

Chapter 18.08

NORTHEAST AUBURN SPECIAL AREA PLAN AND AUBURN GATEWAY PLANNED ACTION

Sections:

- 18.08.010 Purpose of the planned action.**
- 18.08.020 Findings related to the northeast Auburn special area plan.**
- 18.08.030 Applicability of the planned action.**
- 18.08.040 Planned action thresholds.**
- 18.08.050 Review criteria for planned actions.**
- 18.08.060 Effect of planned action designation.**
- 18.08.070 Planned action permit process.**
- 18.08.080 Planned action mitigation measures.**
- 18.08.090 Amendments.**

18.08.010 Purpose of the planned action.

The purpose of this chapter is to:

- A. Set forth a procedure designating certain project actions within a specific subject site as “planned actions” consistent with state law, RCW 43.21C.031; and
- B. Provide the public with an understanding as to what constitutes a planned action and how land use applications which qualify as planned actions will be processed by the city; and
- C. Streamline and expedite the development review process for this designated planned action by relying on completed and existing detailed environmental analysis for the subject site; and
- D. Combine environmental analysis with land use planning; and
- E. Apply the city’s development regulations together with the mitigation measures described in the environmental impact statement (EIS) and EIS addenda and this chapter to address the impacts of future development contemplated by the planned action. (Ord. 6382 § 2, 2011.)

18.08.020 Findings related to the northeast Auburn special area plan.

After thorough review and consideration, the city council makes the following findings:

- A. The Northeast Auburn special area plan (“subarea plan”) and its accompanying draft and final environmental impact statement (“EIS”) and EIS addenda have analyzed and addressed all of the probable significant environmental impacts associated with the land uses allowed by the city’s development regulations and described in the subarea plan as to the Northeast Auburn special planning area.
- B. The analysis contained in the subarea plan and EIS and addenda is adequate to identify the probable environmental impacts of developments allowed under the city’s development regulations which were not previously analyzed in the comprehensive plan and its accompanying environmental documents.
- C. The mitigation measures identified in the environmental element of the subarea plan, EIS and EIS addenda, together with the regulations in the city’s development code, are adequate to identify and mitigate the probable significant environmental impacts of the land uses and developments considered within the planned action and subarea plan and EIS documents.
- D. The expedited development review procedure in this chapter is consistent with law, will be a benefit to the public, will protect the environment, and will enhance the city’s economic development.
- E. The public interest will be served by implementing the expedited development review procedure set forth in this chapter.
- F. Public involvement and review of the subarea plan and EIS and EIS addenda have been extensive and meet the requirements of law, and have been sufficient to ensure that the subarea plan and EIS bear a substantial relationship to the public interest, health, safety, and welfare.
- G. The land uses identified in the subarea plan for the Northeast Auburn special area are consistent with and will implement the Comprehensive Plan.
- H. Northeast Auburn special area is hereby designated a planned action. (Ord. 6382 § 2, 2011.)

18.08.030 Applicability of the planned action.

A. *Planned Action Area.* This chapter applies to approximately 70 acres included in the Auburn Gateway project area as described in the Northeast Auburn/Robertson Properties special area plan EIS, issued by the city on July 30, 2004 and EIS Addendum on November 2, 2011 (and any addenda thereto) and the adoption of the Northeast Auburn/Robertson Properties special area plan. Any other planned action for which the impacts have been studied in an EIS shall also meet the requirements of this chapter, be approved by the ~~planning and~~ Community Development Director (Director), and be designated as a planned action by resolution of the city council before it shall be entitled to review and treatment as a planned action under this chapter.

B. *Environmental Document*. A planned action for a site-specific development shall be based on the environmental analysis contained in the Northeast Auburn/Robertson Properties special area plan EIS, issued by the city on July 30, 2004 and EIS Addendum on November 2, 2011 (and any addenda thereto). The mitigation requirements in this chapter are based on the Northeast Auburn/Robertson Properties special area plan EIS and addenda. These requirements, together with city codes, ordinances, and standards provide the framework for the decision by the city to impose conditions on a planned action project.

C. *Planned Action Designated*. Uses and activities described in the Northeast Auburn/Robertson Properties special area plan EIS (and any addenda thereto), subject to thresholds (ACC 18.08.040) and mitigation measures established by this chapter, are designated planned actions pursuant to RCW 43.21C.031. (Ord. 6382 § 2, 2011.)

18.08.040 Planned action thresholds.

Subject to the zoning regulations for the site and the mitigation measures described in this chapter, the maximum levels of development described below have been evaluated in the Northeast Auburn/Robertson Properties special area plan EIS, as described in the EIS (and any addenda thereto), and are planned actions pursuant to RCW 43.21C.031. In order to qualify as a planned action, total cumulative development within the Auburn Gateway project area that has been permitted under this chapter shall meet all of the following criteria:

A. Land Use.

1. The following are the primary categories of uses authorized under this planned action:

- a. Office.
- b. Retail.
- c. Multifamily residential.

2. *Land Use Review Threshold*. The planned action designation applies to future development proposals within the Auburn Gateway project area which are within the range evaluated in the Northeast Auburn/Robertson Properties special area plan EIS and the EIS addenda as shown below.

Use	Maximum Allowable	Maximum Structure Height
Multifamily residences	500 dwelling units	75 feet
Retail uses	720,000 square feet	75 feet
Office uses	1,600,000 square feet	75 feet

B. Transportation.

1. *Trip Ranges.* Cumulative development within the Auburn Gateway project area that does not exceed the following range of trip generation from all uses developed within the Auburn Gateway project area shall qualify as a planned action:

Maximum Net New (Non-Pass-By) Trip Generation Allowable in the Auburn Gateway Project Area

Time Range	Net New Trips
AM peak hour (primary)	1,862
PM peak hour (primary)	2,419

Daily Total: 18,920 Non-Pass-by Trips (“Auburn Gateway Transportation Impact Analysis” prepared by Transportation Solutions, Inc. in October 2011 for the Auburn Gateway Environmental Impact Statement (EIS) addendum).

2. The net new (non-pass-by) trip generation within a single phase shall qualify as a planned action that does not exceed the following:

Maximum Net New Trips Allowable within a Single Phase of the Auburn Gateway Project Area

Time Range	Net New Trips
AM Peak Hour (primary)	1,117
PM Peak Hour (primary)	1,451

C. *Earthwork*. The maximum amount of excavation and fill qualifying as a planned action shall be 250,000 cubic yards of excavation and 750,000 cubic yards of fill.

D. *Air Quality*. Modifications to regional arterials included in the planned action include potential new signals on Auburn Way North at 45th Street NE and 49th Street NE, and at the driveway access to Auburn Way North midpoint between the two intersections, if demonstrated by analysis of signal warrants and on South 277th Street and 45th Street NE at a relocated I Street NE. A roundabout or traffic signal would be provided at the intersection of 49th Street NE and I Street NE and a future signal at 45th Street NE.

E. *Water*.

1. *Floodplain Modifications*. Up to 33.73 acre feet of floodplain storage volume may be filled within the Auburn Gateway project area based on the 1995 FEMA floodplain. The actual amount of floodplain modification and storage compensatory flood storage volume will depend on the FEMA floodplain regulations in effect at the time of development. Since the extent of floodplain and amount of fill may be subject to change it may be subject to further environmental review. The amount of floodplain affected will require that compensatory volume is provided at the time of fill.

2. *Impervious Surfaces*. Up to 90 percent of the Auburn Gateway site area may be covered with impervious surfaces.

F. *Plants and Animals*. Up to 0.55 acres of wetland fill placed in accordance with local, state, and federal regulations in the wetland ditches along South 277th Street (approximately 0.5 acres), and as necessary to complete required improvements for I Street NE and 49th Street NE (up to 0.25 acres of wetland fill within the Auburn Gateway project area), shall qualify as part of this planned action. The wetland impacts to the yet undelineated Wetland F within the Gateway II project area will be in accordance with local, state and federal regulations in effect.

G. *Time of Submission*. The application is submitted during the time that the development agreement between the city of Auburn and Robertson Auburn Properties, entered into on November 21, 2011, is in effect. (Ord. 6382 § 2, 2011.)

18.08.050 Review criteria for planned actions.

The director or director's designee is hereby authorized to designate a project application as a planned action if the project meets all of the following conditions:

A. The project is consistent with the adopted comprehensive plan.

B. The project is located on the subject site as described with the planned action ordinance.

- C. The project's significant environmental impacts have been adequately addressed in the EIS and EIS addenda.
- D. The project complies with the planned action thresholds.
- E. The project's significant impacts have been mitigated through application of the mitigation measures identified in the EIS documents, EIS addenda, and other city requirements.
- F. The project is not an essential public facility. (Ord. 6382 § 2, 2011.)

18.08.060 Effect of planned action designation.

- A. Upon designation by the ~~planning~~ Community Development ~~D~~irector that the project qualifies as a planned action, the project shall not be subject to a SEPA threshold determination, an environmental impact statement (EIS), or any further review under SEPA.
- B. Being designated a planned action means that a proposed project has been reviewed in accordance with this chapter, and found to be consistent with the development parameters and environmental analysis included in the EIS documents and EIS addenda.
- C. Planned actions will not be subject to further procedural review under SEPA. However, projects may be subject to conditions designed to mitigate any environmental impacts which may result from the project proposal, and projects will be subject to whatever permit requirements are deemed appropriate by the city under state and city laws and ordinances. The planned action designation shall not excuse a project from meeting the city's code and ordinance requirements apart from the SEPA process. (Ord. 6382 § 2, 2011.)

18.08.070 Planned action permit process.

The ~~D~~irector shall establish a procedure to review projects and determine whether they meet the planned action criteria, and establishing minimum application and notice requirements. The procedure shall consist, at a minimum, of the following:

- A. Developments shall meet the requirements of ACC Titles 12, 13, 14, 15, 16, 17, 18, and 19, unless modified by the development agreement. Application shall be made on the forms provided by the city and shall include a SEPA checklist (where approved through WAC 197-11-315(2)) or such other environmental review forms provided by the city.
- B. The ~~D~~irector shall determine if the application is complete as provided in Chapter 14.06 ACC.

C. If the project is within the area designated as a planned action, the application shall be reviewed to determine if it is consistent with all of the requirements in this chapter.

D. When a complete application for development has been determined by the city to qualify as a planned action, the Director shall notify the applicant and the project shall proceed in accordance with the appropriate permit procedure, with the exception that no additional SEPA review, threshold determination, or EIS shall be required.

E. Public notice for project qualifying as planned actions shall be tied to the underlying permit. If notice is otherwise required for the underlying permit, the notice shall state that the project has qualified as a planned action. If notice is not otherwise required for the underlying permit, no special public notice is required.

F. If a project is determined to not qualify as a planned action, the Director shall so notify the applicant and the SEPA responsible official, and shall prescribe a SEPA review procedure consistent with the city's SEPA regulations and the requirements of state law. (Ord. 6382 § 2, 2011.)

18.08.080 Planned action mitigation measures.

The planned action mitigation measures set forth in the Exhibit 1 attached to the ordinance codified in this chapter and incorporated herein by this reference shall apply to the project identified therein. This Exhibit 1 shall not be codified with the provisions of this chapter, but shall be on file and available for review in the office of the city clerk. (Ord. 6382 § 2, 2011.)

18.08.090 Amendments.

Amendments to this chapter may be initiated by the city, the proponent, or the proponent's successor, and shall occur as follows:

A. The Director ~~of community development and public works~~ may interpret the words and meaning of certain conditions in order to resolve conflicts in implementation. All words in the ordinance codified in this chapter shall carry their customary and ordinary meaning.

B. If changes to the language of the ordinance codified in this chapter are required, such proposed changes shall be reviewed by the Director ~~of community development and public works~~. If, in the estimation of the Director ~~of community development and public works~~, the proposed change is minor, then the proposed change shall be forwarded directly to the city council for its consideration. If, in the estimation of the Director ~~of community development and public works~~, the change is major, the proposed change shall be referred to the planning commission which shall conduct a

public hearing and make a recommendation to the city council. (Ord. 6532 § 28, 2014; Ord. 6382 § 2, 2011.)