

ORDINANCE NO. 6728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO LAND USE DEVELOPMENT REGULATIONS RELATED TO MIXED-USE DEVELOPMENT; AMENDING CHAPTERS 18.08, 18.23, 18.31, AND 18.57 OF THE AUBURN CITY CODE AND EXHIBIT 1 TO ORDINANCE NO. 6382.

WHEREAS, the City and Auburn Properties, Inc. ("API") entered into a Development Agreement authorized by Resolution No. 4756 related to the Auburn Gateway Project; and,

WHEREAS, The City adopted Ordinance No. 6183 in 2008 and Ordinance No. 6382 in 2011, both of which contained development regulations related to implementation of the Northeast Auburn – Robertson Properties Group Special Area Plan which includes the Auburn Gateway Project site; and,

WHEREAS, Despite the City's and API's intentions, the market conditions and other factors have changed such that the API is no longer interested in developing the property, and has proposed selling the property; and,

WHEREAS, the new developer, Inland Washington, LLC ("Inland" dba Capital Acquisitions, LLC) has proposed a development that is generally consistent with land uses that was previously proposed but that allows residential development first, separate from commercial development rather than mixed used within the same structure; a change in the boundaries and number of phases; different proportions of land uses; changes in street intersection signalization; changes in surrounding development; and changes in critical area mitigation. These changes to the Auburn Gateway Project require

changes to the zoning development standards and the requirements of the Development Agreement to take into account the changes in conditions; and,

WHEREAS, the Community Development Department and Public Works Department have reviewed the proposed changes and prepared an addendum to the current Environmental Impact Statement (and addenda) under the State Environmental Policy Act (SEPA) that provides for mitigation measures and other conditions to ensure that the proposed future development will not create significant adverse environmental impacts; and,

WHEREAS, the proposed changes to the development regulations were reviewed by the City's Planning Commission at its June 4, 2019 meeting and after a public hearing conducted on July 16, 2019, the Commission recommended approval; and,

WHEREAS, the City transmitted the proposed code amendments to the Washington State Department of Commerce and to other state agencies as required by RCW 36.70A.160 on July 1, 2019; and,

WHEREAS, Council has determined that revising the development regulations in connection with approval of an Amended and Restated Development Agreement is mutually beneficial to the developer and to the City and community; and

WHEREAS, the City Council discussed the Amended and Restated Development Agreement on June 24, 2019 and after a properly noticed public hearing adopted the Amended and Restated Development Agreement on June 24, 2019 by Resolution No. 5442.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON,
DO ORDAIN as follows:

Section 1. Amendment to City Code. Chapter 18.08 of the Auburn City Code (NE Auburn Special Area Plan & Auburn Gateway Planned Action) is amended to read as shown in Exhibit A.

Section 2. Amendment to Exhibit 1 to Ordinance No. 6382. Section D of Exhibit 1 to Ordinance No. 6382 (uncodified) is amended to read as shown in Exhibit B.

Section 3. Amendment to City Code. Chapter 18.23 of the Auburn City Code (Commercial & Industrial Zones) is amended to read as shown in Exhibit C.

Section 4. Amendment to City Code. Section 18.31.200 of the Auburn City Code (Architectural & Site Design Review Standards) is amended to read as shown in Exhibit D.

Section 5. Amendment to City Code. Section 18.57.030 of the Auburn City Code (Standards for Mixed Use Development) is amended to read as shown in Exhibit E.

Section 6. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 7. Severability. 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 of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 8. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law. However, the amendments to the Code Provisions and to Ordinance No. 6382 shall not take effect until the Amended and Restated Development Agreement between Inland Washington

LLC and the City is signed and recorded and Inland Washington LLC (or its affiliate) owns the Auburn Gateway Properties.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Steven L. Gross, City Attorney

Published: _____