

**Planning Commission Meeting
May 19, 2020 - 7:00 PM**

AGENDA

I. CALL TO ORDER

II. Virtual Participation Link

A. Virtual Participation Link

The City of Auburn Planning Commission Meeting scheduled for Tuesday, May 19, 2020 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click the link or enter the meeting ID into the Zoom app or call into the meeting at the phone number listed below.

Per the Governor's Emergency Proclamation 20-28, the City of Auburn is prohibited from holding an in-person meeting at this time. All meetings will be held virtually and telephonically.

Join Zoom Meeting

<https://zoom.us/j/97151587835>

Meeting ID: 971 5158 7835

One tap mobile

Dial by your location

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Meeting ID: 971 5158 7835

Find your local number: <https://zoom.us/u/acZC6n9qgM>

B. ROLL CALL/ESTABLISHMENT OF QUORUM

C. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

A. April 21, 2020 Draft Minutes from the Planning Commission Meeting

IV. PUBLIC HEARINGS

A. Amendments to Chapter 18.68 ACC Zoning Code and Map Amendments

Amending Chapter 18.68 of the Auburn City Code (ACC) for regulations related to amending the text of Title 18 ACC or amending the City's zoning map (AKA rezones).

The proposed changes seek to clarify the procedural steps and categories of applications as well as the criteria for reviewing zoning map amendments.

V. OTHER BUSINESS

VI. COMMUNITY DEVELOPMENT REPORT

Update on Community Development Services activities.

VII. ADJOURNMENT

The City of Auburn Planning Commission is a seven member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission, other than approvals or amendments to the Planning Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the city council which must ultimately make the final decision.



AGENDA BILL APPROVAL FORM

Agenda Subject:

April 21, 2020 Draft Minutes from the Planning Commission Meeting

Date:

May 4, 2020

Department:

Community Development

Attachments:

[Draft Minutes April 21, 2020](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Planning Commission review and approve the April 21, 2020 regular meeting minutes.

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

Dixon

Meeting Date: May 19, 2020

Item Number:



I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. via Zoom Meeting due Governor Inslee's "Stay Home, Stay Healthy" initiative due to the Covid 19- Pandemic.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Commissioners present: Chair Judi Roland, Vice-Chair Lee, Commissioner Moutzouris, Commissioner Khanal and Commissioner Stephens.

Commissioner Mason was excused.

Staff present: Planning Services Manager, Jeff Dixon; Development Engineer Manager, Steve Sturza; Assistant City Attorney, Doug Ruth; Administrative Assistant, Jenn Oliver.

Members of the public present: Jessica Conquest

II. APPROVAL OF MINUTES

A. March 3, 2020 – Regular Meeting Minutes

Commissioner Khanal moved and Vice Chair Lee seconded to approve the minutes from the March 3, 2020 meeting as written.

MOTION CARRIED UNANIMOUSLY. 5-0

III. PUBLIC HEARING

A. ZOA19-0004, Proposed Floodplain Code Amendments to ACC 15.68, 'Flood Hazard Areas'. Public Hearing on amendments to remain consistent with the latest FEMA model ordinance and to coincide with separate FEMA adoption of updated Federal Insurance Rate Maps (FIRM)

Due to the teleconference meeting format, Planning Services Manager, Jeff Dixon provided some explanation of the unique hearing procedures and how interested parties could provide documents during the hearing, or provide testimony afterwards if they contact the city by e-mail at planning@auburnwa.gov or by phone at 253-804-5035 if they have technical difficulties in participating during the hearing this evening.

Development Engineer Manager, Steve Sturza provided a report for the Floodplain Code Amendments.

The City of Auburn is a participating community in the National Flood Insurance Program (NFIP). In 2010, the NMFS issued a Biological Opinion (referred to in this memo as the "Bi-Op") which concluded that continued implementation of the NFIP in the Puget Sound (Western Washington) region adversely affects the habitat of

certain threatened and endangered species listed under the federal Endangered Species Act (ESA). The Bi-Op required changes to the way the NFIP is implemented in order to meet the requirements of the Endangered Species Act (ESA).

In 2010, a model floodplain management ordinance was published by FEMA. FEMA developed the model ordinance to provide NFIP communities with model language that could be adopted as part of a community's local land use and building regulatory codes to address the requirements of the Bi-Op. FEMA requires each NFIP community to select one of the following three approaches for implementation of the Bi- Op requirements, referred to as the "Three Doors Approach":

- Door #1: Adoption of the provisions of the FEMA model ordinance (programmatic approach);
- Door #2: Checklist (community by community approach); and
- Door #3: Permit by Permit Compliance (project by project approach)

In April 2010, the Auburn City Council adopted Ordinance No. 6295 which accepted the Planning Commission's recommendation to incorporate the provisions of the FEMA model ordinance into the City's Flood Hazard Area regulations (Chapter 15.68 ACC), and adopting a revised Regulatory Floodplain Map. The ordinance also amended sections of City Code chapters 14.03, 16.10, 17.04, 17.09, 17.14, and 18.70.

The City's amended Flood Hazard Area regulations were approved by FEMA on September 21, 2011, recognizing the City as a 'Door 1' community and providing the City with coverage under the Endangered Species Act for its floodplain management activities.

In December 2013, FEMA issued an updated Model Ordinance for regulating floodplain development. City staff has been waiting to update the code to coordinate with the updated Federal Insurance Rate Maps (FIRM) that are being issued by FEMA. As anticipated FEMA contacted the City of Auburn to update our FIRM references on February, 19th 2020 and have until August 19th, 2020 to make the update. City staff has prepared updates to ACC, Chapter 15.68 to include the changes from the Model Ordinance to be consistent with City standards/practices for Planning Commission's consideration.

City staff routed the City's updated ACC, Chapter 15.68 to FEMA and Department of Ecology's (DOE) NFIP State Coordinator, David Radabaugh at the end of 2019 for review and input to ensure it meets current standards. Between March 3rd and March 30th additional comments were provided by David Radabaugh. These additional comments from DOE were provided in response to the Letter of Determination from FEMA directing City of Auburn to update our floodplain code and adopt the new flood insurance studies that have been under review for the past 13-years. Mr. Radabaugh would have liked to have provided the comments sooner, however they made the changes to FEMA's model ordinance on December 2019

which was right in the middle of the State Dept. of Commerce review of the City's Draft Floodplain code. The proposed changes to the ACC, Chapter 15.68 are shown by ~~strikeout~~/underline code attached to this memo as Exhibit A. A clean version of the ACC, Chapter 15.68 is also provided per request at the Planning Commission meeting that occurred on March 3rd, 2020.

STAFF PROPOSED UPDATES

Based on Staff's implementation of the Floodplain Development Code over the years, the Model Ordinance for the Puget Sound Region, and required changes from DOE, below are the substantive changes to ACC, Chapter 15.68:

- Reorganize ACC, Chapter 15.68 to correspond to the layout of the latest FEMA Model Ordinance for the Puget Sound Region. The changes that are transmitted under cover of this memo look extensive because of the amount of strikethrough and underline, however much of that is due to relocating existing adopted code language from one place to another. In other words, underlined language may not be new and may instead reflect a change in the organizational structure of the code. For this reason, staff is identifying this bulleted list of substantive changes.
- Update the definitions section to have the latest definitions per NFIP, NMFS, FEMA, DOE and City of Auburn. This comes from the latest Model Ordinance and current correspondence with FEMA and DOE.
- Definition of area to be regulated for floodplain development (see further discussion below)
- Designation of the Channel Migration Area (see further discussion below)
- Remove all of the permit application submittal criteria from ACC, Chapter 15.68 and include it in the floodplain development permit application only. Per recent comments from DOE some basic permit application submittal criteria is required in the code and has been added since the last meeting.
- Information already provided in ACC 18.70.025 for variances is removed to avoid redundancy.
- Establishing a minimum setback for structures of 15 feet from the 'Protected Area', or if not met, a habitat assessment is required.
- Remove a date for assessing cumulative improvements.
- Increasing the requirements for what is to be addressed in Habitat Mitigation Plans prepared for developments located outside of the Protected Area (Note: Does not change the requirement of whether or not to prepare a Habitat Mitigation Plan).
- Update the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) reference dates to be August 19, 2020 for King County and March 7, 2017 for Pierce County Areas. Please note that maps of the north end of the City of Auburn that show the existing and proposed special flood hazard areas were e-mailed and mailed to the Planning Commission members as requested at the Planning Commission meeting that occurred on March 3rd, 2020.
- Update the code per various comments received from DOE between March 2nd to March 30th. The details of all of the required changes are provided in a separate document called Comments from Department of Ecology that was prepared by

David Radabaugh, with DOE. Below is a brief summary of the required changes.

- Additional updates to the exact working of some definitions
- Update the reference to the Flood Insurance Studies to be 8/19/2020
- A portion of the Urban Growth Area is in an area covered by the Pierce County FIS, the City should also adopt the Pierce County FIS and FIRMs
- Basic floodplain permit application requirements are needed in code.
- A new section for Notification to Other Entities was added
- Building construction and documentation requirements were slightly updated
- Additional variance criteria was added
- A new section for Standard for Shallow Flooding Areas (AO Zones) was added

Key Ordinance Change No. 1 - Area to be Regulated

In the 2010 Model Ordinance used by the City for development of its current regulations, the area specified to be regulated is the Special Flood Hazard Area (SFHA) and all 'Protected Areas'. The 2013 revised Model Ordinance specifies that the area to be regulated is the SFHA (inclusive of any 'Protected Areas' that are located within the extent of the SFHA) and removes the reference to "Protected Areas".

Protected Areas include the Riparian Habitat Zone (RHZ), any mapped Channel Migration Area (CMAs), and the FEMA-designated floodway. The RHZ is a dimensioned zone adjacent to rivers and streams located within the SFHA, and varies in width from 150 feet to 250 on each side of the river or stream's Ordinary High Water Mark (OHWM). In a number of cases in Auburn, the extent of the RHZ reaches beyond the SFHA that the river or stream is located within, resulting in a regulated area that includes the SFHA and the additional area of the RHZ that occurs outside of the SFHA in which that reach of river or stream is located within. One significant area where this occurs is along the western shoreline of the Green River, where there are urban densities of existing single-family and multi-family residences. In a number of cases, these RHZ areas outside of the SFHA are also located behind existing levees, or at elevations that are not expected to experience flooding during the base flood (also referred to as the "100-year" or "1% annual recurrence probability" flood).

While the primary purpose of regulating this RHZ area outside of the SFHA is to protect or preserve critical floodplain habitat for federally-listed threatened and endangered species, many of these areas have previously been heavily developed, and consist of structures, paved or other impervious surfaces, and urban landscaping, and consequently offer little habitat value to aquatic species.

Auburn also has a mapped CMA for the Green River that is presently included as part of its regulatory floodplain as required by the original (2010) Model Ordinance. Similar to the RHZ, the CMA also extends beyond the SFHA area in a number of areas within the City, and in many cases portions of this area are also located behind existing levees.

The third element of the Protected Area, the FEMA-designated floodway, is in all cases located within the FEMA-designated SFHA and therefore does result in any additional areas for floodplain regulation beyond the SFHA under the City's current regulations.

City staff recommends revising the regulatory floodplain to include the SFHA and the Protected Area as it occurs within the SFHA, unless the area is undeveloped with predominately native vegetation that have benefits to endangered species, in which case the regulations for riparian habitat zones shall apply and be included in the regulatory floodplain. This so that existing built out areas are not exposed to development requirements that don't make sense when they are expanding or modifying a development. The intent is to apply the critical area and floodplain regulations to areas where it matters most and to not require habitat protection plans or other types of efforts in already built out areas.

Key Ordinance Change No. 2 - Designation of Channel Migration Area

The 2010 Model Ordinance required CMAs to be delineated as part of the regulatory floodplain map, in any areas where channel migration areas had previously been mapped and adopted for local regulatory purposes, with the addition of 50 feet. It further specified that if there was no adopted channel migration area map for a water body, that there was no requirement to prepare a new delineation of a CMA for floodplain regulatory purposes.

The 2013 revised Model Ordinance specifies that where a channel migration area has not been mapped/adopted by the community, that a floodplain permit applicant shall either designate the entire SFHA as the channel migration area, or conduct a study to identify the channel migration area in accordance with FEMA's Regional Guidance for Hydrologic and Hydraulic Studies. The revised Model Ordinance also specifies that the floodplain administrator shall use the most restrictive data available for determining the channel migration area.

At the time of the City's 2010 flood hazard area amendments, the only established mapped channel migration area in Auburn was associated with the Green River (identified by a 1993 King County channel migration study). As a result, the only CMA that is designated on the City's current regulatory floodplain map is the Green River CMA. A channel migration area has not yet been mapped for the White River or Mill Creek, and there is therefore no CMA designated or required to be evaluated for development applications in the SFHA for these water bodies.

The revised Model Ordinance requires that for any floodplain permit application for development located within the SFHA where a CMA has not yet been mapped (White River SFHA, Mill Creek SFHA, and portions of Green River SFHA), the applicant has the option of treating the entire SFHA within the project area as a CMA, or to submit a special hydrologic/hydraulic study that establishes the location of the CMA pursuant to FEMA's technical criteria.

City staff recommends that we provide applicants for development within the floodplain the option to either provide a study that locates the CMA for their

proposed development site as described in the revised Model Ordinance or designate that all areas in the SFHA for which no CMA has been mapped shall meet the requirements for a CMA (i.e. all SFHAs without a mapped CMA would be automatically included as part of the Protected Area).

With Staff proposing to remove a date for assessing cumulative improvements, the Commission questioned if there would need for that to be specifically mentioned as part of the motion. Staff confirmed that it would be.

It was noted in the presentation that no channel migration studies have been done for the White River and the Commissioners asked why that has not been done since the White River flows through portions of Auburn. Staff replied that it is a very expensive process to have the studies completed.

A Planning Commissioner asked if A Street SE Bridge would be at risk in a 100-year flood. Staff reiterated that the reality is, there is always a risk.

The Commission thanked Staff for the new map showing more clarity.

Chair Roland opened the Public Hearing on April 21, 2020 at 7:44 p.m.

Chair Roland asked three times for public testimony.

With no public testimony, Chair Roland closed the public hearing at 7:46 p.m.

With no other questions from the Commission, the Commission deliberated.

The Commission sought discussed if the change to remove a date for assessing cumulative improvements required an acknowledgement in the motion as previously discussed. Staff corrected their previous answer and confirmed that the particular section that states a date for assessing cumulative improvements was shown as deleted in the changes presented and therefore a specific mention in the motion is not necessary.

Vice Chair Lee moved and Commissioner Stephens seconded to recommend ZOA19-0004, Proposed Floodplain Code Amendments to ACC 15.68, 'Flood Hazard Areas'. Amendments to remain consistent with the latest FEMA model Page 1 of 117 ordinance and to coincide with separate FEMA adoption of updated Federal Insurance Rate Maps (FIRM) be moved forward to City Council for approval.

Motion Passed (5-0)

IV. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager, Jeff Dixon mentioned that the next Planning Commission regular Meeting is May 5, 2020. However, the Open Public Meetings Act requirements are suspended by the Governor at this time but this declaration expires April 24th. This could be extended by the Governor but if not, there is a chance the Planning

Commission will be held May 19, 2020, instead. More information to follow within the week and Staff will keep the Commissioners updated.

Mr. Dixon mentioned that although most of the Community Development Staff is working remotely at their homes, Staff continues to operate as normal as possible given the COVID-19 circumstances. Permits are still being issued with 194 being issued within the last 3 weeks. Staff comes in once a week to process payments for the permits and open the mail. Also, Code Enforcement staff is safely working in the field, and the plans are also being reviewed by the City's Plans Examiners.

He mentioned a few other construction projects that had significant developments. Auburn School District had the groundbreaking of Elementary School 16 on Lea Hill last week. The Legacy Project that is across from City Hall has transitioned from soil remediation earthwork to actual building construction this week. The Commission asked about the former Heritage Building in downtown that had originally burned down and staff responded that plans/permit applications are still being reviewed by the City.

He added that in response to the Governor's order that only "essential projects" may continue construction, the City is not making this interpretation on behalf of the developers/contractors. The City is requiring the developers/contractors to self-identify if they are "essential" and then implement health and safety practices on their sites. He indicated that this means many residential and commercial construction projects are currently shut down.

V. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:11 p.m.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Amendments to Chapter 18.68 ACC Zoning Code and Map Amendments

Date:

May 4, 2020

Department:

Community Development

Attachments:

[Agenda Bill](#)

[Exhibit 1](#)

[Exhibit 2](#)

[Exhibit 3](#)

[Exhibit 4](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

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

Dixon

Meeting Date: May 19, 2020

Item Number:

PH.1



AGENDA BILL APPROVAL FORM PLANNING COMMISSION

Agenda Subject/Title:

Proposed Code Amendments to
Chapter 18.68 ACC, "Zoning Code and
Map Amendments", File No. ZOA20-
0001

Date:

April 21, 2020

Department:

Community Development

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation: Planning Commission to conduct a public hearing and recommend to the City Council to review and adopt the proposed updates to Chapter 18.68 "Zoning Code and Map Amendments" of the Auburn City Code (ACC) relating to amendments to the regulations for zoning as shown in the attached exhibits.

Background Summary: Chapter 18.68 of the Auburn City Code (ACC) contains the City's regulations for amending both the text of Title 18 ('Zoning') as well as amending the official Zoning Map (aka "rezones"). The last updates to this code section were some minor changes adopted in 1996.

These changes are being originated by staff to address both clarifying the procedural steps and categories of applications, as well as, the substantive issues such as the criteria for decision making. Staff has proposed these changes to provide guidance to both the public, the Planning Commission/Hearing Examiner, as well as City Staff. This will be especially helpful for the public when submitting a zoning text amendment or rezone (map amendment) since it will provide criteria to respond to in the application materials that are provided for consideration. It will also provide an indication of the suitability of the requested application.

The proposed code changes are shown by strikeout/underline code attached to this memo as Exhibit 1, and a "clean" version, with all the proposed changes accepted as Exhibit 2. A narrative summary of the proposed amendments are included as Exhibit 3.

Planning Commission Review:

Staff presented an introductory memo to the Planning Commission on February 4, 2020 outlining the proposed changes. After it was discussed at the February regular planning commission meeting, Staff was then asked to proceed with preparing the proposed code amendments for a public hearing.

SEPA Environmental Review:

A combined State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) and Notice of Public Hearing (NOH) was distributed on March 19, 2020 (City File No. SEP20-0003), and in response to this public notice no comments were received. Per City Code this notice was sent to agencies and other interested groups as well as published in the Seattle

Times newspaper, and posted in multiple locations throughout the City, and on the City's website. This notice is included as Exhibit 4.

ATTACHMENTS:

Exhibit 1 – Draft Code Amendments, Strikeout/Underline changes showing

Exhibit 2 – Draft Code Amendments, Clean (edit changes accepted)

Exhibit 3 – Narrative Summary of Proposed Code Amendments

Exhibit 4 – File No. ZOA20-0001 & SEP20-0003 DNS and NOH

EXHIBIT 1

Chapter 18.68 ZONING MAP AND TEXT AMENDMENTS

Sections:

- 18.68.010 ~~Intent~~Purpose.
- 18.68.020 ~~Initiation of~~Zoning map amendments.
- 18.68.025 Zoning text amendments.
- 18.68.030 ~~Public hearing process~~Types of amendments and processing.
- 18.68.040 ~~Public hearing notice requirements~~Rezone approval criteria.
- 18.68.050 Amendments to rezone requests.
- 18.68.060 Contract rezones.

18.68.010 ~~Intent~~Purpose.

The purpose of this chapter is to ~~provide for~~establish a process to amend either the text or map of this title. An amendment of the zoning map is also referred to as a "rezone" as used elsewhere in this title.

18.68.020 ~~Initiation of~~Zoning map amendments.

~~A. Zoning Map.~~ amendments may be initiated by the City or one or more property owners. Applications from property owners must include valid authorization from all of the subject property owners involved in the application.

- ~~1. One or more property owners of the parcel may submit an application requesting a reclassification of the parcel;~~
- ~~2. The city council may request the planning commission or hearing examiner to conduct a public hearing on the reclassification of a parcel or parcels of property;~~
- ~~3. The planning commission may upon its own motion call for a public hearing on the reclassification of a parcel or parcels of property.~~

18.68.025 Zoning text amendments.

~~B. Text~~ amendments may be initiated by the City or the public.

- ~~1. The city council may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations of the planning commission;~~
- ~~2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;~~
- ~~3. Any resident or property owner of the city~~A. City-initiated text amendments.

EXHIBIT 1

1. The Director may ~~petition the city to request~~ initiate an amendment to the text of this title ~~for the following purposes:~~

aC. Change the text to increase consistency with the Comprehensive Plan in compliance with ACC 14.22.050, 'Conformance and consistency'.

b. Change the text in response to changes in state and/or federal laws.

c. Change the text to correct errors, which are determined by the Director to be substantive and beyond a scrivener's error.

d. Change the text to increase internal consistency of this title (Zoning Code).

2. The Mayor may request the Director to initiate an amendment to the text of this title, or by the request of the Mayor on behalf of the City Council or the Planning Commission.

B. Public-initiated text amendments.

1. Any member of the public may submit an application requesting to amend the text of this Title using the City's established application process.

18.68.030 Types of amendments and processing.

There are three types of map amendments and two types of text amendments; the descriptions and processing procedures for these shall be as follows:

A. Map amendment types:

1. A "Site-Specific Rezone, Category 1", is an application requesting to rezone a property to a zoning district that implements the Comprehensive Plan land use map designation applied to the property. This type of rezone shall be processed as a Type IV decision, consistent with ACC 14.03.040.

2. A "Site-Specific Rezone, Category 2", is an application requesting to rezone a property to a zoning district that does not implement (i.e. is in conflict with) the existing Comprehensive Plan land use map designation applied to the property, and a concurrent Comprehensive Plan amendment application must be submitted. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.

3. An "Area-Wide Rezone" is a rezone initiated either by the City or by multiple property owners that applies to a significant number of properties, as determined by the Director. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.

B. A "Zoning Text Amendment" is an application to change the text of Title 18 ACC. This type of application or initiation shall be processed as a legislative non-project decision, consistent with ACC 14.03.060. Public notice shall be provided consistent with Title 14 ACC.

1. Substantive zoning text amendments. For the purposes of this chapter, substantive zoning text amendments shall be distinguished from procedural or administrative amendments in accordance with the following:

"Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what land use may be made of ~~land~~ property, what requirements apply to development, and what public infrastructure may be required of certain developments), ~~and~~

EXHIBIT 1

~~."Procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for applications, decisions and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). Substantive text amendments shall be reviewed by the Planning Commission and the Planning Commission shall conduct a public hearing and make a recommendation before being presented to the City Council for consideration and action.~~

18.68.030 Public hearing process.

~~A.2. Procedural zoning text amendments. Text amendments. With the exception of that are purely administrative or procedural amendments, do not require a public hearing, nor do they require preliminary review or recommendations by the Planning Commission and can therefore be presented directly to City Council for action.~~

18.68.040 Rezone (zoning map amendment) approval criteria.

~~There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:~~

- ~~A. The rezone implements the policies of the Comprehensive Plan; or~~
- ~~B. The rezone is necessary due to a substantial change in circumstances since the original zoning; and~~
- ~~C. The rezone bears a substantial relationship to the public health, safety, or welfare.~~

~~All amendments to this title. The planning commission shall make a recommendation to the city council, who may or may not conduct a public hearing.~~

B. Zoning Map Amendments.

~~1. Rezones Initiated by an Applicant Other Than City. 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 2.46.170;~~

~~b. If the rezone is in conflict with the comprehensive plan, or there are no policies that relate to the rezone, or the policies are not complete, then a comprehensive plan map amendment shall also be required. The planning commission shall conduct a public hearing on the comprehensive plan map amendment and the rezone concurrently and make a recommendation to the city council;~~

EXHIBIT 1

~~2. Areawide Zoning and Rezoning, Initiated by the City. The planning commission shall conduct a public hearing and make a recommendation to the city council. If applicable, a comprehensive plan amendment may also be processed.~~

~~C. City Council Decision. The city council may affirm, modify or disaffirm any recommendation of the planning commission or hearing examiner with regard to amendments of the text or map of this title.~~

~~18.68.040 Public hearing notice requirements.~~

~~A. Text Amendments.~~

~~1. Planning Commission. For text amendments that require a public hearing under ACC 18.68.030(A), notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing and by posting the notice in three general public locations.~~

~~2. City Council. Notice of a public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing and by posting the notice in three general public locations.~~

~~B. Zoning Map Amendments.~~

~~1. Rezones Initiated by an Applicant Other Than City.~~

~~a. Hearing Examiner. Notice of a public hearing shall be given at least 10 days prior to the public hearing and in accordance with ACC 14.07.040.~~

~~b. Planning Commission. Rezones that are considered concurrent with a comprehensive plan land use map amendment shall provide, at a minimum, notice of public hearing by publication in a newspaper of general circulation at least 10 days prior to the public hearing. Additionally, notice shall be provided in accordance with ACC 14.07.040.~~

~~2. Rezones, Including Areawide Zoning, Initiated by the City.~~

~~a. Planning Commission. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, at least 10 days prior to the public hearing. Additional mailing or posting of notices may, at the option of the planning commission, be required.~~

~~b. City Council. As a minimum, notice of public hearing shall be given by publication, in a newspaper of general circulation in the area, prior to the public hearing. Additional mailing or posting of the notices may, at the option of the city council, be required.~~

~~18.68.050 Amendments to rezone requests.~~

~~Prior to adoption of a rezone ordinance, aA requested rezone may be changed, conditioned or modified by the hearing examiner, Planning Commission, or city council when under their appropriate jurisdiction without requiring additional hearings, to those previously prescribed subject to the following:~~

EXHIBIT 1

A. The modification or change shall not result in a more intense zone than the one requested; or

B. The area of the request shall not be enlarged, however, the area may be lessened.

18.68.060 Contract rezones.

In order to mitigate any impacts that may result from a rezone the city may enter into a contract with the property owner. The contract shall outline the conditions of approval and the obligations of the property owner. The contract shall be binding upon the owner and his heirs, assigns and successors. The contract shall run with the land, be signed by the property owner(s) and be recorded with the appropriate King County office, for properties located in King County, or recorded at the appropriate Pierce County office for properties located in Pierce County. Any amendments to the contract shall be approved by the city council. The preferred form of the contract rezone is a development agreement as authorized by RCW 36.70B.170 - .210 and WAC 365-196-845.

18.02.080 Zoning map.

A. "Zoning map," as used in this title, is that certain map, three copies of which are on file in the office of the city clerk, labeled "Comprehensive Zoning Map of the City of Auburn, Washington," dated June 1, 1987, and adopted by Ordinance No. 4230 and signed by the mayor and city clerk, along with all amendments thereto. ~~The~~two types of zoning map amendments are listed in ACC 18.68.030 (A) to the zoning map may occur. The map may be either amended on an areawide basis initiated by the planning commission, city council, or planning and development committee of the city council, or a specific parcel amended by the rezone process as outlined in Chapter 18.68 ACC.

B. Current copies of the zoning map are available for examination and/or purchase at the ~~planning and community~~ development department. The zoning map is adopted and made a part of the comprehensive zoning ordinance, with the most current amended copy serving as ~~being~~ the official zoning map.

18.36.020 Process.

The approval process for business parks is in two steps. The first step in the conceptual approval of the business park, by the hearing examiner and city council, this step also approves the rezone to the business park district. The second step is the approval of the site plan by the planning director.

A. Conceptual Approval.

EXHIBIT 1

1. Conceptual approval of a business park shall be applied by the rezone process as specified in ACC 18.68.030 (BA) (1) ~~(a)~~. The rezone shall be a contract rezone and shall include an agreement that establishes the type, square footage and general location of the uses; the location and size of the park; restrictive covenants; public improvements; and the responsibilities of the owner/developer.
2. A BP district shall only be approved when the owner/developer has demonstrated that a public benefit will result and the project contains architectural, site, and landscape design standards that are significantly superior to those typically required in the other industrial and commercial zones.
3. No significant impacts on the public infrastructure shall occur that cannot be effectively mitigated by the development of the business park.
4. If the approval of the business park requires a subdivision of property, the preliminary plat may be processed concurrently.

2.46.035 Powers and areas of jurisdiction.

The hearing examiner shall have the power to receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact, conclusions based upon those facts and enter decisions as provided by ordinance. Notwithstanding any other provision in the Auburn City Code, the hearing examiner's areas of jurisdiction shall include those matters contained in this chapter.

A. The decision of the hearing examiner on the following matters shall be final:

1. Appeals of assessed civil penalties. (ACC 1.25.065(E))¹
2. Appeals regarding the city's decision on refunds from the construction sales tax exemption. (ACC 3.60.036(F))
3. Appeals from the planning director's denial of an application for a multifamily tax exemption (MFTE). (ACC 3.94.070(F))
4. Appeals from the planning director's denial of an extension of a conditional certificate for MFTE. (ACC 3.94.090(B))
5. Appeals of a dangerous dog determination. (ACC 6.35.020(D))
6. Appeals of a decision by the planning director regarding expansion of hours for construction noise. (ACC 8.28.010(B) (8) (d))
7. Appeals of a decision by the city engineer regarding construction permits. (ACC 12.24.090(C))
8. Appeals of a decision by the city engineer regarding undergrounding of utilities. (ACC 13.32A.130(D))
9. Appeals of decisions by the building official or fire code official regarding building and code violations. (ACC 15.07.130)¹
10. Applications for a shoreline conditional use permit (Shoreline Master Program Section ~~ACC 16.01.8-054~~) and/or a shoreline variance (Shoreline

EXHIBIT 1

Master Program Section 6.1.9) (note that, by statutes, the State Department of Ecology has final approval authority).

B. The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the city council as provided in this chapter:

1. Appeals from denial, civil penalty suspension or revocation of a business license. (ACC 5.15.070)
2. Appeals from denial of a rental housing business license. (ACC 5.22.060 (D))
3. Appeals from revocation or notice of intent to revoke a rental housing business license. (ACC 5.22.080 (B))

C. The decision of the hearing examiner on the following matters shall be the final administrative decision of the city:

1. Appeals from the planning director's denial of a final certificate for multifamily property tax exemption (MFTE). (ACC 3.94.100 (G))
2. Appeals from the planning director's cancellation of a tax exemption for MFTE. (ACC 3.94.120 (C))
3. Appeals of a decision by the public works director regarding commute trip reductions. (ACC 10.02.120)
4. Appeals from denial of an adult entertainment establishment license, issuance or renewal. (ACC 5.30.070)
5. Appeals of a decision by the public works director regarding required public improvements. (ACC 12.64A.060)
6. Appeals of a decision by the public works director regarding system development charges. (ACC 13.41.070)
7. Hear and resolve tenant complaints against landlords regarding utility billing practices (third party billing). (ACC 13.52.050)
8. Appeals of a decision by the planning director on a relocation report and plan related to the closure of a mobile home park. (ACC 14.20.120)
9. Appeals of a decision by the floodplain administrator on floodplain development permits. (ACC 15.68.125)
10. Appeals of a decision by the landmarks and heritage commission on historical designations. (ACC 15.76.040)
11. Appeals of a decision by the SEPA responsible official on threshold determinations (ACC 16.06.250) - public hearing needed.
12. Appeals from critical area review decisions. (ACC 16.10.140)
13. Applications for a reasonable use exception due to critical area regulations. (ACC 16.10.150)
14. Applications for a buffer width variance of critical areas regulations which exceeds 10 percent of a quantifiable standard. (ACC 16.10.160)
15. Applications for a public agency special exception to critical area regulations. (ACC 16.10.170)

EXHIBIT 1

16. Appeals from a decision of the planning director regarding boundary line adjustments. (ACC 17.06.030)
17. Applications for a preliminary plat. (ACC 17.10.050)
18. Applications for modification of standards and specifications related to a preliminary plat. (ACC 17.18.010)
19. Applications for alteration of any subdivision. (ACC 17.20.030)
20. Appeals from a decision of the planning director regarding site plan approval of a business park. (ACC 18.36.020(B))
21. Applications for a special home occupation permit. (ACC 18.60.040(A))
22. Applications for a surface mining permit. (ACC 18.62.030)
23. Appeals from a decision of the planning director regarding administrative use permits. (ACC 18.64.020(A))
24. Applications for a conditional use permit. (ACC 18.64.020(B))
25. Applications for a variance. (ACC 18.70.010)
26. Appeals from a decision of the planning director regarding administrative variances. (ACC 18.70.015)
27. Applications for a special exception. (ACC 18.70.020)
28. Applications for a variance in the regulatory floodplain. (ACC 18.70.025)
29. Appeals from any administrative decision under ACC Title 18, Zoning. (ACC 18.70.050)
30. Appeals from a decision of the planning director regarding fire impact fees. (ACC 19.06.080)
31. Appeals from a decision of the parks director regarding park impact fees. (ACC 19.08.040)
- D. On the following matters, the hearing examiner shall enter findings of fact, conclusions of law, and recommendations to the city council:
 1. Applications for vacating a subdivision or portion of a subdivision, or any land dedicated for public use, except rights-of-way associated with public streets. (ACC 17.22.030)
 2. Application for a business park (conceptual approval). (ACC 18.36.020(A))
 3. Applications for a Site-Specific #Rezoning, Category 1 ~~(zoning map amendment) initiated by an applicant other than the city.~~ (ACC 18.68.030(A)(1))
 4. Applications for major amendments to the Lakeland Hills PUD. (ACC 18.76.130)

¹ The appeal shall be processed and the hearing conducted according to the provisions of ACC 15.07.130.

14.03.040 Type IV decisions.

Type IV decisions are quasi-judicial decisions made by the city council following a recommendation by the hearing examiner. Type IV decisions include, but are not limited to, the following project applications:

Site Specific Rezone, Category 1 ~~(site-specific)~~.

EXHIBIT 2

Chapter 18.68 ZONING MAP AND TEXT AMENDMENTS

Sections:

- 18.68.010 Purpose.
- 18.68.020 Zoning map amendments.
- 18.68.025 Zoning text amendments.
- 18.68.030 Types of amendments and processing.
- 18.68.040 Rezone approval criteria.
- 18.68.050 Amendments to rezone requests.
- 18.68.060 Contract rezones.

18.68.010 Purpose.

The purpose of this chapter is to establish a process to amend either the text or map of this title. An amendment of the zoning map is also referred to as a "rezone" as used elsewhere in this title.

18.68.020 Zoning map amendments.

Zoning map amendments may be initiated by the City or one or more property owners. Applications from property owners must include valid authorization from all of the subject property owners involved in the application.

18.68.025 Zoning text amendments.

Text amendments may be initiated by the City or the public.

A. City-initiated text amendments.

1. The Director may initiate an amendment to the text of this title for the following purposes:

- a. Change the text to increase consistency with the Comprehensive Plan in compliance with ACC 14.22.050, 'Conformance and consistency'.
- b. Change the text in response to changes in state and/or federal laws.
- c. Change the text to correct errors, which are determined by the Director to be substantive and beyond a scrivener's error.
- d. Change the text to increase internal consistency of this title (Zoning Code).

2. The Mayor may request the Director to initiate an amendment to the text of this title, or by the request of the Mayor on behalf of the City Council or the Planning Commission.

B. Public-initiated text amendments.

EXHIBIT 2

1. Any member of the public may submit an application requesting to amend the text of this Title using the City's established application process.

18.68.030 Types of amendments and processing.

There are three types of map amendments and two types of text amendments; the descriptions and processing procedures for these shall be as follows:

A. Map amendment types:

1. A "Site-Specific Rezone, Category 1", is an application requesting to rezone a property to a zoning district that implements the Comprehensive Plan land use map designation applied to the property. This type of rezone shall be processed as a Type IV decision, consistent with ACC 14.03.040.
2. A "Site-Specific Rezone, Category 2", is an application requesting to rezone a property to a zoning district that does not implement (i.e. is in conflict with) the existing Comprehensive Plan land use map designation applied to the property, and a concurrent Comprehensive Plan amendment application must be submitted. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.
3. An "Area-Wide Rezone" is a rezone initiated either by the City or by multiple property owners that applies to a significant number of properties, as determined by the Director. This type of rezone shall be processed as a legislative non-project decision, consistent with ACC 14.03.060.

B. A "Zoning Text Amendment" is an application to change the text of Title 18 ACC. This type of application or initiation shall be processed as a legislative non-project decision, consistent with ACC 14.03.060. Public notice shall be provided consistent with Title 14 ACC.

1. Substantive zoning text amendments. For the purposes of this chapter, substantive zoning text amendments shall be distinguished from procedural or administrative amendments in accordance with the following: "Substantive" matters relate to regulations that define or limit what can be done in terms of conduct, use or action (e.g., what land use may be made of property, what requirements apply to development, and what public infrastructure may be required of certain developments). "Procedural" or "administrative" matters are those that relate to the process of how an application to take such action must be pursued (e.g., time limits for decisions and appeals, what forms must be used, and where or how applications must be submitted. Essentially, "procedural" or "administrative" matters are the mechanical rules by which substantive issues may be pursued). Substantive text amendments shall be reviewed by the Planning Commission and the Planning Commission shall conduct a public hearing and make a recommendation before being presented to the City Council for consideration and action.

2. Procedural zoning text amendments. Text amendments that are purely administrative or procedural do not require a public hearing, nor do they require preliminary review or recommendations by the Planning Commission and can therefore be presented directly to City Council for action.

18.68.040 Rezone (zoning map amendment) approval criteria.

EXHIBIT 2

There is no presumption of validity for a rezone (zoning map amendment) and the applicant has the burden of proof in establishing compliance with all of the following criteria:

- A. The rezone implements the policies of the Comprehensive Plan; or
- B. The rezone is necessary due to a substantial change in circumstances since the original zoning; and
- C. The rezone bears a substantial relationship to the public health, safety, or welfare.

18.68.050 Amendments to rezone requests.

Prior to adoption of a rezone ordinance, a requested rezone may be changed, conditioned or modified by the hearing examiner, Planning Commission, or city council when under their appropriate jurisdiction without requiring additional hearings, subject to the following:

- A. The modification or change shall not result in a more intense zone than the one requested; or
- B. The area of the request shall not be enlarged, however, the area may be lessened.

18.68.060 Contract rezones.

In order to mitigate any impacts that may result from a rezone the city may enter into a contract with the property owner. The contract shall outline the conditions of approval and the obligations of the property owner. The contract shall be binding upon the owner and his heirs, assigns and successors. The contract shall run with the land, be signed by the property owner(s) and be recorded with the appropriate King County office, for properties located in King County, or recorded at the appropriate Pierce County office for properties located in Pierce County. Any amendments to the contract shall be approved by the city council. The preferred form of the contract rezone is a development agreement as authorized by RCW 36.70B.170 - .210 and WAC 365-196-845.

18.02.080 Zoning map.

A. "Zoning map," as used in this title, is that certain map, three copies of which are on file in the office of the city clerk, labeled "Comprehensive Zoning Map of the City of Auburn, Washington," dated June 1, 1987, and adopted by Ordinance No. 4230 and signed by the mayor and city clerk, along with all amendments thereto. The types of zoning map amendments are listed in ACC 18.68.030 (A).

B. Current copies of the zoning map are available for examination and/or purchase at the community development department. The zoning map is adopted and made a part of the comprehensive zoning ordinance, with the most current amended copy serving as the official zoning map.

18.36.020 Process.

The approval process for business parks is in two steps. The first step in the conceptual approval of the business park, by the hearing examiner and city council, this step also approves the rezone to the business park district. The second step is the approval of the site plan by the planning director.

A. Conceptual Approval.

1. Conceptual approval of a business park shall be applied by the rezone process as specified in ACC 18.68.030(A)(1). The rezone shall be a contract rezone and shall include an agreement that establishes the type, square footage and general location of the uses; the location and size of the park; restrictive covenants; public improvements; and the responsibilities of the owner/developer.

2. A BP district shall only be approved when the owner/developer has demonstrated that a public benefit will result and the project contains architectural, site, and landscape design standards that are significantly superior to those typically required in the other industrial and commercial zones.

3. No significant impacts on the public infrastructure shall occur that cannot be effectively mitigated by the development of the business park.

4. If the approval of the business park requires a subdivision of property, the preliminary plat may be processed concurrently.

2.46.035 Powers and areas of jurisdiction.

The hearing examiner shall have the power to receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact, conclusions based upon those facts and enter decisions as provided by ordinance. Notwithstanding any other provision in the Auburn City Code, the hearing examiner's areas of jurisdiction shall include those matters contained in this chapter.

A. The decision of the hearing examiner on the following matters shall be final:

1. Appeals of assessed civil penalties. (ACC 1.25.065(E))¹
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3. Appeals from the planning director's denial of an application for a multifamily tax exemption (MFTE). (ACC 3.94.070(F))
4. Appeals from the planning director's denial of an extension of a conditional certificate for MFTE. (ACC 3.94.090(B))
5. Appeals of a dangerous dog determination. (ACC 6.35.020(D))

EXHIBIT 2

6. Appeals of a decision by the planning director regarding expansion of hours for construction noise. (ACC 8.28.010(B) (8) (d))
7. Appeals of a decision by the city engineer regarding construction permits. (ACC 12.24.090(C))
8. Appeals of a decision by the city engineer regarding undergrounding of utilities. (ACC 13.32A.130(D))
9. Appeals of decisions by the building official or fire code official regarding building and code violations. (ACC 15.07.130)¹
10. Applications for a shoreline conditional use permit (Shoreline Master Program Section 6.1.8) and/or a shoreline variance (Shoreline Master Program Section 6.1.9) (note that, by statutes, the State Department of Ecology has final approval authority).

B. The decision of the hearing examiner on the following matters shall be final unless such decision is appealed to the city council as provided in this chapter:

1. Appeals from denial, civil penalty suspension or revocation of a business license. (ACC 5.15.070)
2. Appeals from denial of a rental housing business license. (ACC 5.22.060(D))
3. Appeals from revocation or notice of intent to revoke a rental housing business license. (ACC 5.22.080(B))

C. The decision of the hearing examiner on the following matters shall be the final administrative decision of the city:

1. Appeals from the planning director's denial of a final certificate for multifamily property tax exemption (MFTE). (ACC 3.94.100(G))
2. Appeals from the planning director's cancellation of a tax exemption for MFTE. (ACC 3.94.120(C))
3. Appeals of a decision by the public works director regarding commute trip reductions. (ACC 10.02.120)
4. Appeals from denial of an adult entertainment establishment license, issuance or renewal. (ACC 5.30.070)
5. Appeals of a decision by the public works director regarding required public improvements. (ACC 12.64A.060)
6. Appeals of a decision by the public works director regarding system development charges. (ACC 13.41.070)
7. Hear and resolve tenant complaints against landlords regarding utility billing practices (third party billing). (ACC 13.52.050)
8. Appeals of a decision by the planning director on a relocation report and plan related to the closure of a mobile home park. (ACC 14.20.120)
9. Appeals of a decision by the floodplain administrator on floodplain development permits. (ACC 15.68.125)
10. Appeals of a decision by the landmarks and heritage commission on historical designations. (ACC 15.76.040)

EXHIBIT 2

11. Appeals of a decision by the SEPA responsible official on threshold determinations (ACC 16.06.250) – public hearing needed.
 12. Appeals from critical area review decisions. (ACC 16.10.140)
 13. Applications for a reasonable use exception due to critical area regulations. (ACC 16.10.150)
 14. Applications for a buffer width variance of critical areas regulations which exceeds 10 percent of a quantifiable standard. (ACC 16.10.160)
 15. Applications for a public agency special exception to critical area regulations. (ACC 16.10.170)
 16. Appeals from a decision of the planning director regarding boundary line adjustments. (ACC 17.06.030)
 17. Applications for a preliminary plat. (ACC 17.10.050)
 18. Applications for modification of standards and specifications related to a preliminary plat. (ACC 17.18.010)
 19. Applications for alteration of any subdivision. (ACC 17.20.030)
 20. Appeals from a decision of the planning director regarding site plan approval of a business park. (ACC 18.36.020(B))
 21. Applications for a special home occupation permit. (ACC 18.60.040(A))
 22. Applications for a surface mining permit. (ACC 18.62.030)
 23. Appeals from a decision of the planning director regarding administrative use permits. (ACC 18.64.020(A))
 24. Applications for a conditional use permit. (ACC 18.64.020(B))
 25. Applications for a variance. (ACC 18.70.010)
 26. Appeals from a decision of the planning director regarding administrative variances. (ACC 18.70.015)
 27. Applications for a special exception. (ACC 18.70.020)
 28. Applications for a variance in the regulatory floodplain. (ACC 18.70.025)
 29. Appeals from any administrative decision under ACC Title 18, Zoning. (ACC 18.70.050)
 30. Appeals from a decision of the planning director regarding fire impact fees. (ACC 19.06.080)
 31. Appeals from a decision of the parks director regarding park impact fees. (ACC 19.08.040)
- D. On the following matters, the hearing examiner shall enter findings of fact, conclusions of law, and recommendations to the city council:
1. Applications for vacating a subdivision or portion of a subdivision, or any land dedicated for public use, except rights-of-way associated with public streets. (ACC 17.22.030)

EXHIBIT 2

2. Application for a business park (conceptual approval). (ACC 18.36.020 (A))

3. Applications for a Site-Specific Rezone, Category 1. (ACC 18.68.030 (A) (1))

4. Applications for major amendments to the Lakeland Hills PUD. (ACC 18.76.130)

¹ The appeal shall be processed and the hearing conducted according to the provisions of ACC 15.07.130.

14.03.040 Type IV decisions.

Type IV decisions are quasi-judicial decisions made by the city council following a recommendation by the hearing examiner. Type IV decisions include, but are not limited to, the following project applications:

Site Specific Rezone, Category 1.

ZONING MAP AMENDMENTS (“REZONES”)

There are three types of rezones, which are as follows. And there are differences in the processing of each type.

- If the rezone request implements the Comprehensive Plan (Comp. Plan) (It is a zoning classification listed in the Comp. Plan as implementing the particular Comp. Plan Land Use Map designation (See Land Use Map)) then the request is forwarded to the Hearing Examiner for his consideration. The Hearing Examiner, after a public hearing, then makes a recommendation to the City Council, who make the final decision. Under the proposed changes this would be referred to as a “*Site-Specific Rezone, Category 1*”. An example of this would be a property zoned “R-10, Residential” which has a Comp. Plan Land Use Map designation of “Light Commercial”; the owner could submit a rezone application to change the zoning of the property to “C-1, Light Commercial” as this request would be implementing the Comp. Plan.
- If the rezone request does not implement the Comp. Plan (in other words, if in the above-described situation the Land Use Map designation was “Moderate Density Residential” instead of “Light Commercial”) then the owner would also have to simultaneously apply for a Comp. Plan amendment. This is the type of request that the Planning Commission is used to considering. Instead of the Hearing Examiner making the recommendation to the City Council, the Planning Commission does. Under the proposed changes this would be referred to as a “*Site-Specific Rezone, Category 2*”.
- The third type of rezone is referred to as an “*Area-Wide Rezone*”. These are typically utilized when there have been changes in the Comp. Plan or the Zoning Code that necessitate all properties with a particular zoning classification to be changed. These are generally City-initiated and occur over a larger geographic area rather than one or a few parcels. The most recent instance of this was removal of the “EP, Environmental Park” zone from the Comp. Plan, which then resulted in an Area-Wide Rezone which the Planning Commission considered (and recommended approval of) in 2017.

Lastly, there are currently there no decision-making criteria for rezone requests in the City’s Zoning Code; however, Staff for the last several years has used three criteria that are based on the results of case-law. These three criteria that are based on past court decisions are proposed to be included in the changes under ACC 18.68.040, ‘Rezone Approval Criteria’.

ZONING CODE TEXT AMENDMENTS

The changes proposed for Zoning Text Amendments include clarifying why/when City-initiated amendments are proposed and clarifying that the Mayor, as the executive of the City, can direct Staff to initiate an amendment.

**NOTICE OF APPLICATION (NOA) and
DETERMINATION OF NON-SIGNIFICANCE (DNS)
Amendments to Chapter 18.68 ACC Zoning Code and Map Amendments
SEP20-0003 / ZOA20-0001**

Proposal: Amendments to Chapter 18.68 of the Auburn City Code (ACC) for regulations related to amending the text of Title 18 ACC 'Zoning' or amending the City's zoning map (ALA rezones). The proposed changes seek to clarify the procedural steps and categories of applications as well as the criteria for reviewing zoning map amendments. The full text of the amendments is available on the City's Public Notice webpage at www.auburnwa.gov/landuse.

Location: City-Wide.

Notice of Application: March 19, 2020

File Nos.: SEP20-0003
ZOA20-0001

Proponent: Thaniel Gouk
planning@auburnwa.gov
Senior Planner
City of Auburn Dept. of Community Development

Studies/Plans Submitted With Application:

- Draft Code Amendment Language

Other Permits, Plans, and Approvals Needed:

- Planning Commission Recommendation
- City Council Adoption of Ordinance

Statement of Consistency and List of Applicable Development Regulations: This proposal is subject to and shall be consistent with the Auburn City Code, Comprehensive Plan, and Public Works Design and Construction Standards.

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.

Public Comment Period: This may be your only opportunity to comment on the environmental impact of the proposal. All persons may comment on this application. This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date issued below. Comments must be in writing and submitted by 5:00 p.m. on **April 3, 2020** to the mailing address of 25 W Main St., Auburn, WA, 98001 or to the email address below. Any person wishing to become a party of record, shall include in their comments that they wish to receive notice of and participate in any hearings, if relevant, and request a copy of decisions once made.

Any person aggrieved of the City's determination may file an appeal with the Auburn City Clerk at 25 West Main Street, Auburn, WA 98001 within 14 days of the close of the comment period, or by 5:00 p.m. on **April 17, 2020**.

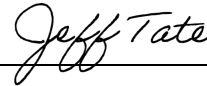
Public Hearing: The Planning Commission will conduct a public hearing on the request in the City Council Chambers, 25 W. Main St., Auburn, WA, 98001, on **May 5, 2020** at 7:00 p.m. Any interested person is invited to appear and express comments or opinions on the proposed project. Written comments may be emailed to the contact person below, mailed attention to the contact person below to 25 W. Main St., Auburn WA, 98001, or submitted at the public hearing. For citizens with speech, sight, or hearing disabilities wishing to review documents pertaining to this hearing should contact the person below within 10 calendar days prior to the hearing. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

For questions regarding this project, please contact Thaniel Gouk, Senior Planner, at planning@auburnwa.gov or 253-804-5031.

RESPONSIBLE OFFICIAL:	Jeff Tate
POSITION/TITLE:	Director of Community Development
ADDRESS:	25 West Main Street Auburn, Washington 98001 253-931-3090

DATE ISSUED: March 19, 2020

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.