



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject</b> Ordinance No. 6675, City-initiated Zoning Map Amendment (Rezone), REZ18-0001		<b>Date:</b> February 20, 2018
<b>Department:</b> Community Development & Public Works	<b>Attachments:</b> See listing at end of report	<b>Budget Impact:</b> N/A
<b>Administrative Recommendation:</b> City Council to introduce and adopt Ordinance No. 6675 approving the City-initiated Zoning Map Amendment (Rezone)		

**APPLICANT:** City of Auburn Planning Division  
Dept. of Community Development & Public Works  
25 West Main ST  
Auburn, WA 98001-4998

**REQUEST:** File No. REZ18-0001  
City-initiated rezoning of five parcels in two locations to implement recent Comprehensive Plan map amendments;  
The first group is 4 privately-owned, previously developed parcels changing from "DUC, Downtown Urban Center" to "M1, Light Industrial" to recognize and be more compatible with developed status of the properties. The other location is a 0.98-acre city-owned park parcel from "R-20, Residential Zone, 20 units to the acre" to "I, Institutional" in response to recent City ownership as a developed park.

**LOCATION:** The four contiguous parcels located on the east of C ST NW between W Main ST and 3rd ST NW, with the following parcel numbers and addresses:  
5401600175/232 C ST NW; 5401600200/(No address); 5401600235/301 2nd ST NW; 5401600260/(No address) within the NE quarter of Section 13, Township 21 North, Range 4 East, W.M.

The remaining parcel is located south of SE 310th ST, approx. 820 feet west of 124th Ave SE, with the following Parcel No. 0921059073 (no address) within the NW quarter of Section 9, Township 21 North, Range 5 East, W.M.

<b>Reviewed by Council &amp; Committees:</b> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm.	<b>Reviewed by Departments &amp; Divisions:</b> <input checked="" type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources
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<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____	
Councilmember:	Staff: Tate
Meeting Date: February 26, 2018	Item Number:

**EXISTING ZONING:** The first group is 4 privately-owned, parcels currently zoned "DUC, Downtown Urban Center".

The other location is a 0.98-acre city-owned park parcel currently zoned "R-20, Residential Zone, 20 dwelling units to the acre".

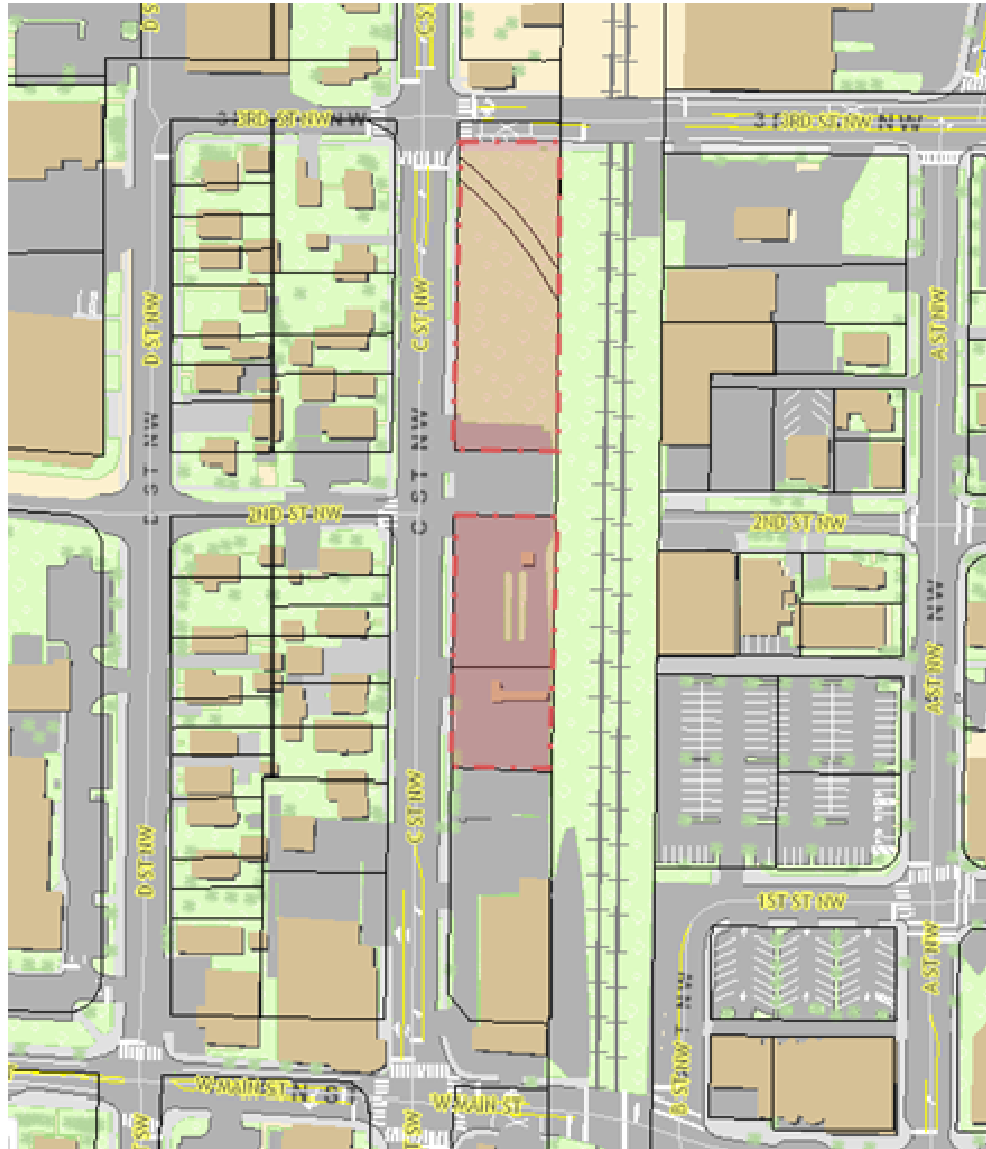
**EXISTING COMPREHENSIVE PLAN DESIGNATION:** The first group is 4 privately-owned, previously developed parcels that have a comprehensive plan designation of "Light Industrial". The other location is a 0.98-acre city-owned park parcel that has a comprehensive plan designation of "Institutional". Both locations were recently changed as part of the City's Annual Comprehensive Plan amendments adopted by Ordinance No. 6667 on December 18, 2017.

**SEPA STATUS:** A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **first group of 4 parcels** are as follows:

	<b>Comprehensive Plan Designation</b>	<b>Zoning Classification</b>	<b>Existing Land Use</b>
<b>On-Site</b>	"Light Industrial"	DUC, Downtown Urban Center	Warehouse, bulk propane tank, storage building, parking lot.
North	"Heavy Industrial"	M1, Light Industrial,	Single-family residences & vehicle fueling station
South	"Downtown Urban Center"	DUC, Downtown Urban Center	Auto body repair shop
East	"Light Industrial"	DUC, Downtown Urban Center with M1, Light Industrial, beyond	Railroad line and vehicle fuel distribution business
West	"Downtown Urban Center"	DUC, Downtown Urban Center	single-family residences and irrigation contractor business across C ST NW

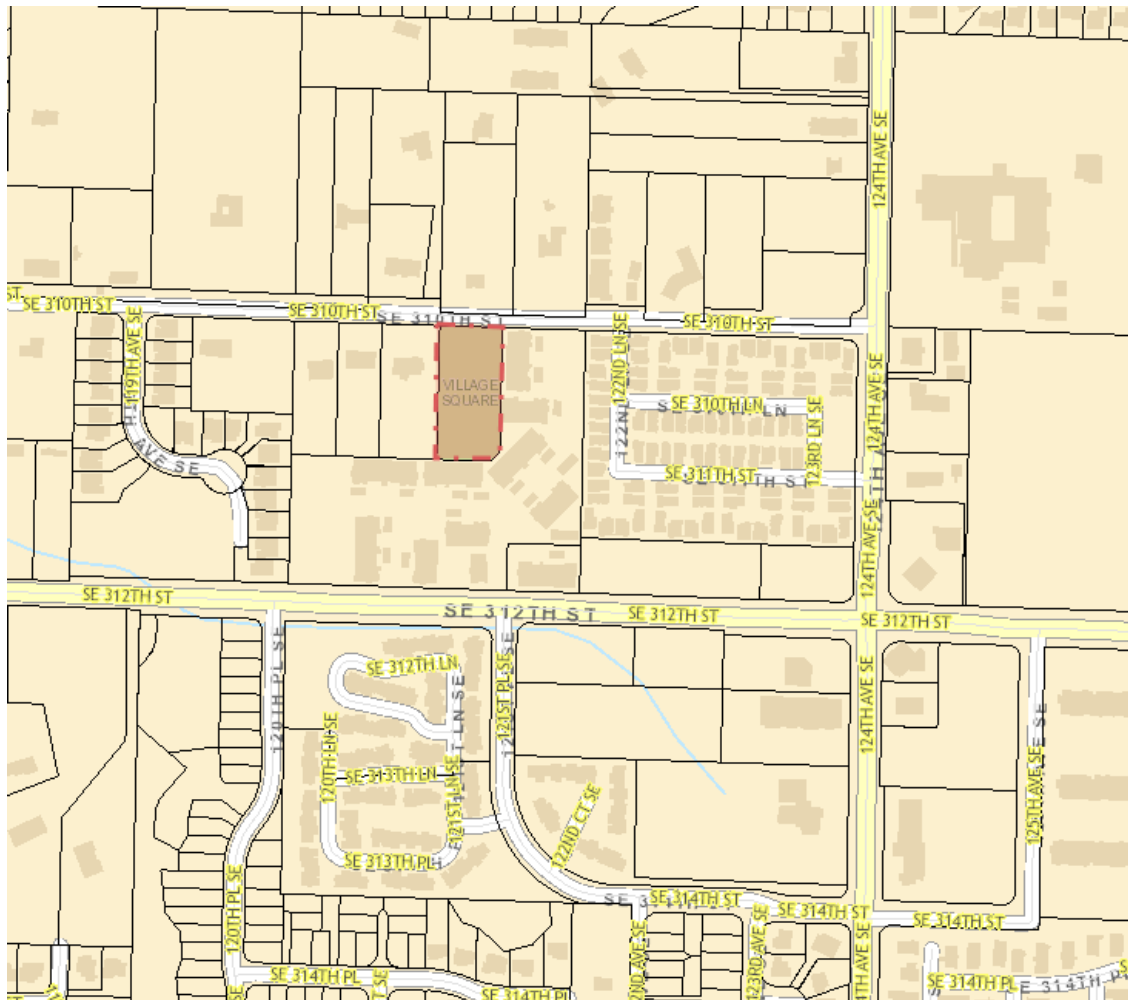
## VICINTY MAP



The Comprehensive Plan designation, zoning classification and land uses of the site and surrounding properties for the **second location is as follows:**

	<b>Comprehensive Plan Designation</b>	<b>Zoning Classification</b>	<b>Existing Land Use</b>
<b>On-Site</b>	"Institutional"	R-20, Residential (Twenty dwelling units per acre)	City-owned park
North	"Single-Family Residential"	R5, Residential (Five dwelling units per acre)	Multiple family apartments
South	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
East	"Multiple Family Residential"	R-20, Residential (Twenty dwelling units per acre)	Multiple family apartments
West	"Single-Family Residential"	R5, Residential (Five dwelling units to the acre)b	Single-family residences

## VICINITY MAP



## **A. FINDINGS**

The City identified the Comprehensive Plan Map Amendment and associated step of rezoning these parcels as part of the actions for the annual Comprehensive Plan amendments. This City-initiated proposal consists of changing the zoning classification of the following 5 properties:

<b>Parcel ID Number/ address</b>	<b>Property owner</b>	<b>Parcel Size</b>	<b>Comprehensive Plan Designation</b>	<b>Existing Zoning Classification</b>	<b>Current Land Use</b>
5401600175/ 232 C ST NW	Ho & Nancy Kim	0.7 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former Del's Farm Supply consisting of 5,238 sq. ft. of warehouse & 1,500 sq. ft. of attached office/store. Currently unoccupied/
5401600200/ (No address)	Ho & Nancy Kim	0.06 acres	Downtown Urban Center	DUC, Downtown Urban Center	Former railroad spur line bisecting parcel -0200 currently vacant
5401600235/ 301 2nd ST NW	CHS Inc.	0.34 acres	Downtown Urban Center	DUC, Downtown Urban Center	Cenex bulk propane storage tanks
5401600260/ (No address)	Gary & Karen Stamps	0.24 acres	Downtown Urban Center	DUC, Downtown Urban Center	Parking lot /vacant

<b>Parcel ID Number/ address</b>	<b>Property owner</b>	<b>Parcel Size</b>	<b>Comprehensive Plan Designation</b>	<b>Existing Zoning Classification</b>	<b>Current Land Use</b>
Parcel No. 0921059073 (no address)	City of Auburn	0.98 acres	Institutional	R-20, Residential (Twenty dwelling units per acre)	Developed city park

1. The first group of parcels border C ST NW, which is classified by the City's Comprehensive Transportation Plan as a "Minor Arterial". The northern most parcel also borders 3rd ST NW, which is also classified as a "Minor Arterial". The second location borders SE 310th ST, which is classified as a "Local Residential" street.
2. All of the properties are developed, or if now vacant, have previously been developed. All the sites are relatively flat and do not contain environmentally critical areas.

### **History of Existing Development**

3. The first group of parcels were part of the oldest city limits originally incorporated in 1890. Ordinance No. 6121 annexed the second location to the City as part of Lea Hill annexation area effective in 2008.

4. For the **first group of parcels**, the land use designations and zoning for the subject properties have not been re-evaluated for many years and therefore have not considered the continued appropriateness of the land use designations. The boundaries of the DUC, Downtown Urban Center zoning district were originally adopted in 2007 when the city was desirous of establishing a downtown center zoning classification over a broad area. While the justification for the establishment of the boundaries cannot be precisely recreated, it may have been contemplated that the properties would likely redevelop, but this has not happened.

The contiguous sites are located at the northern margin of the "Downtown Urban Center" Comprehensive Plan designation and bordered to the north and the east by properties with an "Industrial" designation. The sites align in a row north to south and are bordered by public streets of C ST NW to the west, 3rd ST NW to the north and by the Burlington Northern railroad to the east. The automobile body shop of A-1 Collision borders the sites to the south.

The two largest parcels, Parcel No. 5401600175 (0.7 acres) and Parcel No. 5401600235 (0.34 acres) have been developed for more than 25 years with structures and facilities that are more appropriate characterized as "industrial uses" than suburban downtown development. The configuration and location of the properties sandwiched between transportation corridors makes them less suitable for redevelopment as downtown service or retail type uses geared to leisure shopping and that would be appropriately subject to strict architectural and site design requirements. Due to the number of recent zoning inquiries, the City staff has increasingly become aware of the difficulty of the property owner in finding tenants that can occupy the former Del's Farm Supply building and meet the zoning use regulations of the DUC zoning district. Few uses are capable of using the building with few physical alterations in order to avoid triggering consistency with Downtown Design Standards and significant upgrades.

5. Related to the **second site**, in 1996 the 0.98-acre property was part of a larger 2.23-acre property ownership by Schneider Homes Inc. that was proposed for development as the 'Pasafino Apartments' while in unincorporated King County prior to annexation to the City of Auburn. In 1996 a 'Petition for Annexation Agreement and Declaration of Covenant' was executed between the City and Schneider Homes Inc. in order for the City to provide water and sewer services to the proposed apartment development located outside the city, but within the city's established utility service area. An 'Amended Petition for Annexation Agreement and Declaration of Covenant' was executed on April 21, 1997. The Agreements provided that as a condition of the City providing water and sewer utility services, Schneider Homes Inc. would develop a park, and after annexation, convey the developed park land to the City of Auburn without obligation or cost. At the time of transfer, the city parks department would assume maintenance responsibility. Ordinance No. 6121 annexed the property to the City of Auburn effective in 2008; however, the transfer of ownership of the park land did not take place for many more years since the park land was not a separate parcel that could be deeded separately to the City. Schneider Homes Inc. filed a Boundary Line Adjustment (BLA) application (File #BLA14-0005) in May of 2014 to establish the park land as a separate parcel. The processing of the BLA was delayed due to changes in property ownership interest on the part of Schneider Homes Inc. for refinancing purposes. The BLA was subsequently approved by the City and recorded on November 2, 2016 (Recording #20161102900004) and the property subsequently conveyed to the City. The park is depicted as "Village Square Park" on the city website.

It was previously appropriate to have the Comprehensive Plan land use designation of "Multiple Family Residential" applicable to the site when it was privately-owned and part of a larger parcel that is mainly developed with apartments. However, now that Parcel No. 0921059073 is a separate parcel (as a result of the boundary line adjustment and deed), owned by the City and developed for park purposes, it is appropriate for it to have the zoning classification be: "I, Institutional" to implement and correspond with the "Institutional" land use designation of the Comprehensive Plan. This is the same zoning classification applied to other City park properties.

### **Relationship of Comprehensive Plan Annual Amendments and the Rezone Processing**

6. At its October 18, 2017 public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #3 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of the 4 parcels from "Downtown Urban Center" to "Light Industrial" to recognize and be more compatible with developed status of the properties.

At this same public hearing, the Planning Commission reviewed the related Comprehensive Plan Map amendment CPM #2 (File No. CPA17-0001, City-initiated Map amendment) to change Map No. 1.1 and change the Comprehensive Plan designation of a 0.98-acre city-owned park parcel from "Multiple Family Residential" to "Institutional" in response to recent City ownership as a developed park.

At the conclusion of the hearing, the Planning Commission forwarded its recommendation for approval of the comprehensive plan map changes to the City Council.

7. At its November 27, 2017 Study Session, the City Council reviewed the Amendments and the draft Ordinance No. 6667. On December 18, 2017, the City Council approved Ordinance No. 6667 approving both sets of Comprehensive Plan Map amendments, among others.

These proposed rezones implement the corresponding Comprehensive Plan designations of "Light Industrial" as identified on Page LU-11; and of the "Institutional" as found on Page LU-14, of the Comprehensive Plan.

8. In June 2017 the City Council adopted Ordinance No. 6655 which allows the Planning Commission and City Council to consider associated map changes (for Comprehensive Plan and Zoning map amendments), concurrently. This eliminates the need for the rezone (zoning map amendment) to subsequently be heard and decided by the Planning Commission or Hearing Examiner through a separately scheduled hearing when it is related to a Comprehensive Plan map amendment.

While several Comprehensive Plan and Zoning map amendments were concurrently considered at the Planning Commission at their October 18, 2017 hearing and by the City Council approval of Ordinance No. 6667, on December 18, 2017. The public noticing step was not performed for the rezoning associated with these changes and as a result, they are being considered in sequence, rather than concurrently in order to ensure that the proper procedures are followed.



9. On February 6, 2018, the Planning Commission conducted a duly noticed public hearing on the rezone. There were no public comments submitted and no one testified at the hearing.
10. Pursuant to ACC 18.68.030 ((Zoning Amendments) Public hearing process) provides that the city may initiate rezone actions.
11. Pursuant to ACC 18.68.030 and ACC 18.68.040, for all rezones initiated by the City, the Planning Commission shall conduct a public hearing and make a recommendation to the City Council.

***“18.68.030 Public hearing process.***

***B. Zoning Map Amendments.***

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***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. (Ord. 6655 § 1, 2017; Ord. 6442 § 26, 2012; Ord. 6198 § 4, 2008; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)”*

12. Pursuant to 18.68.040, ((Zoning Amendments) Public hearing notice requirements) the following public notice is required.

***B. Zoning Map Amendments.***

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***2. Rezones, Including Area wide 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. (Ord. 6655 § 2, 2017; Ord. 6198 § 5, 2008; Ord. 6185 § 9, 2008; Ord. 5811 § 8, 2003; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)*

13. A notice of public hearing was issued and published in the Seattle Times on January 23, 2018 and on the same date mailed to the property owners within 300 feet of the subject site, and posted at 3 public locations meeting the notification requirements.
14. Per ACC 18.23.020(G), the stated purpose of the “M-1, Light Industrial” zoning district is to:

***“G. M-1, Light Industrial Zone.*** *The intent of the M-1 zone 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.”*

*“The character of this zone will limit the type of primary activities which may be conducted outside of enclosed buildings to outdoor displays and sales. Uses which are not customarily conducted indoors or involve hazardous materials are considered heavy industrial uses under this title and are not appropriate for the M-1 zone. An essential aspect of this zone is the need to maintain a quality of development that attracts rather than discourages further investment in light industrial and commercial development. Consequently, site activities which could distract from the visual quality of development of those areas, such as outdoor storage, should be strictly regulated within this zone.”*

15. Per ACC 18.35.020(D), the stated intent of the “I, Institutional” zoning district is to:

*“D. I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.”*

16. A Determination of Non-Significance (DNS) was issued under City file SEP17-0014 on September 19, 2017. The comment period ended October 3, 2017, and the appeal period ended October 17, 2017. No comments or appeals were received.

## **B. CONCLUSIONS:**

Chapter 18.68 ACC ((Zoning Code) Amendments) provides very limited criteria for approval of a rezone. Following is a Staff analysis of the requested change 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 the 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 18, 2017, the City Council approved Ordinance No. 6667 approving the change in Comprehensive Plan designation for both locations.

Related to this first set of property changes, the Comprehensive Plan contains policy guidance. Specifically, Volume 1, “Land Use”, starting at Page LU-11 provides the following purpose and description of the ‘Light Industrial’ Comprehensive Plan designation:

***“Light Industrial Designation***

***Description***

*This category is intended to accommodate a wide range of industrial and commercial uses. This designation is intended to provide an attractive location for manufacturing, processing and assembling land use activities that contribute to quality surroundings. A wide variety of appropriate commercial uses in this designation benefit from the location, access, physical configuration, and 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”*

***“Designation Criteria***

- 1. Previously developed light industrial areas; or*
- 2. Located along high-visibility corridors;*
- 3. Provides buffering for heavy industrial areas or is 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 Light Industrial designation.”*

***“Implementing Zoning Designations***

***“M-1, Light Industrial”***

Consistent with policy discussion in the Comprehensive Plan, the first set of properties proposed for rezoning are already developed with industrial uses and the sites are located along heavily traveled roadway corridors, as evidenced by their “Minor Arterial” classification.

The Comprehensive Plan document provides various policies, which address light industrial development in order to meet community goals. The following policy applicable to light industrial areas is relevant to the rezoning request.

*“LU-82 A wide range of commercial activities may be allowed to provide increased opportunities for sales tax revenue.”*

Related to this second location, the Comprehensive Plan contains policy guidance. Volume 1, Land Use, starting at Page LU-14 provides the following purpose and description of the “Institutional” Comprehensive Plan designation:

***“Institutional Designation***

***Description***

*This category includes those areas that are reserved for public or institutional uses. These public uses include public schools and institutional uses such as large churches and schools. It is also intended to include those of a significant impact, and not those smaller public uses that are consistent with and may be included in another designation.*

*For example, public uses of an industrial character are included in the industrial designation, and small-scale religious institution of a residential character are included in the residential designation.”*

***“Designation Criteria***

*Previously developed institutional uses; or located along major arterial streets; 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 meets the development parameters of the Institutional designation. Properties identified in the Airport Master Plan as “Landing Field.”*

***“Implementing Zoning Designations***

*I, Institutional  
LF, Landing Field”*

Consistent with policy discussion in the Comprehensive Plan, this second location is proposed for rezoning to “I, Institutional” and is already developed as a public park. While the site borders single family uses to the west and multiple family uses to the east and south; the low development intensity as a public park with passive recreational uses and mature landscaping serve to make the use compatible with adjacent residential uses.

*“LU-103 This designation permits a wide array of uses that tend to be located in the midst of other dissimilar uses. For this reason, special emphasis should be directed at the following:*

- a. The appropriateness of new requests for this designation and the impacts that it may have on the surrounding community.*
- b. Site-specific conditions that should be attached to the granting of new requests for this designation that are designed to mitigate impacts on the surrounding community.*
- c. Site-specific conditions that should be attached to development proposals that are designed to mitigate impacts on the surrounding community.*

The proposed “I, Institutional” zoning is different than surrounding zoning classifications. The site borders single-family uses to the west and multiple family uses to the east and south and the low development intensity as a public park, along with the passive recreational uses with mature landscaping serve to make the use compatible with adjacent residential uses.

**2. The rezone must be initiated by the City in order for the Planning Commission to provide a recommendation on the request.**

Staff Analysis: The rezone application was initiated by the City. The property owners and nearby property owners received notice of the Comprehensive Plan amendments prior to the Planning Commission's hearing in October of 2017 and prior to the rezone hearing in February 6, 2018.

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

Staff Analysis: Further changes or intensification beyond the change in designation as proposed are not anticipated.

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 properties. As mentioned under the Findings of Fact, a Comprehensive Plan map amendment was processed at the end of 2017 and approved by the City Council Ordinance No. 6667, as a changed condition. The proposed rezone would adjust the zoning of the property to correspond and be consistent with the Comprehensive Plan designation. Showing that 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 properties from "DUC, Downtown Urban Center" to "M-1, Light Industrial" and from "R-20, Residential Zone 20 units to the acre" to "I, Institutional" will align the zoning district to the already changed Comprehensive Plan designation. As noted above, Volume 1, 'Land Use', provides various policies related to meeting community and growth management goals. The zoning change will assist in implementing these goals benefitting the community and general welfare.

**C. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission issued a recommendation of **approval** on February 6, 2018 without conditions.

**D. EXHIBIT LIST**

- Exhibit 1 Staff Report
- Exhibit 2 Ordinance No. 6675
- Exhibit 3 Vicinity Map for both sites

- Exhibit 4 Zoning Map showing the current and proposed zoning for both sites
- Exhibit 5 2015 Aerial Photograph for both sites
- Exhibit 6 Determination of Non-Significance (DNS) (File No. SEP17-0014) dated  
September 19, 2017.