

## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance No. 6153, an amendment to the City of Auburn Zoning Code to add a new Chapter 18.45A entitled "West Hill Annexation Area" (ZOA07-0004)		<b>Date:</b> January 15, 2008
<b>Department:</b> Planning, Building and Community	<b>Attachments:</b> Ordinance No. 6153; new ACC 18.45A	<b>Budget Impact:</b> NA

**Administrative Recommendation:**  
 City Council introduce and adopt Ordinance No. 6153.

**Background Summary:** On August 21, 2007, the voters of the Lea Hill and West Hill annexation areas voted to approve an annexation election (separate elections) to the City of Auburn. The annexation of these areas became effective January 1, 2008. The West Hill annexation area is approximately 1.8 square miles in size with approximately 4,500 residents. It is primarily single family residential in character. A significant amount of development has occurred over time in accordance with King County land use standards.

The City of Auburn and King County have differing land use development standards (i.e. lot size, setbacks etc). As a result, annexation would make much of the existing single family development non-conforming to City of Auburn standards. Property owners that may wish to do a minor addition would not be able to do so without making application for and receiving approval of a variance, even though that addition would be in character with their immediate neighborhood,

To minimize the amount of non-conforming development resulting from the annexation, a new chapter (18.45A) to the Auburn Zoning Code entitled West Hill Annexation Area is proposed. This chapter would apply to the area annexed effective January 1, 2008. Among other items, it acknowledges *certain* pre-existing development standards.

The proposed amendment is patterned after and, is almost identical to, Auburn City Code (ACC) Chapter 18.45 entitled Lea Hill (LH) District. ACC Chapter 18.45 was adopted by the Auburn City Council in February 2000 with the same intention as this proposal, that is, to limit the amount of non-conforming development that would occur for annexation of the Lea Hill annexation area.

The Planning Commission conducted a public hearing on the proposal at their December 11, 2007 meeting. No one testified either in favor or against the proposal. The Commission voted 5-0 to recommend approval by the City Council.

L0122-2      O3.1, O3.4.2.1.2

<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>COUNCIL COMMITTEES:</b> <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____	<b>Reviewed by Departments &amp; Divisions:</b> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services
		<input type="checkbox"/> M&O <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources

**Action:**  
 Committee Approval:                     Yes    No  
 Council Approval:                       Yes    No                      Call for Public Hearing   \_\_\_/\_\_\_/\_\_\_  
 Referred to \_\_\_\_\_ Until \_\_\_/\_\_\_/\_\_\_  
 Tabled \_\_\_\_\_ Until \_\_\_/\_\_\_/\_\_\_

<b>Councilmember:</b> Norman	<b>Staff:</b> Baker
<b>Meeting Date:</b> January 22, 2008	<b>Item Number:</b> VIII.A.1

**FINDINGS OF FACT**

1. On August 21, 2007, the voters of the Lea Hill and West Hill annexation areas voted (in separate elections) to approve the annexation of their areas to the City of Auburn.
2. The West Hill annexation area is 1.8 square miles in area, with approximately 4,500 residents. This is an area much larger in size and population than typical annexations that the City has implemented.
3. The West Hill annexation area is primarily developed for residential uses. A significant amount of development has occurred over time in accordance with King County standards, which differ from those of the City.
4. On February 7, 2000 the City Council of the City of Auburn adopted Ordinance No. 5342. Ordinance No. 5342 established similar standards and provisions for the original Lea Hill Annexation area in anticipation of annexation of that (Lea Hill) area in order to minimize non-conforming development and the need to have standards in place that recognize the pre-existing development pattern. This ordinance was codified as Auburn City Code (ACC) Chapter 18.45.
5. Proposed Chapter 18.45A is patterned after ACC Chapter 18.45 (Lea Hill District). The proposed ordinance provides for two sets of development standards as follows:

**A. For Existing or Vested Development**

To recognize existing development that has occurred or is vested (i.e. County has acknowledged an application is complete but it has not yet been approved/built) proposed ACC section 18.45A.040 will apply.

ACC section 18.45A.040 lists certain land use development standards based upon King County standards. The application of these standards to existing or vested development will minimize the amount of non-conforming development in the annexation area.

**B. Properties not developed or vested**

For those properties that are not developed or vested, the development standards of the specific City zone (see proposed section 18.45A.080) will be used, with the exception of farm animals.

6. The West Hill annexation area code amendment does provide for greater flexibility for the keeping of farm animals than would be the case under current city standards (although the proposed standards are the same as provided for in the Lea Hill annexation area (ACC Chapter 18.45). This recognizes that the West Hill annexation area has historically permitted farm animals as allowed under King County regulations. The code provision will allow this activity to continue within certain standards.
7. The proposed amendment would, for example, enable property owners in existing residential neighborhoods the ability to continue to develop their properties (i.e. make additions, etc.) in keeping with the character of their neighborhood and without the need for making application for a variance or other land use action.
8. A proposed SEPA Determination of Non-Significance (DNS) was issued on the proposed code amendments (attached) on November 20, 2007. No comments have been received as of the date of writing this report.
9. On November 6, 2007, notice of the proposed code amendments was provided to the Washington State Department of Community, Trade and Economic Development (DCTED) and other State agencies, pursuant to RCW 36.70A.106. Expedited review has been requested and no comments have been received from any agency as of this date.

10. On December 11, 2007, the City of Auburn Planning Commission conducted a public hearing on the proposed amendment. No one from the public testified. The Commission voted 5-0 to recommend approval of the proposal by the City Council.
  
11. On January 14, 2008, the Planning and Community Development Committee of the Auburn City Council voted to forward Ordinance No. 6153 forward to full Council with a recommendation of adoption.

**ORDINANCE NO. 6153**

AN ORDINANCE OF THE CITY OF AUBURN, WASHINGTON, ADDING A NEW CHAPTER 18.45A ENTITLED "WEST HILL ANNEXATION AREA" TO THE AUBURN CITY CODE, ADDRESSING ZONING STANDARDS FOR THE RECENTLY ANNEXED WEST HILL AREA.

**WHEREAS**, from time to time amendments to the City of Auburn zoning code are appropriate to update and better reflect the current development needs of the City; and,

**WHEREAS**, on August 21, 2007 voters of an area commonly referred to as the "West Hill Annexation Area" voted to annex into the City of Auburn; and,

**WHEREAS** the effective date of the West Hill Annexation was January 1, 2008; and,

**WHEREAS**, development allowed by King County was permitted under different development standards than that provided for by the City of Auburn; and,

**WHEREAS**, developing a code amendment to address certain differing standards would minimize the amount of non-conforming development when the area is annexed into the City; and,

**WHEREAS**, similar provisions were developed and adopted by the City for the Lea Hill Annexation Area in the year 2000 and are also being applied to the recently annexed portions of Lea Hill; and,

**WHEREAS**, on December 11, 2007 the City of Auburn Planning Commission held a public hearing on the proposed amendments and made a recommendation of approval to the City Council; and,

**WHEREAS**, on January 22, 2008, the City Council of the City of Auburn considered the Auburn Planning Commission recommendation;

**WHEREAS**, environmental review on the proposal in accordance with the requirements of the State Environmental Policy Act (SEPA) has been completed; and,

**WHEREAS**, the proposal was sent to State agencies for the State review in accordance with RCW 36.70A.106 and no comments were received;

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

Section 1. Adoption. A new chapter to Auburn City Code (ACC), Chapter 18.45A, "West Hill Annexation Area" is hereby adopted as follows:

**Chapter 18.45A  
WEST HILL ANNEXATION AREA**

**Sections:**

- 18.45A.010 Purpose.**
- 18.45A.020 Permitted uses.**
- 18.45A.030 Development standards.**
- 18.45A.040 Development standards – Lots previously approved.**
- 18.45A.050 Prior King County approvals.**
- 18.45A.060 Planning director authorization.**
- 18.45A.070 Farm animals.**
- 18.45A.080 ACC Title 18 applicable.**

**18.45A.010 Purpose.**

The purpose of this Chapter is to provide for development standards to address the area commonly referred to as the West Hill Annexation Area, as annexed under City of Auburn Ordinance No. 6122. This chapter provides for specific zoning requirements to the West Hill annexation area that only apply to the annexation area. While the intent is that the standards for the West Hill annexation area will be similar to (if not the same as) the other City of Auburn zoning districts, some variations are needed to recognize previous development allowed by King County zoning.

**18.45A.020 Permitted uses.**

The uses permitted in the zones, established by ACC 18.06.010, whether permitted outright or by conditional use permit, shall be as provided for the applicable zoning district, with the exception of farm animals, then ACC 18.45A.070 shall apply.

**18.45A.030 Development standards.**

The development standards and supplemental development standards for those properties not covered by ACC 18.45A.040 shall be as provided for the applicable zoning district, with the exception of farm animals, then ACC 18.45A.070 shall apply.

**18.45A.040 Development standards – Lots previously approved.**

A. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide evidence of these previous approvals/decisions.

B. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in ACC 18.45A.020 and 18.45A.030, with the exception of farm animals, then ACC 18.45A.070 shall apply.

Zoning District	Min. Lot Area	Min. Lot Area/ Unit	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage (%)	Minimum Setbacks*				Max. Building Height	
						Front	Rear	Side	Side Street	Main	Acc.
RS	8,000	N/A	35	0	35	20	5	5	10	35	35
R1	2,500	N/A	30	0	35	10	5	5	10	35	16
R2	2,500	6,000	30	0	35	10	5	5	10	35	16

\* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

**18.45A.050 Prior King County approvals.**

The City of Auburn will recognize the terms of any King County approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the City of Auburn.

**18.45A.060 Planning director authorization.**

The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation, then the most restrictive provision shall apply as determined by the planning director.

**18.45A.070 Farm animals.**

A. In the RS, R1 and R2 zones within the West Hill Annexation Area, it is permissible to keep farm animals (excluding goats and swine in the R1 and R2 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals

such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the applicable zone.

B. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and no closer than 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture areas.

C. For those properties that do not meet the requirements of subsection A of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property.

**18.45A.080 ACC Title 18 applicable.**

Unless otherwise provided for in this chapter all provisions and requirements of this title shall apply to the West Hill Annexation Area.

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. 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 thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_  
PASSED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_

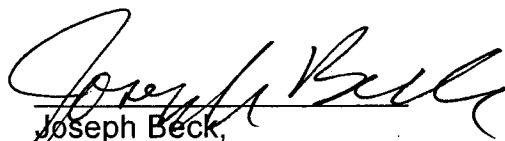
CITY OF AUBURN

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM

  
\_\_\_\_\_  
Joseph Beck,  
Assistant City Attorney

PUBLISHED: \_\_\_\_\_