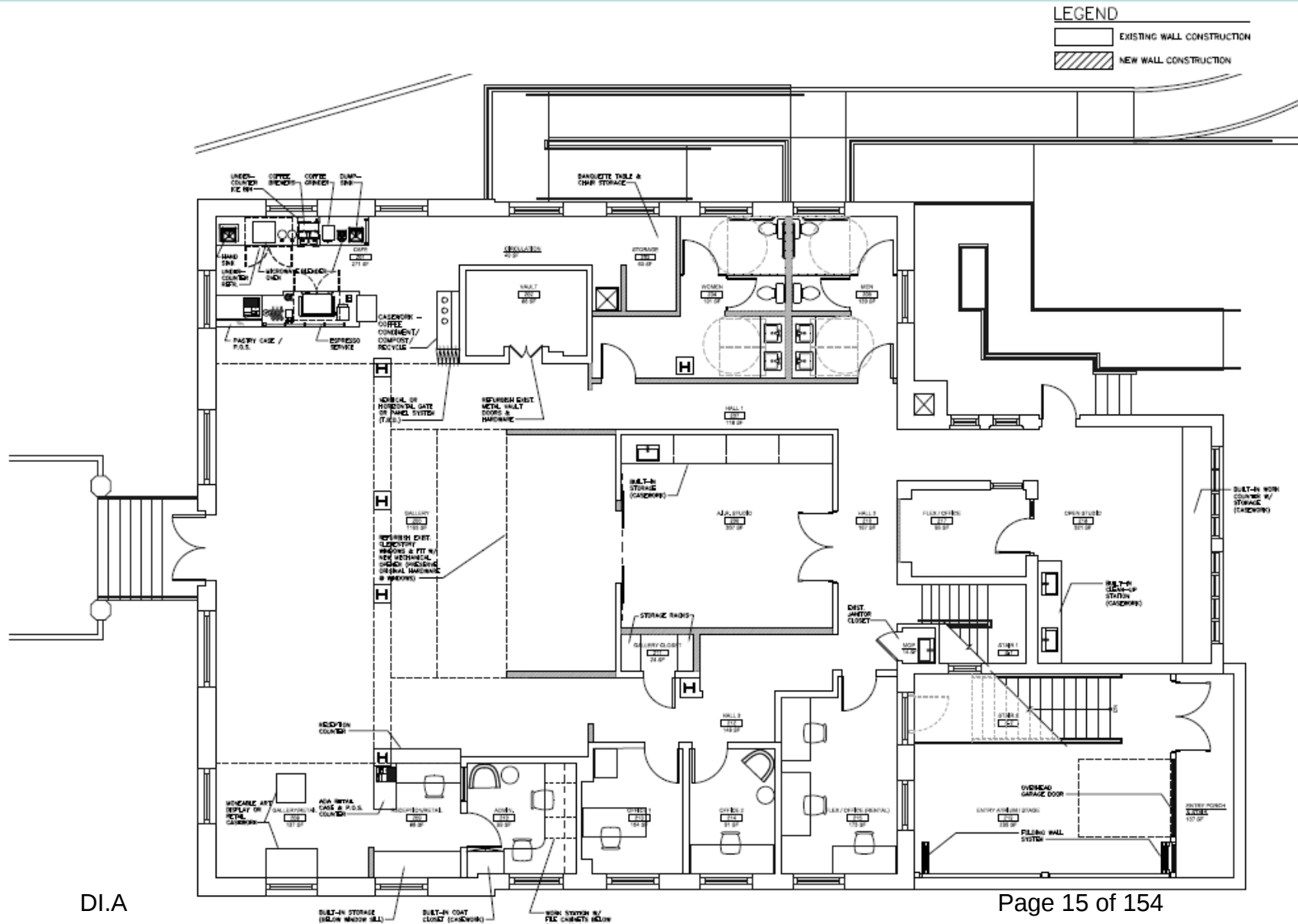
ArtPlace
(*Phase One Renovation*):
\$480,000

Proposed Project Timeline

Phase One Project Timeline:

- Building Purchase (August 2016)
- Community Outreach & Input (September-November 2016)
- Initial Design Schematics and Overall Cost Estimates (December 2016)
- Fundraising and grant writing efforts (ongoing)
- Phase One Renovations (Late Fall 2017-2018)
- Phase One Grand opening (End of 2018)
- Phase Two Renovations (January 2019-Spring 2020)

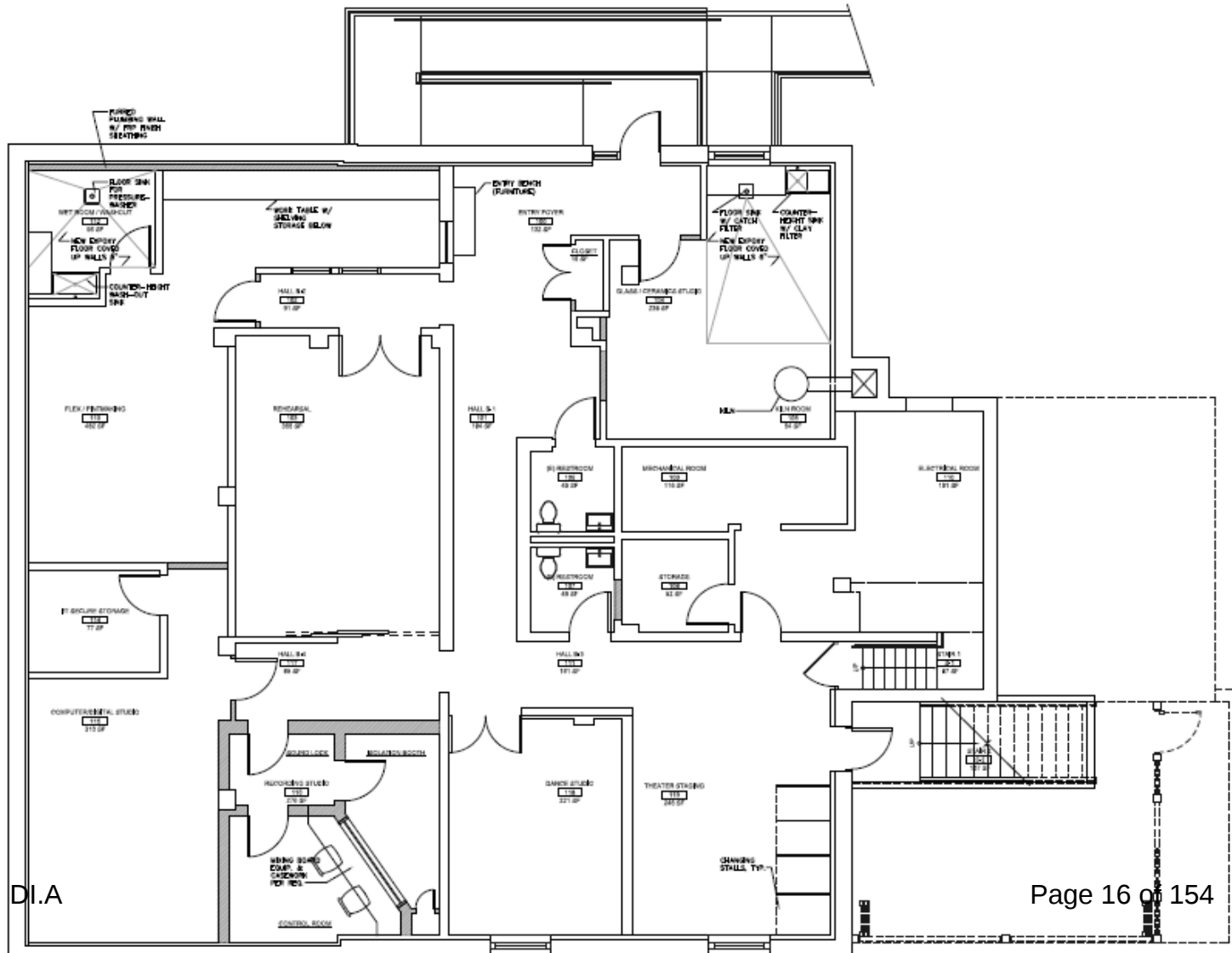
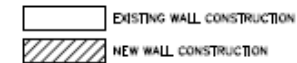
Draft Design Schematics – Main Floor



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Draft Design Schematics - Basement

LEGEND



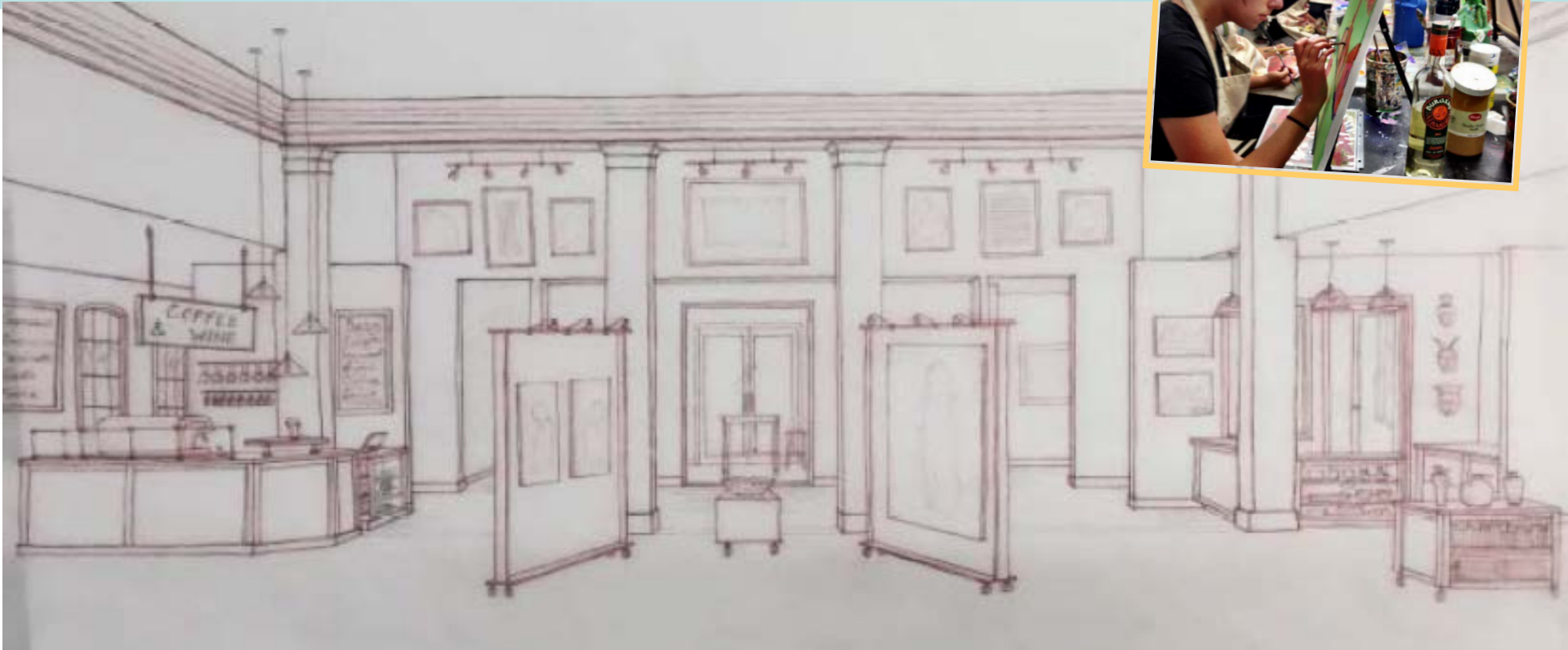
Johnston Architects, PLLC
100 NE Northlake Way,
Suite 200
Seattle, WA 98105
P: 206.425.6150
F: 206.425.6082

AUBURN ARTS
AND CULTURE CENTER
20 AUBURN AVE
AUBURN, WA 98002

DRAWING ISSUE
11.10.18 FEASIBILITY STUDY

FLOOR PLAN-
BASEMENT

Interior Main Floor Artist Sketch



D.I.A



Draft Programming Plan

- **Gallery Exhibitions**
 - Rotating exhibits & The Vault Site-Specific exhibit
- **Public Programming and Studio Space**
 - Educational classes and workshops for all ages (visual, literary, and performing arts)
 - Lectures and Artist Talks
 - Small Scale Performances
 - Holiday Art & Craft Market
 - After-school arts classes and programs
 - Art and Wine/Beer Pairing Classes for adults
- **Visiting Artist Studio**
 - Artist in a featured studio with a strong emphasis on collaboration and interaction with the local community.
- **Gift Shop/Store**
 - A portion of the lobby area will be a small gift shop selling artisan arts and craft items.
- **Rentals**
 - The venue would be an available space for special events, weddings, birthdays or small performances.
- **Organizational Partnerships**
 - Support of local arts organizations through strategic partnerships, shared programming and potential for accommodating office use in the building.
- **Food/Beverage Vendor**
 - Small food, coffee, and catering space equipped to provide food and beverages on a to be determined basis for events, rentals, and operational needs.
- **Support for Auburn Avenue Theater**
 - Extra rehearsal space, potential backstage facilities for shows, pre/post performance gathering space
- **Alleyway Connection**



D1.A





AGENDA BILL APPROVAL FORM

Agenda Subject:

Human Services Overview

Date:

February 21, 2017

Department:

Administration

Attachments:

[2016 City Wide Human Services Offerings](#)

Budget Impact:

\$0

Administrative Recommendation:

For further discussion.

Background Summary:

Broad overview of indirect social or human service-related activities by City of Auburn departments.

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

Hinman

Meeting Date: February 27, 2017

Item Number: DI.B

Title	Description	*Direct Cost	*Staff time/Year	*Staff Cost/Hour	*Total Staff Cost
Housing Repair	Providing minor home repair to low income Auburn homeowners.				
Medical and Dental Services	Provide free or lost cost medical and dental services to low income Auburn residents.				
Small Business Assistance Center	Provide counseling and technical assistnace to low income Auburn residents to expand or start up a small business.				
Youth Outreach	Provide youth outreach to low income Auburn residents connecting them to after school programs.				
Employment Training Services	Provide counseling to low income Auburn residents to sustain employment				

**The allocation for general program administration of the CDBG program is \$100,00*

****Total calculated costs to follow***

Dept	Title	Description	*Direct Cost	*Staff Time/Year	*Staff Cost/Hour	*Total Staff Cost
Administration	Healthy Auburn Task Force	Free immunizations for ASD students				
Administration	Healthy Auburn Task Force	Contracted staff to lead Healthy Auburn Task Force				
Administration/HR/Community Development	Transient Camp Abatement	Homeless Encampment Cleanup costs (often utilizes the Community Service Work Crew)				
City-wide	Employee Giving Campaign	Employees work to secure pledges for non-profit organizations and hold a silent auction to raise funds for selected non-profit organizations				
Community Development	Business License Fee Waivers					
Community Services	Neighborhood Grants	Provide small grants to organizations in Auburn for neighborhood improvements				
Community Services	South King County Homeless and Housing Partnership					
Community Services	McKinney-Vento					
Community Services	Homeless Task Force misc.	Projects based on recommendations provided by Auburn's Task Force on Homelessness				
Community Services	Community Service Referrals	Provide referrals to service providers in Auburn and the SKC region to those in need				
Community Services	YMCA Scholarships	Provide 60 annual scholarships for low income Auburn residents to use the YMCA facility.				
Community Services	Neighborhood meeting coordination	Acting as an advocate for the neighborhoods and avenue to share information				
Community Services	National Night Out	Crime and drug prevention event where residents in Auburn spend an evening with their neighbors.				
Community Services	Civics Academy	11 week program teaches residents about the City of Auburn operations.				
Community Services	Human Services Committee	7 members meet monthly to provide recommendations to mayor and City Council on allocations of human services grant funds				
Community Services	CLC/YMCA	Community Learning Center Partnership between YMCA, Washington Elementary, Olympic Middle School and COA				
Community Services and Emergency Management	Inclement weather shelter	Provide emergency shelter during inclement weather				
Community Services and Police	Emergency Vouchers					

Category	Title	Description	*Direct Cost
Child Abuse and Neglect	Birth to Three - Family Services	Provide training for parents of children with special needs.	
	Child Care Resources - Child Care Consumer Education and Provider Quality Improvement	Provide services to assist families to meet their child care needs	
	Children's Home Society - Auburn Family Resource Center	Provide critical services to vulnerable children and families including counseling and education.	
	Children's Therapy Center - Children With Special Needs	Provide therapeutic services to children with special needs.	
	Communities in Schools - Students in Need	Provide integrated support services for at risk students in Auburn.	
	Pediatric Interim Care Center - Interim Care of Drug Exposed Infants	Provide 24 hour medical care to drug exposed infants.	
	Sound Mental Health - Child and Family Services	Provide school and community based behavioral health services for children and families.	
Sexual Assault	Tree House - Graduation Success	Provide case management and resources to move youth toward high school graduation.	
	Crisis Clinic - 2-1-1	Provide referrals to community services in	
	Crisis Clinic - Teen Link	24 Hour free confidential support for teens	
	Crisis Clinic - Crisis Line	24 hour free confidential support for those experiencing crisis	
	DAWN - Housing	Provide emergency shelter to survivors or domestic violence	
	DAWN - Community Advocacy Program	Provide wrap around support to remove barriers for survivors to recover from the impacts of domestic violence	

	KCSARC - Comprehensive Sexual Assault Services	Provide case management, legal advocacy, psychoeducation and 24 hour crisis intervention.
	YWCA - Children's DV	Provide 10 week curriculum to help children heal from the effects of domestic violence.
	YWCA - Domestic Violence Services	Provide community advocacy, legal advocacy and financial education to survivors of domestic violence.
Health Care	Christ Community Free Clinic - Medical and Dental Services	Provide medical and dental care to individuals with acute non emergency illnesses.
	International Community Health Services - Dental Services	Provide affordable culturally and linguistically appropriate dental care for low income, uninsured or under insured Auburn residents.
	Seattle-King County Dept of Public Health - Mobile Medical Van Dental and Medical Services	Provide medical, dental substance abuse and mental health services to homeless individuals.
Poverty Reduction	Apprenticeship & Non-Traditional Employment for Women (ANEW) - Trades Rotation Program	Provide pre-apprenticeship training, employment placement and retention services for women in manufacturing and construction trades.
	Auburn Pregnancy Aid - Crisis Help Program	Provide assistance to women in need with baby and/or toddler items.
	Catholic Community Services - Emergency Assistance	Provide rent and utility assistance and payment negotiation plans to avoid eviction, motel vouchers and counseling for homeless individuals.
	Catholic Community Services - HOME Homeless Shelter	Provide temporary overnight shelter for homeless men.
	Catholic Community Services - Katherine's and Rita's House	Provide transitional housing for adult women in recovery.

Catholic Community Services - Volunteer Services	Provide volunteer assistance such as cleaning, laundry, grocery shopping, transportation, yard work and minor home repair.
Courage 360 - Employment Services Continuum	Provide job readiness programs and supportive services to help meet clients basic needs.
Eastside Legal Assistance Program - Civil Legal Aid for Low Income Residents	Provide civil legal aid to low income Auburn residents.
King County Bar Foundation - Pro Bono Services	Provide free legal services to low income Auburn residents.
Multi-Service Center - Shelter & Transitional Housing	Provide temporary shelter and case management for homeless families.
Orion Industries - Employment Services	Provide case management, vocational assessment, skills training and job placement assistance to individuals with barriers to employment.
Sound Generations - Meals on Wheels	Provide home delivered meals to homebound elders in Auburn.
Sound Generations - Volunteer Transportation	Provide personalized free, door to door transportation service to seniors in Auburn.
Sound Mental Health Low Income Counseling	
Sound Mental Health - Child and Family Services	
Sound Mental Health - PATH	Provide case management and outreach activities connecting homeless clients with counseling referrals and links to services.

South King Council of Human Services - Capacity Building Project Program	Provide technical assistance to agencies and community groups that serve Auburn residents.
St. Stephen Housing Association - Temporary Housing Program	Provide temporary housing and supportive services.
St. Vincent de Paul - Emergency Services	Provide emergency rental assistance for those facing eviction and utility assistance for Auburn residents with shut off notices.
The Auburn Food Bank - Food Bank Program	Provide food, referrals and emergency and financial aid to Auburn residents in need.
Ukrainian Community Center - Crisis Family Intervention Program	Provide family support services to Ukrainian and Russian speaking refugees and immigrants residing in Auburn.
Ukrainian Community Center - Refugee Assistance	Provide refugee and immigrant individuals with culturally appropriate education, support and education.
YWCA - Auburn Transitional Housing	Provide supportive, transitional housing for homeless families.
YWCA - Emergency Housing	Provide emergency shelter and case management services to homeless families with children.

****Total calculated costs to follow***



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6639 - Rezone REZ15-0001 (5 Minutes)

Date:

February 15, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 Staff Report](#)
[Exhibit 2 Draft ORD 6639](#)
[Exhibit 3 Vacinity Map](#)
[Exhibit 4 Prop Zoning Map](#)
[Exhibit 5 SEPA Determination](#)

Budget Impact:

\$0

Administrative Recommendation:

City Council to introduce and adopt Ordinance No. 6639 approving the Kana B, LLC Zoning Map Amendment (Rezone) as recommended by the Hearing Examiner

Background Summary:

Please see the attached Agenda Bill.

Reviewed by Council Committees:

Other: Planning & Legal

Councilmember:**Staff:**

Snyder

Meeting Date: February 27, 2017

Item Number: DI.C



AGENDA BILL APPROVAL FORM

Agenda Subject Ordinance No 6639, Kana B, LLC Zoning Map Amendment (Rezone), REZ15-0001,		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. 6639 approving the Kana B, LLC Zoning Map Amendment (Rezone) 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 border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> Reviewed by Council & Committees: ☐ Arts Commission ☐ Airport ☒ Hearing Examiner ☐ Human Services ☐ Park Board ☐ Planning Comm. </td> <td style="vertical-align: top; width: 50%;"> COUNCIL COMMITTEES: ☐ Finance ☐ Municipal Services ☐ Planning & D ☐ Public Works ☐ Other _____ </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 _____
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Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Tabled _____				
Call for Public Hearing ____/____/____ Until ____/____/____ Until ____/____/____				
Councilmember: _____		Staff: Synder		
Meeting Date: February 27, 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”

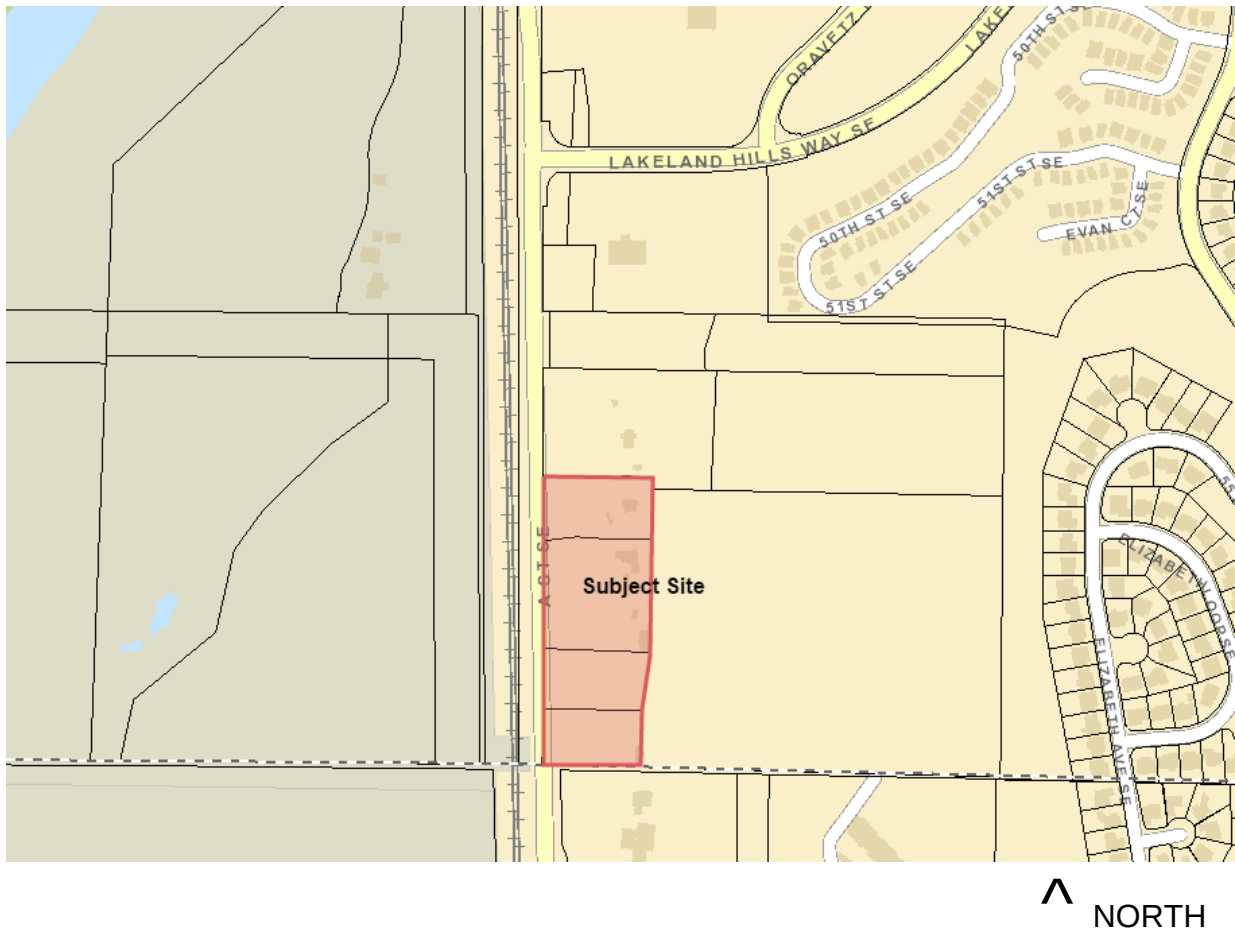
EXISTING COMPREHENSIVE PLAN DESIGNATION: Parcel Nos. 3121059033 & 3121059036 are designated “Light Industrial” by recent Ordinance No. 6632, adopted December 5, 2016. Parcel Nos. s 3121059010 & 3121059056 are currently designated as “Light Industrial”.

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 roadway 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 November 9, 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 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 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 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 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, the Hearing Examiner issued a written recommendation of **approval** on February 1, 2017 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.

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

ORDINANCE NO. 6639

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,

Ordinance No. 6639
February 21, 2017
Page 1

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

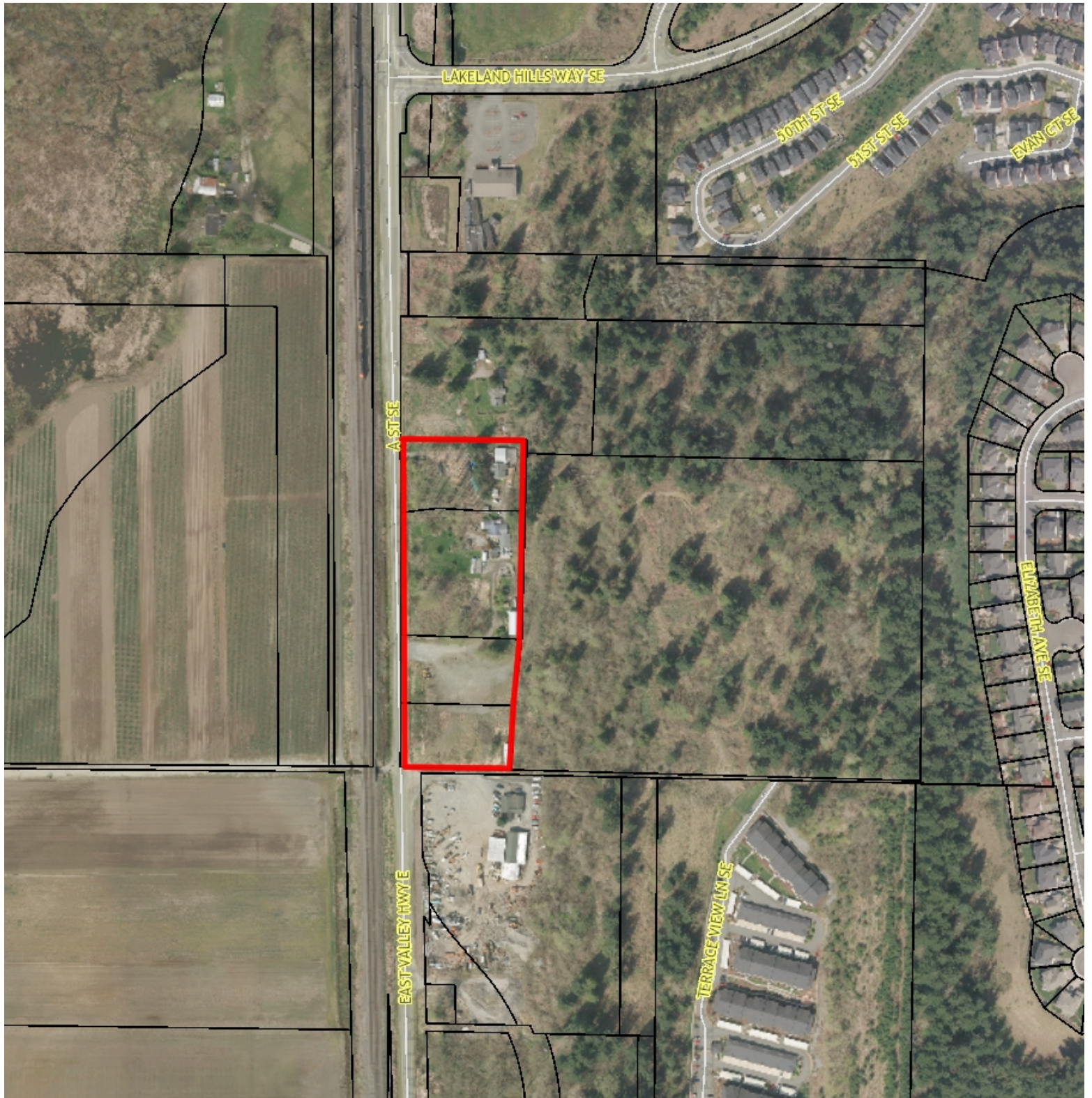
APPROVED AS TO FORM:

Daniel B. Heid,
City Attorney

Published: _____

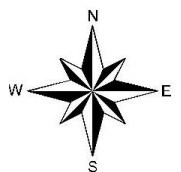
Ordinance No. 6639
February 21, 2017
Page 8

Vicinity Map

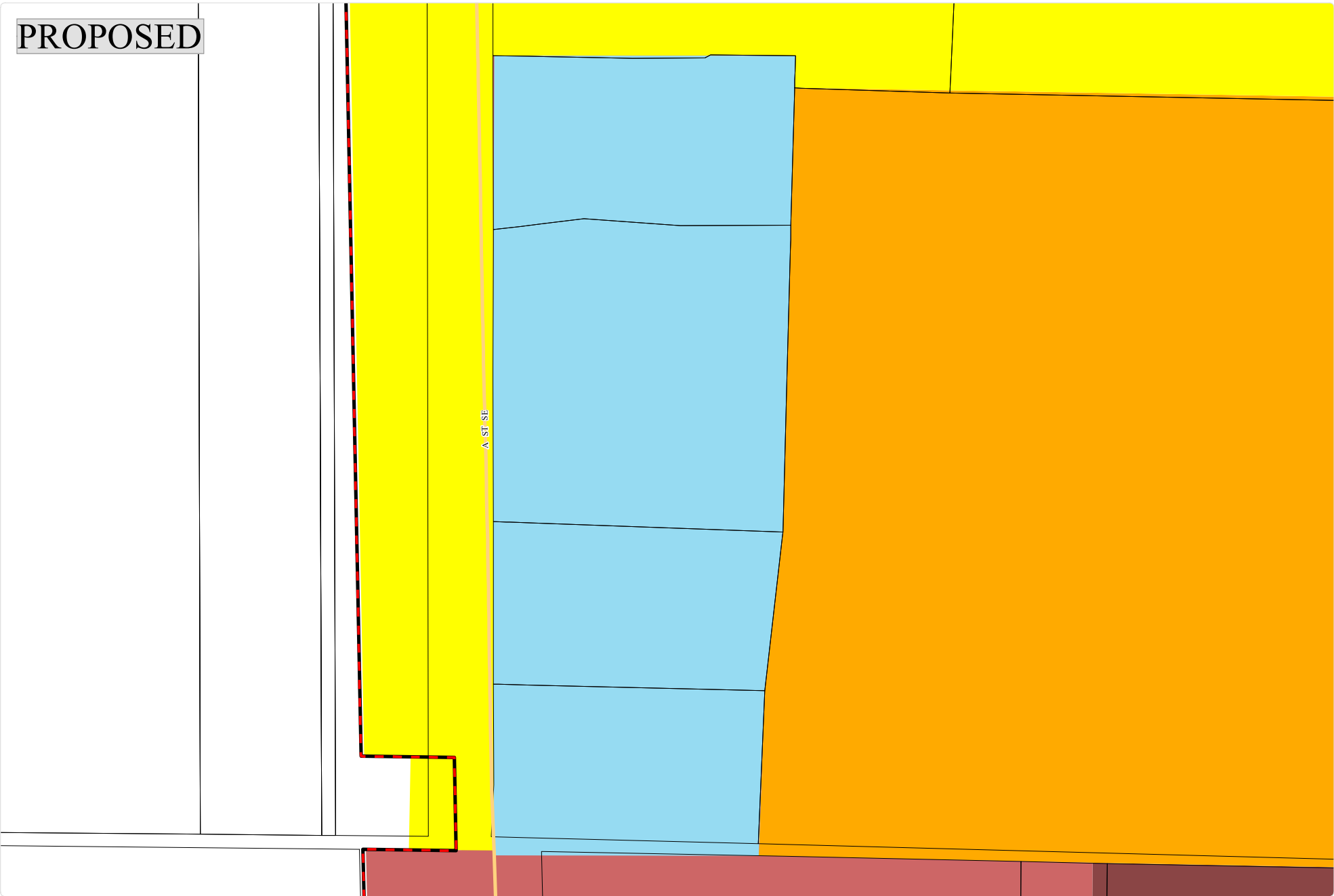


Printed Date: 3/8/2016
Map Created by City of Auburn eGIS

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.

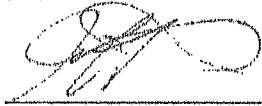
This MDNS is issued under 197-11-350; the lead agency will not act on this proposal for 15 days from the date of issuance. Comments must be submitted by 5:00 p.m. on **May 3, 2016**.

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:

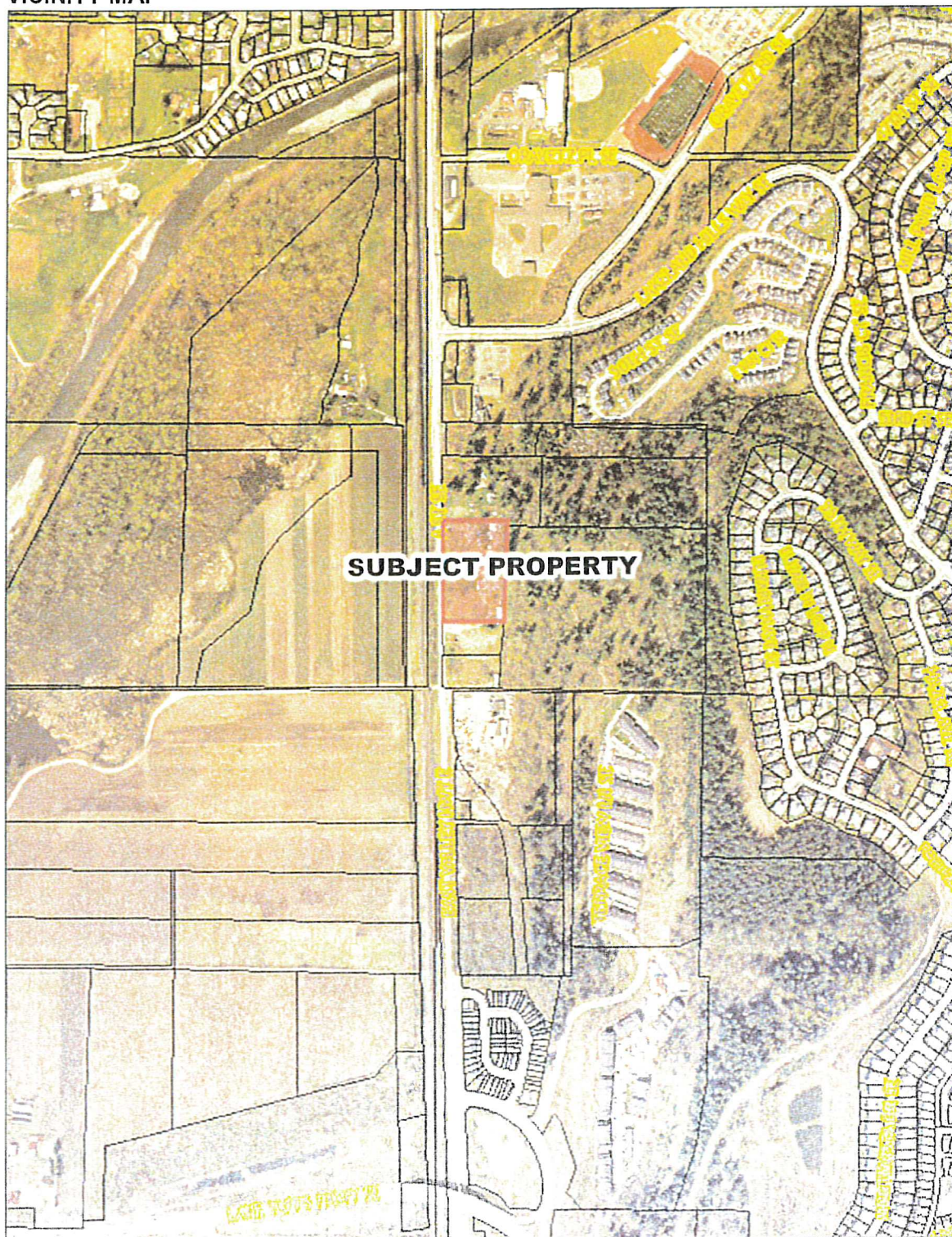
Jeff Tate
Assistance Director of Community Development
25 West Main Street
Auburn, Washington 98001
(253) 931-3090

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 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 (*Symphoricarpos 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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6640 - Rezone REZ14-0001 (5 Minutes)

Date:

February 15, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 Staff Report](#)

[Exhibit 2 Draft ORD 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 approving the Romart Investments LLC Zoning Map Amendment (Rezone) with a condition from the Mitigated Determination of Non-Significance (MDNS) as recommended by the Hearing Examiner.

Background Summary:**Reviewed by Council Committees:**

Other: Planning & Legal

Councilmember:**Staff:**

Snyder

Meeting Date: February 27, 2017

Item Number: DI.D



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
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Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		Call for Public Hearing ____/____/____ ____/____/____
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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. 6640

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

Ordinance No. 6640
February 21, 2017
Page 1

#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:

Ordinance No. 6640
February 21, 2017
Page 2

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 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: _____

Ordinance No. 6640
February 21, 2017
Page 7

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

1 in = 752 ft

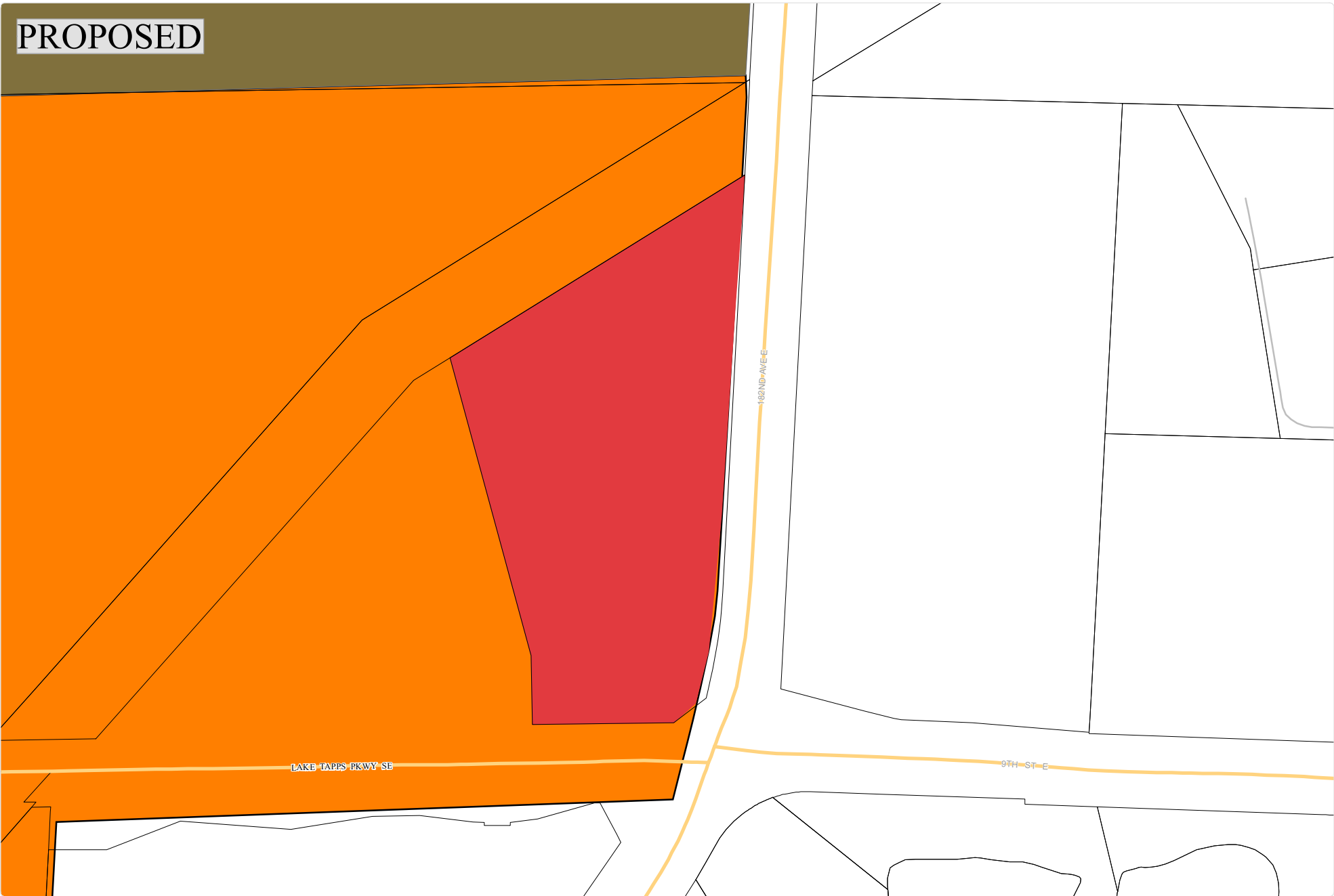
1:9,028

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Notes

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

Proposed Zoning Map Admendment (REZ14-0001)





Auburn City Limits



Parcels

DI.D



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 101 of 154

eGIS Planning

Printed Date: 10/23/2016

Map Created by City of Auburn eGIS

Imagery Date: May 2015

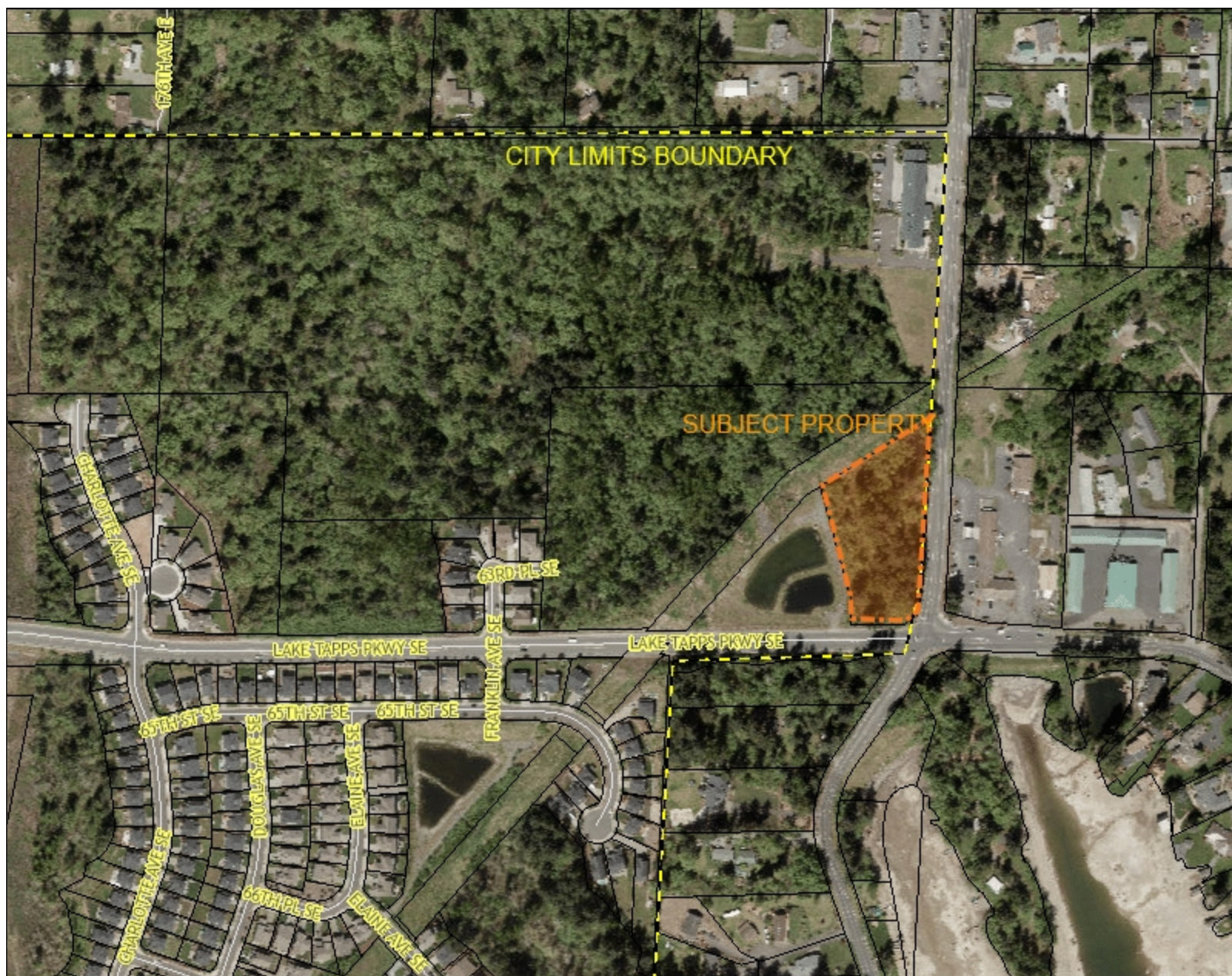
Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

Legend

-  Auburn City Limits
-  Parcels
-  Street Centerlines

Notes

CPA14-0002, Romart Inv. LLC
2015 Aerial Photograph



752.3	0	376.2	752.3	Feet
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NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

1983 Stat
DI.D

$$1\text{in} = 376 \text{ ft}$$

1:4,514

Page 102 of 154



**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.

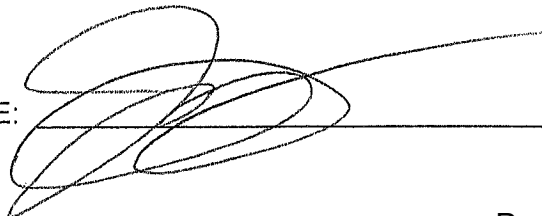
For questions regarding this project, please contact Jeff Dixon, Planning Services Manager, (253) 804-5033, jdixon@auburnwa.gov

RESPONSIBLE OFFICIAL:
POSITION/TITLE:
ADDRESS:

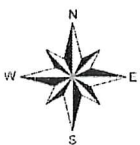
Jeff Tate,
Assistant Director of Community Development
Community Development & Public Works Dept.
25 West Main Street
Auburn, WA 98001

DATE ISSUED: July 19, 2016

SIGNATURE: _____



Vicinity Map





**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 - Rezone REZ16-0002 (5 Minutes)

Date:

February 15, 2017

Department:

Community Development &
Public Works

Attachments:

[Exhibit 1 Staff Report](#)
[Exhibit 2 Draft ORD 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 approving the GSA Zoning Map Amendment (Rezone) without conditions.

Background Summary:**Reviewed by Council Committees:**

Other: Planning & Legal

Councilmember:**Staff:**

Snyder

Meeting Date: February 27, 2017

Item Number: DI.E



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
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Action: Committee Approval: ☐ Yes ☐ No Council Approval: ☐ Yes ☐ No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____	
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".

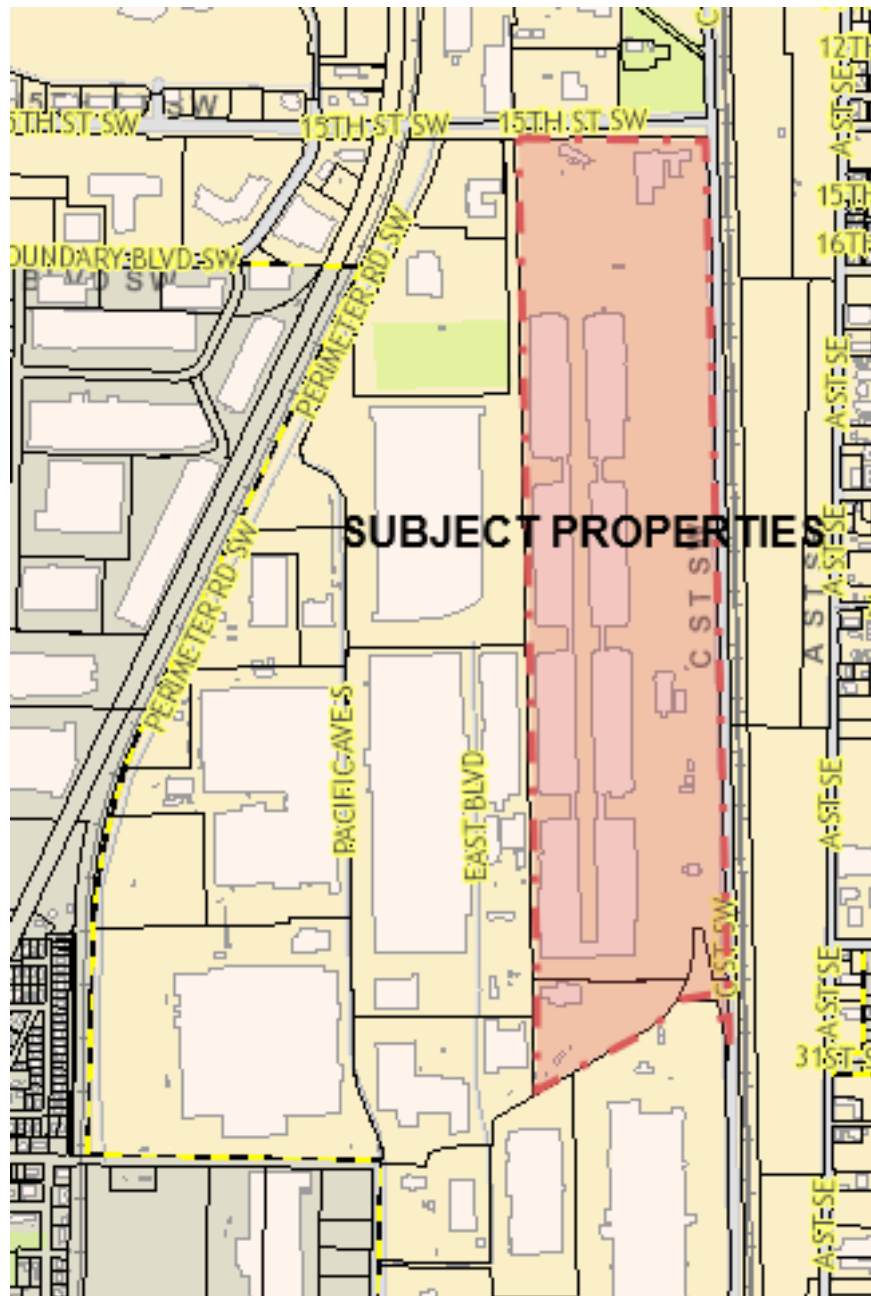
EXISTING COMPREHENSIVE PLAN DESIGNATION: The site was designated as "Heavy Commercial" by recent Ordinance No. 6632, adopted December 5, 2016.

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. 6641

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

Ordinance No. 6641
February 21, 2017
Page 1

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

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Page 2

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

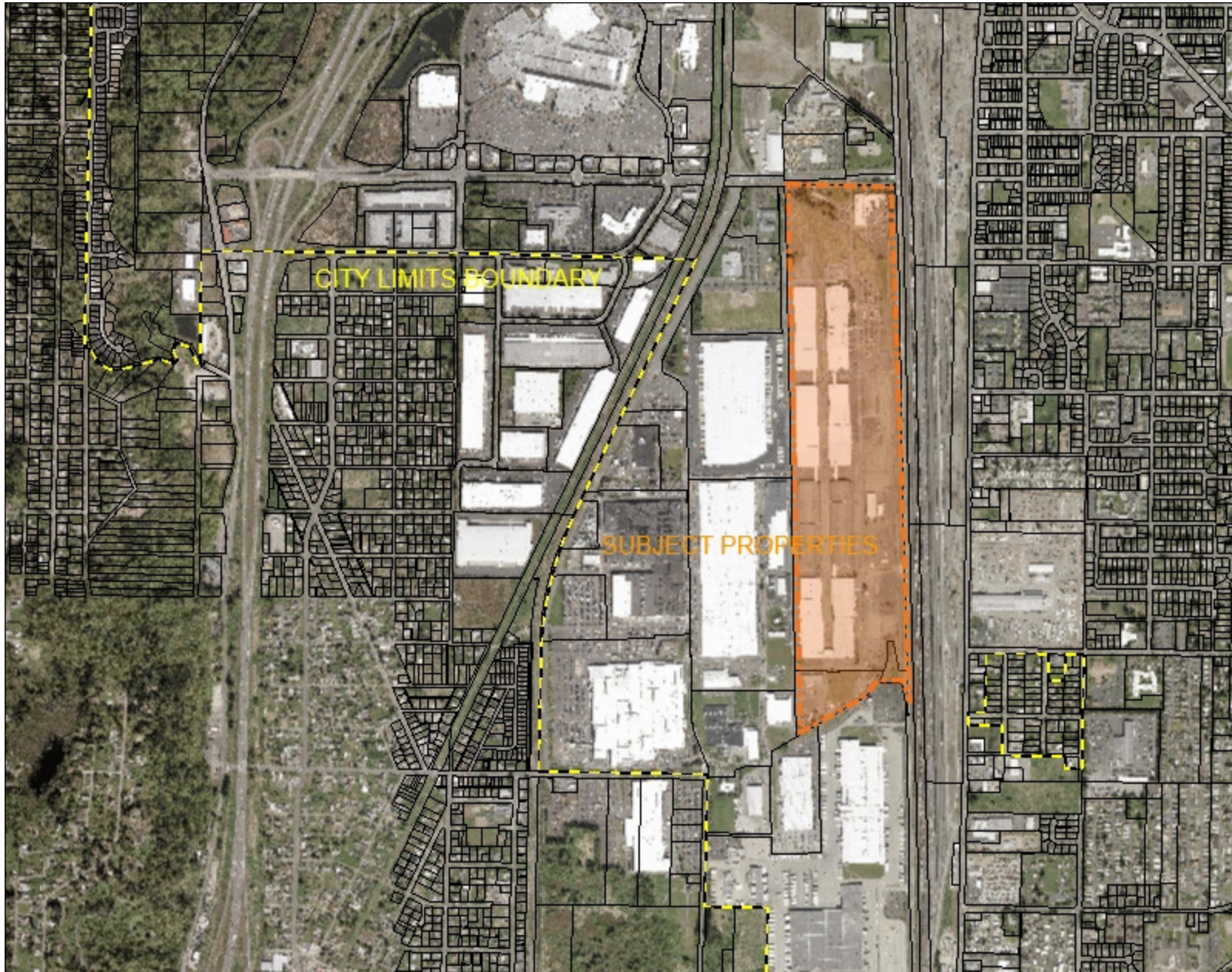
eGIS Planning

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



3,009.3 0 1,504.7 3,009.3 Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

D.I.E

1in = 1,505 ft

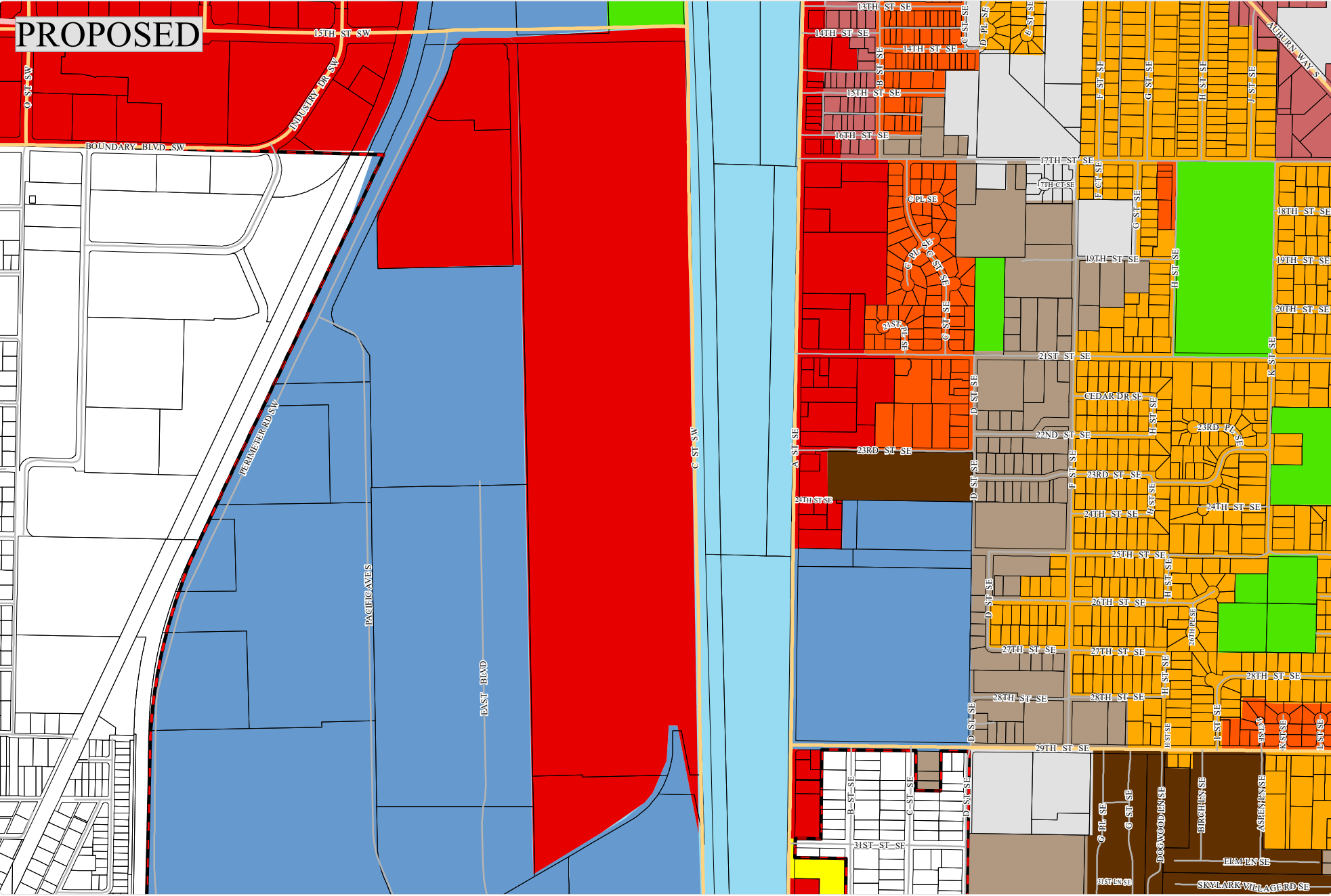
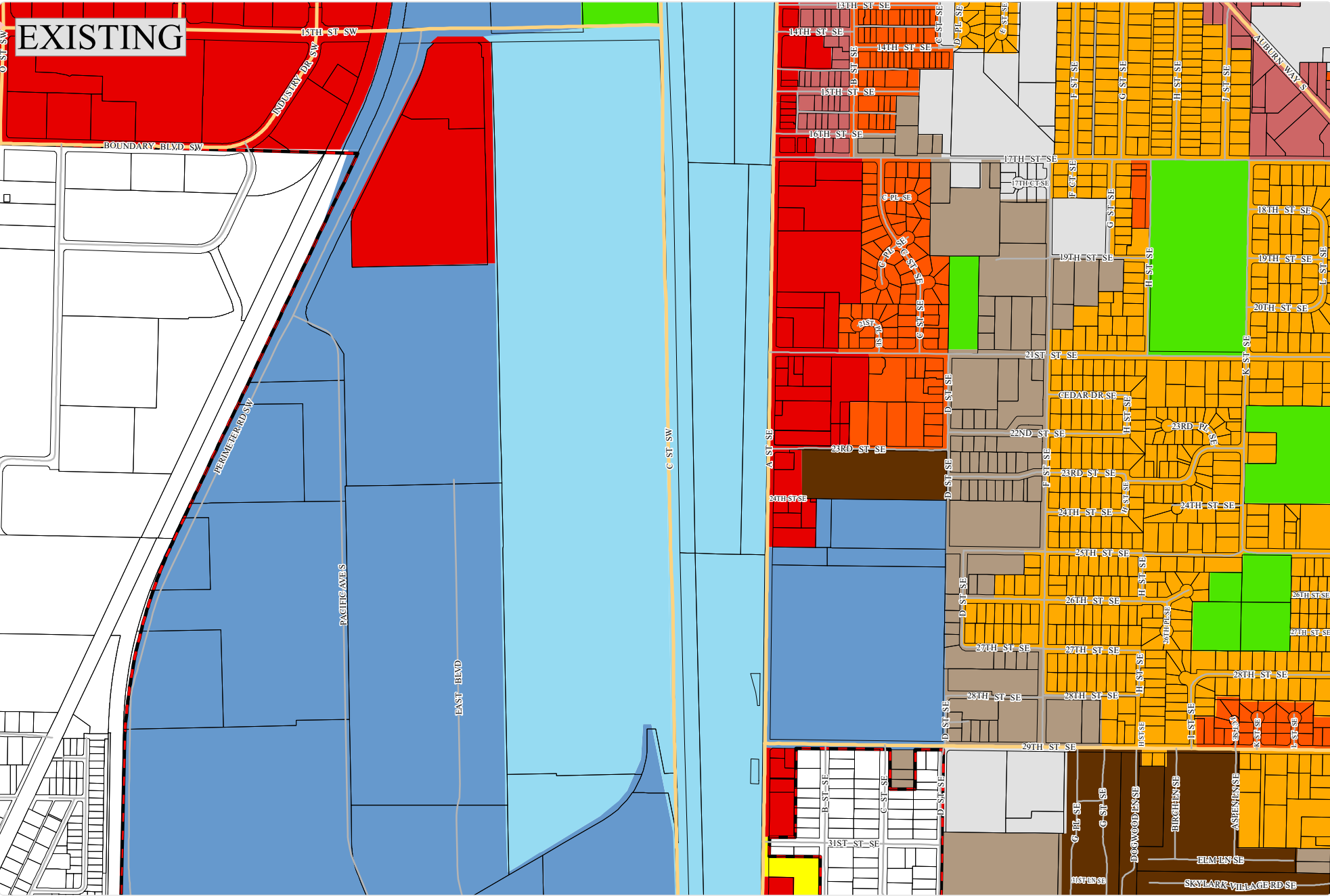
1: 18,056

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Notes

CPA16-0002 City-Initiated
2015 Aerial Photograph
242104-9004, -9114 & -9115

Proposed Rezone Map (REZ16-0002)



Auburn City Limits

Parcels

DI.E

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

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.

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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

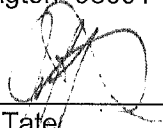
The lead agency for this proposal has determined that it does not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information 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**.

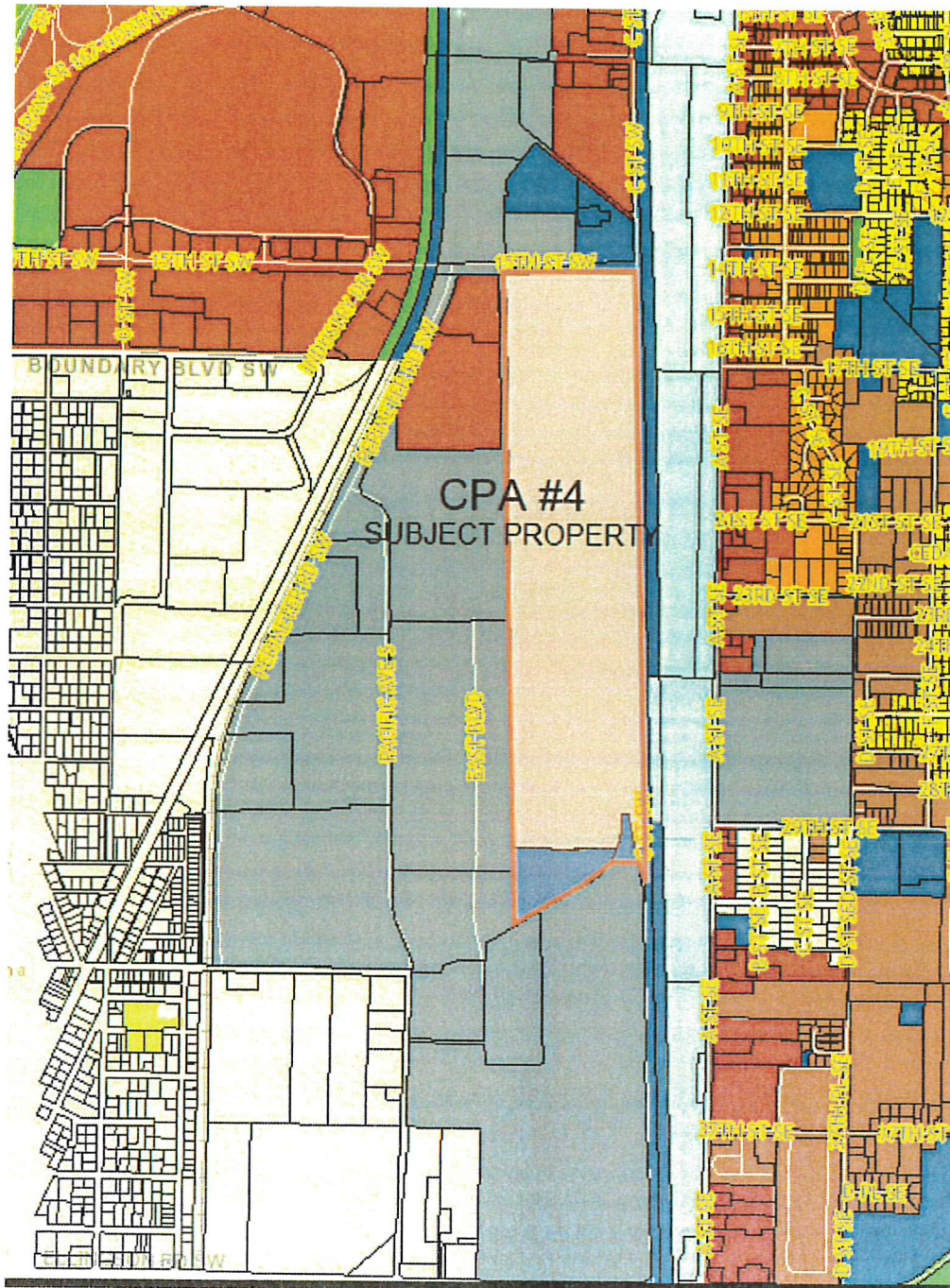
Responsible Official:	Jeff Tate
Position/Title:	Assistant Community Development Director
Address:	City of Auburn 25 West Main Street Auburn, Washington 98001

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.