

ORDINANCE NO. 6838

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATING TO THE REGULATION OF LAND USES ON AND SURROUNDING THE AUBURN MUNICIPAL AIRPORT, AMENDING CHAPTERS 18.38 AND 18.04, AND SECTIONS 18.01.030 AND 18.23.030 OF THE AUBURN CITY CODE; AND, AMENDING THE COMPREHENSIVE ZONING MAP CREATING A NEW AIRPORT OVERLAY

WHEREAS, the Auburn Municipal Airport is classified as a Public-Use, General Aviation Regional-Reliever Airport within the National Plan of Integrated Airport Systems (NPIAS); and

WHEREAS, during Auburn's 2020 annual Comprehensive Plan amendment cycle, the City Council adopted text amendments to the Comprehensive Plan intended to reinforce in the policy language the importance of the airport, and recognize the significant investment that has been made, not only by the Federal Aviation Administration (FAA) and Washington State Department of Transportation (WSDOT), but also by the City; and

WHEREAS, the City of Auburn has regulatory authority over the manner of development occurring within the community, including the ability to plan for, abate, mitigate, and otherwise respond to land use concerns; and

WHEREAS, the most recent update to the regulations governing the airport s occurred in 1997; and

WHEREAS, pursuant to RCW 36.70.547 every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public must, through its comprehensive plan and development regulations, must discourage the siting of incompatible uses adjacent to said airport; and

WHEREAS, pursuant to RCW 36.70A the proposed code language contained herein was transmitted to the Washington State Department of Commerce on August 5, 2021 for comment, and no comments were received by the comment expiration date of October 4, 2021; and

WHEREAS, the code amendments were reviewed according to the process established by the Washington State Environmental Policy Act (SEPA), a Determination of Non-Significance (DNS) was issued on September 1, 2021, and no comments or appeals were received within the fourteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the proposed amendments and considered the effect of the changes on public and private property owners at its August 3, 2021 and September 8, 2021 virtual meetings; and

WHEREAS, pursuant to RCW 36.70.547 and 36.70A.510 local jurisdictions are required to formally consult with airport owners, managers, private airport operators, general aviation pilots, ports, and the Aviation Division of WSDOT prior to adoption of comprehensive plan policies or development of regulations that may affect property adjacent to public use airports; and

WHEREAS, a formal consultation with aviation stakeholders and the Aviation Division of WSDOT was held virtually on August 23, 2021; and

WHEREAS, on October 5, 2021 the Planning Commission held a virtual public hearing regarding the proposed amendments, heard and considered public testimony, examined exhibits presented by the city, and afterwards forwarded a recommendation for approval to the City Council. No written comments were offered by the public; and

WHEREAS, the purpose of the amendments offered herein are to ensure safety and the continued operation of the Auburn Municipal Airport.

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

Section 1. **Amendment to City Code.** Chapters 18.38 and 18.04, and Sections 18.01.030 and 18.23.030 of the Auburn City Code are amended to read as shown in Exhibit A.

Section 2. **Amendment to Comprehensive Zoning Map.** The Comprehensive Zoning Map is amended as shown in Exhibit B.

Section 3. **Implementation.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 4. **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 5. **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.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____