

ORDINANCE NO. 6 8 6 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AUBURN, WASHINGTON, AMENDING ORDINANCE NO.
4456 TO PERMIT “LIVE/WORK” LAND USE FOR ONE
PARCEL AND CONSISTENCY WITH CURRENT C-3,
HEAVY COMMERCIAL ZONE.

WHEREAS, the City Council of the City of Auburn, Washington, adopted, on
September 4, 1990, Ordinance No. 4456 which approved a contract rezone consisting of
four parcels from M-1, Light Industrial to C-3, Heavy Commercial; and

WHEREAS, Ordinance No. 4456 was adopted as a contract rezone patterned after
the then, range of land uses allowed in the C-3, Heavy Commercial zoning district but
with a more limited set of land uses that were appropriate given the vicinity and to reduce
or avoid impacts; and

WHEREAS, Ordinance No. 4456 included an extensive list of authorized uses
within the contract rezone, which did not include “Live/Work” as a permitted use because
the development type was not typical; and

WHEREAS, ACC 18.23.030 currently allows for “Live/Work” land uses in the city’s
C-3, Heavy Commercial zoning district; and

WHEREAS, Brent Lambeth, of Lambeth Architecture, Applicant’s Representative,
submitted a rezone application on October 13, 2022 for King County Parcel No. 000080-
0053; and

WHEREAS, the environmental impacts of the proposed rezone were considered
in accordance with procedures of the State Environmental Policy Act with a Determination
of Non-Significance issued on February 10, 2022; and

WHEREAS, after proper notice published in the City’s official newspaper at least

ten (10) days prior to the date of public hearing, the City of Auburn Hearing Examiner heard public testimony and took evidence and exhibits into consideration; and

WHEREAS, on April 20, 2022 the City of Auburn Hearing Examiner recommended approval of the contract rezone amendment application, and made and entered findings of fact and conclusions of law based thereon in support of that recommendation, as set forth in the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner attached hereto, marked as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, the City Council concurs with the findings of fact and conclusions of law of the Hearing Examiner; and

WHEREAS, Section 4, of Ordinance No. 4456, marked as Exhibit “B” is amended as follows, only for King County Parcel No. 000080-0053, to add the following:

ZZ. Live/Work Units

The three other parcels indicated in Ordinance No. 4456 are to remain consistent with Section 4 requirements indicated in Ordinance No. 4456.

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

Section 1. Adoption of the Hearing Examiner’s Findings of Fact and Conclusions of Law. The City Council adopts the findings of fact and conclusions of law based thereon, made and entered by the Hearing Examiner in support of the

recommendation to the City Council, as set forth in the “Findings of Fact, Conclusions of Law and Recommendation for the Auburn Townhomes Rezone, City File Number REZ21-0001, dated May 4, 2022”, attached hereto, marked as Exhibit “A”.

Section 2. Approval. The City Council adopts and approves the request to amend Ordinance No. 4456 to allow “Live/Work” as a permitted applicable to King County Parcel No. 000080-0053.

Section 3. Constitutionality or Invalidity. If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted and approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 5. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the King County Auditor’s Division.

Section 6. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 7. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as provided by law.

FIRST READING: _____

SECOND READING:

PASSED: _____

APPROVED:

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Shawn Campbell, City Clerk

APPROVED AS TO FORM:

Kendra Comeau, City Attorney

Published: _____