

ORDINANCE NO. 6 6 6 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON ADOPTING 2017 ANNUAL COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS PURSUANT TO THE PROVISIONS OF RCW CHAPTER 36.70A AND ADOPTING CORRESPONDING REZONES RELATED TO CERTAIN OF THE MAP AMENDMENTS AND CREATING A NEW SECTION 18.01.050 TO THE CITY CODE, RELATING TO PLANNING

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

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

WHEREAS, on September 5, 1995, the Auburn City Council reaffirmed that action by its 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, in April 2017 the City of Auburn published in the *Seattle Times Newspaper* an advertisement that the City was accepting comprehensive plan amendment applications and established a deadline for submittal of June 9, 2017; and

WHEREAS, the City of Auburn received one private-initiated map amendment for the year 2017 annual amendments; (Nexus Youth & Families, File No. CPA17-0002); and

WHEREAS, the City of Auburn initiated seventeen map amendments (CPA17-0001) and nine policy/text amendments (File No. CPA17-0001); and

WHEREAS, a few of the map amendments change the existing Comprehensive Plan land use map designation and zoning classification of properties which are owned by or controlled on behalf of the Muckleshoot Indian Tribe and it has been the City's consistent practice to have designations in place even if they are unused; and

WHEREAS, in June 2017 the City Council adopted Ordinance No. 6655 allowing the Planning Commission and City Council to consider zoning map changes associated with comprehensive map changes (for Comprehensive Plan and Zoning map amendments), concurrently, thereby eliminating the need for a subsequent hearing conducted by the Hearing Examiner on the rezone (zoning map amendment) as under the previous regulations; and

WHEREAS, three of the City-initiated map amendments (CPA17-0001, REZ17-0002, REZ17-0003, & REZ17-0004) and the one private initiated map amendment (CPA17-0002 & REZ17-0001) have an associated rezone (zoning map amendment) to maintain consistency with the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan text/policy amendments and map amendments were processed by the Community Development & Public Works Department as proposed Year 2017 annual amendments to the City of Auburn Comprehensive Plan; and

WHEREAS, maintaining a current Capital Facilities Plan is required of the City in order to meet regulations of the Growth Management Act under RCW 36.70A; and

WHEREAS, the environmental impacts of the proposed Year 2017 Comprehensive Plan amendments and rezones were considered in accordance with procedures of the State Environmental Policy Act (File No. SEP17-0014 (city-initiated

amendments) & SEP17-0012 (Nexus Youth & Families, private-initiated amendment)) and were determined to have no environmental significance; and

WHEREAS, the proposed amendments were transmitted to the Washington State Department of Commerce, Growth Management Services Division and other State agencies for the 60-day review period in accordance with RCW 36.70A.106; and

WHEREAS, after proper notice published in the City's official newspaper at least ten (10) days prior to the date of the hearings, the Auburn Planning Commission on October 18, 2017 and on November 1, 2017, conducted public hearings on the proposed amendments; and

WHEREAS, at the public hearings the Auburn City Planning Commission heard and considered the public testimony and the evidence and exhibits presented to it; and

WHEREAS, the Auburn City Planning Commission thereafter made recommendations to the City Council on the proposed Year 2017 annual Comprehensive Plan map and text amendments and for certain amendments, on the associated rezone; and

WHEREAS, on November 27, 2017, the Auburn City Council reviewed the Planning Commission's recommendations to the City Council; and

WHEREAS, on December 18, 2017, the Auburn City Council considered the proposed Comprehensive Plan amendments and rezones as recommended by the City of Auburn Planning Commission.

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

Section 1. Application CPA17-0002 & REZ17-0001, Nexus Youth & Families Comprehensive Plan Map Amendment, requesting a land use designation change from “Single Family Residential” with a “Residential Transition Overlay” to “Light Commercial”; and a rezone (zoning map amendment) from “R-7, Residential” to “C-1, Light Commercial” for three parcels totaling 0.72 acres, identified by parcel numbers: 192105-9142, 192105-9145, and 192105-9077 is approved as set forth in Exhibit “A” attached hereto and incorporated herein by reference. Council adopts both the Planning Commission’s November 1, 2017 recommendations, and the findings and conclusions outlined in the October 24, 2017 (private-initiated) staff report, both attached as Exhibit “B”.

Section 2. The 2017 Comprehensive Plan city-initiated Map Amendments (CPA17-0001) and associated rezones (REZ17-0002, REZ17-0003, & REZ17-0004) are adopted and approved as set forth in Exhibit “C” as attached hereto and incorporated herein by reference. The City Clerk shall file Exhibit “C” along with this Ordinance and keep them available for public inspection.

Section 3. The 2017 annual Comprehensive Plan city-initiated Text Amendments (CPA17-0001), as set forth in Exhibit "D" attached hereto and incorporated herein by reference, are adopted and approved. The City Clerk shall file Exhibit "D" along with this Ordinance and keep them available for public inspection. The full text of the Capital Facilities Plan of the City and the four school district's Capital Facilities Plans are adopted with the City's Comprehensive Plan, copies of which shall be on file with the Office of the City Clerk. The City Clerk shall file them along with this Ordinance and keep them available for public inspection. Council adopts the Planning

Commission's action taken on November 1, 2017 recommending approval, and Council further adopts the Findings and Conclusions outlined in the October 3, 2017 (Group #1) and October 19, 2017 (Group #2), staff reports, attached per Exhibit "C".

Section 4. The 2017 Comprehensive Plan amendments modify the Comprehensive Plan adopted on August 18, 1986, by Resolution No. 1703; and adopted by Ordinance No. 4788 on September 5, 1995; and adopted December 14, 2015 by Ordinance No. 6584.

Section 5. The adopted Comprehensive Plan as amended is designated as a basis for the exercise of substantive authority under the Washington State Environmental Policy Act by the City's responsible environmental official in accordance with RCW. 43.21C.060.

Section 6. New Section to City Code. That a new Section 18.01.050 of the Auburn City Code be and the same hereby is created to read as follows:

18.01.050 How do city zoning and land use regulations relate to Indian Lands?

The City of Auburn recognizes and acknowledges that the Muckleshoot Indian Tribe has jurisdiction and land use control over Indian Lands. The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character. Until those circumstances change for such lands, the city regulations shall be for informational purposes only.

Section 7. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation to include incorporating into one document the adopted Comprehensive Plan map and text

amendments, attached hereto as Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", and Exhibit "E" preparing and publishing the amended Comprehensive Plan.

Section 8. The City of Auburn recognizes and acknowledges that the Muckleshoot Indian Tribe has jurisdiction and land use control over Indian Lands. The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character.

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 10. 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: _____

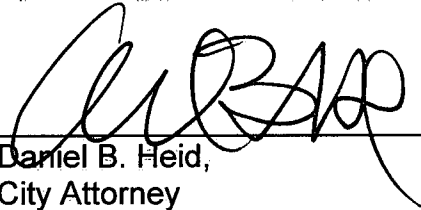
CITY OF AUBURN

Nancy Backus,
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____